

LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND TWENTY-SEVENTH
GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 2, A. D.
1973

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 8, A. D.
1974

PART I
VOLUME LVIX

CHARLES PRINTING CO., WILMINGTON, DELAWARE

CHAPTER 1

FORMERLY SENATE BILL NO. 2
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND HOUSE AMENDMENT NO. 3

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO
BORROW MONEY TO BE USED FOR CAPITAL IM-
PROVEMENT AND EXPENDITURE IN THE NATURE
OF CAPITAL INVESTMENT AND TO ISSUE BONDS
AND NOTES THEREFOR AND APPROPRIATING
THE MONEY TO THE STATE BOARD OF EDUCATION.**

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

Section 1. There is appropriated to the State Board of Education the sum of \$1,268,000 for construction of Howard Vo-Tech High School in Wilmington, or so much thereof as may be necessary for carrying out the purposes of this Act, which shall be in addition to the \$8,367,000 previously authorized and appropriated for said purpose.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in 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.

Section 3. None of the monies appropriated by this Act shall be expended after June 30, 1975, unless the project has progressed into any or all of the following phases prior to July 1, 1975: Initial Engineering, Planning, Procurement, Construction.

Section 4. The said sum of \$1,268,000 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 anticipa-

tion 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.

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 sums of money appropriated and allocated for school construction purposes pursuant to Section 1 of this Act shall be expended in accordance with the provisions of this Act, and Chapter 75, Title 29, Delaware Code.

Section 8. No money appropriated and allocated by this Act for school construction purposes pursuant to Section 1 of this Act shall be expended for educational supplies of an extra-ordinary nature; provided, however, that nothing herein contained

pendable nature which are consumed or materially changed as 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 9. (a) In compliance with Section 7526 of Title 29, Delaware Code, the State Board of Education shall allocate such portions of the total appropriation for the total cost of the school construction authorized by Section 1 hereof as shall be necessary to provide for the customary audit function, but in no event, shall such allocation exceed one-half percent 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 shall allocate such portions of the total appropriation for the total cost of school construction authorized by Section 1 hereof as shall be necessary to provide for the customary supervision (construction inspection services), but in no event shall such allocation exceed one percent of such total cost.

(c) In contracting for the supervision (construction inspection services) as prescribed in Section 9(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 10. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the project authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because the project authorized by

this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements.

Section 11. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1978, except as provided in Chapter 75, Title 29, Delaware Code.

Section 12. No bonds or notes shall be issued or sold, or monies borrowed on behalf of this State, pursuant to this Act, without the full guarantee to the buyer that the State of Delaware is an equal opportunity employer.

Section 13. This Act may be known, styled or referred to as the "Howard Vo-Tech High School Construction Act."

Approved January 31, 1973.

CHAPTER 2**FORMERLY SENATE BILL NO. 34****AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS
TO THE DEPARTMENT OF JUSTICE FOR THE PUR-
POSE OF PROVIDING ADDITIONAL CONTRACTUAL
SERVICES AND CAPITAL OUTLAY.**

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

Section 1. The sum of \$25,000 is hereby appropriated to the Department of Justice for the fiscal year ending June 30, 1973, in the following categories and amounts:

Contractual Services	\$14,300
Capital Outlay	10,700
	<hr/>
	\$25,000

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

Section 3. If any of the funds in the above categories remain unexpended upon June 30, 1973, such funds shall thereupon revert to the General Fund of the State Treasury.

Approved March 13, 1973.

CHAPTER 3

FORMERLY SENATE BILL NO. 100
AS AMENDED BY
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO PROVIDE A PROCEDURE FOR BORROWING MONEY AND ISSUING BONDS.**

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

Section 1. Section 15, Chapter 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of Section 15, Chapter 277, Volume 49, Laws of Delaware, as amended, and substituting in lieu thereof the following:

**Section 15. Borrowing of Money and issuance of Bonds—
Limitation of Bonded Indebtedness.**

The Town Council may borrow money and issue bonds on certificates of indebtedness to secure the payment thereof on the faith and credit of Mayor and Council of Laurel to provide funds for the erection, the extension, the enlargement, the purchase or repair of any plant, machinery, appliance 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 highways, streets or lanes, or for the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; to defray the cost or the share of the Town of the cost of any permanent municipal improvement or improvements; provided, however, that the borrowing of money therefor shall have been authorized by the Town Council in the manner as follows:

(a) Council by resolution shall propose to the residents and property owners of the Town that a stated amount of money shall

be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession and shall fix a time and place for a public hearing on the said resolution.

(b) Notice of the time and place of the public hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town of Laurel, or, in the descretion of the Town Council, distributed in circular form at least one (1) week before the time set for the said public hearing.

(c) After the public hearing, a second resolution shall then be passed by Council giving final authorization for the loan if, in the opinion of the individual members of Council, no cause has been shown why the bond issue should not be undertaken; provided, however, that the resolution for the final authorization of the loan shall be passed by a majority of two-thirds (2/3) of all the elected members of Council.

(d) The form of bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the class or classes of bonds, the time or times of maturity, and provisions as to registration shall be determined by the Council after said public hearing. The bonds may be sold at either public or private sale as determined by the Town Council. The Council may provide in its budget and in the fixing the rate of tax for the payment of principal and interest of said bonds at the maturity or maturities thereof a sinking fund therefor. The full faith and credit of Mayor and Council of Laurel shall be deemed to be pledged for the due payment of the bonds and the interest thereon issued pursuant to the provisions hereof when the same have been properly executed and delivered for value and there shall be no limitation upon the amount of taxes which may be raised by taxation for the payment of interest on and principal of any bonded indebtedness whether before or after the passage of this Act.

(e) The bonds shall be signed by the Mayor of the Town, the President of the Town Council and attested by the Town Clerk and the corporate seal of the municipality or a facsimile

thereof shall be affixed to the bonds and any coupons attached thereto shall bear the facsimile signature of the Mayor. The bonds and the income therefrom shall be exempt from all taxation by the State of Delaware or any political subdivision, agency or authority thereof.

Section 2. The provisions of Section 1 of this Act shall become effective upon approval by the Governor of the State of Delaware and shall remain effective for a period of one year from that date; provided however, that any bond issue commenced within the said period of one year from the date of approval of this Act by the Governor shall be completed under the provisions of Section 1 of this Act notwithstanding that the bonds may be delivered after the expiration of one year from the date of approval of this Act by the Governor of the State of Delaware. The maximum amount of bonded indebtedness which may be incurred pursuant to Section 1 of this Act shall not exceed Four Hundred Twenty-five Thousand Dollars (\$425,000).

Section 3. After the expiration of one year from the date this Act is approved by the Governor of the State of Delaware, the Town Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Laurel, to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliance or equipment, for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvements of highways, streets, or lanes, or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of The Town of the cost of any permanent municipal improvements; provided however, that the borrowing of money therefor shall have been authorized by the Town Council and shall have been approved by the electors in the manner and at the time following:

(a) Council by resolution shall propose to the electors of the Town by resolution that a stated amount of the money shall be borrowed for any of the above purposes. The resolution shall state that amount of the money desired to be borrowed, the pur-

pose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession, and shall fix a time and place for hearing on the said resolution.

(b) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper having a general circulation in the City and or, in the discretion of the Town Council, distributed in circular form at least one week before the time set for said hearing.

(c) A second resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after said hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the special election shall ipso facto be considered Council's determination to proceed in the matter in issue.

(d) The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper having general circulation in the Town of Laurel within thirty days prior to the election, and/or distributed in circular form at least fifteen days prior to the election or both at the discretion of the Council.

(e) At the special election, every owner of property, whether an individual, partnership or corporation, shall have one (1) vote and the said vote may be cast either in person or by proxy. In the case of property owned jointly by husband and wife, the vote shall be cast by either the husband or wife who first presents himself at the polls. In the case of all other property owned by more than one property owner either as tenants in common or as joint tenants with the right of survivorship, the vote shall be cast by either tenant in common or by either joint tenant who first presents himself at the polls. Property owners whose property is exempt from taxation or is not assessed shall not be entitled to vote.

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

(g) The Mayor shall appoint three (3) persons to act as a Board of Special Election to conduct the Special Election.

(h) The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificates shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(i) The form of bond or certificate of indebtedness, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council after said public hearing. The bonds may be sold at either public or private sale as determined by the Town Council. The Council may provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, a sinking fund therefor. The faith and credit of the Town of Laurel shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value, and there shall be no limitation upon the amount of taxes which may be raised by taxation for the payment of interest on and principal of any bonded indebtedness whether incurred before or after the passage of this Act.

(j) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of Twenty-Five per centum (25%) of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

Approved March 20, 1973.

CHAPTER 4

FORMERLY HOUSE BILL NO. 20

AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PROVIDE FOR VACATING AN ELECTIVE OFFICE IN THE EVENT OF BEING FOUND GUILTY OF A FELONY, TO PROVIDE TRAVEL ALLOWANCE FOR NONRESIDENT COMMISSIONERS, TO ENLARGE THE TIME FOR VOTING AT THE ANNUAL MUNICIPAL ELECTION, TO REDUCE THE AGE FOR PERSONS PERMITTED TO VOTE, AND TO PROVIDE ADDITIONAL JUDGES AT THE ANNUAL MUNICIPAL ELECTION.

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

Section 1. Section 5d, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking said section in its entirety and substituting in lieu thereof the following:

"d. Aside from loss of residence, as in those instances specified in Section 3 of this Charter, if any elected 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 Rehoboth Beach as in the case of other vacancies."

Section 2. Section 5e, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by adding the following sentence at the end of said section:

"Each nonresident Commissioner shall receive an allowance for every mile necessarily driven from his permanent home to

Rehoboth Beach in order to attend any meeting of the Commissioners of Rehoboth Beach or the meeting of any committee of which he is a member; provided, however, that no such allowance shall be paid for any meeting attended prior to September 1, 1974, said amount per mile to be the same as that permitted to be assessed by the Sheriff of Sussex County for the serving of papers."

Section 3. Section 7a, Chapter 197, Volume 54 Laws of Delaware, as amended, is hereby further amended by striking said section in its entirety and substituting in lieu thereof the following:

"Section 7-a. Annual Municipal Elections shall be held on the second Saturday in the month of August from 11:00 in the morning, prevailing time, until 7:00 in the evening, prevailing time, at such public place or places as shall be determined by the Commissioners of Rehoboth Beach, due notices of which shall be given by posting notices thereof in five of the most public places within the corporate limits of The City of Rehoboth Beach not less than ten (10) days before the day of such Annual Municipal Election; provided, however, that in the event there is no contest for any of the several offices in any year, the polls shall remain open for only one hour, commencing at 11:00 in the morning, prevailing time and closing at 12:00 noon, prevailing time, on the second Saturday in August. Persons in the polling place at 7:00 in the evening shall be entitled to vote even though such votes may be cast after 7:00 in the evening, prevailing time."

Section 4. Section 7c, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking said section in its entirety and substituting in lieu thereof the following:

"c. Every Annual Municipal Election shall be held under the supervision of an Election Board. The Election Board shall consist of one (1) Inspector of the Election and such Judges of the Election as shall be appointed by the Commissioners of Rehoboth Beach. The Inspector and such Judges constituting the Election Board shall be qualified voters of The City of Rehoboth Beach and shall be appointed for that purpose by the Commissioners at least two (2) weeks before such Annual Municipal Election. If,

at the opening of the polls, there shall not be present the members of the Election Board, then in such case the persons qualified to vote at such Annual Municipal Election and then present at the opening of the polls shall, by viva voce, select a qualified voter or voters to act as a member or members of the Election Board to fill such vacancies caused by the absence of members of the Election Board. Members of the Election Board shall be Judges of the Annual Municipal 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 at the Annual Municipal Election. The Election Board shall have the power to subpoena persons, and officers of The City of Rehoboth Beach and books, records and papers relative to the determination of the validity of any vote or votes offered."

Section 5. Section 7d, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking said section in its entirety and substituting in lieu thereof the following:

d. At such annual election, every person, male or female, who shall have attained the age of Eighteen (18) years and who shall have been a freeholder or leaseholder, as defined in this Charter, in The City of Rehoboth Beach for a period of Three (3) months immediately preceding the date of such Annual Municipal Election, whether or not a resident of the State of Delaware or of the City of Rehoboth Beach, shall have One (1) vote, provided such person is registered on the "Books of Registered Voters" of The City of Rehoboth Beach as set forth herein. In addition, every person, male or female, who shall have attained the age of Eighteen (18) years on the date of the Annual Municipal Election who shall be a bona fide resident of the State of Delaware and the City of Rehoboth Beach on the date of the Annual Municipal Election shall be entitled to One (1) vote provided such person shall be registered on the "Books of Registered Voters" of The City of Rehoboth Beach as set forth herein. The Commissioners of Rehoboth Beach shall provide Two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the office of the City Manager. The Books of Registered Voters shall contain the following information for each registerer: The names of the voters arranged in alphabetical order, the permanent address of the voter, the local address

of the voter, the birth date of the voter, the date the registerer became a resident of the State of Delaware, the date the registerer became a resident of the City of Rehoboth Beach, the date the registerer became a freeholder of the City of Rehoboth Beach and other pertinent information. No person shall be registered upon the Books of Registered Voters unless such person will have acquired the qualifications to vote in the Annual Municipal Election for the year in which such person registers. A person shall only be required to register One (1) time; provided, however, that if a registered voter fails to vote in Two (2) consecutive Annual Municipal Elections in which there is a contest, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by registered mail with return receipt requested advising that his name has been removed from the list of registered voters and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Books of Registered Voters shall be maintained at the office of the City Manager and shall be conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the City Manager during the regular office hours on any day and on the day of the Annual Municipal Election by completing such forms as may be provided by The City of Rehoboth Beach.

Approved March 22, 1973.

CHAPTER 5**FORMERLY SENATE BILL NO. 33
AS AMENDED BY
SENATE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 497, VOLUME 58, LAWS OF
DELAWARE, RELATING TO THE DELAWARE CRIM-
INAL CODE.**

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

Section 1. Amend Section 7, Chapter 497, Volume 58, Laws of Delaware by striking said section in its entirety, and substituting in lieu thereof the following:

"Section 7. This Act shall become effective on July 1, 1973."

Approved March 29, 1973.

CHAPTER 6

FORMERLY SENATE BILL NO. 37

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE LEGISLATIVE COUNCIL OF DELAWARE FOR EQUIPMENT AND MATERIALS REQUIRED AS THE RESULT OF REAPPORTIONMENT.

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

Section 1. The sum of thirteen thousand eight hundred twenty-three dollars (\$13,823) is hereby appropriated to the Legislative Council of Delaware for equipment and materials required as the result of reapportionment and expansion of Senate and Joint Finance Staffs.

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 moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1973 shall thereupon revert to the General Fund of State Treasury.

Approved March 29, 1973.

CHAPTER 7

FORMERLY SENATE BILL NO. 3

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONEYS TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS.

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

Section 1. There is appropriated to the State Board of Education for school construction purposes in the School Districts hereinafter set forth in Section 2 of this Act the sum of \$5,860,257 constituting the sum total of the respective local shares of school construction programs authorized by Annual Capital Improvement Acts of the General Assembly of the State of Delaware or local referendums adopted prior to the effective date of this Act for the financing of which such School Districts have not issued bonds.

Section 2. The funds appropriated by this Act may be used for the costs of the purposes for which such local shares were authorized in the respective amounts allocated to each School District as follows:

<i>Name of School District</i>	<i>Chapter & Volume</i>	<i>Amount</i>
Appoquinimink Elementary School	Chap. 578, Vol. 58	\$1,105,000
Cape Henlopen New High School	Chap. 578, Vol. 58	2,622,000
Capital Relocatable Classrooms	Local	190,000
Conrad Area		
Renovate Existing Buildings	Chap. 578, Vol. 58	1,036,000
Delmar		
Additions	Chap. 299, Vol. 57	170,000

Newark

Christiana H.S. and Jr. H.S.		
Connector	Chap. 578, Vol. 58	44,000
Reimburse Land Acquisition	Chap. 578, Vol. 58	44,000
New Castle-Gunning Bedford		
Carrie Downie Heating Plant	Chap. 578, Vol. 58	120,000
Seaford		
Additions	Chap. 578, Vol. 58	207,000
State Board of Education		
Minor Capital Improvements	Chap. 578, Vol. 58	322,257
TOTAL		\$5,860,257

Section 3. The said sum of \$5,860,257 or so much 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 and shall not be within any debt or other limitation of the State or be considered as bonds and notes pledging the faith and credit of the State within the meaning of Subchapter 11, Chapter 74, Title 29, Delaware Code.

Section 4. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the financing of such sums and such further sums as may be necessary to pay any interest which becomes due on any bonds and notes during the fiscal year and such further sums as may be necessary for the repayment of the principal of any of the bonds which become due during the 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 State Treasurer by and with the approval of the Issuing Officers.

Section 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be fund-

ed by the issuance of bond) issued under the authority of this Act and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 6. Such sums hereby appropriated shall be expended in accordance with the provisions of this Act, and Chapter 75, Title 29, Delaware Code.

Section 7. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs authorized by this Act and any funds borrowed for a school district 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 for that school district and appropriated against their 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.

Approved March 29, 1973.

CHAPTER 8

FORMERLY HOUSE BILL NO. 54

AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO PROVIDE FOR THE APPOINTMENT OF THE CHIEF OF POLICE FOR AN INDEFINITE TERM.

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

Section 1. Section 23, Chapter 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the words "Chief of Police" as the same appear in Paragraph 6 of said Section.

Section 2. Section 30, Chapter 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end of the first Paragraph thereof the following:

The Mayor of the Town of Laurel shall appoint a Chief of Police. The person so appointed by the Mayor shall not take office until he is confirmed by an affirmative vote of a majority of all the elected members of the Town Council. The Chief of Police shall hold office for an indefinite term and may be removed by a majority vote of all the elected members of the Town Council. At least thirty (30) days before such removal shall become effective the Council shall, by a majority vote of all its members, adopt a preliminary resolution stating the reasons for his removal. The Chief of Police may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Chief of Police from duty with or without salary, as set forth in the preliminary resolution. No person shall be appointed to the office of Chief of

Police of the Town of Laurel if he is at the time of his appointment holding the office of Mayor of the Town of Laurel or the office of Councilman of the Town of Laurel. The Chief of Police shall be responsible for the administration of the affairs of the Police Force placed in his charge and to that end he shall have the power to appoint and remove all members of the Police Force as authorized by ordinance or resolution of the Town Council. All appointments made by the Chief of Police shall be without definite term. All such members of the Police Force appointed by the Chief of Police may be removed by him at any time. The Town Council of the Town of Laurel shall sit as a Board of Appeal for the protection of the members of the Police Force at those times when a majority of all the members of the Town Council are agreed that a review of the action of the Chief of Police in removing a member of the Police Force would be in the best interests of the Town of Laurel. The decision of the Town Council of the Town of Laurel in such cases shall be final and conclusive.

Approved April 3, 1973.

CHAPTER 9

FORMERLY SENATE BILL NO. 59

AN ACT RELATING TO A SURVIVOR'S PENSION FOR MRS. ROBERT T. HOFFMAN, WIFE OF ROBERT T. HOFFMAN, AN EMPLOYEE OF THE NEWARK SCHOOL DISTRICT.

WHEREAS, Robert T. Hoffman had been employed by the Newark School District as a faithful teacher and coach for almost fifteen years, short of 58 days; and

WHEREAS, Robert T. Hoffman died suddenly of a heart attack on March 15, 1972, leaving a widow;

NOW, THEREFORE,

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

Section 1. The Board of Trustees is hereby directed to accept the application of Mrs. Robert T. Hoffman for a survivor's pension from her late husband, Mr. Robert T. Hoffman, in accordance with the Pension Act of the State of Delaware and further directed to determine the said Mrs. Robert T. Hoffman to be eligible for a survivor's pension under the provisions of Section 5528, Title 29, Delaware Code.

Approved April 4, 1973.

CHAPTER 10

FORMERLY SENATE BILL NO. 21

AN ACT PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS BY THE BOARD OF EDUCATION OF THE NEWARK SCHOOL DISTRICT TO THE DELAWARE ACADEMY OF SCIENCE, INC., FOR EDUCATIONAL PURPOSES.

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. In accordance with Section 4520, Title 7, Delaware Code, the Board of Education of the Newark School District is hereby authorized to convey to the Delaware Academy of Science, Inc., approximately 2.06 acres of land and improvements formerly known as the Iron Hill District situate in Pencader Hundred, New Castle County, Delaware described in accordance with that survey made by C. C. Tarbutton on January 2, 1923 and also of record as R45-521 in Deed Record K, Volume 23, Page 216 with the following deed stipulations:

(a) That said property be used solely for educational purposes;

(b) That said property cannot be subsequently sold, leased, or transferred to any other corporation, group or individual without further legislative approval;

(c) That the exterior and any addition thereto to said property shall retain its present design in order to preserve its historic value; and

(d) That said property shall revert to the Board of Education of the Newark School District in the event the Delaware Academy of Science, Inc. ceases to exist; or for violation of the provisions of (a), (b), or (c) above.

Section 2. The effective date of this Act shall be July 1, 1973.

Approved April 6, 1973.

CHAPTER 11

FORMERLY HOUSE BILL NO. 142

**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 3,
TITLE 9, OF THE DELAWARE CODE RELATING TO
AWARD OF CONTRACTS FOR PUBLIC WORK OR
GOODS.**

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

Section 1. Amend Section 371 (a), Subchapter 111, Chapter 3, Title 9 of the Delaware Code, by striking the amount "\$1,000" and substituting the amount "\$2,500" in lieu thereof.

Approved April 10, 1973.

CHAPTER 12

FORMERLY HOUSE BILL NO. 75
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO EMPOWER AND DIRECT THE DEPARTMENT
OF ADMINISTRATIVE SERVICES TO GRANT A LONG
TERM LEASE TO THE CAPITOL LITTLE LEAGUE,
ALLOWING THE CAPITOL LITTLE LEAGUE TO OC-
CUPY A PORTION OF CERTAIN PREMISES OWNED
BY THE STATE OF DELAWARE.**

WHEREAS, a State owned property located on Newport Gap Pike immediately adjacent to the old New Castle County Workhouse and formerly occupied by the Division of Adult Corrections is now vacated, which land is further bounded and described on a plat which is entitled: DETAIL "A"; and

WHEREAS, the Department of Administrative Services has no foreseen need for the premises, and the Capitol Little League is greatly in need of space for purposes of expansion; and

WHEREAS, the members of the 127th General Assembly are well aware of the benefits derived by the community from the activities of Little Leagues in general and of the activities of the Capitol Little League in particular.

NOW, THEREFORE,

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

Section 1. The Department of Administrative Services is hereby authorized, empowered, directed and required to make provision for the needs of the Capitol Little League in any consideration of the use of the State-owned property located on Newport Gap Pike immediately adjacent to the old New Castle County Workhouse and formerly occupied by the Division of Adult Corrections.

Section 2. The Department of Administrative Services is hereby authorized and directed to grant a ten year lease with

the right of renewal annually for an additional ten year term for the property to the Capitol Little League at an annual rental rate of \$1.00 per year and under such other terms and conditions as the Department of Administrative Services deems necessary not limited to but including the assumption of full liability by the Little League for loss due to fire, theft and injury to person or property (accidental or intentional). Any clause notwithstanding in the lease, if the Capitol Little League terminates its program or terminates possession of the present site, the lease will then be terminated and full rights of the property, with improvements, will revert to the State.

Provided further, in consideration of such lease, the Capitol Little League shall assume the responsibility of preparing the site for program purposes.

Approved April 11, 1973.

CHAPTER 13

FORMERLY HOUSE BILL NO. 162
AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 2 AND 4

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DIVISION OF CENTRAL DATA PROCESSING,
DEPARTMENT OF ADMINISTRATIVE SERVICES FOR
OPERATIONAL COSTS.**

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

Section 1. There is hereby appropriated to the Division of Central Data Processing, Department of Administrative Services, the amount of \$80,000 for salaries of employees.

Section 2. This Act shall be known as a supplementary appropriation and the funds appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1973, shall revert to the General Fund.

Approved April 12, 1973.

CHAPTER 14

FORMERLY HOUSE BILL NO. 39 AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2

AN ACT RETURNING ARDEN SCHOOL AND ITS SITE TO THE TRUSTEES OF ARDEN.

WHEREAS, the site of the Arden School was secured by the Board of Education of Arden School District No. 3, New Castle County, State of Delaware, from the Trustees of Arden in 1924 for the sum of one dollar; and

WHEREAS, a schoolhouse was constructed thereon by the Arden School District No. 3 and maintained by them until the merger of said School District with the Mount Pleasant School District in July, 1969; and

WHEREAS, due to the loss of enrollment, the small size of building and site, and the approaching need of costly major electrical and heating renovations, the Board of Education of the Mount Pleasant School District deems its continued use as an instructional facility not feasible; and

WHEREAS, the building and site could serve as a cultural and civic center for Arden;

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. In consideration of the sum of one dollar (\$1.00) to be paid by the Trustee of Arden to the Treasurer of the State of Delaware, the site and school building of the Mount Pleasant School District located in Arden shall be transferred to the Trustees of Arden, in accordance with the provisions of §4520 (d), Chapter 45, Title 7 of the Delaware Code.

Section 2. This Act shall become effective June 30, 1973.

Approved April 12, 1973.

CHAPTER 15

FORMERLY HOUSE BILL NO. 85

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-
INCORPORATE THE CITY OF LEWES" AND PROVID-
ING AUTHORIZATION FOR COUNCILMEN TO SIGN
APPROPRIATIONS WARRANTS PURSUANT TO OR-
DINANCES OR RESOLUTIONS.**

*Be it enacted by the General Assembly of the State of
Delaware (two-thirds of the members elected to each House con-
curring therein):*

Section 1. Amend Section 19, Chapter 170, Volume 57,
Laws of Delaware, by striking subsection (h) of said section, and
substituting in lieu thereof the following:

"(h) Warrants pursuant to ordinances or appropriation res-
olutions made by the City Council shall be signed by any two
elected officials of the City or by any elected official of the City
and the City Manager. The Mayor of the City of Lewes shall pre-
pare and submit to the City Council such reports as may be re-
quired by that body. He shall perform such other duties as may
be prescribed by this Charter, or required of him by ordinance
or resolution of the City Council."

Approved April 12, 1973.

CHAPTER 16

FORMERLY HOUSE BILL NO. 99
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SECTION 1143, CHAPTER 11, TITLE
12, DELAWARE CODE, RELATING TO SALE OF PER-
SONAL PROPERTY BY STATE ESCHEATOR.**

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

Section 1. Subsection (a) of Section 1143, Chapter 11,
Title 12, is amended to read in its entirety as follows:

“(a) All abandoned property, other than money, delivered to the State Escheator pursuant to this chapter, shall be sold or disposed of within 15 months after such delivery, at public auction to the highest bidder or in such manner and at such times as the State Escheator, in his discretion, shall determine to be in the best interest of the State. In the case of stocks, bonds or other securities, disposition may be made by sale through a registered broker on a recognized securities exchange or over the counter market, or, if there is no ready market for such security, by negotiation or public auction.

Section 2. Effective Date. This Act shall take effect on date of enactment.

Approved April 12, 1973.

CHAPTER 17

FORMERLY HOUSE BILL NO. 140
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT AUTHORIZING THE TRANSFER OF CONSTRUCTION FUNDS PRESENTLY APPROVED FOR CONSTRUCTION OF THE HENRY B. DUPONT MIDDLE SCHOOL AND ALEXIS I. DUPONT HIGH SCHOOL, TO BE EXPENDED IN THE RENOVATION OF THE ALEXIS I. DUPONT MIDDLE SCHOOL.

WHEREAS, the residents of the Alexis I. duPont School District approved funds for construction of school facilities; and

WHEREAS, the construction of said facilities cost less than the estimated cost; and

WHEREAS, the Alexis I. duPont School District contributed 49.3% of the total cost of the above facilities; and

WHEREAS, the State Board of Education approved the request for transfer of said funds; and

WHEREAS, the funds will make it possible to start immediately on the renovations of the Alexis I. duPont Middle School; and

WHEREAS, the above renovations will include the enclosing of open stairways, constructing fire breaks, constructing a fire escape, and other changes necessary to meet present safety standards.

NOW, THEREFORE,

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

Section 1. The Alexis I. duPont School District is hereby permitted to transfer the amount of one hundred thousand dollars (\$100,000.00) of local funds toward the renovation of the Alexis I. duPont Middle School from construction funds previously approved for construction of the Henry B. duPont Middle School and the addition to the Alexis I. du Pont High School.

Approved April 13, 1973.

CHAPTER 16

FORMERLY HOUSE BILL NO. 99
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SECTION 1143, CHAPTER 11, TITLE
12, DELAWARE CODE, RELATING TO SALE OF PER-
SONAL PROPERTY BY STATE ESCHEATOR.**

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

Section 1. Subsection (a) of Section 1143, Chapter 11,
Title 12, is amended to read in its entirety as follows:

“(a) All abandoned property, other than money, delivered
to the State Escheator pursuant to this chapter, shall be sold or
disposed of within 15 months after such delivery, at public auc-
tion to the highest bidder or in such manner and at such times as
the State Escheator, in his discretion, shall determine to be in the
best interest of the State. In the case of stocks, bonds or other
securities, disposition may be made by sale through a registered
broker on a recognized securities exchange or over the counter
market, or, if there is no ready market for such security, by ne-
gotiation or public auction.

Section 2. Effective Date. This Act shall take effect on
date of enactment.

Approved April 12, 1973.

CHAPTER 17

FORMERLY HOUSE BILL NO. 140
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT AUTHORIZING THE TRANSFER OF CONSTRUCTION FUNDS PRESENTLY APPROVED FOR CONSTRUCTION OF THE HENRY B. DUPONT MIDDLE SCHOOL AND ALEXIS I. DUPONT HIGH SCHOOL, TO BE EXPENDED IN THE RENOVATION OF THE ALEXIS I. DUPONT MIDDLE SCHOOL.

WHEREAS, the residents of the Alexis I. duPont School District approved funds for construction of school facilities; and

WHEREAS, the construction of said facilities cost less than the estimated cost; and

WHEREAS, the Alexis I. duPont School District contributed 49.3% of the total cost of the above facilities; and

WHEREAS, the State Board of Education approved the request for transfer of said funds; and

WHEREAS, the funds will make it possible to start immediately on the renovations of the Alexis I. duPont Middle School; and

WHEREAS, the above renovations will include the enclosing of open stairways, constructing fire breaks, constructing a fire escape, and other changes necessary to meet present safety standards.

NOW, THEREFORE,

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

Section 1. The Alexis I. duPont School District is hereby permitted to transfer the amount of one hundred thousand dollars (\$100,000.00) of local funds toward the renovation of the Alexis I. duPont Middle School from construction funds previously approved for construction of the Henry B. duPont Middle School and the addition to the Alexis I. du Pont High School.

Approved April 13, 1973.

CHAPTER 18

FORMERLY HOUSE BILL NO. 77

AN ACT TO AMEND AN ACT ENTITLED: 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 House concurring therein):

Section 1. Section 1, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the words "Mayor and Commissioners of Henlopen Acres" and substituting in lieu thereof the words "The Town of Henlopen Acres".

Section 2. Section 3, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by deleting from said Section the last sentence thereof.

Section 3. Subsection (d), Section 5, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (d), Section 5, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(d) At the Annual Municipal Election, every person, male or female, who shall have attained the age of eighteen (18) years on the date of the Annual Municipal Election, and who shall be a citizen of the United States of America and a *bona fide* resident of the Town of Henlopen Acres shall have one (1) vote and also, every person, male or female, who shall be a freeholder in the Town of Henlopen Acres, whether or not a resident of the Town of Henlopen Acres, shall have one (1) vote."

Section 4. Subsection (a), Section 8, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking the words "one day" as the same appear in the first sentence thereof and substituting in lieu thereof the words "three days".

Section 5. Subsection (a), Section 9, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (a), Section 9, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

“(a) Each candidate shall file with the Town Clerk or Mayor of the Town of Henlopen Acres on or before the close of business on the Second Friday in July preceding the Annual Municipal Election letter or other certificate setting forth that he will be a candidate for a certain designated office, such letter to be effective shall be received prior to the time set forth herein.”

Section 6. Subsection (b), Section 10, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (b), Section 10, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

“(b) Voting machines shall be used in all Annual Municipal Elections in which there is a contest for any elective office. Paper ballot may be used in any Annual Municipal Election in which there is no contest for any elective office.”

Section 7. Subsection (a), Section 21, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (a), Section 21, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

“(a) The Commissioners of Henlopen Acres or the Board of Assessment, if appointed as set forth in this Charter, may, prior to the second day in June of each year, make a just, true and impartial annual valuation or assessment of all real estate and all improvements located thereon situate within the corporate limits of the Town of Henlopen Acres, or the Commissioners of Henlopen Acres may, by Resolution, adopt as the annual assessment for the Town of Henlopen Acres the assessment for real estate and improvements located thereon as compiled by the Board of Assessment of Sussex County. In making such assessment, the rules and exemptions now applicable by law to the making of a County assessment of property shall be applicable insofar as consistent with the provisions of this Charter. All real estate

and improvements located thereon shall be described with sufficient particularity to be identified. Real estate and improvements thereon shall be assessed to the owner or owners if they be known. If the owner or owners cannot be found or ascertained, the real estate and any improvement thereon shall 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 Board of Assessment in Sussex County."

Section 8. Subsection (b), Section 21, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the word "January" as the same appears in said subsection (b), Section 21, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the word "June".

Section 9. Subsection (c), Section 21, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of subsection (c), Section 21, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(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 a separate column of spaces. In making its assessment, the Commissioners of Henlopen Acres, or the Board of Assessment, as the case may be, shall make its valuation accordingly."

Section 10. Subsection (d), Section 21, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the first sentence of said subsection (d), Section 21, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(d) The real estate, together with improvements located thereon of the Board of Assessment, if appointed, shall be assessed by the Commissioners of Henlopen Acres."

Section 11. Subsection (a), Section 22, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the word "January" as the same appears in subsection (b), Section 21, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the word "June".

Section 12. Subsection (c), Section 22, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (c), Section 22, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(c) The Commissioners of Henlopen Acres shall then proceed to determine, assess, fix and/or levy the following:

(1) the rate of tax on real estate and on improvements located thereon per One Hundred Dollars (\$100.00) of assessed value; and/or

(2) the amount of personal or per capita tax upon each qualified voter; and/or

(3) the rate of tax upon all poles, construction, erections, wires and appliances, more particularly mentioned or intended so as to be in subsection 26 (25) of this Charter, as amended; and/or

(4) the several rates to be charged for furnishing water service, sewer service, electric service, gas service; and/or

(5) the several license fees to be charged for carrying on or conducting of the several businesses, professions, or occupations more particularly mentioned or intended so as to be in Section 26 (26) of this Charter, as amended; and/or

(6) the rates or fees to be charged in respect to any other authorized source of revenue in their best judgment and estimation in order to realize the amount to be raised from each source determined by them to be used, as aforesaid; provided, however, that sources 4, 5 and 6 may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any other regular or special meeting of the Commissioners of Henlopen Acres as they, in their discretion, shall determine."

Section 13. Subsection (d), Section 22, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the word "January" as the same appears in subsection (d), Section 22, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the word "June".

Section 14. Subsection (d), Section 22, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the last sentence of subsection (d), Section 22, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"In addition to the information contained in the assessment list, it shall likewise contain information as to the rate of tax upon real estate and upon improvements located thereon per One Hundred Dollars (\$100.00) of assessed value thereof."

Section 15. Subsection (d), Section 23, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out the word "March" as the same appears in subsection (c), Section 23, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the word "September".

Section 16. Subsection (a), Section 25, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (a), Section 25, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(a) The fiscal year for the Town of Henlopen Acres shall be from July 1st of one year to June 30th of the next succeeding year; provided, however, that for the period from the end of the present fiscal year until June 30, 1973, the Commissioners of Henlopen Acres shall provide a pro-rated budget."

Section 17. Subsection (b), Section 25, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out all of said subsection (b), Section 25 Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(b) Annually each year and not later than the last week in May, the Town Clerk and the Treasurer shall prepare a rough

draft of a Town Budget. From this rough draft, the Commissioners of Henlopen Acres shall, not later than July 10th of each year, prepare the Town Budget, containing the financial plan for conducting the affairs of the Town of Henlopen Acres for the ensuing fiscal year."

Section 18. Subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out Paragraph 16 of said subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"16. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon."

Section 19. Subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by striking out Paragraph 19 as it appears in subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"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 Commissioners of Henlopen Acres shall select for the payment of the principal thereon and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town of Henlopen Acres shall be exempt from all State, County or Municipal taxes; provided, however, that in no event shall the indebtedness of the Town of Henlopen Acres, for any and all purposes, at any time, exceed in the aggregate fifteen percent (15%) of the assessed value of all real estate, including improvements thereon, located within the corporate limits of the Town of Henlopen Acres subject to assessment for the purpose of levying the annual tax hereinbefore mentioned."

Section 20. Subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by adding at the end thereof a new paragraph, to be designated as Paragraph 25, to read as follows:

"25. To levy and collect taxes upon all telephone, telegraph, power poles, pipelines, rail lines or other constructions or erections of a like character erected within the corporate limits of the Town, together with the wire or other appliances thereto or thereon attached; expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in interstate commerce, for any and all purposes, and to this end may at any time direct the same to be included in or added to the Town Assessment. In case the owner or Lessee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies for the collection of taxes set forth in Section 27 of this Charter, the Commissioners of Henlopen Acres shall have the authority to cause the same to be removed."

Section 21. Subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by adding at the end thereof a new paragraph, designated as Paragraph 26, to read as follows:

"26. To license, tax, and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Commissioners of Henlopen Acres from time to time shall fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the corporate limits of the Town of Henlopen Acres; provided, however, that nothing herein shall be so construed as to make it mandatory upon a resident of the State of Delaware to apply for a license in order to sell in the Town of Henlopen Acres farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

Section 22. Subsection (a), Section 26, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by adding at the end thereof a new paragraph, to be designated as Paragraph 27, to read as follows:

"27. To levy and collect a person or per capita tax upon all persons otherwise qualified to vote at any Annual Municipal Election to be used for any and all municipal purposes and not

to exceed the sum of Five Dollars (\$5.00) in any one year for each such person."

Section 23. Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended by adding a new section following Section 30 to be designated as Section 30A, to read as follows:

SEWER SYSTEM

"Section 30A. The Commissioners of Henlopen Acres are hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the Town of Henlopen Acres on, over, under or through the streets, alleys, lanes, roadways or other highways; or on, over, under or through the lands of any person. The Commissioners of Henlopen Acres shall have the power to enact Ordinances, Rules and Regulations regarding the sewerage system and sewage treatment plant, if any, of the Town and the use thereof and the amounts to be paid by the users thereof and to fix fines and penalties, or both, for the wilful or negligent injury or damage to or interference with the said sewerage system or sewage treatment plant of the Town. The Commissioners may, at their option, furnish sewer facilities to places and properties outside the limits of the Town of Henlopen Acres upon such special terms, charges and conditions as the Commissioners may deem wise. In a proper case, the Commissioners of Henlopen Acres may require any property in the Town to be connected with the sewer system and may compel the owner to pay the charge of such connection and the tapping fee charge therefor, and in respect thereto may use any method provided in this Charter for the collection thereof. The Commissioners may, at their option, contract for and purchase sewer disposal service from Sussex County or any other municipality or political subdivision of the State of Delaware, and to resell the same to users within or without the Town of Henlopen Acres with the same powers as though such service had been initially provided by the facilities therefor of the Town of Henlopen Acres itself. The Commissioners in Henlopen Acres may, by condemnation proceedings, take private land or property or the right to use private land or property under, over or on the surface thereof for the proper operation or

extension of the sewer system or sewage treatment plant in the Town of Henlopen Acres. The proceedings for condemnation under this Section shall be the same as prescribed by the general laws of eminent domain in Title 10, Delaware Code of 1953, as amended. Such condemnation proceeding may also be used by the Commissioners of Henlopen Acres in order to acquire private property and comply with any contract for the purchase of sewer disposal service."

Section 24, Subsection (m), Section 32, Chapter 504, Volume 57, Laws of Delaware, be and the same is hereby amended, by striking out all of subsection (m), Section 32, Chapter 504, Volume 57, Laws of Delaware, and substituting in lieu thereof the following:

"(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 percent (15%) of the assessed value of all real estate including improvements located thereon situate within the confines of the Town of Henlopen Acres and subject to assessment for the purpose of levying the annual tax hereinbefore provided."

Approved April 16, 1973.

CHAPTER 19

FORMERLY HOUSE BILL NO. 96
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE
CODE, RELATING TO ITEMIZED DEDUCTIONS.**

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

Section 1. Subsection (a) of Section 1109, Chapter 11, Title 30, Delaware Code, is amended to read in its entirety as follows:

"(a) General—In determining taxable income under this Chapter, in lieu of the standard deduction provided by Section 1108, a resident individual may elect to deduct the sum of the itemized deductions claimed on his Federal return in determining his Federal taxable income or, if the standard deduction was claimed on his Federal return, the sum of the itemized deductions to which he would have been entitled had he itemized his deductions, reduced by:

(1) the amount thereof representing income taxes imposed by this State;

(2) 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; and

(3) 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 111 (a) of this Chapter."

Section 2. Section 1124, Chapter 11, Title 30, Delaware Code, is amended by striking the entire first sentence, and inserting in lieu thereof the following new sentence:

"In lieu of the standard deduction provided by Section 1123, a nonresident individual may elect to deduct the sum of the itemized deductions connected with income derived from sources

within this State and deducted on his Federal return in determining Federal taxable income, or, if the standard deduction was claimed on his Federal return, the sum of such itemized deductions to which he would have been entitled had he itemized his deductions."

Section 3. *Effective date.* This Amendment shall apply to all taxable years commencing on or after January 1, 1973.

Approved April 16, 1973.

CHAPTER 20**FORMERLY SENATE BILL No. 117****AN ACT TO AMEND SUBCHAPTER III, CHAPTER 11,
TITLE 12 OF THE DELAWARE CODE RELATING TO
UNCLAIMED LIFE INSURANCE FUNDS.**

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

Section 1. Paragraph 2 of subsection (b) of Section 1182, Chapter 11, Title 12 of the Delaware Code is amended by striking the semicolon at the end thereof and inserting in lieu thereof the following:

“, except that amounts under fifty dollars (\$50.00) each may be reported in aggregate;”

Approved April 19, 1973.

CHAPTER 21
FORMERLY SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 29

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL.**

WHEREAS, it has been brought to the attention of the members of the 127th General Assembly that many of the State owned ponds which are maintained primarily for recreational purposes are being choked and congested with aquatic vegetation thus hampering the recreational purposes of these ponds as well as destroying their esthetic nature; and

WHEREAS, an effective program of this nature must be carried out during the months of April, May and June to get the best results; and

WHEREAS, the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, do not have the necessary funds or personnel in their budget for this purpose.

NOW, THEREFORE,

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

Section 1. The sum of \$7,605.00 is hereby appropriated to the Department of Natural Resources, Division of Fish and Wildlife, to be used for the purpose of alleviating and controlling aquatic vegetation.

Section 2. This Act shall be known as a supplementary appropriation for the fiscal year 1973 and the funds appropriated herein 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 appropriated herein remaining unexpended on June 30, 1973, shall revert to the General Fund of the State of Delaware.

Approved April 19, 1973.

CHAPTER 22

FORMERLY SENATE BILL NO. 18
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF FINANCE.**

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

Section 1. There is hereby appropriated to the Department of Finance the total sum of \$5,000 for the purposes described below in order to enable the Veterans Military Pay Office (25-08-000) to continue functioning for the balance of the fiscal year ending June 30, 1973.

TRAVEL	\$ 250
Mileage	
CONTRACTUAL SERVICES	2,750
Postage, Telephone, Rental of Office Equipment, Repair and Servicing Office Equipment, Printing and Binding, Asso- ciation Dues, Conference Fees and Other Contractual Services	
SUPPLIES AND MATERIALS	2,000
Stationery and Office Supplies, Purchase of Printed Material from U.S. Govern- ment, and Other Supplies and Materials	
	<hr/>
TOTAL	\$5,000

Section 2. This Act shall be known as a supplementary appropriation and the sums appropriation shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1973, shall revert to the General Fund.

Approved April 19, 1973.

CHAPTER 23

FORMERLY SENATE BILL NO. 42

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY FOR THE CONTINUED PAYMENT TO PERSONS WHO SERVED OR WILL SERVE IN THE ARMED FORCES OF THE UNITED STATES DURING THE VIETNAM CONFLICT; TO AUTHORIZE THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES THEREFOR AND APPROPRIATING THE MONEY BORROWED TO THE DEPARTMENT OF FINANCE.

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. There is appropriated to the Department of Finance the sum of \$500,000.00 or so much thereof as shall be received from the sale of Bonds and Notes hereinafter authorized, which shall be used for the purpose of continued payment of Bonuses to the Veterans of the Vietnam Conflict.

Section 2. Any of said appropriated funds remaining unexpended at end of any fiscal year shall not revert to the General Fund, but shall remain to be used for the purposes set forth in this Act.

Section 3. The said sum of \$500,000.00 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 authorized and issued as provided in Chapter 74, Title 29, Delaware Code. Such Bonds and Notes may be sold at either public or private sale and may be issued at one time or from time to time as the funds appropriated hereby become necessary. For purpose of identification the Bonds issued pursuant to this authorization Act may be known, styled or referred to as Delaware Veterans Bonus Bonds of 1973.

Section 4. There is hereby appropriated from the General Fund such sums as may be necessary for the expenses incident to

the issuance of the Bonds and Notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such Bonds and Notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said Bonds which becomes due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of Bonds and Notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Vouchers for the payment of interest and repayment of said Bonds and Notes shall be signed by the Secretary or his designee of the Department of Finance. Any monies received from the premium and accrued interest on the sale of said Bonds and Notes shall be deposited to the credit of the General Fund.

Section 5. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or Biennium, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of the Bonds (or notes which are not 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 April 19, 1973.

CHAPTER 24

FORMERLY HOUSE BILL NO. 130

AN ACT TO AMEND SUBCHAPTER III, CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL BOARD OF THE CAPE HENLOPEN SCHOOL DISTRICT.

WHEREAS, Cape Henlopen School District is composed of several former school districts; and

WHEREAS, because of its size and geographical composition, it is believed that a more desirable representation of school board membership can best be provided by a School Board of seven (7) members rather than five (5) members as presently required.

NOW, THEREFORE,

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

Section 1. Amend subchapter III, Chapter 10, Title 14 of the Delaware Code, by adding thereto a new section, designated as §1069, which new section shall read as follows:

§ 1069. School Board for Cape Henlopen School District

Notwithstanding anything contained in this Chapter to the contrary, the School Board of the Cape Henlopen School District shall be composed of seven (7) members.

The Cape Henlopen School District is hereby divided into four (4) areas as follows:

(a) Area A—Beginning at a point on the shoreline of the Delaware Bay approximately half the distance between Shorts Beach and Broadkill Beach; thence following a westerly direction to Primehook Creek, thence following said creek to a point at Waples Pond where that body of water flows under Route 14; thence following the center of Route 14 to its intersection with Public Road 233; thence following the center of Public Road

233 to its intersection with Route 16; thence continuing in a straight line to the Broadkill River; thence following the Broadkill River to the corporate limits of Milton; thence following the corporate limits of Milton in a Southerly and Westerly direction to the point where Route 5 crosses said corporate limits; thence following the center of Route 5 for a short distance to its intersection with Public Road 249; thence following the center of Public Road 249 to the boundary line of the Cape Henlopen School District; thence following the district boundary line, first in a Westerly direction to a point where the school district boundary intersects the shore line of the Delaware Bay; thence following that shore line to the beginning point of Area A. The area described above and under Area A shall be designated as Area A.

(b) Area B—Beginning at a point on the shoreline of the Delaware Bay immediately Northerly of Route 18, thence following the center line of Route 18 to the boundary line of the Cape Henlopen School District; thence following that boundary line, first in a Northerly direction to its intersection with Public Road 249; thence following the center of Public Road 249 and the boundary of Area A as described heretofore to a point on the shore line of Delaware Bay described as the beginning point of the description of Area A; thence in an Easterly direction following said shoreline to the beginning point in the description of Area B. The area described above under Area B shall be designated Area B.

(c) Area C—Beginning at a point on the shoreline of the Atlantic Ocean at a point where the Southerly most boundary line of the former Military Reservation known as Fort Miles intersects said shoreline; thence following the Southerly most boundary of the former Fort Miles to the Lewes and Rehoboth Canal; thence following a straight line to the center of Public Road 271; thence following the center of that road to its intersection with Route 14; thence following the center of Route 14 to a point in Route 14 opposite the Easterly corner of Public Road 273 at a point where said public road and Route 14 intersect; thence in a direct line to an unnamed creek which empties into a cove immediately East of the Rehoboth Beach Country Club (all property fronting on Public Road 273 shall be considered to be located in Area C); thence in a line through Rehoboth

Bay to the Cape Henlopen School District boundary line at Herring Creek; thence following the school district boundary line, first in a Westerly direction until the point where it intersects Route 18; thence following the center of Route 18 to its end near to the Delaware Bay; thence in a continuing line to said shore line and following the shoreline, first in an Easterly direction, to the tip of Cape Henlopen; thence following the shoreline of the Atlantic Ocean to a point on the shoreline where the Southerly most boundary of the former Fort Miles intersects the shoreline which was described as the beginning of the description of Area C. The area described above and under the heading Area C shall be known as Area C.

(d) Area D—Beginning at the same point on the shoreline of the Atlantic Ocean described in Area C as the point where the Southerly most boundary of the former Fort Miles intersects the shoreline and following the description of the boundary line of Area C to a cove immediately Easterly of the Rehoboth Beach Country Club; thence in a line extending through Rehoboth Bay and around Burton Island and through Indian River Inlet; thence following the shoreline of the Atlantic Ocean to the beginning point which is that point on the shoreline where the Southerly most boundary line of the former Fort Miles intersects the ocean shoreline. The area described above shall be known as Area D.

School Board members shall be elected in the following manner:

(1) At the regular school election in 1973 the qualified electors in the school district shall choose one member who is a resident of Area A.

(2) At the regular school election in 1974 the qualified electors in the school district shall choose one member who is a resident of Area C; one member who is a resident of the district at large and a second member who is a resident of the district at large; the term of one of the members chosen at large shall be limited to one (1) year.

(3) At the regular school election in 1975 the qualified electors in the school district shall choose one member who is a resident of Area B and one member who is a resident of the district at large.

(4) At the regular school election in 1976 the qualified electors in the school district shall choose one member who is a resident of the district at large.

(5) At the regular school election in 1977 the qualified voters shall choose one member who is a resident of Area D.

(6) All subsequent school board elections shall follow a schedule with a five-year sequence as herein listed.

1978—Elect one member who is a resident of Area A.

1979—Elect one member who is a resident of Area C and one member who is a resident of the district at large.

1980—Elect one member who is a resident of Area B and one member who is a resident of the district at large.

1981—Elect one member who is a resident of the district at large.

1982—Elect one member who is a resident of Area D.

(7) Each school board member shall be elected to a term of five (5) years except as provided in (2) when one member is elected for a one (1) year term. A further exception shall be when such election is to fill an unexpired term as provided in this Chapter, until a successor has been elected and duly qualified, said term of such elected school board member to commence on the first day of July following his election.

(8) Nominations for each candidate qualified to be a school board member shall provide a declaration of intention as whether the candidate is to serve at large, if elected, or if the candidate is to serve from his legal place of residence whether it be Area A, B, C or D, depending upon board members to be elected in a given year. Nominations in either case shall be by residents of the school district as provided elsewhere in this Chapter. At the election, whether by voting machine or ballot, the names of all persons properly nominated shall be listed alphabetically in appropriate groupings by Area and/or "at large". If in a given year when nominations may be made for members living in a specific area and no nominations are so made, and if during that given year a nomination may also be made for a member to serve "at large", the member "at large" living in the given Area receiving the highest number of votes shall be declared duly elected to the position of school board member; if the same candidate should also have received the highest number of votes of

all candidates nominated to serve "at large" then the person receiving the second highest number of votes shall be declared duly elected to the position "at large" in the school district. At the regular election in 1974 the member at large receiving the second highest number of votes shall be declared duly elected to the position of school board member for one (1) year. If as provided herein there is no candidate nominated to serve from Area C and a candidate at large living in Area C is declared duly elected to the position as provided herein then the person receiving the second highest number of votes following the person declared duly elected to serve to the position of "at large" member shall be declared duly elected to the position of school board member for a five (5) year term and the person receiving the third highest number of votes shall be declared duly elected to the position of school board member for a term of one (1) year.

(9) In all school board election nominations may be made and board members chosen at the election by qualified electors of the entire school district thereof.

(10) Each school board member so elected shall have those qualifications prescribed by this Chapter and shall meet any other requirements provided in this section."

Approved April 19, 1973.

CHAPTER 25**FORMERLY HOUSE BILL NO. 221****AN ACT TO AMEND CHAPTER 9 OF TITLE 28, DELAWARE CODE, RELATING TO PROHIBITION OF HORSE RACING ON CERTAIN RELIGIOUS HOLIDAYS.**

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

Section 1. Amend Chapter 9 of Title 28, Delaware Code, by adding thereto a new section to be designated as §906 to read as follows:

§ 906. Regulation of public entertainment on religious holidays

Horse racing of any kind on Good Friday or Easter Sunday in any county or municipality within the State is hereby prohibited.

Approved April 19, 1973.

CHAPTER 26

FORMERLY SENATE BILL NO. 95

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF MENTAL RETARDATION, HOSPITAL FOR THE MENTALLY RETARDED AT STOCKLEY.

WHEREAS, the Hospital for the Mentally Retarded at Stockley had received an appropriation for \$20,400 for the purpose of paving two parallel dirt roads on its campus; and

WHEREAS, the lowest bid for the contract to perform the said work was \$26,800.00; and

WHEREAS, the Hospital for the Mentally Retarded at Stockley used \$6,400 from the building and Grounds Repair Line Item in its budget to equal the required amount necessary to pave the said roads.

NOW, THEREFORE,

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

Section 1. The sum of \$6,400 is hereby appropriated to the Department of Health and Social Services, Division of Mental Health, Hospital for the Mentally Retarded at Stockley to reimburse the Building and Grounds Repair Line Item of its budget.

Section 2. This Act shall be known as a supplementary appropriation for the fiscal year 1973 and the funds appropriated herein 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 appropriated herein remaining unexpended on June 30, 1973, shall revert to the General Fund of the State of Delaware.

Approved April 25, 1973.

CHAPTER 27

FORMERLY SENATE BILL NO. 121

AN ACT AUTHORIZING A TRANSFER OF APPROPRIATED FUNDS WITHIN THE DEPARTMENT OF PUBLIC SAFETY TO MEET EMERGENCY SALARY REQUIREMENTS.

WHEREAS, an inspector employee of the Division of Boiler Safety has suffered a serious illness; and

WHEREAS, the employee is unable to continue working and will go on disability pension; and

WHEREAS, the terminal pay for said employee is such that the Division of Boiler Safety will have insufficient appropriated salary funds remaining to employ a replacement inspector; and

WHEREAS, by not replacing the retiring inspector, the State will not collect approximately three thousand dollars (\$3,000) in inspection fee revenue for the General Fund; and

WHEREAS, there is a surplus of salary appropriations within the Office of the Secretary, Department of Public Safety; and

WHEREAS, said surplus is the result of a temporarily vacant position.

NOW, THEREFORE,

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

Section 1. The Department of Public Safety and the Department of Finance are hereby authorized to transfer the sum of one thousand, five hundred eighty dollars (\$1,580) from the Salaries and Wages of Employees of the Office of the Secretary (45-01-000) to the Salaries and Wages of Employees of the Division of Boiler Safety (45-09-000).

Approved April 26, 1973.

CHAPTER 28

FORMERLY SENATE BILL NO. 25

**AN ACT TO PROVIDE SUPPLEMENTARY FUNDS FOR
THE ADMINISTRATION OF THE DRINKING WATER
STANDARDS WHICH ARE REQUIRED BY SECTION
122 (3) (C), TITLE 16, DELAWARE CODE.**

WHEREAS, the 126th General Assembly amended Section 122 (3) (C) to require the establishment of drinking water standards, and the State Board of Health adopted regulations which include drinking water standards on May 14, 1971; and

WHEREAS, proper and adequate implementation of the standards is not possible unless a sufficient number of personnel and adequate equipment is provided; and

WHEREAS, citizens are complaining that the standards are not being enforced,

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

Section 1. The sum of \$25,760 is appropriated to the Department of Health and Social Services, Division of Public Health, for the administration of a program to implement the drinking water standards for the period extending from February through June, 1973.

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 on June 30, 1973, shall revert to the General Fund of the State of Delaware.

Approved April 26, 1973.

CHAPTER 29**FORMERLY SENATE BILL NO. 14
AS AMENDED BY
HOUSE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 1, TITLE 27 OF THE DEL-
AWARE CODE RELATING TO THE FORMATION OF
ROMAN CATHOLIC CHURCH CORPORATION.**

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

Section 1. Amend §115, Chapter 1, Title 27, Delaware Code, by striking said §115 in its entirety and inserting in lieu thereof a new §115 to read as follows:

§ 115. Formation of Roman Catholic Church corporations

In every congregation of the denomination of Christians known as the Roman Catholic Church, the Ordinary of the Diocese and the Pastor of the congregation for the time being, according to the practice and discipline of the Church, and one other person to be annually designated by the Ordinary, and two other persons to be annually elected by the members of the congregation from among their number (the annual election and appointment to be made when designated by the Ordinary in each and every year, and the incumbents to hold office until their respective successors shall be so elected or appointed, as the case may be), shall be constituted a body politic and corporate, under such title as may be assumed by the corporation, and recorded in a certificate under the hands and seals of the incorporators first chosen or otherwise entitled to office under the terms of this chapter. The certificate shall be acknowledged before any person entitled to take acknowledgments of instruments to be used in this State and recorded among the corporation records of the County wherein the congregation has or possesses a place of worship.

Approved April 26, 1973.

CHAPTER 30
FORMERLY HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 104

**AN ACT TO AMEND SECTION 1199, CHAPTER 11, TITLE
30, DELAWARE CODE, RELATING TO PAYMENT OF
INTEREST ON OVERPAYMENTS OF PERSONAL IN-
COME TAX.**

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

Section 1. Section 1199, Chapter 11, Title 30, Delaware
Code, is amended to read in its entirety as follows:

§ 1199. Interest on overpayments

(a) General. Subject to the limitations specified in sub-
section (b), interest shall be allowed and paid upon any over-
payment in respect of the tax imposed by this chapter at the
rate of one percent per month or fraction thereof.

(b) Limitations

(1) No interest shall be allowed on any overpayment of
less than one dollar (\$1.00).

(2) Interest shall be allowed on any overpayment com-
mencing with the 46th day after the last date prescribed for
filing the return of such tax, or in case the return is filed after
such last date, the 46th day after the return is filed.

(3) In the case of an overpayment resulting from the filing
of a claim for refund or an amended return, interest shall be al-
lowed commencing with the 46th day after such claim or amend-
ed return is filed.

(4) If the Secretary of Finance or his delegate determines
that the refund of any overpayment is unreasonably delayed be-
cause of any action or inaction by the taxpayer, no interest shall
be allowed during such period of delay.

(c) Early returns and advance payments. 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.

(2) Any tax paid by the taxpayer before the last day prescribed for its payment shall be considered as being made on such last day.

(3) The last day prescribed for filing the return or paying the tax shall be the 30th day of the fourth month following the close of his taxable year regardless of any extension of time granted the taxpayer.

(4) 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 thirtieth day of the fourth month following the close of his taxable year with respect to which such tax constitutes a credit or payment.

Section 2. Effective date. This Act shall apply to all overpayments of tax under this chapter allowed or paid in respect of taxable years commencing on or after January 1, 1972.

Approved April 26, 1973.

CHAPTER 31

FORMERLY HOUSE BILL NO. 131

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 \$47,334.42 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	2217-125-2	\$30,148.79
Payroll	2217-123-0	16,089.71
Pension	2217-124-1	1,095.92
		<hr/>
		\$47,334.42

Approved April 26, 1973.

CHAPTER 32

FORMERLY HOUSE BILL NO. 172

**AN ACT AUTHORIZING AND APPROVING THE SALE OF
REAL PROPERTY SITUATED IN WYOMING, DELA-
WARE BY THE DELWARE HOME AND HOSPITAL
FOR THE CHRONICALLY ILL AT SMYRNA.**

WHEREAS, certain real property, more particularly hereinafter described, was devised to the Delaware Home and Hospital for the Chronically ill at Smyrna, Delaware by the Will of Viola E. Warnick of Wyoming, Delaware; and

WHEREAS, the Will of Viola E. Warnick, dated June 9, 1957 and of record in the Office of the Register of Wills in and for Kent County, Delaware in Will Record N, Volume 3, Page 3, provides in part as follows:

"I leave to the Welfare Home my real estate in memory of my sister, Mrs. Lundgreen, to be used for refreshments for the dear folks."; and

WHEREAS, the Delaware Home and Hospital for the Chronically ill at Smyrna, Delaware is more commonly referred to as the State or Smyrna Welfare Home; and

WHEREAS, in order to comply with the terms of the Will of Viola E. Warnick, it would be necessary either to render the property to a condition wherein it would be income-producing or to sell the property to obtain a revenue source; and

WHEREAS, because the current estimates for the repair of the said property would be prohibitive in relationship to the income potential of the property, the most desirable alternative would be to sell the property and use the proceeds in accordance with the terms of the Will of Viola E. Warnick; and

WHEREAS, the Delaware Home and Hospital for the Chronically Ill at Smyrna, desires to sell and convey the said property but requires statutory authority and the approval of the Legislature to sell and convey the same.

NOW, THEREFORE,

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

Section 1. The sale, transfer and conveyance of the following described real property by the Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware is hereby specifically approved:

ALL that certain lot, piece and parcel of land with the improvements thereon erected, situated in the Town of Wyoming, North Murderkill Hundred, Kent County, and State of Delaware, and lying on West side of West Railroad Avenue formerly Wyoming Avenue, adjoining lands now or formerly of Elwood F. Marker and wife on north, lands now or formerly of the Aldrich heirs on south, lands now or formerly of Harvey McGinnis and wife on West and lands of others.

AND BEING the same lands and premises conveyed unto Viola E. Warnick by deed of May T. Lundgreen, widow, dated June 8, 1951 and of record in the Office for the Recording of Deeds in and for Kent County, Delaware in Deed Record H. Volume 19, Page 249.

AND the said Viola E. Warnick did depart this life on or about the 11th day of October, 1958, having first made her Last Will and Testament which is of record in the Office of the Register of Wills in and for Kent County, Delaware in Will Record N, Volume 3, Page 3, wherein and whereby she did devise said lands and premises to the Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware (referred to in said Will as the Welfare Home).

Section 2. The Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware is hereby authorized and empowered to sell and convey said real property, and its Director is authorized to execute a good and sufficient deed to the purchaser of said real property conveying to the said purchaser all the right, title and interest of the Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware and The State of Delaware in and to said real property.

Section 3. After the sale of the said real property and the payment of all costs and expenses properly chargeable against the same, including reimbursement to the Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware of any and all expenses incurred by said institution in connection with said sale, the net proceeds realized are to be deposited in a bank account to be entitled "The Lundgreen Memorial Fund" and are to be used solely for the purchase of refreshments for the patients at the Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware. The Director of the Delaware Home and Hospital for the Chronically Ill at Smyrna, Delaware, is hereby authorized to make withdrawals from said account for the purpose herein stated at such times and in such amounts as he deems appropriate.

Approved April 26, 1973.

CHAPTER 33

FORMERLY HOUSE BILL NO. 133

**AN ACT TO AMEND SECTION 4757, CHAPTER 47, TITLE
16. DELAWARE CODE RELATING TO HYPODERMIC
SYRINGES AND HYPODERMIC NEEDLES USED FOR
TREATING POULTRY AND LIVESTOCK.**

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

Section 1. Amend Section 4757, Chapter 47, Title 16, Delaware Code, by adding a new subsection (e) to said section to read as follows:

(e) Nothing in this section shall prohibit the delivery, furnishing, sale, purchase, or possession of an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle used or to be used solely and exclusively for treating poultry or livestock, and such delivery, furnishing, sale, purchase, possession, or use shall be governed by rules and regulations to be prescribed by the Department of Agriculture.

Approved April 26, 1973.

CHAPTER 34**FORMERLY HOUSE BILL NO. 222**

AN ACT TO AMEND SECTIONS 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1321, 1322, 1324 AND 1326 OF CHAPTER 13, TITLE 14, DELAWARE CODE, BY PROVIDING FOR A FIVE AND ONE-HALF PERCENT (5.5%) SALARY INCREASE EFFECTIVE JULY 1, 1973.

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

Section 1. Effective July 1, 1973, the State Board of Education shall revise the salary schedules established in Laws of Delaware, Volume 57, Chapter 333, §19, and thereafter appearing in Delaware Code, Title 14, Chapter 13, in §1305, §1306, §1307, §1308, §1309, §1310, §1311, §1321, §1322, §1324, and §1326 of the Chapter to reflect a 5.5% salary increase rounded to the nearest dollar.

Salary increases provided by this section shall be passed in full to each employee whose salary is authorized by this Chapter.

Salary schedules prepared in the fulfillment of this section shall be published and promulgated by the State Board of Education, and shall be referred to the Legislative Council of the State of Delaware and the Code Revisors for inclusion in the legal publications of the State of Delaware.

Approved April 27, 1973.

CHAPTER 35

FORMERLY HOUSE BILL NO. 236
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DEPARTMENT OF PUBLIC SAFETY, DIVI-
SION OF STATE POLICE, FOR PURCHASE OF NEW
VEHICLES.**

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

Section 1. There is hereby appropriated to the Department of Public Safety, Division of State Police (45-06-000), the amount of \$391,000 for purchase of new vehicles.

Section 2. This act shall be known as a supplementary appropriation, and the sum appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Funds appropriated herein, which remain unexpended on June 30, 1973, shall revert to the General Fund.

Approved April 28, 1973.

CHAPTER 36**FORMERLY HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 1****AN ACT TO AMEND CHAPTER 1, TITLE 13 OF THE DELAWARE CODE RELATING TO THE SOLEMNIZATION OF MARRIAGES AND PERSONS AUTHORIZED TO CELEBRATE THE MARRIAGE CEREMONY.**

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

Section 1. Amend §106, subchapter 1, Chapter 1, Title 13 of the Delaware Code, by striking the words "where either of the parties belongs to such religious society" as the same appear in the fourth sentence of subsection (a) of said section.

Section 2. This Act shall become effective upon signature by the Governor.

Approved April 30, 1973.

CHAPTER 37

FORMERLY SENATE BILL NO. 173

AN ACT AUTHORIZING THE SOIL AND WATER CONSERVATION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO USE THE STATE DREDGE TO ASSIST THE TOWN OF LEWES WITH THE PLACEMENT OF AN UNDERWATER CABLE.

WHEREAS, the Town of Lewes has requested and needs assistance with the placement of an underwater cable and will pay for assistance; and

WHEREAS, the Soil and Water Conservation Division of the Department of Natural Resources and Environmental Control has in the State dredge equipment vital to the placement of said cable; and

WHEREAS, the Soil and Water Conservation Division of the Department of Natural Resources and Environmental Control will if authorized fully assist the Town of Lewes at said Town's expense; and

WHEREAS, no State project will be hindered or jeopardized if such assistance is provided.

NOW, THEREFORE,

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

Section 1. The Soil and Water Conservation Division of the Department of Natural Resources and Environmental Control is hereby authorized upon payment for use and obtaining engineering plans, supervision and all necessary permits by the Town of Lewes to assist the Town of Lewes in the placement of an underwater cable at a site to be selected by mutual agreement between the Town of Lewes or its agents and the Soil and Water Conservation Division of the Department of Natural Resources and Environmental Control.

Approved May 1, 1973.

CHAPTER 38

FORMERLY SENATE BILL NO. 57

AN AOT TO AMEND SUBCHAPTER III OF CHAPTER 10, TITLE 14, DELAWARE CODE, RELATING TO THE COMPOSITION OF THE INDIAN RIVER SCHOOL BOARD.

WHEREAS, Indian River School District is composed of five former School Districts and Special School Districts; and

WHEREAS, because of its size and geographical composition, it is believed that the efficient administration, operation and representation of Indian River School District can best be provided by a School Board of Ten (10) members rather than five (5) members as presently required elected from nearly as equal population areas as is possible.

NOW, THEREFORE,

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

Section 1. Amend Subchapter III of Chapter 10, Title 14, Delaware Code, by adding thereto a new section to be designated as Section 1068 to read as follows:

§ 1068. Indian River School Board

A. Notwithstanding anything contained in this Chapter to the contrary, the School Board of Indian River School District shall be composed of ten (10) members.

B. The Indian River School District is hereby divided into five (5) Representative Districts as follows:

1. District Number 1. Beginning on Route 28 where Fleetwood Pond Branch crosses Route 28, East on Route 28, crossing Route 113 to the Georgetown town limits (one mile circle); right on School Lane following the Southern boundary of the

Town to South Bedford Street; right and South on South Bedford Street to Route 318; left on Route 318 and 321 to Route 47; right on Route 47 to Route 30; left and North on Route 30 to Gravel Hill; right at Gravel Hill on Route 18 to Route 5 at Harbeson; left on Route 5 to the presently established boundary between Indian River School District and Cape Henlopen School District; thence following the Indian River School District and Cape Henlopen School District boundary, Westerly from Route 5 to the intersection of Routes 238 and 239; thence Westerly on Route 238 to the North Fork of Gravelly Branch; thence Southwesterly along Gravelly Branch and Collins Pond to Route 18; left on Route 18 to Route 527; right on Route 527 to its intersection with Route 526 and Route 516; thence Southeasterly to the intersection of Route 529 and Route 46; Easterly along Route 46 for a distance of approximately one tenth mile to a point where Tyndall Branch crosses Route 46; thence following Tyndall Branch, Fleetwood Pond, Fleetwood Pond Branch in a Southeasterly direction to the beginning point on Route 28. The last portion of this description being the established boundary line of the Indian River School District and the Milford School District, the Woodbridge School District, and Seaford School District.

2. District Number 2. Beginning at a point where Fleetwood Pond Branch crosses Route 28; Southeasterly along said Branch to a point where it crosses Route 444 approximately seven tenths mile North of Route 20; South on Route 444 to Route 20; left on Route 20 to Jones Crossroads; thence Southeasterly in a straight line between Jones Crossroads and Pusey's Crossroads to a point on Route 74 approximately 1.1 mile West of its intersection with Route 20; left on Route 74 to Route 20; right on Route 20 to Route 113 (Bob's Diner) crossing Route 113 to State Street and continuing on State Street Easterly to Betts Mill Pond Bridge; thence following this stream and the South bank of the Millsboro Pond to the Mill Dam at Route 24; thence Easterly along Route 24 to the Herring Creek Branch; thence following the established boundary between Indian River School District and Cape Henlopen School District Westerly and Northerly following a portion of the Beaverdam Creek and Route 259 to its intersection with Route 5. The remaining portion of District Number 2 shall be described by the Southern boundary of District Number 1.

3. District Number 3. Beginning at a point 1.1 mile West of Route 20 on Route 74; thence along the established boundary line between Indian River School District and Laurel School District to Pusey's Crossroads at Route 472; left on Route 472 to a point where the Pocomoke River reaches Route 472; thence Southeasterly along the Pocomoke River to Route 424; right on Route 424 to Route 24; left on Route 24 to Route 25; right on Route 25 to Route 26; left on Route 26 to Route 113; right and South for a distance of approximately .5 mile to the Southern boundary of the Town of Dagsboro; thence Easterly along the town boundary line to Pepper Creek; thence North and East along Pepper Creek to Indian River Bay and Rehoboth Bay to Herring Creek; thence Westerly along Herring Creek to Route 24. The remaining Northern boundary for District Number 3 shall coincide with the description of the Southern boundary of District Number 2.

4. District Number 4. Beginning on Route 113 at its intersection with Route 26; South on Route 113 to Frankford; thence following the Southern boundaries of Frankford and Vines Creek to the place where Vines Creek crosses Route 54; thence East along Route 54 to Route 382 (Omar); right on Route 382 through Roxana to Route 382A; right on Route 382 to Route 389; right on Route 389 to Route 396; right on Route 396 to the Delaware and Maryland State line. The remaining boundaries of this District are as follows: The Southern boundary is the Delaware and Maryland State line; the Eastern boundary is the Atlantic Ocean; the Northern boundary is the Indian River Bay from Indian River Inlet to Pepper Creek and the Southern boundary of the Town of Dagsboro as described as the Southern boundary of District Number 3.

5. District Number 5. Beginning on Route 413B at its intersection with Route 24; South on route 413B; thence following the established boundary line between Indian River School District and Delmar School District through Pepper Box and Whitesville to the Delaware-Maryland line; thence Easterly along the Delaware-Maryland line to Route 396 at Williamsville; thence Northerly to Dagsboro following the here described Westerly boundary of District Number 4 and Westerly through Mission following the Southern boundary of District Number 3 herein described.

C. At the regular school election in 1973 the qualified electors shall choose one member from Representative District No. 2 for a term of two years; one member from Representative District No. 3 for a term of 5 years; and one member from Representative District No. 5 for a term of 3 years.

D. At the regular school election in 1974 the qualified electors shall choose one member from Representative District No. 1 for a term of 3 years; one member from Representative District No. 2 for a term of 4 years; one member from Representative District No. 4 for a term of 5 years and one member from Representative District No. 5 for a term of 5 years.

E. All subsequent school board elections shall follow the schedule herein listed:

<i>Year</i>	<i>District</i>	<i>Term</i>
1975	District No. 1	5 Years
1975	District No. 2	5 years
1976	District No. 3	5 Years
1976	District No. 5	5 Years
1977	District No. 4	5 Years
1977	District No. 1	5 Years
1978	District No. 2	5 Years
1978	District No. 3	5 Years
1979	District No. 4	5 Years
1979	District No. 5	5 Years

F. Each school board member shall be elected for a term of five (5) years, except as provided under paragraphs C and D of this Section, and except when such election is to fill an unexpired term as provided in this Chapter, until a successor has been elected and duly qualified, said term of such elected school board member to commence on the first day of July following his election.

G. Each school board member so elected shall have those qualifications prescribed by this Chapter.

Approved May 1, 1973.

CHAPTER 39**FORMERLY HOUSE BILL NO. 68****AN ACT TO AMEND CHAPTER 41, PART IV, TITLE 7 OF
THE DELAWARE CODE RELATING TO AGRICUL-
TURAL AND SOIL CONSERVATION, AND THE COL-
LECTION OF TAXES LEVIED BY A DITCH COMPANY.**

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

Section 1. Amend §4175, Subchapter IV, Chapter 41, Title 7 of the Delaware Code, by striking the second sentence of said section, and substituting in lieu thereof the following:

"The money collected, with respect to each ditch company, shall be deposited in a bank by him in one or more accounts as the Receiver of Taxes and County Treasurer shall determine, but records shall be kept by the County Receiver of Taxes and County Treasurer which separately lists each ditch company and separately lists each deposit made by each ditch company."

Section 2. Amend §4175, Subchapter IV, Chapter 41, Title 7 of the Delaware Code, by striking the word "separate" as the same appears in the last sentence of said section.

Approved May 2, 1973.

CHAPTER 40

FORMERLY HOUSE BILL NO. 152

**AN ACT TO AMEND THE CHARTER OF THE CITY OF
NEWARK, DELAWARE.**

WHEREAS, it is deemed advisable that the Charter of the City of Newark, adopted pursuant to the provisions of Chapter 8, Title 22, Delaware Code, and as thereafter amended, be in certain respects further 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):

Section 1. Amend Article III, Section 306, *Vacancies and Forfeiture of Office*, by deleting the third paragraph thereof in its entirety and substituting in lieu thereof a new third paragraph as follows:

"A vacancy in the Council, including the office of Mayor, shall be filled for the remainder of the unexpired term, if any, at a special election to be held in the same manner in every respect as a regular election, on a date fixed by the Council not less than sixty days nor more than ninety days after the occurrence of a vacancy. The Council, by a majority vote of all its members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. A vacancy shall be announced at a regular Council meeting and a vote on the person to fill the vacancy shall not be held before the next following regular Council meeting. Despite the quorum provisions hereof, if at any time, the membership of the Council is reduced to less than four (4), the remaining members may, by majority action appoint additional members to raise the membership to seven.

Approved May 2, 1973.

CHAPTER 41**FORMERLY HOUSE BILL NO. 112
AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 3, 4 AND 5**

AN ACT TO AMEND PART II, TITLE 29, DELAWARE CODE PROVIDING THAT ANY BILL OR JOINT RESOLUTION WHICH APPROPRIATES OR MANDATES OR CONTEMPLATES A SUBSEQUENT APPROPRIATION OR WHICH REDUCES REVENUE MUST HAVE A FISCAL PROJECTION ATTACHED.

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

Section 1. Amend Part II, Title 29 of the Delaware Code, by adding thereto a new chapter, to be designated as Chapter 19, which shall read as follows:

CHAPTER 19. FISCAL PROJECTIONS

§ 1901. Bills and Joint Resolutions which appropriate or mandate or contemplate a subsequent appropriation

Any bill or joint resolution in either House of the General Assembly which authorizes expenditures not previously authorized within the annual budget for the fiscal year in which the expenditure is to be incurred or which because of the provisions of the bill or joint resolution would authorize expenditures not specifically provided for in the bill or joint resolution shall include at the time of introduction and have attached thereto a three-year fiscal projection.

§ 1902. Contents of fiscal projection

The three-year projection shall be a statement describing, as accurately as can reasonably be ascertained, all requirements, obligations assumed by the State, and other consequences of the bill or joint resolution having a fiscal impact on the State for each of the three fiscal years following the effective date of the bill or joint resolution. Such fiscal projection shall, where ap-

plicable, include full cost data including, but not limited to, salaries, operating costs, other employment costs (fringe benefits), capital outlay and debt service. Fiscal projections required in this chapter shall be prepared on forms prescribed by the Controller General. If the fiscal projection is not prepared by the Controller General, it shall contain a statement by the Controller General that he concurs in the sponsor's projection of the fiscal impact of the bill or joint resolution as set forth in the fiscal projection, or that he finds contrary or additional fiscal data which should be included in the fiscal projection. The Controller General shall point out particular ways in which the bill or joint resolution may escalate costs or reduce revenue to the State. The fiscal projection must also state how the estimates were calculated and from what facts or assumptions. All fiscal projections shall be reviewed or prepared by the Controller General and the same shall be reported to the sponsor in writing.

§ 1903. Fiscal projection when revenue reduced

Any bill or joint resolution which would have the effect of reducing State revenue must have a one-year projection attached thereto, which projection shall describe, as accurately as can reasonably be ascertained, the loss of revenue to the State for the first full fiscal year after the effective date of the legislation and the rationale used in determining such fiscal impact. The Controller General's responsibility herein shall be the same as in §1902.

§ 1904. Revision of fiscal projection

The Controller General shall revise the fiscal projection with each successive state of the legislative process in which any amendment or substitute bill is introduced which changes the fiscal effect of the bill or joint resolution. Such revised fiscal projections must be included with each such amendment or substitute bill at the time of introduction. Fiscal projections previously attached to the bill or joint resolution shall remain with the bill or joint resolution and shall not be removed.

§ 1905. Federal matching funds

Any bill or joint resolution which provides for the expenditure of State funds not authorized in the annual budget bill for

the fiscal year in which the expenditure is to be incurred, in order to qualify for or otherwise receive Federal funds, shall include a three-year fiscal projection. The fiscal projection shall describe as accurately as can reasonably be ascertained the total anticipated expenditures of such program or agency, the total amount to be expended or committed by the Federal government for each of the three fiscal years, the total amount to be expended by the State for each of the three fiscal years, and when the Federal funding is likely to be concluded.

§ 1906. Effect on legislative analysis

No provision of this chapter shall be deemed to prevent or limit the preparation of any analysis of any bill or joint resolution by the staff of the Legislative Council or by attorneys of the Senate or House of Representatives, when such analysis is requested by a member of the General Assembly.

§ 1907. Waiver by majority

Each House may waive the requirements of this chapter as to any specific legislation pending before such House by a vote of the majority of all members elected to such House.

Section 2. This Act shall become effective thirty (30) days after signature by the Governor.

Approved May 1, 1973.

CHAPTER 42

FORMERLY SENATE BILL NO. 187

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE COURTS AND TO THE NEW CASTLE COUNTY LAW LIBRARY FOR OPERATIONAL COSTS.

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

Section 1. There is hereby appropriated to the Courts the amount of \$159,800 and to the New Castle County Law Library the amount of \$4,200 for operational costs for the fiscal year ending June 30, 1973, as follows:

Superior Court (02-03-000)	
Jury Costs	\$96,000
Court of Common Pleas—Kent County	
(02-04-000)	
Jury Costs	35,000
Court of Common Pleas—Sussex County	
(02-05-000)	
Jury Costs	12,800
Justice of the Peace Court	
(02-13-000)	
Salaries—Deputy Clerks	16,000
New Castle County Law Library	
(02-11-000)	
Capital Outlay—Books	4,200
	<hr/>
	\$164,000

Section 2. This Act shall be known as a supplementary appropriation and the sum appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any such funds which remain unexpended as of June 30, 1973, shall revert to the General Fund of the State Treasury.

Approved May 11, 1973.

CHAPTER 43

FORMERLY HOUSE BILL NO. 228

**AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH
AND SOCIAL SERVICES TO TRANSFER CERTAIN
FUNDS.**

WHEREAS, the Department of Health and Social Services has insufficient general fund appropriations in certain divisions; and

WHEREAS, the Department of Health and Social Services' total general fund appropriation is sufficient to cover expenses for the balance of fiscal year 1973; and

WHEREAS, the authority to make certain transfers within various lines and divisions would eliminate the need of a supplemental appropriation of \$1,200,000.

NOW, THEREFORE,

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

Section 1. The Department of Health and Social Services is hereby authorized, with the approval of the Budget Director, to transfer between all lines and divisions as needed to meet financial requirements for the remainder of fiscal year 1973. This authority expires on June 30, 1973.

Approved May 11, 1973.

CHAPTER 44

**FORMERLY HOUSE BILL NO. 170
AS AMENDED BY
HOUSE AMENDMENT NO. 1**

**AN ACT TO AMEND TITLE II OF THE DELAWARE CODE
RELATING TO THE ISSUANCE OF WORTHLESS
CHECKS.**

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

Section 1. Amend Volume 58, Laws of Delaware, Chapter 497, Section 4206 (a) by striking the period at the end thereof and adding the following:

"provided, however, that the court shall require a person convicted of issuing a worthless check under Section 900 of this Title to make restitution to the person to whom the worthless check was issued."

Section 2. This Act shall take effect July 1, 1973.

Approved May 14, 1973.

CHAPTER 45

FORMERLY HOUSE BILL NO. 210

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE MARYDEL VOLUNTEER FIRE CO., INC. FOR
MAINTENANCE AND OPERATIONS OF ITS RESCUE
TRUCK.**

WHEREAS, House Substitute No. 1 for House Bill No. 766 of the 126th General Assembly made an appropriation to numerous fire companies in the amount of \$1,250 each, to be used for the maintenance and operation of rescue trucks for the fiscal year beginning July 1, 1972; and

WHEREAS, the Marydel Volunteer Fire Co., Inc. was inadvertently omitted from said appropriation bill; and

WHEREAS, the Marydel Volunteer Fire Co., Inc. is in dire need of funds for the maintenance and operation of its rescue truck;

NOW, THEREFORE,

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

Section 1. There is appropriated to the Marydel Volunteer Fire Co., Inc. the sum of \$1,250 to be used for the maintenance and operation of its rescue truck in public service.

Section 2. 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 May 14, 1973.

CHAPTER 46

**FORMERLY SENATE BILL NO. 13
AS AMENDED BY
SENATE AMENDMENT NO. 1**

**AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DEL-
AWARE CODE RELATING TO THE OPERATION OF A
MOTOR VEHICLE WHILE UNDER THE INFLUENCE
OF INTOXICATING LIQUORS OR DRUGS.**

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

Section 1. Amend §4176, Subchapter IX, Chapter 41, Title 21 of the Delaware Code, by striking the words "For each subsequent like offense" as the same appears at the beginning of the second sentence of subsection (a) of said section, and substituting in lieu thereof the words "For each subsequent like offense occurring within five years from the former offense".

Section 2. Amend §4176, Subchapter IX, Chapter 41, Title 21 of the Delaware Code, by deleting subsection (d) in its entirety.

Approved May 15, 1973.

CHAPTER 47**FORMERLY SENATE BILL NO. 16
AS AMENDED BY
SENATE AMENDMENT NO. 2****AN ACT TO AMEND CHAPTER 53, PART II, TITLE 14 OF
THE DELAWARE CODE RELATING TO THE ACADEMIC
PROGRAM OF THE UNIVERSITY OF DELAWARE
AND THE REQUIRED COURSE ON DELAWARE
HISTORY AND GOVERNMENT.**

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

Section 1. Amend §5303, Chapter 53, Part II, Title 14 of the Delaware Code, by striking §5303 in its entirety and substituting a new §5303 to read as follows:

§ 5303. Course on Delaware History and Government

The University shall provide an elective course on Delaware History and Government for all undergraduates; however, such a course shall be required for social studies teachers; and such course shall be offered as an in-service program for teachers coming to this State from other schools or colleges.

Became law on May 15, 1973, without approval of the Governor, and in accordance with §18, Article 3, As Amended, of the Constitution of Delaware.

CHAPTER 48

FORMERLY HOUSE BILL NO. 182

AN ACT TO AMEND TITLE 12, TITLE 14, TITLE 21, TITLE 24, TITLE 29 AND TITLE 31 OF THE DELAWARE CODE RELATING TO AGE OF MAJORITY IN DELAWARE; AND CHANGING THE AGE REQUIREMENTS FOR CERTAIN ACTS, RIGHTS AND PRIVILEGES PRESENTLY ENJOYED BY PERSONS TWENTY-ONE YEARS OF AGE AND OLDER.

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

Section 1. Amend §4504, Part IV, Chapter 45, Title 12 of the Delaware Code, by striking the figure "21" as it appears both times in subsection (d), and substituting the figure "18" in lieu thereof.

Section 2. Amend §4507, Part IV, Chapter 45, Title 12 of the Delaware Code, by striking the figure "21" as the same appears in subsection (d), and substituting the figure "18" in lieu thereof.

Section 3. Amend §1912, Chapter 19, Part I, Title 14 of the Delaware Code, by striking the figure "21" as the same appears in the second sentence of the first paragraph, and substituting the figure "18" in lieu thereof.

Section 4. Amend §2503, Part II, Chapter 25, Title 21 of the Delaware Code, by striking subsection (c) of said section, and substituting in lieu thereof the following:

"(c) The department shall transfer a certificate of title or registration certificate to any person 18 years of age or older if such person is otherwise qualified to obtain such certificate of title or registration certificate. The Department may transfer a certificate of title or registration certificate to a person under 18 years of age if at least one parent or guardian of said person signs the certificate of title or registration certificate stating consent to the transfer of same."

Section 5. Amend §1422, Subchapter II, Chapter 14, Title 24 of the Delaware Code, by striking the figure "21" as the same appears in the last sentence of said section, and substituting the figure "18" in lieu thereof.

Section 6. Amend §7940, Part VII, Chapter 79, Title 29 of the Delaware Code, by striking the figure "21" as the same appears in subsection (a), and substituting the figure "18" in lieu thereof.

Section 7. Amend §510, Chapter 5, Part I, Title 31 of the Delaware Code, by striking the figure "21" as the same appears in subsection (b), and substituting the figure "18" in lieu thereof.

Approved May 15, 1973.

CHAPTER 49

FORMERLY SENATE BILL NO. 162

AN ACT AUTHORIZING THE TREASURER OF THE STATE OF DELAWARE TO ADVANCE FROM THE GENERAL FUND OF THE STATE OF DELAWARE TO THE STATE DEPARTMENT OF PUBLIC INSTRUCTION AMOUNTS NOT TO EXCEED \$225,000 IN TOTAL TO EXPEDITE THE REPLACEMENT OF THE HEATING SYSTEM AT THE MANOR PARK ELEMENTARY SCHOOL IN THE NEW CASTLE-GUNNING BEDFORD SCHOOL DISTRICT.

WHEREAS, an emergency has arisen in the failure of the radiant heating system in the Manor Park Elementary School, installed during construction over twenty years ago; and

WHEREAS, use of the school during the coming 1973-74 school year requires immediate action and funds must be authorized before awarding of contracts this month (April, 1973); and

WHEREAS, it is contemplated that final funding will be incorporated in the Annual Capital Improvements Act of 1974.

NOW, THEREFORE:

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

Section 1. The Treasurer of the State of Delaware is hereby authorized to advance from the General Fund, to the State Department of Public Instruction, such sums as may be required, but not to exceed \$225,000 in total, to expedite replacement of the Manor Park Elementary School heating system, which sums shall be repaid to the General Fund when and if such sums shall have been authorized and funded by the Annual Capital Improvements Act of 1974.

Became law on May 15, 1973, without approval of the Governor, and in accordance with §18, Article 3, As Amended, of the Constitution of Delaware.

CHAPTER 50

FORMERLY SENATE BILL NO. 225
 AS AMENDED BY
 HOUSE AMENDMENT NO. 1
 AND
 SENATE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
 TO THE DIVISION OF CENTRAL DATA PROCESSING
 DEPARTMENT OF ADMINISTRATIVE SERVICES FOR
 OPERATIONAL COSTS.**

WHEREAS, data processing units must develop their operational plans and budgets to provide the services contemplated to be required by their user clients well in advance in order that hardware, software, supplies and staff are on hand to meet the requirements; and

WHEREAS, the Division of Central Data Processing is no exception, its planned operational and budget requirements for the fiscal year ending June 30, 1973, amounted to \$2,366,200 of which \$1,269,922 was funded in the General Fund Budget for fiscal 1973, the balance was expected to be forthcoming from Special Funds (Federal, etc.) via the following agencies and programs:

Department of Health & Social Services	\$ 240,000
Department of Labor	260,000
Department of Natural Resources and Environmental Control	20,000
Department of Public Instruction	30,000
Department of Public Safety (CLUES & ASAP)	165,000
Department of Administrative Services (Purchasing)	6,000
Division of Highways	200,000
Division of Motor Vehicles	88,000
State Planning Office	30,000
Miscellaneous Special Programs	57,278
TOTAL	\$1,096,278

WHEREAS, the ever present uncertainties involved in projecting federal funding for special programs resulted in the failure to collect some of such funds and the late cancellation of some of the programs, the Division of Central Data Processing finds itself seriously short of funds required to maintain operations for the balance of fiscal 1973, having collected only \$135,000 to date of such anticipated special fundings, necessitating retrenchment in their original planned budget in the amount of approximately \$500,000; and

WHEREAS, further retrenchment would completely emasculate its operational capability.

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

Section 1. There is hereby appropriated to the Division of Central Data Processing, Department of Administrative Services, the amount of \$432,000 which amount shall be allocated to the following categories of expense:

Salaries and Wages of Employees	\$102,000
Overtime	3,000
Contractual Services	3,900
EDP Equipment Rental	315,000
Supplies and Materials	8,100
TOTAL	\$432,000

Section 2. This Act shall be known as a supplementary appropriation and the funds appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1973, shall revert to the General Fund.

Approved May 17, 1973.

CHAPTER 51

FORMERLY HOUSE BILL NO. 230
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE OFFICE OF PERSONNEL; THE DEPART-
MENT OF FINANCE; THE DEPARTMENT OF STATE;
AND THE DEPARTMENT OF ELECTIONS, KENT
COUNTY FOR OPERATIONAL COSTS.**

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

Section 1. There is hereby appropriated to the Office of
Personnel; the Department of Finance; the Department of State;
and the Department of Elections, Kent County the amount of
\$100,450 for operational costs for the fiscal year ending June 30,
1973 as follows:

Office of Personnel

(10-04-000)

Salaries \$ 10,200

Department of Finance

Division of Accounting

(25-05-000)

Contractual Services 3,000

Division of Revenue

(25-06-000)

Salaries—Part-time \$41,400

Salaries—Overtime 20,750

Personal Services 1,500

Contractual Services 18,750

82,400

Department of State

Office of Secretary

(20-01-000)

Secretary's Salary (terminal pay) 1,250

Assistant Secretary's Salary
(terminal pay) 2,400

Department of Elections, Kent County		3,650
(70-03-000)		
Salaries—Administrative Director	525	
Salaries—Deputy Administrative		
Director	675	
		1,200
TOTAL		\$100,450

Section 2. This Act shall be known as a supplementary appropriation and the sum appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any such funds which remain unexpended as of June 30, 1973, shall revert to the General Fund of the State Treasury.

Approved May 17, 1973.

CHAPTER 52

FORMERLY HOUSE BILL NO. 238
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR TERMINATION PAY OF THE DI-
RECTOR OF THE DIVISION OF HIGHWAYS.**

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

Section 1. There is hereby appropriated to the Department of Highways and Transportation (55-00-000) the amount of \$16,061.61 for operational costs for the fiscal year ending June 30, 1973, as follows:

Termination Pay to the Director of the Division of Highways	\$16,061.61
--	-------------

Section 2. This Act shall be known as a supplementary appropriation and the sum appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any such funds remaining unexpended as of June 30, 1973, shall revert to the General Fund of the State Treasury.

Approved May 17, 1973.

CHAPTER 53

FORMERLY HOUSE BILL NO. 191
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 548, VOLUME 58, LAWS OF
DELAWARE, RELATING TO THE DEPARTMENT OF
ADMINISTRATIVE SERVICES, AND PROVIDING FOR
THE TRANSFER OF FUNDS FORMERLY APPROPRI-
ATED FOR MINI-BUSES.**

WHEREAS, sixty-five thousand dollars (\$65,000.00) was appropriated to the Department of Administrative Services for the purchase of mini-buses to be used for transportation to and from Senior Citizens' Centers; and

WHEREAS, the sum appropriated was insufficient for the number of buses which was needed; and

WHEREAS, it has been determined that the funds formerly appropriated should be transferred to the Bureau of Aging of the Department of Health and Social Services because the Bureau can better utilize the funds to provide more transportation services for senior citizens.

NOW, THEREFORE:

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

Section 1. Amend Chapter 548, Volume 58, Laws of Delaware, by striking Section 1 of said Act, and substituting in lieu thereof the following:

"Section 1. Sixty-five thousand dollars (\$65,000.00) is hereby transferred from the Department of Administrative Services to the Bureau of Aging of the Department of Health and Social Services to be used by the Bureau to provide transportation services for senior citizens."

Section 2. Amend Chapter 548, Volume 58, Laws of Delaware, by adding thereto a new section, to be designated as Section 4, which new section shall read as follows:

"Section 4. The funds herein appropriated will, wherever possible, be matched with Federal funds from the Older Americans Act."

Section 3. Any funds remaining unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State of Delaware.

Approved May 18, 1973.

CHAPTER 54

FORMERLY HOUSE SUBSTITUTE NO. 2
 FOR
 HOUSE BILL NO. 26
 AS AMENDED BY
 HOUSE AMENDMENT NO. 1
 AND
 SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 15, CHAPTER 45, DELAWARE
 CODE, RELATING TO THE DESIGNATION OF OF-
 FICES ON OFFICIAL BALLOT AND CHANGING THE
 CERTIFICATES OF VOTES CAST ON EACH ELECTION
 DISTRICT.

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

Section 1. Amend Section 4502 (c) of Chapter 45, Title 15, Delaware Code, by striking subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

“(c) The ballots prepared under the provisions of this chapter shall be as hereinafter described. Each ballot shall have the Representative District number printed on the margin at the top. During a Presidential year, the ballot shall conform to the design shown herein and be as near as possible to the same design shown herein during a non-presidential year.

OFFICIAL BALLOT

Representative District _____
 Presidential, Vice Presidential, State,
 County and District ballot

WRITE IN	PARTY EMBLEM DEMOCRATIC PARTY	PARTY EMBLEM REPUBLICAN PARTY	PARTY EMBLEM OTHER PARTIES
	For President John Doe	For President John Doe	For President John Doe
	For Vice President John Doe	For Vice President John Doe	For Vice President John Doe

	For Senator in the Senate of the U.S. John Doe	For Senator in the Senate of the U.S. John Doe	For Senator in the Senate of the U.S. John Doe	
	For Representative in Congress John Doe	For Representative in Congress John Doe	For Representative in Congress John Doe	
	For Governor John Doe	For Governor John Doe	For Governor John Doe	
	For Lt. Governor John Doe	For Lt. Governor John Doe	For Lt. Governor John Doe	

Section 2. Amend Section 4514 (a) of Chapter 45, Title 15, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

“(a) Each Department of Elections shall have printed forms of a certificate of the votes cast in each election district of the county, three for each district. Such certificate shall be in the same sequence as is shown on the official ballot for the election year in which it is applicable. Such certificate shall be in the following form during a Presidential year, and as near as possible to the same design shown herein during a non-Presidential year:

_____ County and _____
 _____ Representative District, ss: At the general
 election held in the said election district, on the Tuesday next
 after the first Monday in November, A.D., Nineteen Hundred and
 _____ the votes stand as follows:

For the President of the United States
 Received Votes
 Received Votes

For Vice-President of the United States
 Received Votes
 Received Votes

For Senator in the Senate of the United States
 Received Votes
 Received Votes

For Representative in Congress		
.....	Received	Votes
.....	Received	Votes
For Governor		
.....	Received	Votes
.....	Received	Votes
For Lt. Governor		
.....	Received	Votes
.....	Received	Votes
For Attorney General		
.....	Received	Votes
.....	Received	Votes
For Insurance Commissioner		
.....	Received	Votes
.....	Received	Votes
For State Treasurer		
.....	Received	Votes
.....	Received	Votes
For Auditor of Accounts		
.....	Received	Votes
.....	Received	Votes
For Senator in the General Assembly		
.....	Received	Votes
.....	Received	Votes
For Representative in General Assembly		
.....	Received	Votes
.....	Received	Votes
For Prothonotary		
.....	Received	Votes
.....	Received	Votes
For Clerk of the Peace		
.....	Received	Votes
.....	Received	Votes
For Register of Wills		
.....	Received	Votes
.....	Received	Votes
For Recorder		
.....	Received	Votes
.....	Received	Votes

For Register in Chancery		
.....	Received	Votes
.....	Received	Votes
County Executive		
.....	Received	Votes
.....	Received	Votes
County Council or Levy Court		
.....	Received	Votes
.....	Received	Votes
For Receiver of Taxes and County Treasurer		
.....	Received	Votes
.....	Received	Votes
For County Comptroller		
.....	Received	Votes
.....	Received	Votes
For Sheriff		
.....	Received	Votes
.....	Received	Votes

And we further certify that the Clerks were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, we the Judges of Election for said election district have hereunto set our hands the day and year aforesaid."

Approved May 21, 1973.

CHAPTER 55
FORMERLY HOUSE SUBSTITUTE NO. 2
FOR
HOUSE BILL NO. 6
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 17,
TITLE 24 OF THE DELAWARE CODE RELATING TO
QUALIFICATIONS TO PRACTICE MEDICINE AND
SURGERY.**

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

Section 1. Amend §1732, Chapter 17, Title 24 of the Delaware Code, by striking paragraph (a) in its entirety and substituting in lieu thereof a new paragraph (a) to read as follows:

“(a) Any person not authorized to practice medicine and surgery in this State, and desiring to enter into such practice, shall deliver to the Secretary of the Medical Council the payment of a fee, the amount of which shall be set from time to time by the Medical Council and which shall not exceed an amount necessary to reasonably cover the necessary expenses required by the Medical Council in administering such examinations, a written application for examination, and satisfactory proof that the applicant:

- (1) is of good moral character;
- (2) has completed two years of acceptable college work;
- (3) has received a diploma conferring the degree of Doctor of Medicine or Doctor of Osteopathy from some legally incorporated medical college which in the opinion of the Medical Council was in good standing at the time of the issuing of the diploma;
- (4) shall have served as an intern for one year in a hospital approved by the Medical Council.”

Section 2. Amend §1733 (a) of Chapter 17, Title 24, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (5) to read as follows:

"(5) taken and successfully passed the examination for foreign medical graduates given by the Educational Council for Foreign Medical Graduates (ECFMG screening examination)."

Section 3. Amend §1733, Subchapter III, Chapter 17, Title 24 of the Delaware Code, by striking subsection (c) in its entirety, and redesignating present subsection (d) and new subsection (c).

Section 4. Amend §1734, Subchapter III, Chapter 17, Title 24 of the Delaware Code, by striking said section in its entirety and substituting a new section in lieu thereof to read as follows:

§ 1734. Examination questions

The Board of Medical Examiners shall submit to the Medical Council written examination questions covering, as a minimum, the clinical subjects of: (1) medicine, (2) surgery, (3) obstetrics and gynecology, (4) pediatrics, and (5) pathology."

Section 5. Amend subsection (c), §1731, Subchapter III, Chapter 17, Title 24 of the Delaware Code, by adding thereto a new paragraph, designated as paragraph (6), which shall read as follows:

"(6) Prevent the practice of healing by spiritual means in accordance with the tenets and practice of any church or religious denomination by a duly accredited practitioner thereof. In the practice of healing by spiritual means, no individual shall use medical titles or any other designations which imply or designate him as licensed to practice medicine or surgery in this State. A person engaged in the practice of healing by spiritual means shall not perform surgical operations, nor shall he prescribe medications, nor shall any pharmacist or pharmacy honor any prescription drawn by such a person."

Section 6. This Act shall become effective sixty (60) days after the Governor's signature.

Approved May 21, 1973.

CHAPTER 56

FORMERLY SENATE BILL NO. 4

AN ACT TO AMEND AN ACT 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, AS THE SAME APPEARS IN CHAPTER 299 OF VOLUME 57, LAWS 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. Amend Section 7 (o) of Chapter 299, Volume 57, Laws of Delaware by transferring unexpended funds up to \$300,000 of the \$1,500,000 appropriated for Wilmington Branch Campus—Land Acquisition to Delaware Technical and Community College in order to augment the funds appropriated for construction of the Wilmington Branch as authorized and appropriated under the provisions of Chapter 736, Volume 57, Laws of Delaware.

Section 2. The funds appropriated under the provisions of Chapter 299, Volume 57, Laws of Delaware and herein transferred to the project authorized under Section 7 (i) of Chapter 736, Volume 57, Laws of Delaware shall not be expended after June 30, 1974, unless such project has progressed into any or all of the following phases prior to July 1, 1973: Initial Engineering, Planning, Procurement, Construction.

Approved May 21, 1973.

CHAPTER 57

FORMERLY SENATE BILL NO. 92
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND SECTIONS 101, 2121 AND 2151, TITLE
21, DELAWARE CODE, RELATING TO THE ISSUANCE
OF SPECIAL PLATES FOR RECREATIONAL VE-
HICLES.**

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

Section 1. Amend §101, Chapter 1, Title 21, Delaware Code,
by adding the following definition:

“‘Recreational vehicle’ includes every motor vehicle used
for temporary human living quarters, not the residence of the
owner or occupant, and used for recreational or vacation activi-
ties, including motor homes, self-propelled campers, and other
motor vehicles with permanently attached camper components.”

Section 2. Amend §2121, Chapter 21, Title 21, Delaware
Code, by adding the following subsection:

“(i) The number plates for recreational vehicles shall dis-
play thereon the letters ‘RV’. A \$2.00 fee will be assessed to
change the Certificate of Title, registration, and license plate, for
any vehicle already registered under another type of plate if
the owner desires to change to a recreational vehicle tag.”

Section 3. Amend §2151, Chapter 21, Title 21, Delaware
Code, by adding the following subsection:

“(5) For the registration of any recreational vehicle, the
fee shall be \$20, if the gross load weight of the vehicle does not
exceed 5,000 pounds, and in the event the gross load weight ex-
ceeds 5,000 pounds, \$2.60 for each 500 pounds or fraction thereof
over and above 5,000 pounds. The gross load weight shall be the
weight of the chassis, body, equipment and maximum allowable
load as specified by the application.”

Approved May 21, 1973.

CHAPTER 58

FORMERLY SENATE BILL NO. 209

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION, DIVISION OF TRANSPORTATION, TO CONTRACT FOR COMMUTER TRANSPORTATION SERVICES WITH SEPTA.

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

Section 1. The sum of \$4,050 is hereby appropriated to the Department of Highways and Transportation, Division of Transportation, to contract for commuter transportation services with SEPTA (55-06-000).

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

Section 3. The funds herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended as of June 30, 1973, shall thereupon revert to the General Fund of the State Treasury.

Approved May 29, 1973.

CHAPTER 59

FORMERLY SENATE BILL NO. 120
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16, DELAWARE CODE, CHAPTER 47, ALSO KNOWN AS THE UNIFORM CONTROLLED SUBSTANCES ACT, RELATING TO THE ADDITION OF CERTAIN DRUGS TO THE LIST OF CONTROLLED SUBSTANCES.

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

Section 1. Amend §4716, Chapter 47, Part II, Title 16 of the Delaware Code, by adding thereto a new subsection, to be designated as subsection (e), which shall read as follows:

(e) Any material, compound, mixture, or preparation which contains any quantity of the following substance having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Methaqualone, and its salts.

Approved May 29, 1973.

CHAPTER 60

FORMERLY HOUSE BILL NO. 202

AN ACT TO AMEND SUBPART D, SUBCHAPTER III, CHAPTER 5, PART I, TITLE 11, DELAWARE CODE, BY MAKING IT A FELONY TO STEAL, TAKE AND CARRY AWAY CERTAIN ANIMALS, AND PRESCRIBING A PENALTY THEREFOR.

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

Section 1. Amend Subpart D, Subchapter III, Chapter 5, Part I, Title 11, Delaware Code, by adding a new section thereto to read as follows:

§ 859. Larceny of livestock; penalty

(a) Whoever feloniously steals, takes and carries away any cow, steer, bull, calf, heifer, or swine, is guilty of larceny and a felony, and shall be imprisoned not less than 6 months nor more than 1 year and fined as the Court in its discretion may prescribe.

(b) The minimum sentence of imprisonment required by subsection (a) of this section shall not be subject to suspension and no person convicted under this section shall be eligible for probation or parole during the first 6 months of his sentence."

Approved May 29, 1973.

CHAPTER 61

FORMERLY HOUSE BILL NO. 196

AN ACT TO AMEND PART IV, ARTICLE 9, TITLE 5A OF THE DELAWARE CODE RELATING TO THE REQUIRED FILING FEES FOR SECURED TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE.

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

Section 1. Amend §9-403, Article 9, Title 5A of the Delaware Code, by striking the figure "\$2" as the same appears in subsection (5), and substituting the figure "\$5" in lieu thereof.

Section 2. Amend §9-404, Article 9, Title 5A of the Delaware Code, by striking the figure "\$2" as the same appears in subsection (1) and subsection (3) of said section, and substituting the figure "\$5" in lieu thereof.

Section 3. Amend §9-405, Article 9, Title 5A of the Delaware Code, by striking the figure "\$2" as the same appears in subsection (1) and subsection (2) of said section, and substituting the figure "\$5" in lieu thereof.

Section 4. Amend §9-406, Article 9, Title 5A of the Delaware Code, by striking the figure "\$2" as the same appears at the end of said section, and substituting the figure "\$5" in lieu thereof.

Section 5. Amend §9-407, Article 9, Title 5A of the Delaware Code, striking the words "\$2 plus \$1 for each financing statement and for each statement of assignment reported therein" as the same appear in subsection (2), and substituting the words "five dollars (\$5.00)" in lieu thereof.

Section 6. Amend §9-407, Article 9, Title 5A of the Delaware Code, by striking the figure "\$1.50" as the same appears in subsection (2) of said section, and substituting the figure "\$2.00" in lieu thereof.

Approved May 31, 1973.

CHAPTER 62

FORMERLY SENATE BILL NO. 130
AS AMENDED BY
SENATE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF
DELAWARE, AS AMENDED, ENTITLED "AN ACT TO
REINCORPORATE THE TOWN OF BRIDGEVILLE."**

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

Section 1. Amend Section 2, Chapter 237, Volume 51, Laws of Delaware, by striking the paragraph beginning with "The Commissioners of Bridgeville may", and inserting in lieu thereof the following:

"The Commissioners of Bridgeville may, at any time hereafter, cause a survey and plot to be made of the said boundaries and may cause suitable markers to be installed at corners of offset, and the said plot, when made and approved by the Commissioners, may be recorded in the Office of the Recorder of Deeds in and for Sussex County, 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."

Section 2. Amend Section 5, Chapter 237, Volume 51, Laws of Delaware, by striking the said subsection in its entirety and substituting in lieu thereof the following:

"Section 5. ELECTIONS: An election shall be held in said Town for elective officers on the first Monday of January in each year from twelve (12) o'clock noon to seven (7) o'clock in the afternoon, and at such place as shall be determined and fixed by the Town Commissioners. At least ten days previous thereto, due notice thereof shall be given by said Town Commissioners. At such election the votes shall be received by the Judge of Elections residing in said Town or by such other person as said Town Commissioners may select, and the result of the balloting for said

officers shall be ascertained by him or her and two competent citizens, qualified as voters of said Town, selected by said Town Commissioners to assist in holding such election. At such election every citizen of the said Town of the age of eighteen years, or upwards shall have the right to vote. The persons who shall conduct such election as in this Act provided, shall be the Judges thereof and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted. The two candidates for Commissioners for the two year term who shall have the highest and next highest number of votes for such office and term shall be declared elected for the two year term and the candidate for Commissioner for the one year term shall be declared elected for such term. Immediately after such election, said persons under whose superintendence the election is held shall enter in a book to be provided for that purpose, a minute of such election containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each and shall subscribe to the same and deliver said book to said Commissioners at their organization meeting. They shall also give to the persons so elected a certificate of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all Courts in this State or elsewhere. No person shall be voted upon as a candidate for any of such offices unless at least one week before the date set for said election, he or she shall have filed with the Secretary or President of said Town Commissioners a letter or other certificate setting forth that he will be a candidate for a certain designated office for a like designated term, he or she being at that time a non-delinquent taxable. Immediately after the expiration of the time for filing names of candidates, said Town Commissioners shall cause the election ballots for voting machines to be prepared. Voting machines shall be used in conformity with Chapter 50, Title 15 of the Delaware Code. Upon the ballots prepared for the voting machine the names of the candidates for the offices to be filled shall be arranged alphabetically under each office. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines.

At the town elections so as aforesaid held and at the elections held annually thereafter the voters of the Town of Bridge-

ville shall vote for three Commissioners, two of whom shall serve for a term of two years and one shall serve for a term of one year."

Section 3. Amend Section 19, Chapter 237, Volume 51, Laws of Delaware, by inserting after the word "person" in line three of said Section the words "or persons"; by deleting the word "Alderman" wherever it appears and inserting in lieu thereof the word "Aldermen"; by deleting the word "his" wherever it appears and by inserting in lieu thereof the word "their"; by deleting the word "fees" wherever it appears and by inserting in lieu thereof the word "salary"; and by striking the sentence that reads as follows: "His fees for any service under this Section shall be established by ordinance" and substituting in lieu thereof the following:

"Their salary for any service under this Section shall be established by the Town Commissioners."

Section 4. Amend Section 21, Chapter 237, Volume 51, Laws of Delaware, by adding the following sentence:

"The Commissioners may act, in the alternative, as their own assessor."

Section 5. Amend Section 31, Chapter 237, Volume 51, Laws of Delaware, by deleting the words "Justice of the Peace" and by inserting in lieu thereof the words "Judge of Elections".

Section 6. Amend Section 27, Chapter 237, Volume 51, Laws of Delaware, by striking the words "hereafter established within the Town of Bridgeville or" and by striking the words "its boundaries" and by inserting in lieu thereof the words "the boundaries of the Town of Bridgeville"; and by striking the word "established" following the word "are".

Approved June 1, 1973.

CHAPTER 63

FORMERLY SENATE BILL NO. 306

AN ACT TO PROVIDE THE MEANS TO CORRECT AN IMPROPER AND PROBABLY ILLEGAL AGREEMENT TO PURCHASE BETWEEN THE DIVISION OF DATA PROCESSING AND MOHAWK DATA SCIENCES CORPORATION.

WHEREAS, Acting Secretary of Finance, Clifford B. Edwards, duly informed the members of the 127th General Assembly, the Attorney General, the Acting Budget Director, and others, on May 10, 1973, of an improper and probably illegal agreement to purchase between the Division of Data Processing and Mohawk Data Sciences Corporation; and

WHEREAS, the Division of Data Processing entered into negotiations to cure this improper and probably illegal agreement to purchase; and

WHEREAS, as a result of the negotiations, an agreement was reached; and

WHEREAS, the problem can be resolved; and

WHEREAS, it is necessary for this agreement to be finalized, this day, in order that the Division of Data Processing may accomplish this agreement without renegotiations which could increase settlement cost.

NOW, THEREFORE:

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

Section 1. The Division of Data Processing is hereby authorized to execute the proposed agreement between it and Mohawk Data Sciences Corporation which includes the payment of \$11,596 for the four (4) data recorders to be retained by the Division of Data Processing and the other four (4) per agreement be returned forthwith.

Section 2. The execution of this pending agreement shall constitute a proper cure of the improper and probably illegal agreement to purchase between the Division of Data Processing and Mohawk Sciences Corporation.

Approved June 1, 1973.

CHAPTER 64**FORMERLY HOUSE BILL NO. 246
AS AMENDED BY
SENATE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 11 OF TITLE 30, DELAWARE CODE, RELATING TO CREDIT FOR INCOME TAX PAID TO A POLITICAL SUBDIVISION OF ANOTHER STATE.**

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

Section 1. Amend Section 1111 (a) of Chapter 11, Title 30, Delaware Code, by striking the phrase "or a political subdivision thereof" as the same appears in the second sentence thereof immediately following the words "United States".

Section 2. This Act shall become effective July 1, 1973.

Approved June 1, 1973.

CHAPTER 65

FORMERLY HOUSE BILL NO. 161
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE", RELATING TO ELECTIONS; NOMINATIONS TO ELECTIVE OFFICES; QUALIFICATIONS OF VOTERS AND MEETINGS OF THE TOWN COUNCIL.

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

Section 1. Amend Section 6 of Chapter 302, Volume 49, Laws of Delaware, by striking therefrom the following:

"2:00 o'clock p.m. and 4:00 o'clock p.m. (Eastern Standard Time)"

and substitute in lieu thereof:

"1:00 p.m. and 5:00 p.m."

Section 2. Amend Section 6 of Chapter 302, Volume 49, Laws of Delaware, as amended, by striking the word "thirty" as the same appears in the last sentence thereof and substituting in lieu thereof the word "fifty".

Section 3. Amend Section 7 of Chapter 302, Volume 49, Laws of Delaware, by striking the word "ten" as the same appears in the first sentence thereof and substitute in lieu thereof the figure "thirty".

Section 4. Amend Section 7 of Chapter 302, Volume 49, Laws of Delaware, by striking the last sentence of said section beginning with the words "The Town Council" and ending with

the word "election" and substitute in lieu thereof a new sentence to read as follows:

"Voting machines shall be used in town elections; however in the event no contest exists in a town election voting machines shall not be required. The town shall be authorized and empowered to utilize the voting machines in the custody of the Department of Elections of Sussex County in which they are located upon the payment by the town of all costs and expenses incidental to their use."

Section 5. Amend Section 7 of Chapter 302, Volume 49, Laws of Delaware, by adding thereto a new paragraph to read as follows:

"Any qualified voter may cast his vote by absentee ballot if he is unable to appear at the polling place because of being:

(1) In the public service of the United States or of this State; or

(2) In the Armed Forces of the United States or the Merchant Marine of the United States, or attached to and serving with the Armed Forces of the United States in the American Red Cross, Society of Friends, or United Service Organization; or

(3) Unavoidably absent from the Town of Fenwick Island on the day of the annual municipal election; or

(4) Sick or physically disabled.

The Town Council shall make fair and adequate provision for casting of such ballot and notice thereof shall be included in the posted and printed notice calling for such election."

Section 6. Amend Section 9 of Chapter 302, Volume 49, Laws of Delaware, by striking the words "and against whose property there are no unpaid tax of the Town on the assessment list, twenty-one years" and substitute in lieu thereof the words "eighteen years".

Section 7. Amend Section 12 of Chapter 302, Volume 49, Laws of Delaware, as amended, by striking the first sentence thereof and substitute a new sentence to read as follows:

"The Town Council shall hold at least ten regular meetings per year within the town at such times and places as may be designated by the Council."

Approved June 1, 1973.

CHAPTER 66

FORMERLY HOUSE BILL NO. 254

AN ACT TO PROVIDE FOR A UNIFORM TAX RATE ON PROPERTIES IN THE SMYRNA SCHOOL DISTRICT.

WHEREAS, the recent New Castle County reassessment by Cole, Layer & Trumble has greatly inflated the assessments in that part of the Smyrna School District situated in New Castle County relative to the remainder of the district; and

WHEREAS, the Smyrna School District must plan its 1974 budget before any determination can be made of the true percentage factor between county assessments; and

WHEREAS, a uniform tax rate on properties obviously assessed at widely varying percentages of true value would result in gross inequities among taxpayers.

NOW, THEREFORE:

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

Section 1. The School Board of the Smyrna School District shall for the fiscal year 1974 only levy real estate taxes in the following manner:

(a) In Kent County at the maximum rate authorized by law and by referendum prior to January 1, 1973.

(b) In New Castle County at a rate which at its maximum would bring in revenues equal to the maximum amount authorized by law and by referendum prior to January 1, 1973, plus ten percent (10%).

Approved June 5, 1973.

CHAPTER 67

FORMERLY SENATE BILL NO. 192

AN ACT CREATING A NEW CHAPTER 6, TITLE 31, DELAWARE CODE, TO INITIATE THE STATE OF DELAWARE'S COMPLIANCE WITH THE FEDERAL FOOD STAMP PROGRAM.

WHEREAS, the Federal Food Stamp Act of 1964, as amended, offers many advantages to Delaware Citizens; and

WHEREAS, Delaware is one of only two (2) states in the United States which does not avail itself of this program; and

WHEREAS, the Food Commodities Distribution Program has outlived its usefulness as food supplement to families and individuals; and

WHEREAS, the cost, to the State of Delaware, of a Food Stamp Program will be no greater than the cost to the State of the present Food Commodities Distributor Program.

NOW, THEREFORE,

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

Section 1. All Food Commodities Distribution to individuals or families in the State of Delaware is hereby discontinued. No provisions of this act shall be construed to abolish food commodity distribution to schools or other institutions.

Section 2. A new Chapter of Title 31, Delaware Code, shall read as follows:

CHAPTER 6. FOOD STAMP PROGRAM

§ 601. State Department of Health and Social Services is responsible for the administration of the Food Stamp Program

The Department of Health and Social Services shall bear the responsibility of administering the Food Stamp Program for the State of Delaware in compliance with the provisions of the Federal Food Stamp Act of 1964 as amended.

A. The Secretary of the Department of Health and Social Services shall designate one staff member of his Department to be the Food Stamp Program Administrator, effective immediately upon Governor's signature of this Act.

B. The designated Food Stamp Administrator shall, within (30) days of his appointment, and after consultation with the United States Department of Agriculture, Food and Nutrition Service submit a Delaware Plan to the aforesaid United States Department for necessary approval. At the same time, such plan shall be submitted to the sponsor, co-sponsor and joint sponsors of this Act; to the Secretary of the Department of Health and Social Services and to the office of the Governor of Delaware.

C. Such plan shall encompass the following areas:

1. Statement of compliance with Federal regulations.
2. Proposed certification process.
3. Proposed locations for food stamp distribution.
4. Explanation of all practices not mandated by Federal regulations.

§ 602. Federal responsibilities for Food Stamp Program

The United States Department of Agriculture, through its Food and Nutrition Service, shall be responsible for:

- A. Program Regulations and Guidelines.
- B. Approving grocer participation.
- C. Cost of printing and shipping coupons.
- D. Partial cost of certification of program recipients.

§ 603. State responsibilities for Food Stamp Program

The State of Delaware, through the Department of Health and Social Services, shall budget and/or administer the following facets of the Food Stamp Program:

- A. File plan of operation for USDA approval.
- B. Certify applicant, individuals and households.
- C. Accept, store and protect coupons after delivery to receiving points within the State.
- D. Provide for issuance of food stamps after certification of applicants. Such methods and/or places of issuance may include United States postal service: county offices or branches of the Department of Health and Social Services; and Farmers Bank of the State of Delaware.
- E. Control and account for stamps.
- F. Promulgate an outreach program for potentially eligible households or individuals.
- G. Co-operate with other State agencies, Federal agencies or private agencies in Nutritional education efforts.

Section 3. For emplementation purposes, this act shall become law upon Governor's signature, except that the actual abolition of Food Commodities Distribution to individuals or families, and the use of Food Stamps shall not become effective until the beginning of the fiscal quarter following the approval of the Delaware Plan by the United State Department of Agriculture, unless such approval be received within forty-five (45) days before the beginning of such fiscal quarter, in which case the Food Stamp Program shall become operative at the beginning of the next following fiscal quarter.

Approved June 5, 1973.

CHAPTER 68
FORMERLY SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 109

**AN ACT TO AMEND CHAPTER 23, TITLE 12, DELAWARE
CODE, RELATING TO ACCOUNTING FOR AND DIS-
TRIBUTION OF DECEDENTS' ESTATES.**

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

Section 1. Section 2305, Chapter 23, Title 12, Delaware Code, is hereby amended by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§ 2305. Distribution of decedent's personal property without grant of letters where estate assets do not exceed \$7,500

The following classes of distributees of an estate: wife or husband, children, father or mother, brother or sister (preference being given each class of distributees in the order named) shall be entitled to the personal estate without awaiting the appointment of a personal representative or the probate of a will when:

(1) no petition for the appointment of a personal representative is pending or has been granted, and

(2) thirty days have elapsed since the death of the decedent, and

(3) the value of the entire assets of the personal estate, not including exempt property and jointly owned property, does not exceed \$7,500, and

(4) all known debts have been paid or provided for, and

(5) decedent did not own solely owned real estate, and

(6) there is furnished to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property or

right, an affidavit showing the existence of the foregoing conditions and the right of the distributees to receive such money or property or to have such evidence transferred.

Section 2. Paragraph (a) of Section 2306, Chapter 23, Title 12, Delaware Code, is amended by striking said paragraph in its entirety and inserting in lieu thereof a new paragraph to read as follows:

"(a) The person making payment, delivery, transfer or issuance pursuant to the affidavit described in Section 2305 of this title, shall be released to the same extent as if made to the personal representative of the decedent and he shall not be required to see the application thereof or to inquire into the truth of any statement in the affidavit, but the distributees to whom payment, delivery, transfer or issuance is made shall be answerable therefor to any person having a prior right and be accountable to any intestate distributee or to any personal representative thereafter appointed."

Section 3. This Act shall apply to decedents dying on and after the effective date of this Act.

Approved June 5, 1973.

CHAPTER 69

FORMERLY SENATE BILL NO. 139
AS AMENDED BY
SENATE AMENDMENTS NOS. 2, 3 and 4
AND HOUSE AMENDMENT NO. 2

**AN ACT TO AMEND CHAPTER 143, VOLUME 57, LAWS OF
DELAWARE, ENTITLED "AN ACT TO INCORPORATE
THE TOWN OF SOUTH BETHANY".**

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

Section 1. Amend Section 1, Chapter 143, Volume 57, Laws of Delaware, by striking the words "Commissioners of South Bethany" and by substituting in lieu thereof the following:

"Council of South Bethany".

Section 2. Amend Section 3, Chapter 143, Volume 57, Laws of Delaware, by striking all after the first sentence and by substituting in lieu thereof the following:

"Before any additional territory shall be annexed to the Town, the Council of South Bethany shall by majority vote approve such annexation."

Section 3. Amend Section 4, Chapter 143, Volume 57, Laws of Delaware, by striking said section in its entirety and by substituting in lieu thereof the following:

"Section 4. The government of the Town and the exercise of all powers conferred by this Chapter, except as otherwise provided herein, shall be vested in the Council of South Bethany which shall consist of seven Commissioners whose presiding officer shall be called 'Mayor'."

Section 4. Amend Section 5 (a), Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appear except when immediately preceded by "Town" in

said subsection and by substituting in lieu thereof the word "Council".

Section 5. Amend Section 5(b), Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" the second, third, and fourth time it appears in said subsection and substituting in lieu thereof the word "Council".

Section 6. Amend Section 6, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appears in said section and by substituting in lieu thereof the word "Council".

Section 7. Amend Section 10, Chapter 143, Volume 57, Laws of Delaware, by striking the words "Commissioners of South Bethany" wherever they appear in said section and by substituting in lieu thereof the words "Council of South Bethany".

Section 8. Amend Section 10, Chapter 143, Volume 57, Laws of Delaware, by adding after the first sentence the following:

"Each candidate for such offices shall submit with such letter of certificate the sum of ten (\$10.00) dollars as a fee for filing as a candidate. The Treasurer shall deposit such monies into the General Fund of the Town."

Section 9. Amend Section 11, Chapter 143, Volume 57, Laws of Delaware, by striking the words "Commissioners of South Bethany" wherever they appear and by substituting in lieu thereof the words "Council of South Bethany".

Section 10. Amend Section 12, Chapter 143, Volume 57, Laws of Delaware by striking said section in its entirety and by substituting in lieu thereof the following:

"Section 12. *Meetings of the Council.*

In addition to the organization meeting there shall be eleven meetings of the Council on the second Saturdays of the months of January, February, March, April, May, June, July, August, September, October and November and special meetings upon

two days notice by any four of the Commissioners or the Mayor. All meetings shall be open to attendance by the public."

Section 11. Amend Section 13, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appears and by substituting in lieu thereof the word "Council".

Section 12. Amend Section 14, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appears and by substituting in lieu thereof the word "Council".

Section 13. Amend Section 14, Chapter 143, Volume 57, Laws of Delaware, by striking the word "their" and by substituting in lieu thereof the word "its".

Section 14. Amend Section 15, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appears and by substituting in lieu thereof the word "Council".

Section 15. Amend Section 16, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" the first, second, fourth, and fifth time it appears in said section and by substituting in lieu thereof the word "council".

Section 16. Amend Sections 17, 18, 19, 20, 21, 24, 26, 27, 29, 30, 32, 33, and 34, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appears and by substituting in lieu thereof the word "Council".

Section 17. Amend Section 22, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" wherever it appears in said section and by substituting in lieu thereof the word "Council".

Section 18. Amend Section 22, Chapter 143, Volume 57, Laws of Delaware, by substituting a period for the comma in the second sentence after the words "public inspection", by striking the remainder of the sentence, and by substituting in lieu thereof the following sentence:

"The Council, during its June and July meetings, shall entertain appeals from said assessments provided the appellant gives notice of appeal to the Secretary of the Town not less than fourteen days before the meeting of the Council. Such notice shall be written and shall identify the property that is the subject of such appeal."

Section 19. Amend Section 22, Chapter 143, Volume 57, Laws of Delaware, by striking the words "other Commissioners" wherever they appear in said section and by substituting in lieu thereof the words "other members of the Council".

Section 20. Amend Section 23, Chapter 143, Volume 57, Laws of Delaware, by striking the word "Commissioners" in the last sentence thereof and by substituting in lieu thereof the word "Council".

Section 21. Amend Section 30, Chapter 143, Volume 57, Laws of Delaware, by striking the following words:

"The Commissioners shall have the power by ordinance to allow credits to reduce the taxes otherwise imposed by this Section with respect to real property owned by taxpayers of low income, who are over sixty-five years of age. Such ordinance shall not be effective unless approved by a majority of the voters of the Town voting in a referendum conducted in the year prior to the year when such credits are allowed."
and by substituting in lieu thereof the following:

"The Council shall have the power by ordinance to allow credits to reduce the taxes otherwise imposed by this Section with respect to real property owned by taxpayers of low income, who have an annual adjusted gross income not exceeding \$5,000 excluding Social Security and/or Railroad Pension Fund and who are over sixty-two years of age. Such ordinance shall not be effective until approved by a majority of the voters of the Town voting in a referendum."

Section 22. Amend Sections 35 and 36, Chapter 143, Volume 57, Laws of Delaware, by redesignating said sections as Sections 36 and 37.

Approved June 9, 1973.

CHAPTER 70

FORMERLY HOUSE BILL NO. 231

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE VARIOUS DIVISIONS WITHIN THE DEPART-
MENT OF COMMUNITY AFFAIRS AND ECONOMIC
DEVELOPMENT, FOR OPERATIONAL EXPENSES.**

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

Section 1. The several amounts hereby appropriated are as follows:

Office of the Secretary (50-01-000)

Secretary's Salary	\$ 3,320
Contractual Services	1,600

Office of Economic Opportunity (50-05-000)

Foster Grandparent—Meal Allowance	2,485
Foster Grandparent—Travel Allowance	5,015

Office of Human Relations (50-06-000)

Director's Salary	960
Contractual Services	535

Division of Libraries (50-10-000)

Employees' Salaries	1,070
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Division of Consumer Affairs (50-11-000)

Contractual Services	3,900
Supplies and Materials	500

TOTAL—DEPARTMENT OF COMMUNITY

AFFAIRS AND ECONOMIC

DEVELOPMENT \$19,385

Section 2. This is an appropriation for Fiscal Year 1973 and shall be paid by the State Treasurer from General Funds not otherwise appropriated. Any funds not expended on June 30, 1973, shall revert to the General Fund.

Approved June 9, 1973.

CHAPTER 71

FORMERLY SENATE BILL NO. 200

AN ACT TO AMEND TITLE 7 AND TITLE 11 OF THE DELAWARE CODE RELATING TO TRESPASS, AND INCREASING THE PENALTY FOR SUCH OFFENSE.

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. Amend §720, Chapter 7, Part I, Title 7 of the Delaware Code, by striking the words "\$15 nor more than \$25" as the same appear in subsection (a), and substituting the figure "\$30" in lieu thereof.

Section 2. Amend §871, Subchapter LIII, Chapter 3, Title 11 of the Delaware Code, by striking the figure "\$25" as the same appears in said section, and substituting the figure "\$30" in lieu thereof.

Approved June 11, 1973.

CHAPTER 72**FORMERLY HOUSE BILL NO. 53****AN ACT RELATING TO TERRENCE S. TRUITT, DECEASED, A FORMER ACTIVE MEMBER OF THE DELAWARE STATE POLICE, AND THE ELIGIBILITY OF HIS WIDOW AND CHILDREN FOR A PENSION.**

WHEREAS, Terrence S. Truitt died on July 19, 1970, while an active member of the Delaware State Police; and

WHEREAS, the said Terrence S. Truitt left surviving him a widow and four sons under eight years of age; and

WHEREAS, Terrence S. Truitt became a member of the Delaware State Police on May 1, 1969, and served as such with fidelity and distinction until his death.

NOW, THEREFORE:

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

Section 1. The State Treasurer is hereby directed to accept the application of Margaret Glynn Truitt for a pension in accordance with the provisions of Section 8326, Title 11, of the Delaware Code and amendments thereto.

Approved June 12, 1973.

CHAPTER 71

FORMERLY SENATE BILL NO. 200

AN ACT TO AMEND TITLE 7 AND TITLE 11 OF THE DELAWARE CODE RELATING TO TRESPASS, AND INCREASING THE PENALTY FOR SUCH OFFENSE.

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. Amend §720, Chapter 7, Part I, Title 7 of the Delaware Code, by striking the words "\$15 nor more than \$25" as the same appear in subsection (a), and substituting the figure "\$30" in lieu thereof.

Section 2. Amend §871, Subchapter LIII, Chapter 3, Title 11 of the Delaware Code, by striking the figure "\$25" as the same appears in said section, and substituting the figure "\$30" in lieu thereof.

Approved June 11, 1973.

CHAPTER 72**FORMERLY HOUSE BILL NO. 53****AN ACT RELATING TO TERRENCE S. TRUITT, DECEASED, A FORMER ACTIVE MEMBER OF THE DELAWARE STATE POLICE, AND THE ELIGIBILITY OF HIS WIDOW AND CHILDREN FOR A PENSION.**

WHEREAS, Terrence S. Truitt died on July 19, 1970, while an active member of the Delaware State Police; and

WHEREAS, the said Terrence S. Truitt left surviving him a widow and four sons under eight years of age; and

WHEREAS, Terrence S. Truitt became a member of the Delaware State Police on May 1, 1969, and served as such with fidelity and distinction until his death.

NOW, THEREFORE:

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

Section 1. The State Treasurer is hereby directed to accept the application of Margaret Glynn Truitt for a pension in accordance with the provisions of Section 8326, Title 11, of the Delaware Code and amendments thereto.

Approved June 12, 1973.

CHAPTER 73

FORMERLY HOUSE BILL NO. 277

AN ACT TO AMEND CHAPTER 588, VOLUME 58, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 209, VOLUME 57, LAWS OF DELAWARE BEING AN ACT ENTITLED 'AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY', RELATING TO BORROWING POWER; BONDED INDEBTEDNESS; ELECTION QUALIFICATIONS; AND PROVIDING FOR THE OFFICE OF A VICE-MAYOR".

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

Section 1. Amend Chapter 588, Volume 58, Laws of Delaware, by deleting from Section 14 thereof the following:

"the same shall be lawfully paid. All the powers now conferred by law upon the Collector for the collection and enforcement of all taxes in said City heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. The official bond of said collector shall be unaffected and unimpaired by this repeal, and he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said City under any Law or ordinance shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged."

Section 2. Amend Chapter 588, Volume 58, Laws of Delaware, by adding thereto at the end of Section 14 the following sections:

"Section 15. Whenever at least one hundred legally qualified voters of said City shall petition the Council requesting a vote upon any ordinance or any matter which may be the subject of an ordinance for an election thereon, the Council shall

appoint a day for such election and shall choose an inspector and judges therefor, and give the same notice of such election as is required to be given at a general municipal election. If two thirds of the votes cast at such election shall be against such ordinance, such ordinance shall be repealed as though repealed by the action of Council; or, if two thirds of the votes cast at such election shall favor any such matter which may be the subject matter of an ordinance, such matter shall be an ordinance as though passed by the Council in the manner prescribed in this Act, and the action of such an election can only be voided by an additional referendum or referendums. The subject matter of any such Petition may also be the question of any municipal improvement.

The Council may also submit any questions which it may deem proper to the referendum vote of the legally qualified voters of said City.

Whenever the Council shall receive a petition for an election as prescribed in Section 15 of this Act, it shall provide for an election to be held not more than sixty days from the time such petition is received.

Section 16. If any part of this Act shall be held unconstitutional or otherwise invalid, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 17. All Acts and doings of "The Mayor and Council of Delaware City", or of any officer of said City, lawfully done or performed under the provisions of any Law of this State, or of any ordinance of said City, are hereby ratified and confirmed and shall continue in force. All debts, fines or penalties and forfeitures due to said City, and all debts due from said City to any person or persons or to any corporation are declared to be unaffected and unimpaired by this repeal, and all the Laws of the State for the collection and enforcement thereof shall continue in full force until the same shall be lawfully paid. All the powers now conferred by law upon the Collector for the collection and enforcement of all taxes in said City, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid. The official bond of said

collector shall be unaffected and unimpaired by this repeal, and he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said City under any Law or ordinance shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged."

Approved June 12, 1973.

CHAPTER 74

FORMERLY SENATE BILL NO. 38
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO REPLEVIN.

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

Section 1. Title 10, Chapter 95, Sub-Chapter IV, Delaware Code, is hereby amended by striking §9632, §9633, §9634, and §9635 in their entirety and inserting in lieu thereof the following new Sections:

§ 9632. Statement of claims

In replevin actions, the plaintiff shall file a written statement setting forth all the necessary averments which the plaintiff claims to constitute the right of action. Such statement of claim shall be filed before the summons is issued.

§ 9633. Procedure

(a) In a proceeding under this sub-chapter, the service of a summons shall be as in all other civil actions. If service is unable to be perfected, the Court may forward a certified letter, return receipt requested, to the defendant enclosing the statement of claim and informing the defendant that a hearing will be held fifteen (15) days from the date of the certified letter based upon the claim outlined in the statement of claim.

(b) The summons and the certified letter shall both contain a provision instructing the defendant not to intentionally destroy, damage, sell or secrete the item in question with the further proviso that the violation thereof could result in a civil contempt violation in accordance with Title 10, §9506, Delaware Code.

(c) The trial of the issue shall be as in all other civil actions.

(d) Should judgment be entered in favor of the plaintiff,

the Court shall issue a writ of replevin in the form outlined in §9634 of this Sub-chapter.

(e) Upon the execution of the writ of replevin, there shall be a stay of fifteen (15) days from the date of the judgment during which the plaintiff shall not sell, damage, destroy or secrete the items. A violation of this section could result in a civil contempt violation in accordance with Title 10, §9506, Delaware Code. The purpose of the stay is to permit the defendant to appeal or otherwise act.

(f) Any statute inconsistent with the contents of this section is repealed.

§ 9634. Form of writ

'..... County, ss. The State of Delaware.
To any constable of County.

WE COMMAND YOU to replevy and deliver to the said
the following described goods and chattels forthwith to wit:
..... of the value of dollars
lawful money of the United States of America, the goods and
chattels of the said, and
WE FURTHER COMMAND YOU that you act forthwith and
make a return forthwith. WITNESS the hand and seal of the
said Justice, the day of, A.D., 19....'"

Approved June 12, 1973.

CHAPTER 75

FORMERLY HOUSE BILL NO. 370
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE LEGISLATIVE COUNCIL.

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

Section 1. There is appropriated to the Legislative Council the following amount:

(01-08-001) Legislative Council

Salaries & Wages of Employees	\$550
Supplementary appropriation required to pay earned and accrued vacation pay to terminated employees and salaries of replacements for fiscal year 1973.	
Salaries—Overtime	\$150
Supplementary appropriation required to pay for overtime necessary for the operation of the print shop in Legislative Hall for fiscal year 1973	
TOTAL	\$700

Section 2. This Act shall be known as a supplementary appropriation and the funds appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1973, shall revert to the General Fund.

Approved June 15, 1973

the Court shall issue a writ of replevin in the form outlined in §9634 of this Sub-chapter.

(e) Upon the execution of the writ of replevin, there shall be a stay of fifteen (15) days from the date of the judgment during which the plaintiff shall not sell, damage, destroy or secrete the items. A violation of this section could result in a civil contempt violation in accordance with Title 10, §9506, Delaware Code. The purpose of the stay is to permit the defendant to appeal or otherwise act.

(f) Any statute inconsistent with the contents of this section is repealed.

§ 9634. Form of writ

'..... County, ss. The State of Delaware.
To any constable of County.

WE COMMAND YOU to replevy and deliver to the said
.....
the following described goods and chattels forthwith to wit:
..... of the value of dollars
lawful money of the United States of America, the goods and
chattels of the said, and
WE FURTHER COMMAND YOU that you act forthwith and
make a return forthwith. WITNESS the hand and seal of the
said Justice, the day of, A.D., 19....'."

Approved June 12, 1973.

CHAPTER 75

FORMERLY HOUSE BILL NO. 370 AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE LEGISLATIVE COUNCIL.

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

Section 1. There is appropriated to the Legislative Council the following amount:
(01-08-001) Legislative Council

Salaries & Wages of Employees	\$550
Supplementary appropriation required to pay earned and accrued vacation pay to terminated employees and salaries of replacements for fiscal year 1973.	
Salaries—Overtime	\$150
Supplementary appropriation required to pay for overtime necessary for the operation of the print shop in Legislative Hall for fiscal year 1973	
TOTAL	\$700

Section 2. This Act shall be known as a supplementary appropriation and the funds appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1973, shall revert to the General Fund.

Approved June 15, 1973

CHAPTER 76

FORMERLY SENATE BILL NO. 337

AN ACT TO AMEND CHAPTER 578, VOLUME 58, 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, it has been determined that Section 7(f) of Chapter 578, Volume 58, Laws of Delaware, is invalid because of the veto of the last sentence of Section 17 of Chapter 578, Volume 58; and

WHEREAS, it is necessary that the invalid portions of Chapter 578, Volume 58, Laws of Delaware, be reenacted.

NOW, THEREFORE,

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

Section 1. Chapter 578, Volume 58, Laws of Delaware, is amended by adding as subsection (f) of Section 7, a new subsection, to read as follows:

"(f) Department of Natural Resources and Environmental Control \$8,750,000"

Section 2. Chapter 578, Volume 58, Laws of Delaware, is amended by deleting Section 17 in its entirety and substituting in lieu thereof a new Section 17 to read as follows:

"Section 17. No funds 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. In addition, no land purchase in excess of \$50,000 shall be contracted by the Department of Natural Resources and Environmental Control, without prior approval of the General Assembly; provided, however, that the Department of Natural Resources and Environmental Control shall not be prohibited from conducting studies, surveys or other contractual arrangements that would normally precede land acquisition procedures."

Approved June 15, 1973.

CHAPTER 77

FORMERLY SENATE BILL NO. 24

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO PROCEEDINGS IN FAMILY COURT BEING OPEN TO THE PUBLIC IN A CRIME CLASSIFIED AS A FELONY AND BY PERMITTING THE RELEASE OF THE NAME OF SUCH DELINQUENT AND HIS PARENTS.

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

Section 1. Amend Title 10, Delaware Code, by striking §972 in its entirety and substituting in lieu thereof a new §972 to read as follows:

§ 972. Proceedings; privacy, informality

(a) All proceedings before the Court and all records of such proceedings may be private except to the extent that the Court may consider publication in the public interest except as provided below in subparagraph (b); provided, however, that proceedings in a crime classified as a felony shall be open to the public. Proceedings may, within the Court's discretion, be informal, but shall be consistent with decorum and the law.

(b) All records concerning any child shall be made duly available to the Superior Court and the Department of Health and Social Services, and whenever a child is arrested for a crime classified by Title 11 as a felony, the clerk of the Family Court shall release the name of the child and the names of his parents upon request by a responsible representative of public information media.

Approved June 16, 1973.

CHAPTER 78
FORMERLY HOUSE BILL NO. 252
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" RELATING TO THE ALDERMAN.

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

Section 1. Subsection (a), Section 21 A, Chapter 197, Volume 54, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of Subsection (a), Section 21 A, Chapter 197, Volume 54, Laws of Delaware, as amended, and substituting in lieu thereof the following:

(a) The Mayor upon the approval of this Act, shall appoint some suitable person to act as Assistant-Alderman. Any person appointed by the Mayor to serve as Alderman or Assistant-Alderman shall be at least Twenty-One (21) years of age, shall be of good character and reputation, and shall be a resident within Three (3) miles of the corporate limits of The City of Rehoboth Beach and shall not be a member of the Commissioners of Rehoboth Beach. Any person appointed by the Mayor to serve as Alderman or Assistant-Alderman shall be appointed for an indefinite term and any such appointment shall be confirmed by a majority of all members of the Commissioners of Rehoboth Beach. Either the Alderman or the Assistant-Alderman may be removed from office at any time by the affirmative vote of Two-Thirds (2/3) of all the elected members of the Commissioners of Rehoboth Beach.

Approved June 18, 1973.

CHAPTER 79

FORMERLY HOUSE BILL NO. 123
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTERS 5, 11, 13, 15 and 49 of TITLE
18, DELAWARE CODE, RELATING TO INSURANCE
COMPANY INVESTMENTS, DEPOSITS AND CERTAIN
PROCEDURES.**

WHEREAS, the investment provisions of the insurance codes of other leading insurance states have been broadened; and

WHEREAS, the Delaware Insurance Code should be periodically improved in order to attract and hold domestic companies; and

WHEREAS, the deposit requirements of the insurance code require strengthening; and

WHEREAS, certain provisions of the Delaware Insurance Code may bring about retaliatory action by other States unless those provisions are changed.

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

Section 1. Amend Section 1303(a) of Title 18, Delaware Code, by adding thereto the following:

A debt security will be considered to be income-earning where, although bearing no fixed or contingent interest, it is issued at a discount and contains a specific maturity date on which redemption is to be made at a stated value. Stocks will be considered income-earning although dividends are currently not being paid. Nothing in this section shall prohibit the acquisition by an insurer of warrants, options or similar rights to acquire securities if (i) the acquisition of such securities would then be permitted by the provisions of this chapter (other than Section 1320 of this chapter) or, (ii) such warrants, options or similar

rights are acquired in connection with an investment otherwise permitted by this chapter.

Section 2. Amend Section 1303 (c) of Title 18, Delaware Code, by striking said Section in its entirety and substituting a new paragraph (c) to read as follows:

"(c) No provisions of this chapter shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or upon a debt or judgment, or under a lawful and bona fide agreement of bulk reinsurance, merger, or consolidation, or if acquired by it through the exercise of warrants, options or similar rights to acquire securities received by it in accordance with this chapter. No provision of this chapter shall prevent any insurer from entering into an agreement for the purpose of protecting the interests of the insurer in securities lawfully held by it, or for the purpose of reorganization of a corporation which issued securities so held, and from depositing such securities with a committee or depositaries appointed under such agreement, nor from accepting stock, bonds or other securities or other property which may be distributed pursuant to any such agreement, or to any plan of reorganization or arrangement; and no provision of this chapter shall prevent any insurer from acquiring or holding any property acquired in satisfaction of any debt previously contracted, or that shall be obtained by sale or foreclosure of any security held by it. Any security or property so acquired which is not otherwise an eligible investment under this chapter shall be disposed of pursuant to Section 1326 of this chapter if real estate, or pursuant to Section 1327 of this chapter if personal property or securities.

Section 3. Amend Section 1304 of Title 18, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

§ 1304. Authorization, record of investments

An insurer shall not make any investment or loan (other than policy loans or annuity contract loans of a life insurer) unless the same is authorized or approved by the insurer's board of directors or by a committee thereof charged with supervision of

investments and loans. The insurer shall maintain a full record of each investment.

Section 4. Amend Section 1305 (1) of Title 18, Delaware Code, by striking the number "5" and substituting in lieu thereof the number "10".

Section 5. Amend Section 1305 (3) of Title 18, Delaware Code, by striking numbers and words "1310 (preferred and guaranteed stocks),".

Section 6. Amend Section 1305 (3) of Title 18, Delaware Code, by striking the period (.) immediately following the first sentence thereof and adding there to the following:

" , and no more than 20 % of its assets in stocks under Section 1310 (preferred and guaranteed stocks)."

Section 7. Amend Section 1307 (7), of Title 18, Delaware Code, by striking the phrase "when acquired in connection with the sale of mortgage loans to such association."

Section 8. Amend Sections 1308 (1) and (2) of Title 18, Delaware Code, by striking said subsections (1) and (2) in their entirety and substituting in lieu thereof new subsection (1) and (2) to read as follows:

(1) Obligations which are secured by adequate collateral security and bear fixed interest, if during each of any 3, including either of the last 2, fiscal years of a period of not less than 3 nor more than 5 fiscal years next preceding the date of acquisition by such insurer, the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges, as defined in Section 1309, shall have been not less than $1\frac{1}{4}$ times the total of its fixed charges for such year, or obligations which, at the date of acquisition by such insurer, are adequately secured and have investment qualities and characteristics wherein the speculative elements are not predominant. In determining the adequacy of collateral security not more than $\frac{1}{3}$ of the total value of such required collateral shall consist of stock other than stock meeting the requirements of Section 1310 (preferred or guaranteed stocks) of this chapter.

(2) Fixed interest-bearing obligations, other than those described in subsection (1) of this section, or non-interest bearing obligations issued at a discount and repayable at a stated value on a specific maturity date, if the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of 5 fiscal years next preceding the date of acquisition by such insurer shall have averaged per year not less than $1\frac{1}{2}$ times its average annual fixed charges applicable to such period and if during either of the last 2 years of such period such net earnings shall have been not less than $1\frac{1}{2}$ times its fixed charges for such year.

Section 9. Amend Section 1308 (3) of Title 18, Delaware Code, by striking the word "each" as the same appears on line 11 and substituting in lieu thereof the word "either".

Section 10. Amend Section 1308 of Title 18, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (4) to read as follows:

(4) Fixed interest bearing obligations, other than those described in subsection (1) and (2) of this section, or non-interest bearing obligations issued at a discount and repayable at a stated value on a specific maturity date, if (a) the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of 5 fiscal years next preceding the date of acquisition by such insurer shall have averaged per year not less than $1\frac{1}{4}$ times its average annual fixed charges applicable to such period and if during each of any 4 fiscal years of such period such net earnings shall have been not less than $1\frac{1}{4}$ times its fixed charges for such year, (b) the net earnings of such institution available for its fixed charges during a period of not less than 7 nor more than 10 fiscal years next preceding the date of acquisition by such insurer shall have been such that for each of any 7 fiscal years of such period such net earnings shall have been not less than $1\frac{1}{4}$ times its fixed charges for such year, and (c) the liquid assets of such institution shall have been not less than 105% of its liabilities (other than capital stock and surplus).

Section 11. Amend Section 1309 (a) (4) of Title 18, Delaware Code, by striking said paragraph (4) in its entirety and substituting a new paragraph (4) to read as follows:

(4) "Fixed charges" includes interest on funded and unfunded debt, amortization of debt discount and rentals for leased properties, except that interest paid by a bank or trust company upon any deposit shall not be deemed a fixed charge of such institution.

Section 12. Amend Section 1309 (a) of Title 18, Delaware Code, by adding thereto two new paragraphs to be designated as paragraphs (5) and (6) to read as follows:

(5) "Liquid assets" and "liabilities" shall be determined in reliance upon the latest regular financial statement of the issuing, assuming or guaranteeing institution prepared as of the date not more than 15 months prior to the date of acquisition of the obligations in question by an insurer; if net earnings are determined in reliance upon consolidated earnings statements of parent and subsidiary institutions, "liquid assets" and "liabilities" shall be determined in reliance upon consolidated financial statements of parent and subsidiary institutions after treating any minority stock interest in such subsidiary institutions as a liability.

(6) "Liquid assets" means the sum of cash, receivables or portions thereof, as the case may be, payable on demand or not more than 10 years after the date as of which determination thereof shall be made for purposes of Section 1308, and readily marketable securities, in each case less applicable reserves and unearned income.

Section 13. Amend Section 1309 of Title 18, Delaware Code, by adding thereto a new subsection to be designated as subsection (c) to read as follows:

(c) If the issuing, assuming or guaranteeing institution has not been in legal existence for the whole of the period for which earnings tests are being applied for purposes of Sections 1308, 1310 or 1311, but was formed as a consolidation or merger of 2 or more businesses of which at least one was in operation at the commencement of such period or such institution has acquired all or substantially all of the assets of a business or any divisional, branch or other unitary portion thereof which was in operation at the commencement of such period, the tests of eligibility under Sections 1308, 1310 or 1311, as the case may be,

shall be based upon pro forma statements incorporating statements of the predecessor or constituent institutions or businesses or portions thereof.

Section 14. Amend Section 1311 of Title 18, Delaware Code, by striking Section 1311 in its entirety and substituting in lieu thereof a new Section 1311 to read as follows:

§ 1311. Common Stocks: limited partnerships

An insurer may invest in common stocks, other than insurance stocks, of any solvent institution organized and existing under the laws of the United States or Canada, or of any state or province thereof, if such institution has had net earnings available for dividends on such stock in each of the 5 fiscal years next preceding acquisition by the insurer. As used in this section the term "common stock" includes transferable certificates of participation in business trusts. An insurer may invest in or otherwise acquire and hold a limited partnership interest in any limited partnership formed pursuant to the laws of any State or the United State of America. No limited partnership interest shall be acquired under this Section 1311 if the cost thereof would exceed 2% of the assets of such insurer nor if such cost, plus the book value on the date of such acquisition of all limited partnership interest then held by such insurer and acquired under this Section 1311, would exceed 10% of such assets.

Section 15. Amend Section 1313 of Title 18, Delaware Code, by striking the first sentence beginning with the words "an insurer" and ending with the words "affairs" and substitute a new sentence to read as follows:

An insurer may invest in the stock of its subsidiary insurance corporation formed or acquired by it, or in not less than a majority of the voting stock of a business corporation formed under the laws of this or another state and supplementary and complimentary to the convenient operation of the insurer's business or to the administration of any of its affairs.

Section 16. Amend Section 1314 (2) of Title 18, Delaware Code, by inserting after the words "open end" immediately before the word management the following words "or closed end."

Section 17. Amend Section 1316 of Title 18, Delaware Code, by inserting the word "used" immediately after the word "equipment" and preceding the word "wholly", and further inserting the words "or Canada," immediately following the phrase "United States of America".

Section 18. Amend Section 1318 of Title 18, Delaware Code, by striking the figure "90" as it appears in the second sentence thereof and substitute in lieu thereof the figure "100".

Section 19. Amend Section 1320 (a) of Title 18, Delaware Code, by striking the first sentence thereof and substitute a new sentence to read as follows:

An insurer may make loans or investments not otherwise expressly permitted under this chapter, in an aggregate amount not over 10% of the insurer's assets, if such loan or investment fulfills the requirements of Section 1303 of this chapter and otherwise qualifies as a sound investment.

Section 20. Amend Section 1320A(3) of Title 18, Delaware Code, by striking the words "any category of" as the same appears in said paragraph (3).

Section 21. Amend Section 1321 (a) of Title 18, Delaware Code, by striking the period (.) at the end of said paragraph (a) and insert the following:

" , other than Canada."

Section 22. Amend Section 1324 (a) of Title 18, Delaware Code, by striking the phrase "20 years greater than" as the same appears in said paragraph.

Section 23. Amend Section 1324 (a) of Title 18, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (4) to read as follows:

(4) No mortgage loan upon a leasehold shall be made or acquired by an insurer pursuant to this Section 1324 unless the terms thereof shall provide for such payments of principal, whatever the period of the loan, so that at no time during the

period of the loan shall the aggregate payments of principal theretofore required to be made under the terms of the loan be less than would have been necessary for a loan payable completely by the end of the lesser of a period of $\frac{4}{5}$ of the period of the leasehold, inclusive of the period or periods which may be provided by enforceable options of renewal, which is unexpired at the time the loan is made or 40 years, through payments of interest only for 5 years and equal payments applicable first to interest and then to principal at the end of each year thereafter.

Section 24. Amend Section 1324 of Title 18, Delaware Code, by adding thereto two (2) new subsections to be designated as subsections (c) and (d) to read as follows:

(c) An insurer may invest in purchase money mortgages or like securities received by it upon the sale or exchange of real property acquired pursuant to Section 1325.

(d) In addition to the foregoing and supplemental to Section 1320 of this chapter, any such insurer may, to an aggregate amount not in excess of five per cent of the assets of such insurer, make and hold loans upon real property, including leasehold estates therein, in any state of the United States, or in the District of Columbia or Puerto Rico, or in any province of the Dominion of Canada, notwithstanding the fact that such loans and the mortgages securing the same do not comply with the provisions of this section.

Section 25. Amend Section 1325 (a) (7) of Title 18, Delaware Code, by striking the phrase "other than real estate to be used primarily for agricultural, ranch, mining, development of oil or mineral resources, recreational, amusement, hotel, motel or club purposes" as the same appears in the first sentence thereof.

Section 26. Amend Section 1325 (a) (7) of Title 18, Delaware Code, by adding at the end of the first sentence thereof the following new sentence to read as follows:

Real estate to be used primarily for agricultural, ranch, mining, development of oil or mineral resources, recreational, amusement, hotel, motel or club purposes shall in total not exceed 5% of an insurer's assets.

Section 27. Amend Section 1326 (b) of Title 18, Delaware Code, by striking paragraph (b) in its entirety and substitute a new paragraph (b) to read as follows:

(b) The Commissioner may by order grant, from time to time, reasonable extensions of the period, as specified in any such order, within which an insurer shall dispose of any particular parcel of such real estate.

Section 28. Amend Section 1327 of Title 18, Delaware Code, by striking the figure "3" as the same appears in the first sentence thereof and substitute in lieu thereof the figure "5".

Section 29. Amend Section 1327 of Title 18, Delaware Code, by striking the second sentence thereof beginning with the words "Upon application" and ending with the words "reasonable time" and substitute a new sentence to read as follows:

The Commissioner may by order grant, from time to time, reasonable extensions of the period, as specified in any such order, within which an insurer shall dispose of any such property or security.

Section 30. Amend Chapter 13 of Title 18, Delaware Code, by adding a new Section 1331 to read as follows:

§ 1331. Personal property

An insurer may invest in tangible personal property, or interests therein evidenced by trust certificates or other instruments, and a right to receive rental, charter hire, purchase or other payments for the use or purchase of such personal property adequate to return the investment and payable or guaranteed by one or more governmental units or instrumentalities whose obligations would qualify for investment under Section 1306 (public obligations) or one or more institutions whose obligations would qualify for investment under subsections (2) or (4) of Section 1308 (corporate obligations). No insurer shall make an investment pursuant to this Section 1331 if the aggregate amount so invested will exceed 5% of its assets or if the aggregate amount so invested as to which such rental, charter hire, purchase or other payments are payable or guaranteed by any one govern-

mental unit or instrumentality other than the United States or Canada or any one institution will exceed 1% of such sets.

Section 31. Amend Chapter 13 of Title 18, Delaware Code, by adding thereto a new Section 1332 to read as follows:

§ 1332. Secured Non-Corporate obligations

An insurer may invest in obligations, other than those of institutions, which are secured by (a) an assignment of a right to receive rental, charter hire, purchase or other payments for the use or purchase of real or personal property adequate to return the investment and payable or guaranteed by one or more governmental units or instrumentalities whose obligations would qualify for investment under Section 1306 (public obligations) or one or more institutions whose obligations would qualify for investment under subsections (2) or (4) of Section 1308 (corporate obligations), and (b) a mortgage on or secured interest in such real or personal property. No insurer shall make an investment pursuant to this Section 1332 if the aggregate amount so invested will exceed 5% of its assets or if the aggregate amount so invested as to which such rental, charter hire, purchase or other payments are payable or guaranteed by any one governmental unit or instrumentality or any one institution will exceed 1% of such assets.

Section 32. Amend Section 513 of Title 18, Delaware Code, by adding a new paragraph (f) to read as follows:

(f) The Commissioner shall not authorize a domestic insurer, other than a title insurer, to transact insurance unless it makes and thereafter continuously maintains on deposit in this State through the Commissioner, cash or securities eligible therefor under Section 1503 of this Title of a fair market value of not less than \$50,000 for the protection of all its policyholders wherever located, or all its policyholders in the United States or all its policyholders and creditors.

Section 33. Amend Section 513 (b) of Title 18, Delaware Code, by adding thereto a new sentence to read as follows:

The foregoing requirement shall not be applicable to any insurer having a paid-in capital and surplus of \$10,000,000 or

more and continuously maintaining on deposit in this State through the Commissioner, or in another state, cash or securities eligible for such deposit under the laws of this State or of such other state of a fair market value of not less than \$400,000 for the protection of all its policyholders wherever located, or all of its policyholders in the United States or all of its policyholders and creditors.

Section 34. Amend Section 513 (c) of Title 18, Delaware Code, by adding thereto a new sentence to read as follows:

The foregoing requirement shall not be applicable to any insurer having a paid-in capital and surplus of \$10,000,000 or more and continuously maintaining on deposit in this State through the Commissioner, or in another state, cash or securities eligible for such deposit under the laws of this State or of such other state of a fair market value of not less than \$400,000 for the protection of all its policyholders wherever located, or all of its policyholders in the United States or all of its policyholders and creditors.

Section 35. Amend Section 1503 of Title 18, Delaware Code, by adding a new paragraph to be designated as paragraph (d) to read as follows:

(d) All securities placed on deposit on and after July 1, 1973 shall be of such a nature that the interest or dividends are payable without the necessity of access to the depository.

Section 36. Amend Section 4928 (b) (2) of Title 18, Delaware Code, by inserting after the word "and" immediately preceding the word "by" the following phrase:

"provided there are any qualified policyholders".

Section 37. Amend Section 4937 (b) of Title 18, Delaware Code, by adding at the end thereof the following new sentence:

In the case of mutual insurers with more than 10,000 members, in lieu of such notice by mail, such notice may be given by publication in a newspaper of general circulation in either of the two largest cities in each state in which the insurer shall be authorized to transact an insurance business.

Section 38. Amend Section 4937 of Title 18, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (d) to read as follows:

(d) In the event that a mutual insurer shall have no members entitled to vote, the merger agreement need not be submitted to its members, and notice need not be given to its members, and the Commissioner may approve the agreement of merger or consolidation without a hearing thereon, and the same may be effectuated without approval of the insurer's members.

Section 39. Amend Section 1115 (c) of Title 18 Delaware Code, by striking said paragraph (c) in its entirety.

Section 40. Amend Section 1504, Title 18, Delaware Code, by inserting the following subsection at the end thereof:

(d) In addition to the manner of making deposits under this Title provided for above, any such deposits may also be made by sufficient securities or cash being deposited directly with any established bank or trust company located in this state pursuant to an escrow agreement entered into between the person making such deposits and the bank receiving them which agreement has first been approved in writing by the Commissioner. If deposits are made in this manner, the provisions of subsections (a), (b), and (c) shall not apply to such deposits except as required by the Commissioner in granting approval of such escrow agreement and the arrangements made pursuant thereto.

Approved June 18, 1973.

CHAPTER 80

FORMERLY SENATE BILL NO. 63

AN ACT TO AMEND CHAPTER 83 OF TITLE 9, DELAWARE CODE, RELATING TO ASSESSMENT AND TAXATION OF LAND DEVOTED TO AGRICULTURE USE.

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

Section 1. Amend Section 8331B of Chapter 83, Title 9, Delaware Code, by adding thereto a new subparagraph to be designated as subparagraph (d) to read as follows:

(d) When land in agricultural use and being valued, assessed and taxed under the provisions of this Act, is applied to a use other than agriculture, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized hereunder and the taxes that would have been paid or payable had the land been valued, assessed and taxed as other land in the taxing district, in the current tax year immediately preceding, in which the land was valued, assessed and taxed hereunder.

If in the tax year in which a change in use of land occurs, the land was not valued, assessed and taxed under this Act, then such land shall be subject to roll-back taxes for such of the two (2) tax years immediately preceding in which the land was valued, assessed and taxed hereunder.

In determining the amounts of the roll-back taxes chargeable on land which has undergone a change in use, the assessor shall for each of the roll-back tax years involved, ascertain:

(1) The full and fair value of such land under the valuation standard applicable to other land in the taxing district;

(2) The amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined by the assessing authority; and

(3) The amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under (2) hereof by the general property tax rate of the taxing district applicable for that tax year.

Approved June 18, 1973.

CHAPTER 81

FORMERLY SENATE BILL NO. 177

**AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE
CODE, RELATING TO REGULATIONS AND PROHIBI-
TIONS CONCERNING GAME AND FISH.**

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

Section 1. Amend §708(a) of Title 7, Delaware Code, by striking the period (.) immediately following the words "farm machinery" as the same appears in the first sentence thereof and insert the following language:

" , unless said person is legally hunting crippled migratory birds from a motor boat as permitted by Federal law."

Approved June 19, 1973.

CHAPTER 82**FORMERLY HOUSE BILL NO. 381****AN ACT TO AMEND AN ACT ENTITLED: AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH, AND GIVING IT AUTHORITY TO ISSUE BONDS.**

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. Amend Chapter 212, Volume 25, Laws of Delaware, as amended, by striking the word "fifteen" as the same appears in the first sentence of Section 22 of said Chapter, and substituting the words "ten percent of the" in lieu thereof.

Approved June 19, 1973.

CHAPTER 83

FORMERLY SENATE BILL NO. 174
AS AMENDED BY
SENATE AMENDMENT NO. 2**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION TO BE USED
FOR A SUMMER PROGRAM IN SEVERAL SCHOOL
DISTRICTS FOR THE TRAINABLE MENTALLY HAN-
DICAPPED PUPILS.**

WHEREAS, because a limited amount of money was available to fund summer projects after regular school year projects had been approved; under P.L. 89-313; and

WHEREAS, the problem has been somewhat alleviated because the Wallin Trainable School elected not to apply for a grant and the Bush School asked for a much reduced grant because building renovations limit what is possible to offer for the ensuing summer; and

WHEREAS, the need is most obvious to give these children a chance to participate in a wholesome five week program involving activities and skills which are excellent therapy as well as useful economic skills.

NOW, THEREFORE:

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

Section 1. The sum of \$37,174.00 is appropriated to the State Board of Education to provide for a summer program for the trainable mentally handicapped. The funds herein appropriated shall be distributed to the following schools:

Meadowood (Stanton)	\$11,298.00
Ennis (Indian River)	8,534.00
Opportunity School (Wilmington)	10,500.00
	<hr/>
	\$37,174.00

Section 2. The funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated.

Section 3. This is a supplementary appropriation act, and the funds appropriated herein which remain unexpended on June 30, 1974, shall revert to the General Fund.

Approved June 19, 1973.

CHAPTER 84

FORMERLY HOUSE BILL NO. 209

AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO RECORDATION OF INSTRUMENTS WHICH CONTAIN PROVISIONS RESTRICTING THE SALE, GIFT, TRANSFER, ASSIGNMENT, CONVEYANCE, OWNERSHIP, LEASE, RENTAL, USE OR OCCUPANCY OF REAL ESTATE TO INDIVIDUALS ON THE BASIS OF RACE, COLOR, CREED, SEX, NATIONAL ORIGIN OR ANCESTRY.

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

Section 1. Amend §9605, Chapter 96, Title 9, Delaware Code, by redesignating subsections (b), (c), (d) and (e) of said section as subsections (c), (d), (e) and (f) respectively.

Section 2. Amend §9605, Chapter 96, Title 9, Delaware Code, by adding a new subsection (b) thereto to read as follows:

(b) No Recorder shall record or receive for filing any contract, mortgage, lease, deed or conveyance or any other indenture or agreement affecting real property, which contains any promise, covenant or restriction which limits, restrains, prohibits or otherwise provides against the sale, gift, transfer, assignment, conveyance, ownership, lease, rental, use or occupancy of real property to or by any person because of race, color, creed, sex, national origin or ancestry.

Approved June 19, 1973.

CHAPTER 85

FORMERLY HOUSE BILL NO. 249
AS AMENDED BY
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND CHAPTER 159, VOLUME 43, LAWS OF
DELAWARE, ENTITLED: ACT CHANGING THE COR-
PORATE NAME OF "THE COMMISSIONERS OF CAM-
DEN" TO "THE TOWN OF CAMDEN" AND ESTABLISH-
ING A CHARTER THEREFOR.**

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

Section 1. Amend Section 3, Chapter 159, Volume 43, Laws of Delaware, by striking said section in its entirety, and substituting in lieu thereof a new section which shall read as follows:

Section 3. The government of the Town and the exercise of the powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Town Council. The Town Council shall consist of five members, who shall be citizens of the State of Delaware and *bona fide* resident of said Town above the age of eighteen years, and who shall have been such *bona fide* residents of the Town for a period of twelve months prior to the time of the filing for nomination and election. No compensation shall be paid to Councilmen.

Section 2. Amend Section 5, Chapter 159, Volume 43, Laws of Delaware, by striking subsection (D) of said section, and substituting in lieu thereof the following:

(D) Every citizen of the said Town at the age of eighteen years or upwards who is a citizen of the State of Delaware and a *bona fide* resident of the Town of Camden shall have the right to vote. the voters shall not vote for more candidates than are to be voted for at the election. Voting machines shall be used.

Section 3. Amend Section 15, Chapter 159, Volume 43, Laws of Delaware (as amended by Chapter 40, Volume 57, Laws

of Delaware) by striking the figure "\$25,000" as the same appears in subsection (13), and substituting the figure "\$35,000" in lieu thereof.

Section 4. Amend Section 18, Chapter 159, Volume 43, Laws of Delaware, by striking the words "to enact ordinances to regulate or prevent the keeping of pigs and hogs in said Town" as the same appear in the first paragraph of said section, and substituting the words "to enact ordinances to regulate or prevent the keeping of domestic animals and fowl in said Town" in lieu thereof.

Section 5. Amend Section 18, Chapter 159, Volume 43, Laws of Delaware, by striking the last sentence of the fifth paragraph of said section, and substituting in lieu thereof the following:

Council shall have the power, upon inspection and hearing, to condemn any existing buildings or structures that it deems to be a fire menace and to cause the same to be torn down or removed; Council shall have the power to establish a building line for buildings to be erected.

Section 6. Amend Section 33, Chapter 159, Volume 43, Laws of Delaware, by striking the following words: "to establish a building line for buildings to be erected, providing that such building lines shall not be established more than ten feet back from front line of the lots" as the same appear in subsection C, and substituting the words "to establish a building line for buildings to be erected" in lieu thereof.

Approved June 19, 1973.

CHAPTER 86

FORMERLY HOUSE BILL NO. 36

AN ACT TO AMEND TITLE 6, CHAPTER 25, DELAWARE CODE, BY ADDING A NEW SUBCHAPTER VI DEALING WITH PYRAMID OR CHAIN DISTRIBUTION SCHEMES.

WHEREAS, the promotional use of pyramid or chain sales distribution schemes serves as a lure to improvident and uneconomical investment in that many small investors lack commercial expertise and anticipate unrealistic profits through use of the chance to further perpetuate a chain of distributors, without regard to actual market conditions affecting further distribution and sale of the property purchased by them or its market acceptance by final users or consumers; and

WHEREAS, substantial economic losses to participating distributors have occurred and will inevitably occur by reason of their reliance on the perpetuation of a pyramid or chain distribution scheme as a source of profit;

NOW, THEREFORE,

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

Section 1. Amend Title 6, Chapter 25, Delaware Code, by adding a new Subchapter b entitled "Pyramid or Chain Distribution Schemes", which shall read as follows:

SUBCHAPTER VI. PYRAMID OR CHAIN DISTRIBUTION SCHEMES**§ 2561. Definitions**

As used in this chapter—

(a) 'Pyramid or Chain Distribution Scheme' means a sales device whereby a person, upon a condition that he part with money, property or any other thing of value, is granted a fran-

chise license, distributorship or other right and who may further perpetuate the pyramid or chain of persons who are granted such franchise, license, distributorship or right upon such condition. A limitation as to the number of persons who may participate, or the presence of additional conditions upon the eligibility for such a franchise, license, distributorship or other right recruit or upon the receipt of profits therefrom, does not change the identity of the scheme as a pyramid or chain distribution scheme.

(b) 'Person' includes an individual, corporation, trust, estate, partnership, unincorporated association, or any other legal or commercial entity.

§ 2562. Unlawful practice

The use of a pyramid or chain sales distribution scheme in connection with the solicitation of investments in the form of money, property or any other thing of value is hereby declared to be an unlawful practice under Section 2513 of this Title.

§ 2563. Prohibition

(a) No person, either directly or through the use of agents or other intermediaries, shall promote, sell, attempt to sell, offer or grant participation in a pyramid or chain distribution scheme.

(b) Whoever, directly or through the use of agents, or intermediaries, violates subsection (a) of this section shall be fined not more than \$5,000, or imprisoned not more than three years, or both.

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

§ 2564. Contracts void; civil liability

(a) Any contract made in violation of Section 2563 of this subchapter shall be void and any person who, directly or through the use of agents or intermediaries, induces or causes another person to participate in a pyramid or chain distribution scheme shall be liable to that person in an amount equal to the sum of:

- (1) twice the amount of any consideration paid; and
- (2) in the case of any successful action to enforce such lia-

bility, the costs of the action together with a reasonable attorney's fee, as determined by the Court.

(b) An action under this section may be brought in any court in this State otherwise having jurisdiction over the dollar amount being sought by way of recovery within one year from the date on which the consideration was paid.

Section 2. If any provision of this Act or its application to any person or circumstance is held invalid, the remainder of this Act, or its application to other persons or circumstances shall remain unaffected.

Approved June 19, 1973.

CHAPTER 87

**FORMERLY HOUSE BILL NO. 34
AS AMENDED BY
HOUSE AMENDMENT NO. 1**

AN ACT TO AMEND CHAPTER 1, CHAPTER 27 AND CHAPTER 41, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION; AND PROVIDING FOR THE DELETION OF CERTAIN OBSOLETE SECTIONS PERTAINING TO THE CONDUCT OF SCHOOLS.

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

Section 1. Amend §121, Subchapter 2, Chapter 1, Title 14 of the Delaware Code, by striking subsection (11) in its entirety.

Section 2. Amend Subsection (b), Section 122, Chapter 1, Title 14 of the Delaware Code, by striking paragraph (9) of said subsection in its entirety.

Section 3. Amend Subsection (b), Section 122, Chapter 1, Title 14 of the Delaware Code, by striking paragraph (14) of said subsection in its entirety.

Section 4. Amend Subsection (b), Section 122, Chapter 1, Title 14 of the Delaware Code, by striking paragraph (17) of said subsection in its entirety.

Section 5. Amend §123, Subchapter 2, Chapter 1, Title 14 of the Delaware Code, by striking said section in its entirety.

Section 6. Amend §128, Subchapter 2, Chapter 1, Title 14 of the Delaware Code, by striking said section in its entirety.

Section 7. Amend §4109, Chapter 41, Part I, Title 14 of the Delaware Code, by striking said section in its entirety.

Section 8. Amend §4110, Chapter 41, Part I, Title 14 of the Delaware Code, by striking said section in its entirety.

Section 9. Amend §2701, Chapter 27, Part I, Title 14 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new section which shall read as follows:

§ 2701. Free Public Schools

Subject to other provisions of this Title, all the public schools of this State shall be free to all children who are residents of the State, and who are of the ages required or authorized for attendance in a public school.

Approved June 19, 1973.

CHAPTER 88

FORMERLY SENATE BILL NO. 201
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT PROVIDING THAT FEDERAL REVENUE SHARING FUNDS RECEIVED BY THE STATE DURING THE FISCAL YEAR 1973 BE USED IN PAYMENT OF THE 1973 FISCAL YEAR APPROPRIATION TO THE STATE EMPLOYEES' RETIREMENT FUND.

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

Section 1. All entitlement payments from Federal Revenue Sharing Funds, including any interest earned thereon, (Fiscal Assistance to State and Local Governments, P. L. 92-512, 86 Stat. 919) received by the State in fiscal year 1973 shall be used in payment of the appropriation for the State Employees Retirement Fund as approved in the Fiscal 1973 Budget Act, (Vol. 58, Chap. 484 (H. B. 676)).

Approved June 20, 1973.

CHAPTER 89

FORMERLY HOUSE BILL NO. 418

AN ACT TO AMEND AN ACT BEING CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PROVIDE A PROCEDURE FOR ANNEXATION.

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. Amend Chapter 504, Volume 57, Laws of Delaware, as amended, by adding a new section following Section 4 thereof, to be designated as Section 4A to read as follows:

ANNEXATION

Section 4A: The Commissioners of Henlopen Acres shall have the power to annex additional territory adjoining the corporate limits of the Town of Henlopen Acres as hereinbefore set forth or as hereafter extended pursuant to the following procedure:

(a) The Commissioners of Henlopen Acres shall adopt a Resolution proposing to the property owners and residents of both the Town of Henlopen Acres and of the territory proposed to be annexed that the Town of Henlopen Acres proposes to annex certain territory which adjoins its then limits and territory. The Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for public hearing on the subject of the proposed annexation. The Resolution setting forth the information shall be printed in a newspaper of general circulation in the Town of Henlopen Acres and in the territory proposed to be annexed at least one (1) week prior to the date set for the public hearing, or, at the discretion of the Commissioners of Henlopen Acres, the said Resolution may be posted in four (4) public places both in the Town of Henlopen Acres and in the territory proposed to be annexed. Following the public hearing, but in no event later than thirty (30)

days thereafter, a Resolution shall then be passed by a majority of the Commissioners of Henlopen Acres ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. The passage of this Resolution shall *ipso facto* be considered the determination of the Commissioners of Henlopen Acres to proceed with the matter of the proposed annexation; PROVIDED HOWEVER, that if the territory proposed to be annexed includes only territory property which is exempt from taxation or which is not assessed on the books of the Board of Assessment of Sussex County, no election shall be necessary and the Commissioners of Henlopen Acres may proceed following the public hearing to annex such territory by the adoption of a second Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Commissioners of Henlopen Acres. Following the passage of such Resolution, the Commissioners of Henlopen Acres shall proceed to have a plot made of the territory so annexed and such plot together with the description thereof shall be filed for record in the Office of the Recorder of Deeds, in and for Sussex County. The territory so proposed for annexation shall be deemed to be annexed as of the date of the adoption of such Resolution.

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

(c) At the said Special Election, every property owner, whether an individual, a partnership, or a corporation, both in the Town of Henlopen Acres and in the territory proposed to be annexed, shall have one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the books of the Town of Henlopen Acres in the case of Town property owners and leaseholders as defined herein and of the records of the Board of Assessment of Sussex County in the case of property owners and

leaseholders as defined herein in the territory proposed to be annexed. Each leaseholder holding land under a valid lease for a term of not less than ten (10) years whose lease is recorded in the Office of the Recorder of Deeds, in and for Sussex County, and who has erected upon his or her leasehold an improvement having an assessed evaluation of at least One Thousand Dollars (\$1,000.00) shall be entitled to one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the records of the Town of Henlopen Acres in the case of town leaseholders and by the records of the Board of Assessment of Sussex County in the case of leaseholders in the territory proposed to be annexed. Every citizen of either the Town of Henlopen Acres or the territory proposed to be annexed who is not a property owner or leaseholder as herein defined shall have one (1) vote. In the case of property owned or leased, as aforesaid, by a husband and wife jointly, the husband and wife shall each have one (1) vote for each Two Hundred Dollars (\$200.00) of assessment). In the event that a person owns or leases, as aforesaid, property both in the Town of Henlopen Acres and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns or leases, as aforesaid, property both in the Town of Henlopen Acres and in the territory proposed to be annexed but does not reside in either place, he may vote only in the Town of Henlopen Acres and not in the territory proposed to be annexed. Property owners and leaseholders as herein defined, whose property or whose improvements located on leased land are exempt from taxation or is not assessed shall not be entitled to vote. The books and records of the Town of Henlopen Acres in the case of Town property owners or leaseholders, as herein defined, and the books and records of the Board of Assessment of Sussex County and in the case of property owners or leaseholders, as herein defined, in the territory proposed to be annexed shall be conclusive evidence of the right of such property owners and leaseholders to vote at the Special Election.

(d) In the event that an individual, partnership or corporation holds a power of attorney duly executed and acknowledged and specifically authorizing the said individual, partnership or corporation to vote at the said Special Election, a duly authenticated copy of the Power of Attorney shall be filed in the Office of the Commissioners of Henlopen Acres. Said Power of At-

torney as so filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the Special Election.

(e) The Commissioners of Henlopen Acres shall cause to be prepared, printed and have available a sufficient number of ballots not less than five (5) days prior to the date of the Special Election. The form of the ballot shall be as follows:

THIS BALLOT CASTS VOTES
 () For the proposed annexation
 () Against the proposed annexation
CHECK ONE

(f) The President of the Commissioners of Henlopen Acres shall appoint three (3) persons to act as a Board of Special Election, at least one of whom shall reside or own property in the Town of Henlopen Acres, and at least one of whom shall reside or own property in the territory proposed to be annexed. One of the persons so appointed shall be designated the Presiding Officer. Voting shall be conducted at a place within the Town of Henlopen Acres designated by the Commissioners of Henlopen Acres and the Board of Election shall have available, clearly marked, two (2) ballot boxes. All ballots cast by those persons, partnerships or corporations authorized to vote as residents, property owners or leaseholders as herein defined in the territory proposed to be annexed shall be deposited in one (1) such ballot box, and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents, property owners or leaseholders, as herein defined, of the Town of Henlopen Acres shall be deposited in the other such ballot box. The polling places shall be open from one o'clock in the afternoon, prevailing time, until six o'clock in the afternoon, prevailing time, on the date set for the Special Election.

(g) Immediately upon the closing of the polling places, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the Commissioners of Henlopen Acres. The said certifi-

cate shall be filed with the papers of the Commissioners of Henlopen Acres.

(h) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from the Town of Henlopen Acres and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the referendum results in an unfavorable vote for annexation, a subsequent election may be held at any time. If a favorable vote for annexation shall have been cast, the Commissioners of Henlopen Acres shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Delaware, and in no event shall such recordation be completed more than ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of the Town of Henlopen Acres from the time of recordation. The failure of the Commissioners of Henlopen Acres to record the description and plot within the time hereinbefore specified shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the day of the favorable election.

Approved June 20, 1973.

CHAPTER 90

FORMERLY SENATE BILL NO. 132
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 23, TITLE 7, DELAWARE
CODE, RELATING TO LICENSE REQUIREMENTS FOR
CRABBING BOATS.**

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

Section 1. Amend §2305 (b) of Chapter 23, Title 7, Delaware Code, by striking the period (.) immediately following the word "boat" and insert the following:

"; provided, however, that one person cannot hold more than one (1) set of crab licenses and that each license holder must be at all times on board the boat to which he holds a license when pots are being tended, except during times of illness of the licensee or mechanical failure of the boat. The licensee shall have the right to designate two (2) bona fide residents as alternates to operate the boat in his absence."

Approved June 21, 1973.

CHAPTER 91**FORMERLY SENATE BILL NO. 188****AN ACT TO AMEND CHAPTER 10, TITLE 14, DELAWARE CODE, RELATING TO ROLL CALL VOTES OF SCHOOL BOARDS.**

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

Section 1. Amend §1048, Title 14, Delaware Code, by adding a new paragraph to read as follows:

D. A roll call vote of all board members on every motion or resolution shall be recorded as part of the minutes of such meetings and shall be considered a matter of public record except when the presiding officer determines and announces a unanimous vote on any issue which vote shall then be so recorded and considered a matter of public record.

Approved June 21, 1973.

CHAPTER 92

FORMERLY HOUSE BILL NO. 120
AS AMENDED BY
SENATE AMENDMENTS NO. 1 AND 3
AND
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18, BY AMENDING CHAPTERS 11 AND 29 TO INCREASE THE INTEREST RATE USED FOR CALCULATING MINIMUM RESERVES FOR LIFE INSURANCE AND ANNUITY CONTRACTS, UPDATING ANNUITY MORTALITY TABLES FOR COMPUTING SUCH RESERVES, AND INCREASING THE INTEREST RATE USED FOR CALCULATING MINIMUM NONFORFEITURE BENEFITS UNDER LIFE INSURANCE POLICIES.

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

Section 1. Subsection (e), Section 1112, Chapter 11, Title 18, Delaware Code, is amended by striking the first word "The", and by inserting in lieu thereof the following:

Except as otherwise provided in paragraph (B), subsection (b), section 1113 for group annuity and pure endowment contracts, the.

Section 2. Subsection (a), Section 1113, Chapter 11, Title 18, Delaware Code, is amended by inserting after the word "title" and before the period the following:

except as otherwise provided in paragraph (B), subsection (b) of this section for group annuity and pure endowment contracts issued prior to such operative date.

Section 3. The introductory clause of Subsection (b), Section 1113, Chapter 11, Title 18, Delaware Code, is amended to read as follows:

(b) (A) Except as otherwise provided in paragraph (B) of this subsection, the minimum standard for the valuation of all

policies and contracts to which this section applies shall be the Commissioners reserve valuation method defined in subsection (c) of this section, $3\frac{1}{2}\%$ interest, or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after the effective date of this amendatory act of 1973 and prior to January 1, 1986, 4% interest, and the following tables:

Section 4. Subsection (b), Section 1113, Chapter 11, Title 18, Delaware Code, is amended by adding a new paragraph to be designated (B) to read as follows:

(B) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this paragraph (B), as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the Commissioners reserve valuation method defined in subsection (c) of this section and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts issued prior to January 1, 1986, excluding any disability and accidental death benefits in such contracts—the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the Commissioner, and 6% interest for single premium immediate annuity Contracts, and 4% interest for all other individual annuity and pure endowment contracts.

(2) For individual annuity and pure endowment contracts issued on or after January 1, 1986, excluding any disability and accidental death benefits in such contracts—the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the Commissioner, and $3\frac{1}{2}\%$ interest.

(3) For all annuities and pure endowments purchased prior to January 1, 1986 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts—the 1971 Group Annuity Mortality Table, or any modification of this table approved by the Commissioner and 6% interest.

(4) For all annuities and pure endowments purchased on or after January 1, 1986 under group annuity and pure endow-

ment contracts, excluding any disability and accidental death benefits purchased under such contracts—the 1971 Group Annuity Mortality Table, or any modification of this table approved by the Commissioner, and $3\frac{1}{2}\%$ interest.

After the effective date of this amendatory act of 1973, any insurer may file with the Commissioner a written notice of its election to comply with the provisions of this paragraph (B) after a specified date before January 1, 1979, which shall be the operative date of this paragraph for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this paragraph for such insurer shall be January 1, 1979.

Section 5. The first sentence of Subsection (d-1), Section 2929, Chapter 29, Title 18, Delaware Code, is amended to read as follows:

(d-1) In the case of ordinary policies issued on or after the operative date of this subsection, as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits provided that such rate of interest shall not exceed $3\frac{1}{2}\%$ per annum except that a rate of interest not exceeding 4% per annum may be used for policies issued on or after the effective date of this amendatory act of 1973 and prior to January 1, 1986 and, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table.

Section 6. The first sentence of Subsection (d-2), Section 2929, Chapter 29, Title 18, Delaware Code, is amended to read as follows:

(d-2) In the case of industrial policies issued on or after the operative date of this subsection, as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up non-forfeiture benefits provided that such rate of interest shall not exceed $3\frac{1}{2}\%$ per annum except that a rate of interest not exceeding 4% per annum may be used for policies issued on or after the effective date of this amendatory act of 1973 and prior to January 1, 1986.

Section 7. Amend Title 18 of the Delaware Code, by adding a new §1113 A to read as follows:

§ 1113 A. Reduction on premiums

Any reduction in minimum reserves effected by any above provision of this Act after June 30, 1973 which results in increased availability to insurance companies of funds for investment or expenditure under this Title shall be applied toward a pro-rata reduction in premiums for all policyholders of said companies affected by this Act.

The Insurance Commissioner is authorized to promulgate such rules and regulations as necessary to carry this provision into effect.

Approved June 21, 1973.

CHAPTER 93

FORMERLY HOUSE BILL NO. 5

AN ACT TO AMEND CHAPTER 13, PART 1, TITLE 14, DELAWARE CODE RELATING TO WORKING CONDITIONS OF SCHOOL EMPLOYEES BY PROVIDING FOR DUTY-FREE PERIODS FOR TEACHERS.

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

Section 1. Amend Chapter 13, Part 1, Title 14, Delaware Code, by adding thereto a new Section 1328 to read as follows:

§ 1328. Hours of duty of grades 1 to 12 inclusive school teachers; duty-free period

In all reorganized school districts each teacher in grades 1 to 12, inclusive, shall have, during each school day, a duty-free period for at least 30 consecutive minutes but this section shall not bar the allowance of a longer or additional duty-free period each day.

Section 2. This Act shall become effective on July 1, 1973.

Approved June 22, 1973.

CHAPTER 94

FORMERLY HOUSE BILL NO. 115
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF
THE DELAWARE CODE RELATING TO THE PRE-
SENTENCE INVESTIGATION AFTER CONVICTION
FOR CERTAIN OFFENSES.**

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

Section 1. Amend §4331, Subchapter III, Chapter 43, Title 11 of the Delaware Code, by striking the period (.) at the end of subsection (a), and substituting in lieu thereof the following:

“; provided however, that if the Court orders such investigation for an offender convicted of murder or manufacture, delivery, or possession with intent to manufacture or deliver a narcotic drug, the offender shall immediately be remanded to the Delaware Correctional Center during the time such investigation is being conducted. All time spent by the offender in custody prior to completion of the pre-sentence investigation and all other sentencing procedures shall be credited against the amount of time which the offender is sentence to serve.”

Approved June 22, 1973.

CHAPTER 95

FORMERLY HOUSE BILL NO. 505
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 31 OF THE DELAWARE CODE RELATING TO THE REFERRAL OF WELFARE RECIPIENTS TO NONPROFIT CORPORATIONS FOR TRAINING AND JOB PLACEMENT; AND MAKING A SUPPLEMENTAL APPROPRIATION THEREFOR.

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

Section 1. Amend Chapter 9, Title 31 of the Delaware Code, by adding a new Section 911 to read as follows:

§ 911. Job training and placement by nonprofit corporations

(a) Consistent with the purpose of this chapter, the Division of Social Services is authorized to refer welfare recipients to nonprofit corporations for training designed to improve employability and for job placement or job referral; provided, however, that such training, placement or referral is consistent with the purposes and requirements of this chapter.

(b) The Division of Social Services is authorized to pay the sum of \$200 to any nonprofit corporation for each welfare recipient placed on a job.

(c) This section shall be effective until June 30, 1974 and shall not be effective for any time thereafter.

Section 2. The Division of Social Services is hereby authorized to encumber the sum of \$25,000 from fiscal year 1973 appropriations to the Division of Social Services for the implementation of the provisions of Section 1.

Approved June 22, 1973.

CHAPTER 96**FORMERLY SENATE BILL NO. 176
AS AMENDED BY
SENATE AMENDMENT NO. 1****AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 5,
TITLE 7 OF THE DELAWARE CODE PERTAINING TO
HUNTING, TRAPPING AND FISHING LICENSES.**

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

Section 1. Amend §508, Title 7, Delaware Code, by striking said section in its entirety.

Section 2. Amend §509, Title 7, Delaware Code, by striking the words "other than an alien" as they appear in subsection (1).

Section 3. Amend §509, Title 7, Delaware Code, by striking the words "other than an alien" as they appear in subsection (3).

Section 4. Amend §510, Title 7, Delaware Code, by striking said section in its entirety.

Section 5. Amend §503, Title 7, Delaware Code, by striking said section in its entirety and by substituting in lieu thereof a new §503 to read as follows:

§ 503. Application for resident's license; proof of residence

Each applicant for a resident's license shall present reasonable proof to the Department or its duly authorized agent that he or she is a bona fide resident of this State.

Approved June 25, 1973.

CHAPTER 97

FORMERLY SENATE BILL NO. 184
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 7, TITLE
7 OF THE DELAWARE CODE BY CREATING A NEW
SECTION 705 RELATING TO REQUIRING PERSONS
ENGAGED IN THE HUNTING OF DEER IN THIS
STATE TO DISPLAY ON THEIR PERSON A MINIMUM
AMOUNT OF COLOR KNOWN AS "HUNTER ORANGE".**

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

Section 1. Amend Subchapter I, Chapter 7, Title 7 of the
Delaware Code, by creating a new section therein to be desig-
nated as §705 to read as follows:

**§ 705. Requiring wearing of hunter orange in the hunting of
deer; violation and penalty**

(a) "Hunter orange" means a daylight fluorescent orange
color with a dominant wave length between 595 and 605 nanom-
eters, and exotation purity of not less than 85 percent and illum-
minous factor of not less than 40 percent.

(b) Any person hunting deer in this State shall display on
his head, chest, and back a total of not less than 400 square
inches of hunter orange material.

(c) Whoever violates the provisions of this section, upon
conviction shall be fined not less than \$10.00 nor more than
\$100.00.

(d) Justices of the Peace shall have original and exclusive
jurisdiction to hear and determine violations of this section.

Approved June 25, 1973.

CHAPTER 98**FORMERLY SENATE BILL NO. 202****AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, 1929, AS AMENDED, RELATING TO ELECTIONS.**

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

Section 1. Amend Section 8 of Chapter 158, Volume 36, Laws of Delaware, 1929, as amended, by striking subsection (e) thereof in its entirety and by substituting in lieu thereof the following:

(e) The Council shall provide for each election voting machines as required by Chapter 50, Title 15 of the Delaware Code, as amended, voting machines shall be used in conformity with Chapter 50, Title 15 of the Delaware Code, as amended. The names of the candidates for each office shall be listed in alphabetical order on the voting machines under the name of the offices to which they seek election. The voters shall designate their choice of candidates in accordance with the regular method of operation of voting machines.

The Council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during an election.

Section 2. Amend Subsection (f), Section 8 of Chapter 158, Volume 36, Laws of Delaware, 1929, as amended, by striking said subsection in its entirety and inserting in lieu thereof the following:

The Council shall provide for the use of voting machines in all municipal elections in conformity with Chapter 50, Title 15 of the Delaware Code, by ordinance duly adopted.

Section 3. Amend Section 8 of Chapter 158, Volume 36, Laws of Delaware, 1929, as amended, by adding the following subsection to be known as subsection (g):

(g) Any qualified voter, duly registered, who shall be unable to appear to cast his ballot at any election either because of being in the public service of the United States or of this State, or because he will be unavoidably absent from the City on the day of the election or because of his sickness or physical disability, may cast a ballot at such election by absentee ballot to be counted in the total of such election. The Mayor and Council may provide rules and regulations for such absentee voting by ordinance for all elections.

Section 4. Amend Section 7 of Chapter 158, Volume 36, Laws of Delaware, 1929, as amended, by striking the first paragraph of said section and by inserting in lieu thereof the following:

The mode of nomination of candidates for the Council and for Mayor shall be by petition signed by not less than ten (10) or more than twenty-five (25) electors of the City and filed with the Clerk of Council on or before 4:00 P.M. o'clock of the last Friday of October of the year preceding the next regular municipal election. Should the last Friday of the month of October fall on a legal holiday, the filing shall be 4:00 P.M. o'clock on the next working day thereafter.

Approved June 25, 1973.

CHAPTER 99

FORMERLY HOUSE BILL NO. 235
AS AMENDED BY
HOUSE AMENDMENT NO. 1**AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED TO PAY OBLIGATIONS INCURRED IN PRIOR FISCAL YEARS.**

WHEREAS, Mr. James Stewart, Cook III, employed at the Delaware State Hospital, was due an annual increment on December 16, 1971; and

WHEREAS, he did not receive his annual increment until Fiscal 1973 retroactive to June 16, 1972; and

WHEREAS, the Personnel Commission ruled that Mrs. Rosa Holding should have retained her classification of Telephone Operator II for the period May 15, 1971 to December 15, 1971 during which period she was paid at the rate for a Telephone Operator I; and

WHEREAS, the State Personnel Commission upgraded the positions of Occupational Therapist II and Physical Therapist II on March 16, 1972 and Elizabeth Dahl and Grace Porter, holding those respective positions were not given the required increase in pay from March 16, 1972, through June 15, 1972; and

WHEREAS, Mr. M. P. McCarthy, a former employee of the Delaware State Hospital brought a grievance against the Department of Health and Social Services for the sum of \$26.25 and the Director of Personnel approved Mr. McCarthy's eligibility for said position as grieved pursuant to Merit System Rule 13.0120; and

WHEREAS, Mr. Alfred Shockley, an employee of the Division of Adult Corrections was in a position covered under Merit System Rule Amendment Number 001 regarding Sections 5.1040; 5.1041; 5.1042; 5.1050 Hazard Pay; and

WHEREAS, Mr. Shockley was not paid Hazard Pay for the period April 16, 1972, through June 15, 1972; and

WHEREAS, The Office of the Budget Director has determined that such reimbursement can only be made by means of a supplementary appropriation because such claim reverts to Fiscal Year 1972.

NOW, THEREFORE:

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

Section 1. The sum of one hundred fifty-six dollars (\$156) is hereby appropriated to the Department of Health and Social Services, Division of Mental Health, Section—Delaware State Hospital (35-06-002), for the salary due Mr. Stewart from the period December 16, 1971, through June 15, 1972, for which he has not yet received payment.

Section 2. The sum of fifty-two dollars and fifty cents (\$52.50) is hereby appropriated to the Department of Health and Social Services (35-06-002), which money shall be paid to Mrs. Rose Holding now an employee of Delaware State Hospital for salary due her from May 15, 1971 through June 30, 1971 for which she has not yet received payment.

Section 3. The sum of two hundred fifty-two dollars (\$252) is hereby appropriated to the Department of Health and Social Services, Division of Mental Health, Section—Delaware State Hospital (35-06-002), which money shall be paid to Elizabeth Dahl and Grace Porter in equal amounts of one hundred twenty-six dollars (\$126) each for monies not paid to them for the period March 16, 1972 through June 15, 1972.

Section 4. The sum of \$26.25 is hereby appropriated to the Department of Health and Social Services, Division of Mental Health, Section—Delaware State Hospital (35-06-002), which money shall be paid to Mr. M. P. McCarthy a retired employee for money due him from June 1, 1972 through June 15, 1972 which he has not received.

Section 5. The sum of one hundred dollars (\$100) is hereby appropriated to the Department of Health and Social Services (35-08-000), which money shall be paid to Mr. Alfred Shockley now an employee of the Division of Adult Corrections, for Hazard Pay due him from April 16, 1972 through June 15, 1972, which he has not received.

Section 6. This Act is a supplementary appropriation act and funds hereby appropriated shall be paid from the General Fund of the State Treasury from moneys not otherwise appropriated.

Section 7. The funds herein appropriated shall be expended only in the manner set forth in Sections 1, 2, 3, 4, and 5 and any funds appropriated but unexpended as of June 30, 1973, shall thereupon revert to the General Fund of the State Treasury.

Approved June 25, 1973.

CHAPTER 100

FORMERLY HOUSE BILL NO. 25
AS AMENDED BY
HOUSE AMENDMENT NO. 4

**AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 10,
TITLE 14 OF THE DELAWARE CODE RELATING TO
THE DATE SET FOR SCHOOL BOARD ELECTIONS.**

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

Section 1. Amend subsection (c), Section 1072, Chapter 10, Title 14 of the Delaware Code, by striking said subsection in its entirety, and substituting in lieu thereof the following:

(c) Elections for school board members shall be held annually on either the second Tuesday or second Saturday of May at the discretion of each reorganized school district board of education, except that when only one person files for election to a given vacancy the school board shall declare that candidate elected and shall not open the polls for the election of said candidate.

Approved June 25, 1973.

CHAPTER 101**FORMERLY HOUSE BILL NO. 201
AS AMENDED BY
HOUSE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 45, TITLE 21, DELAWARE
CODE RELATING TO PERMITS FOR EXCESSIVE SIZE
AND WEIGHT.**

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

Section 1. Amend §4504 (a) of Chapter 45, Title 21, Delaware Code, by adding to the second sentence thereof, immediately following the words "pole trailers" the following:

"and in the case of public service companies, an annual blanket permit may be issued covering one or more vehicles carrying piling and/or pole trailers (said permits shall be valid every day of the year for which issued so that emergency repairs may be facilitated)."

Section 2. Amend §4504 (a) of Chapter 45, Title 21, Delaware Code, by adding thereto a new sentence immediately following the last sentence thereof to read as follows:

"In those cases where annual blanket permits are issued, a copy of the master permit or a reasonable facsimile thereof shall be carried in each of the vehicles covered by said annual blanket permit."

Approved June 25, 1973.

CHAPTER 102

FORMERLY HOUSE BILL NO. 234

**AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE,
CHAPTER 84, RELATING TO THE DELAWARE POLICE
TRAINING PROGRAM.**

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

Section 1. Amend Chapter 84, Title 11 of the Delaware Code, by adding thereto a new section designated as §8411, which new section shall read as follow :

§ 8411. Recruitment of trained Police Officers

Every municipality or other governmental unit of this State intending to employ on a permanent basis police officers who have satisfactorily completed the mandatory training as required under the provisions of this Chapter and who have completed their training while in the employ of another municipality or another governmental unit of this State within two years from the date of satisfactory completion of the said mandatory training shall reimburse the municipality or other governmental unit with whom the police officer was employed at the time of attending the mandatory training program for the cost of the expense of training the said officer, which shall include the salary, uniforms and equipment and other training expenses incurred while the officer was attending the mandatory training program. During the first year after completion of the mandatory training program the municipality or other governmental unit by whom the police officer was employed at the time of attending the mandatory training program shall be reimbursed for one hundred percent of those expenses. During the second year the municipality or other governmental unit shall be reimbursed fifty percent of the aforesaid expenses.

Approved June 25, 1973.

CHAPTER 103

FORMERLY HOUSE BILL NO. 316

**AN ACT TO AMEND CHAPTER 4, PART I, TITLE 11 OF
THE DELAWARE CODE RELATING TO THE DELA-
WARE CRIMINAL CODE AND INTOXICATION AS A
DEFENSE AGAINST CRIMINAL LIABILITY.**

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

Section 1. Amend §421, Chapter 4, Part I, Title 11 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

"§ 421. Voluntary intoxication

The fact that a criminal act was committed while the person committing such act was in a state of intoxication, or was committed because of such intoxication, is no defense to any criminal charge if the intoxication was voluntary."

Section 2. This Act shall become effective on the same date and at the same time as the new Delaware Criminal Code (enacted by the 126th General Assembly).

Became Law on June 25, 1973 without Governor's signature, and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 104

FORMERLY HOUSE BILL No. 265

**AN ACT TO AMEND TITLE 10, DELAWARE CODE, BY
AMENDING SECTIONS 3504(a) AND 3904 THEREOF
RELATING TO CERTAIN SUITS, JUDGMENTS AND
ATTACHMENTS BY AND AGAINST UNINCORPORATED
ASSOCIATIONS INCLUDING PARTNERSHIPS.**

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

Section 1. Amend Section 3504 of Title 10, Delaware Code, by striking subsection (a) of said section and by inserting in lieu thereof a new subsection (a) to read in its entirety as follows:

§ 3504. Unincorporated association subject to attachment and garnishment

(a) A writ of attachment may be issued in any action brought against any unincorporated association of persons, including a partnership, by its common name. Service of process of such attachment may be made on any officer, director, manager, agent or employee of such unincorporated association, or on any agent authorized by law to accept service of process.

Section 2. Amend Section 3904 of Title 10, Delaware Code, by striking said section and inserting in lieu thereof a new Section 3904 to read in its entirety as follows:

§ 3904. Suits and judgments by and against unincorporated associations

An unincorporated association of persons, including a partnership, using a common name may sue and be sued in such common name and a judgment recovered therein shall be a lien like other judgments, and may be executed upon by levy, seizure and sale of the personal and real estate of such association, and also that of the persons composing such association in the same manner with respect to them as if they had been made parties defend-

ant by their individual names. Satisfaction thereof may also be obtained by attachment process.

Section 3. This Act shall become effective on July 1, 1973.

Section 4. All rights, privileges and immunities vested or accrued by and under any laws enacted prior to the adoption or amendment of this Act, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws enacted prior to the adoption or amendment of this Act, shall not be impaired, diminished or affected by this Act.

Approved June 25, 1973.

CHAPTER 105

FORMERLY HOUSE BILL NO. 278

**AN ACT TO AMEND CHAPTER 17 OF TITLE 6 OF THE
DELAWARE CODE WITH REFERENCE TO LIMITED
PARTNERSHIPS.**

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

Section 1. Chapter 17, Title 6 of the Delaware Code, is amended by striking all of Chapter 17 and inserting in lieu thereof a new Chapter 17 to read as follows:

CHAPTER 17. LIMITED PARTNERSHIPS**§ 1701. Limited partnership defined**

A limited partnership is a partnership formed by two or more persons under the provisions of Section 1702 of this Chapter having as members one or more general partners and one or more limited partners. The limited partner or partners as such shall not be bound by the obligations of the partnership.

§ 1702. Formation

(a) Two or more persons desiring to form a limited partnership shall—

1. Sign and swear to a certificate, which shall state:

A. The name of the partnership,

B. The character of the business,

C. The address (which shall include the street, number, city and county) of the partnership's registered office in this State which may, but need not, be the same as its place of business, and the name of the registered agent for service of process of the partnership which agent may be either an individual resident in this State whose business office is identical with the partnership's registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this State,

D. The name and place of residence of each member; general and limited partners being respectively registered,

E. The term for which the partnership is to exist,

F. The amount of cash and a description of and the agreed value of the other property, or of the services, contributed by each limited partner,

G. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

H. The time, if agreed upon, when the contribution of each limited partner is to be returned,

I. The share of the profits or the compensation by way of income which each limited partner shall receive by reason of his contribution,

J. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

K. The right, if given, of the partners to admit additional limited partners,

L. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

M. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, bankruptcy or mental illness of a general partner, and

N. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

2. File for record the certificate in the office of the Secretary of State. Such filing shall make it unnecessary to file any other documents under Chapter 31, Title 6.

(b) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of subsection (a).

§ 1703. Business which may be carried on

A limited partnership may carry on any business which a partnership without limited partners may carry on, except the business of granting policies of insurance, or assuming insurance risks or banking as defined in Section 126, Title 8.

§ 1704. Character of limited partner's contribution

The contributions of a limited partner may be cash, property, or services.

§ 1705. A name not to contain surname of limited partner; exceptions

(a) The surname of a limited partner shall not appear in the partnership name, unless

1. It is also the surname of a general partner, or
2. Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(b) A limited partner whose name appears in a partnership name contrary to the provisions of subsection (a) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

§ 1706. Liability for false statements in certificate

If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew or should have known the statement to be false

1. At the time he signed the certificate, or
2. Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in subsection (c) of Section 1725 of this Chapter.

§ 1707. Limited partner not liable to creditors

(a) A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business, and then only to persons who transact business with the partnership reasonably believing that the limited partner is a general partner.

(b) A limited partner shall not be deemed to take part in the control of the business by virtue of his possessing and/or exercising a power to:

1. consult with and advise the general partner(s) as to the conduct of the business;
2. act as surety for the partnership;
3. elect or remove a general partner;
4. terminate the partnership;
5. amend the partnership agreement;
6. approve or disapprove such material matters related to the business of the partnership as shall be stated in the certificate and in the partnership agreement.

(c) The statement of powers set forth in subsection (b) shall not be construed as exclusive or as indicating that any other powers possessed or exercised by a limited partner shall be sufficient to cause such limited partner to be deemed to take part in the control of the business within the meaning of subsection (a).

(d) A limited partner has no right to participate in the partnership business within the meaning of this section unless and to the extent that such right is expressly granted in the certificate.

§ 1708. Admission of additional limited partners

After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of Section 1725 of this Chapter.

§ 1709. Rights, powers and liabilities of a general partner

(a) A General partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

1. Do any act in contravention of the certificate,
2. Do any act which would make it impossible to carry on the ordinary business of the partnership,
3. Confess a judgment against the partnership,
4. Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,
5. Admit a person as a general partner, unless the right so to do is given in the certificate,
6. Admit a person as a limited partner, unless the right so to do is given in the certificate,
7. Continue the business with partnership property on the death, retirement, bankruptcy, or mental illness of a general partner, unless the right so to do is given in the certificate.

§ 1710. Rights of a limited partner

(a) A limited partner shall have the same rights as a general partner to

1. At all times inspect and copy any of the partnership books,
2. Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and
3. Have dissolution and winding up by decree of court,
4. A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to

the return of his contribution as provided in sections 1715 and 1716 of this Chapter.

§ 1711. Status of person erroneously believing himself a limited partner

A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

§ 1712. One person both general and limited partner

(a) A person may be a general partner and a limited partner in the same partnership at the same time.

(b) A person who is a general partner, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

§ 1713. Loans and other business transactions with limited partner

(a) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

1. Receive or hold as collateral security any partnership property, or
2. Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(b) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

§ 1714. Relation of limited partners inter se

Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing in proportion to their respective contributions actually made to the partnership.

§ 1715. Compensation of limited partner

A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

§ 1716. Withdrawal or reduction of limited partner's contribution

(a) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

1. All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

2. The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of subsection 6, and

3. The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

(b) Subject to the provisions of subsection (a) a limited partner may rightfully demand the return of his contribution

1. On the dissolution of a partnership, or
2. When the date specified in the certificate for its return has arrived, or
3. After he has given 6 months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

(c) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(d) A limited partner may have the partnership dissolved and its affairs wound up when

1. He rightfully but unsuccessfully demands the return of his contribution, or
2. The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by subsection (a) 1 and the limited partner would otherwise be entitled to the return of his contribution.

§ 1717. Liability of limited partner to partnership

(a) A limited partner is liable to the partnership

1. For the difference between his contribution as actually made and that stated in the certificate as having been made, and
2. For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(b) A limited partner holds as trustee for the partnership

1. Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and
2. Money or other property wrongfully paid or conveyed to him on account of his contribution.

(c) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(d) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extend credit or whose claims arose before such return.

§ 1718. Nature of limited partner's interest in partnership

A limited partner's interest in the partnership is personal property.

§ 1719. Assignment of limited partner's interest

(a) A limited partner's interest is assignable.

(b) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(c) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(d) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being so empowered by the certificate, gives the assignee that right.

(e) An assignee become a substituted limited partner when the certificate is appropriately amended in accordance with section 1725 of this Chapter.

(f) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of

which he had no knowledge at the time he became a limited partner and which could not be ascertained from the certificate.

(g) The substitution of an assignee as a limited partner does not release the assignor from liability to the partnership under sections 1706 and 1717 of this Chapter.

§ 1720. Effect of retirement, death, mental illness or bankruptcy of a general partner

The retirement, death, mental illness or bankruptcy (as defined in Section 1502, title 6) of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

1. Under a right so to do stated in the certificate, or
2. With the consent of all members.

§ 1721. Death of limited partner

(a) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(b) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

§ 1722. Rights of creditors of limited partner

(a) On due application to a court of competent jurisdiction by any judgment creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of the judgment debt; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(b) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(c) The remedies conferred by subsection (a) shall not be deemed exclusive of others which may exist.

(d) Nothing in this Chapter shall be held to deprive a limited partner of his statutory exemption.

§ 1723. Distribution of assets

(a) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

1. Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,
2. Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,
3. Those to limited partners in respect to the capital of their contributions,
4. Those to general partners other than for capital and profits,
5. Those to general partners in respect to profits,
6. Those to general partners in respect to capital.

(b) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion respective to the amounts of such claims.

§ 1724. When certificate shall be cancelled or amended

(a) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

(b) A certificate shall be amended when

1. There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,
2. A person is substituted as a limited partner,
3. An additional limited partner is admitted,
4. A person is admitted as a general partner,

5. A general partner retires, dies, becomes mentally ill, or bankrupt and the business is continued under section 1720 of this Chapter,

6. There is a change in the character of the business of the partnership,

7. There is a false or erroneous statement in the certificate for the dissolution of the partnership or for the return of a contribution,

8. A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

9. The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

§ 1725. Requirements for amendment and for cancellation of certificate

(a) The writing to amend a certificate shall

1. Conform to the requirements of §1702, subsection (a) 1 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

2. Be signed and sworn by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(b) The writing to cancel a certificate shall be signed by all members.

(c) A person desiring the cancellation or amendment of a certificate, if any person designated in subsection (a) and (b) as a person who must execute the writing refuses to do so, may petition the Court of Chancery of the State of Delaware to direct a cancellation or amendment thereof.

(d) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it

shall order the Secretary of State where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(e) A certificate is amended or cancelled when there is filed for record in the office of the Secretary of State

1. A writing in accordance with the provisions of subsection (a), or (b), or

2. A certified copy of the order of court in accordance with the provisions of subsection (d).

(f) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

§ 1726. Parties to actions

A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership and except as provided in section 1732 of this Chapter.

§ 1727. Service of process

(a) Service of legal process upon any limited partnership of this State shall be made by delivering a copy personally to any officer, managing or general agent or general partner of the limited partnership in this State, or the registered agent of the limited partnership in this State, or by leaving it at the dwelling house or usual place of abode in this State of any such officer, managing or general agent, general partner or registered agent (if the registered agent be an individual), or at the registered office or other place of business of the limited partnership in this State. If the registered agent be a corporation, service of process upon it as such may be made by serving, in this State, a copy thereof on the president, vice-president, secretary, assistant secretary, or any director of the corporate registered agent. Service by copy left at the dwelling house or usual place of abode of any officer, managing or general agent, general part-

ner or registered agent, or at the registered office or other place of business of the limited partnership in this State, to be effective must be delivered thereat at least 6 days before the return date of the process, and in the presence of an adult person, and the officer serving the process shall distinctly state the manner of service in his return thereto. Process returnable forthwith must be delivered personally to the officer, managing or general agent, general partner or registered agent.

(b) In case the officer whose duty it is to serve legal process cannot by due diligence serve the process in any manner provided for by subsection (a), it shall be lawful to serve the process against the limited partnership upon the Secretary of State, and the service shall be as effectual to all intents and purposes as if made in any of the ways provided for in subsection (a). Within 2 business days after service upon the Secretary of State, it shall be the duty of the Secretary of State to notify the limited partnership thereof by letter directed to the limited partnership at its last registered office, in which letter shall be enclosed a copy of the process or other papers served. It shall be the duty of the plaintiff in any action in which the process shall be issued, to pay to the Secretary of State, for use of the State, the sum of \$5, which sum shall be taxed as a part of the costs in the action if the plaintiff shall prevail therein. The Secretary of State shall alphabetically enter in the "process book" the name of the plaintiff and defendant, the title of the action in which process has been served upon him, the text of the process so served and the return day thereof, and the day and hour when the service was made.

§ 1728. Name of act

This act may be cited as The Delaware Limited Partnership Act.

§ 1729. Rules of construction

(a) The rule that statutes in derogation of the common law are to be strictly construed shall have not application to this Chapter.

(b) This Chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(c) This Chapter shall not be so construed as to impair the obligations of any contract existing when this Chapter goes into effect, nor to affect any action or proceedings begun or right accrued before this Chapter takes effect.

§ 1730. Rules for cases not provided for in this act

In any case not provided for in this Chapter the agreement between the partners and the rules of law and equity, including the law merchant, shall govern.

§ 1731. Provisions for existing limited partnerships

(a) A limited partnership formed under any statute of this State prior to the adoption of this Chapter, may become a limited partnership under this Chapter by complying with the provisions of section 1702 of this Chapter, provided the certificate sets forth

1. The amount of the original contribution of each limited partner, and the time when the contribution was made, and

2. That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners.

(b) A limited partnership formed under any statute of this State prior to the adoption of this Chapter, until or unless it becomes a limited partnership under this Chapter, shall continue to be governed by the provisions of Chapter 17, of title 6 in effect prior to the adoption of this Chapter, except that such partnership shall not be renewed unless so provided in the original agreement.

§ 1732. Limited partners' derivative action brought in the right of a limited partnership to procure a judgment in its favor

(a) An action may be brought in the right of a limited partnership to procure a judgment in its favor by a limited partner.

(b) In any such action, it shall be made to appear that at least one plaintiff is such a limited partner at the time of bringing the action, and that he was such at the time of the trans-

action of which he complains, or that his status as limited partner devolved upon him by operation of law or pursuant to the terms of the certificate of limited partnership or written partnership agreement in effect at the time of the transaction of which he complains.

(c) In any such action, the complaint shall set forth with particularity the efforts of the plaintiff to secure the initiation of such action by the general partner or partners, or the reasons for not making such effort.

(d) If the action on behalf of the limited partnership was successful, in whole or in part, or if anything was received by the plaintiff or plaintiffs or a claimant or claimants as a result of a judgment, compromise or settlement of an action or claim, the court may award the plaintiff or plaintiffs, claimant or claimants, reasonable expenses, including reasonable attorneys' fees, and shall direct him or them to account to the partnership for the remainder of the proceeds so received by him or them. This subsection shall not apply to any judgment rendered for the benefit of injured limited partners only and limited to a recovery of the loss or damage sustained by them.

§ 1733. Act repealed

Except as affecting existing limited partnerships to the extent set forth in Section 1731, Chapter 17 of title 6 of the Delaware Code, is hereby repealed.

§ 1734. Fees

(a) For receiving and filing the certificate and for receiving and filing any amendment thereto required by this Chapter a fee of \$100.00 shall be paid to the Secretary of State for each such document so received and filed.

(b) For certifying copies of any paper on file provided by this Chapter a fee of \$7.50 shall be paid to the Secretary of State. In addition, a fee of \$1.00 per page shall be paid in each instance where the Secretary of State provides the copies to be certified.

Section 2. This Act shall take effect on July 1, 1973.

Section 3. All rights, privileges and immunities vested or accrued by and under any laws enacted prior to the adoption or amendment of this Act, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws enacted prior to the adoption or amendment of this Act, shall not be impaired, diminished or affected by this Act.

Approved June 25, 1973.

CHAPTER 106

FORMERLY HOUSE BILL NO. 275

AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW.

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. Amend Section 151 of Title 8, Delaware Code, by striking subsection (b) of said section in its entirety, and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) Any stock which is entitled upon any distribution of the corporation's assets, whether by dividend or by liquidation, to a preference over another class or series of stock may be made subject to redemption by the corporation at its option or at the option of the holders of such stock or upon the happening of a specified event. Any stock of a regulated investment company registered under the Investment Company Act of 1940, as heretofore or hereafter amended, may be given the right to require the corporation to redeem or repurchase the stock at the option of the holder of the stock, provided such redemption or repurchase would not impair or cause a further impairment of the capital of the corporation. Any stock of a corporation which has a license or franchise from a governmental agency to conduct its business or is a member of a national securities exchange, which license, franchise or membership is conditioned upon some or all of the holders of its stock possessing prescribed qualifications, may be made subject to redemption by the corporation to the extent necessary to prevent the loss of such license, franchise or membership or to reinstate it. Any stock which may be made redeemable under this section may be redeemed for cash, property or rights, including securities of the same or another corporation, at such time or times, price or prices, or rate or rates, and with such adjustments, as shall be stated in the certificate of incorporation or in the resolution or resolutions providing for the issue of such stock adopted by the board of directors as hereinabove provided."

Section 2. Amend Section 154 of Title 8, Delaware Code, by inserting in such section a new sentence following the third sentence in such section, to read as follows:

"The amount of the consideration so determined to be capital in respect of any shares without par value shall be the stated capital of such shares."

Section 3. Amend Section 160 of Title 8, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new Section 160 to read as follows:

§ 160. Corporation's powers respecting ownership, voting, etc. of its own stock; rights of stock called for redemption

(a) Every corporation may purchase, redeem, receive, take or otherwise acquire, own and hold, sell, lend, exchange, transfer or otherwise dispose of, pledge, use and otherwise deal in and with its own shares; provided, however, that no corporation shall—

1. Purchase or redeem its own shares of capital stock for cash or other property when the capital of the corporation is impaired or when such purchase or redemption would cause any impairment of the capital of the corporation, except that a corporation may purchase or redeem out of capital any of its own shares which are entitled upon any distribution of its assets, whether by dividend or in liquidation, to a preference over another class or series of its stock if such shares will be retired upon their acquisition and the capital of the corporation reduced in accordance with Sections 243 and 244 of this title;

2. Purchase, for more than the price at which they may then be redeemed, any of its shares which are redeemable at the option of the corporation; or,

3. Redeem any of its shares unless their redemption is authorized by Section 151(b) of this title and then only in accordance with such Section and the certificate of incorporation.

(b) Nothing in this section limits or affects a corporation's right to resell any of its shares theretofore purchased or redeemed out of surplus and which have not been retired, for such consideration as shall be fixed by the board of directors.

(c) 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.

(d) Shares which have been called for redemption shall not be deemed to be outstanding shares for the purpose of voting or determining the total number of shares entitled to vote on any matter on and after the date on which written notice of redemption has been sent to holders thereof and a sum sufficient to redeem such shares has been irrevocably deposited or set aside to pay the redemption price to the holders of the shares upon surrender of certificates therefor.

Section 4. Amend Section 164 of Title 8, Delaware Code, by inserting in the last sentence thereof the word "stockholder" immediately following the word "delinquent" and before the word "on".

Section 5. Amend Section 170(a) of Title 8, Delaware Code, by striking therefrom the word "243" as such word appears twice in such subsection, in the first sentence thereof and in the second sentence thereof.

Section 6. Amend Section 174 of Title 8, Delaware Code, by striking therefrom the words "or 243" as the same appear in the first sentence of such section after the word "173" and before the word "of"; and by inserting the word "or" in the first sentence of such section after the word "160" and before the word "173".

Section 7. Amend Section 242(b) of Title 8, Delaware Code, by striking such subsection in its entirety and substituting a new subsection (b) in lieu thereof to read as follows:

"(b) If an amendment effects any change in the issued shares of the corporation, and if, when the amendment becomes effective the aggregate amount of capital represented by all

issued shares immediately after the amendment will be less than the aggregate amount of capital represented by all issued shares immediately before the amendment, the certificate of amendment shall state that a certificate of reduction of capital pursuant to Section 244(c) of this title is being filed with the certificate of amendment."

Section 8. Amend Section 243 of Title 8, Delaware Code, by striking said section in its entirety and substituting a new Section 243 in lieu thereof to read as follows:

§ 243. Retirement of stock

(a) A corporation, by resolution of its board of directors, may retire any shares of its capital stock that are issued but are not outstanding. If a corporation acquires any of its shares, whether by purchase or redemption or by their having been converted into or exchanged for other shares of the corporation, and capital, as computed in accordance with Sections 154, 242 and 244 of this title, is applied in connection with such acquisition, the shares so acquired, upon their acquisition and without other action by the corporation, shall have the status of retired shares.

(b) Whenever any shares of the capital stock of a corporation are retired, they shall resume the status of authorized and unissued shares of the class to which they belong unless the certificate of incorporation prohibits their reissuance. If the certificate of incorporation prohibits the reissuance of such shares, a certificate, so stating, identifying the shares and reciting their retirement shall be executed, acknowledged and filed and shall become effective in accordance with Section 103 of this Title. When such certificate becomes effective, it shall have the effect of amending the certificate of incorporation so as to reduce accordingly the number of authorized shares of the class to which such shares belong or, if such retired shares constitute all of the authorized shares of the class or series to which they belong, of eliminating from the certificate of incorporation all reference to such class or series of stock.

(c) If the capital of the corporation will be reduced by or in connection with the retirement of shares, the reduction of capital shall be effected pursuant to Section 244 of this Title.

Section 9. Amend Section 244 of Title 8, Delaware Code, by striking said section in its entirety and substituting a new Section 244 in lieu thereof to read as follows:

§ 241. Reduction of capital

(a) A corporation, by resolution of its board of directors, may reduce its capital in any of the following ways:

1. By reducing or eliminating the capital represented by shares of capital stock which have been retired;

2. By applying to an otherwise authorized purchase or redemption of outstanding shares of its capital stock some or all of the capital represented by the shares being purchased or redeemed, or any capital that has not been allocated to any particular class of its capital stock;

3. By applying to an otherwise authorized conversion or exchange of outstanding shares of its capital stock some or all of the capital represented by the shares being converted or exchanged, or some or all of any capital that has not been allocated to any particular class of its capital stock, or both, to the extent that such capital in the aggregate exceeds the total aggregate par value or the stated capital of any previously unissued shares issuable upon such conversion or exchange; or,

4. By transferring to surplus (i) some or all of the capital not represented by any particular class of its capital stock; (ii) some or all of the capital represented by issued shares of its par value capital stock, which capital is in excess of the aggregate par value of such shares; or (iii) some of the capital represented by issued shares of its capital stock without par value.

(b) Notwithstanding the other provisions of this section, no reduction of capital shall be made or effected unless the assets of the corporation remaining after such reduction shall be sufficient to pay any debts of the corporation for which payment has not been otherwise provided, and the certificate required by subsection (c) of this section shall so state. No reduction of capital shall release any liability of any stockholder whose shares have not been fully paid.

(c) Whenever capital of a corporation is to be reduced, such reduction shall not become effective until a certificate has been

executed, acknowledged and filed and has become effective in accordance with section 103 of this title. Such certificate shall set forth the manner in and the extent to which the capital is to be reduced, including an identification of any shares of capital stock retired in connection with such reduction.

Section 10. Amend Section 253(c) of Title 8, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

(c) The provisions of Section 251(d) of this title shall apply to a merger under this section, and the provisions of Section 251(e) shall apply to a merger under this section in which the surviving corporation is the subsidiary corporation and is a corporation of this State. Any merger which effects any changes other than those authorized by this section or made applicable by this subsection shall be accomplished under the provisions of Section 251 or Section 252 of this title. The provisions of Section 262 of this title shall not apply to any merger effected under this section, except as provided in subsection (d) of this section."

Section 11. Amend Section 253 of Title 8, Delaware Code, by striking subsection (f) thereof in its entirety.

Section 12. Amend Section 262 of Title 8, Delaware Code, by striking subsection (k) thereof in its entirety and substituting a new subsection (k) to read as follows:

(k) This section shall not apply to the shares of any class or series of a class of stock, which, at the record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders at which the agreement of merger or consolidation is to be acted on, were either (1) listed on a national securities exchange, or (2) held of record by more than 2,000 stockholders, unless the certificate of incorporation of the corporation issuing such stock shall otherwise provide; nor shall this section apply to any of the shares of stock of the constituent corporation surviving a merger if the merger did not require for its approval the vote of the stockholders of the surviving corporation, as provided in subsection (f) of Section 251 of this title. This subsection shall not be applicable to shares of any class or series of a class of stock of a constituent corpora-

tion if under the terms of a merger or consolidation pursuant to Section 251 or Section 252 of this title the holders thereof are required to accept for such stock anything except (a) shares of stock or shares of stock and cash in lieu of fractional shares of the corporation surviving or resulting from such merger or consolidation; or (b) shares of stock or shares of stock and cash in lieu of fractional shares of any other corporation, which at the effective date of the merger or consolidation will be either (1) listed on a national securities exchange or (2) held of record by more than 2,000 stockholders; or (c) a combination of shares of stock or shares of stock and cash in lieu of fractional shares as set forth in (a) and (b) of this subsection.

Section 13. Amend Section 274 of Title 8, Delaware Code, by striking said section in its entirety and substituting a new section to read as follows:

§ 274. Dissolution before beginning business

"Before beginning the business for which the corporation was organized a majority of the incorporators, or, if directors were named in the certificate of incorporation or have been elected, a majority of the directors, may surrender all of the corporation's rights and franchises by filing in the office of the Secretary of State a certificate, executed and acknowledged by a majority of the incorporators or directors, stating that the business or activity for which the corporation was organized has not been begun; that no part of the capital of the corporation has been paid, or if some capital has been paid, that the amount actually paid in for the corporation's shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto; that all issued stock certificates, if any, have been surrendered and cancelled; and that all rights and franchises of the corporation are surrendered. Upon such certificate becoming effective in accordance with Section 103 of this title, the corporation shall be dissolved."

Section 14. Amend Section 275 of Title 8, Delaware Code, by striking subsections (b) and (c) thereof in their entirety and substituting in lieu thereof new subsections (b) and (c) to read as follows:

(b) At the meeting a vote shall be taken for and against the proposed dissolution. If a majority of the outstanding stock

of the corporation entitled to vote thereon shall vote for the proposed dissolution, a certificate stating that the dissolution has been authorized in accordance with the provisions of this section and setting forth the names and residences of the directors and officers shall be executed, acknowledged and filed, and shall become effective, in accordance with Section 103 of this title. Upon such certificate becoming effective in accordance with Section 103 of this title, the corporation shall be dissolved.

(c) Whenever all the stockholders entitled to vote on a dissolution shall consent in writing, either in person or by duly authorized attorney, to a dissolution, no meeting of directors or stockholders shall be necessary. The consent shall be filed and shall become effective in accordance with Section 103 of this title. Upon such consent becoming effective in accordance with Section 103 of this title, the corporation shall be dissolved. In the event that the consent is signed by an attorney, the original power of attorney or a photocopy thereof shall be attached to and filed with the consent. The consent filed with the Secretary of State shall have attached to it the affidavit of the secretary or some other officer of the corporation stating that the consent has been signed by or on behalf of all the stockholders entitled to vote on a dissolution; in addition there shall be attached to the consent a certification by the secretary or some other officer of the corporation setting forth the names and residences of the directors and officers of the corporation.

Section 15. Amend Section 295 of Title 8, Delaware Code, by striking the first sentence of such section and substituting in lieu thereof a new first sentence for such section to read as follows:

All creditors shall make proof under oath of their respective claims against the corporation, and cause the same to be filed in the office of the Register in Chancery of the county in which the proceeding is pending within the time fixed by and in accordance with the procedure established by the Rules of the Court of Chancery.

Section 16. Amend Section 312 of Title 8, Delaware Code, by striking subsections (b), (d) (5), (e), (f) and (g) thereof in their entirety and substituting in lieu thereof new subsections (b), (d) (5), (e), (f) and (g) to read as follows:

(b) Any corporation may, at any time before the expiration of the time limited for its existence and any corporation whose certificate of incorporation has become inoperative by law for non-payment of taxes and any corporation whose certificate of incorporation has been forfeited pursuant to Section 136(c) of this title and any corporation whose certificate of incorporation has expired by reason of failure to renew it or whose certificate of incorporation has been renewed, but, through failure to comply strictly with the provisions of this chapter, the validity of whose renewal has been brought into question, may at any time procure an extension, restoration, renewal or revival of its certificate of incorporation, together with all the rights, franchises, privileges and immunities and subject to all of its duties, debts and liability which had been secured or imposed by its original certificate of incorporation and all amendments thereto.

(d) (5) The date when the certificate of incorporation would expire, if such is the case, or such other facts as may show that the certificate of incorporation has been forfeited pursuant to section 136(c) of this title, or has become inoperative or void or that the validity of any renewal has been brought into question;

(e) Upon the filing of the certificate in accordance with section 103 of this title the corporation shall be renewed and revived with the same force and effect as if its certificate of incorporation had not been forfeited pursuant to Section 136(c) of this title, or inoperative and void, or had not expired by limitation. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its certificate of incorporation by the corporation, its officers and agents during the time when its certificate of incorporation was forfeited pursuant to Section 136(c) of this title, or was inoperative or void or after its expiration by limitation, with the same force and effect and to all intents and purposes as if the certificate of incorporation had at all times remained in full force and effect. All real and personal property, rights and credits, which belonged to the corporation at the time its certificate of incorporation became forfeited pursuant to Section 136(c) of this title, or inoperative or void, or expired by limitation and which were not disposed of prior to the time of its revival or renewal shall be vested in the corporation, after its revival and renewal,

as fully and amply as they were held by the corporation at and before the time its certificate of incorporation became forfeited pursuant to Section 136(c) of this title, inoperative or void, or expired by limitation, and the corporation after its renewal and revival shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its certificate of incorporation had at all times remained in full force and effect.

(f) If, since the certificate of incorporation became forfeited pursuant to Section 136(c) of this title, or inoperative or void for non-payment of taxes, or expired by limitation, any other corporation organized under the laws of this State shall have adopted the same name as the corporation sought to be renewed or revived or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or revived or any foreign corporation qualified to accordance with section 371 of this title shall have adopted the same name as the corporation sought to be renewed or revived or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or revived, then in such case the corporation to be renewed or revived shall not be renewed under the same name which it bore when its certificate of incorporation became forfeited pursuant to section 136(c) of this title, inoperative or void, or expired but shall adopt or be renewed under some other name and in such case the certificate to be filed under the provisions of this section shall set forth the name borne by the corporation at the time its certificate of incorporation became forfeited pursuant to section 136(c) of this title, inoperative or void, or expired and the new name under which the corporation is to be renewed or revived.

(g) Any corporation seeking to renew or revive its certificate of incorporation under the provisions of this chapter shall pay to this State a sum equal to all franchise taxes and penalties thereon due at the time its certificate of incorporation became forfeited pursuant to section 136(c) of this title, inoperative and void for non-payment of taxes, or expired by limitation or otherwise.

Section 17. Amend Section 324 of Title 8, Delaware Code, by striking subsection (b) thereof in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

(b) When shares of stock, or any option to acquire such or any right or interest in such, shall be so attached, a certified copy of the process shall be left in this State with any officer or director, or with the registered agent of the corporation. Within 20 days after service of the process, the corporation shall serve upon the plaintiff a certificate of the number of shares held or owned by the debtor in the corporation, with the number or other marks distinguishing the same, or in the case the debtor appears on the books of the corporation to have an option to acquire shares of stock or any right or interest in any shares of stock of the corporation, there shall be served upon the plaintiff within 20 days after service of the process a certificate setting forth any such option, right or interest in the shares of the corporation in the language and form in which the option, right or interest appears on the books of the corporation, anything in the certificate of incorporation or by-laws of the corporation to the contrary notwithstanding. Service upon a corporate registered agent may be made in the manner provided in Section 321 of this title.

Section 18. Amend subsection 391(a)(3) of Title 8, Delaware Code, by deleting therefrom the word "preferred" as the same appears between the words "of" and "stock" in the first sentence of such subsection.

Section 19. This Act shall take effect on July 1, 1973.

Section 20. All rights, privileges and immunities vested or accrued by and under any laws enacted prior to the adoption or amendment of this Act, all suits pending, all rights of action conferred, and all duties, restrictions, liabilities and penalties imposed or required by and under laws enacted prior to the adoption or amendment of this Act, shall not be impaired, diminished or affected by this Act.

Approved June 25, 1973.

CHAPTER 107

FORMERLY HOUSE BILL NO. 134
AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 2 AND 3
AND
SENATE AMENDMENTS NO. 3, 7 AND 8

**AN ACT TO AMEND TITLE 4 OF DELAWARE CODE RE-
LATING TO ALCOHOLIC LIQUORS.**

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

Section 1. Amend §101, Chapter 1, Title 4 of the Delaware Code, by striking the definition of "Half Bottle" as the same appears in said section.

Section 2. Amend §101, Chapter 1, Title 4 of the Delaware Code, by placing a semicolon (;) immediately after the word "liquid" in the definition of "Bottle", and striking all subsequent words.

Section 3. Amend §101, Chapter 1, Title 4 of the Delaware Code, by striking the word "peddle" from the definition of the word "Sell", by striking the definition of "Peddle" from said section, and by adding the following words to the end of the definition of "Sell":

"to carry alcoholic liquors on one's person or to transport with one and with intent to sell the same, but not in any establishment where the sale thereof is allowed;"

Section 4. Amend §304, Chapter 3, Title 4 of the Delaware Code, by striking the first sentence in subsection (2) and substituting in lieu thereof the following:

"Establish by rules and regulations an effective control of the business of the manufacture, sale, dispensation, distribution and importation of alcoholic liquors within and into the State of Delaware, including the time, place and manner in which alcoholic liquors shall be sold and dispensed, not inconsistent with the

provisions of this Title or with the provisions of any other law of this State."

Section 5. Amend §304, Chapter 3, Title 4 of the Delaware Code, by striking subsection (6) in its entirety, and substituting in lieu thereof the following:

"(6) Grant, refuse or cancel licenses required by this Chapter for the manufacture or sale of alcoholic liquors, or other licenses required by this Chapter in regard thereto, and to transfer any licenses so granted."

Section 6. Amend §304, Chapter 3, Title 4 of the Delaware Code, by striking subsection (13) in its entirety, and substituting a new subsection in lieu thereof, which shall read as follows:

"(13) Determine and publish standards for the manner in which the dining room or dining rooms of a hotel, restaurant or club shall be equipped in order to be allowed to exercise the privilege of the sale of alcoholic liquors therein; and examine the plans or premises proposed for use as a dining room and authorize their use in connection with a license to sell alcoholic liquors, but such authorization shall not prevent the requirement by the Commission of future alterations in accordance with published standards."

Section 7. Amend §304, Chapter 3, Title 4 of the Delaware Code, by striking subsection (14) in its entirety, and renumbering all subsequent subsections accordingly.

Section 8. Amend §307, Chapter 3, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new section which shall read as follows:

§ 307. Conflict of interest

No Commissioner nor any person doing any work for the Commission may directly or indirectly, individually or as a member of a partnership or of any other association, or as the holder or owner of more than ten percent (10%) of the capital stock of a corporation, have any interest whatsoever in the sale or manufacture of alcoholic liquors, or in any enterprise or industry in which alcoholic liquors are required.

No Commissioner nor any person doing any work for the Commission shall receive any commission or profit whatsoever from, or have any interest whatsoever in the purchase or sales made by the Commission or by persons authorized by virtue of this Title to purchase or sell alcoholic liquors; provided, however that nothing in this section shall prevent any Commissioner or employee from purchasing and keeping alcoholic liquors in his possession for the personal use of himself, members of his family or his guests if such purchase is otherwise permitted by the provisions of this Title, and no provision of this Title shall prevent any Commissioner or employee from owning a minority interest in a corporation engaged in the manufacture and sale of denatured alcohol for industrial or other non-beverage uses.

Section 9. Amend §311, Chapter 3, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting a new section in lieu thereof, which shall read as follows:

§ 311. Deposit of receipts with Division of Revenue

All moneys received by the Commission, except sums retained by the Commission in accordance with the provisions of this Chapter, shall be paid to the Division of Revenue of the Department of Finance. A monthly report of all receipts by the Division shall be made to the State Treasurer.

Section 10. Amend §312, Chapter 3, Title 4 of the Delaware Code, by striking said section in its entirety.

Section 11. Amend §314, Chapter 3, Title 4 of the Delaware Code, by adding at the end of said section the following sentence:

"The State Treasurer will not, however, require such reports to be rendered more often than quarterly."

Section 12. Amend §315, Chapter 3, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new section which shall read as follows:

§ 315. Annual audit

The operation of the Commission shall annually be examined and audited by the State Auditor or by a certified public accountant.

Section 13. Amend §501, Subchapter I, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new section, which shall read as follows:

§ 501. Supplier and representative licenses

(a) Before any person sells any alcoholic liquor intended for importation into this State, he shall procure from the Commission a supplier's license in the form to be prescribed by the Commission and shall pay therefor an annual fee in the amount of \$25.00 to be permitted to sell not more than 50 cases of alcoholic liquors for importation into the State during the calendar year or an annual fee in the amount of \$250.00 to be permitted to sell more than 50 cases of alcoholic liquors for importation into this State during the calendar year. The provisions of this paragraph (a) shall not apply to any person licensed under paragraph (b) of this Section nor to any person who either is licensed by the Commission and has a place of business in this State for the manufacture or sale of alcoholic liquors or is an officer, director, or employee of a person, licensed by the Commission, having a place of business in this State for the manufacture or sale of alcoholic liquors.

(b) Before any person shall do any business in this State in any manner whatsoever as a sales representative of a person who sells any alcoholic liquors intended for importation into this State, he shall first obtain from the Commission a sales representative license in the form to be prescribed by the Commission and shall pay annually a fee therefor in the amount of \$25.00. Unless employed in any way by a person required to be licensed under paragraph (a) above, the provisions of this paragraph (b) shall not apply to any person, who either is licensed by the Commission and has a place of business in this State for the manufacture or sale of alcoholic liquors or is an officer, director or employee of a person, licensed by the Commission, having a place of business in this State for the manufacture or sale of alcoholic liquors.

(c) The provisions of this section shall not apply to a daily importation into the State of Delaware of a quantity of alcoholic liquor which does not exceed that amount which United States Government permits to be imported into the United

States without payment of any duty thereon, provided such alcoholic liquor is imported by a person permitted by the laws of this State to purchase and consume alcoholic liquor and that such alcoholic liquor is imported solely for consumption by the person importing it or his family or guests. If such importation is by motor vehicle, the alcoholic liquor shall be transported in an area of the motor vehicle not immediately accessible to the driver or to any passenger therein.

(d) Persons licensed by the Commission as suppliers pursuant to this section shall be authorized only to sell, ship or deliver alcoholic liquors to licensed Delaware importers or manufacturers, and persons licensed by the Commission as sales representatives pursuant to this section shall be authorized only to solicit orders, on behalf of licensed Delaware importers or manufacturers, from persons licensed by the Commission to sell alcoholic liquors.

(e) The Commission may promulgate such rules and regulations as it deems necessary for the enforcement or furtherance of the objectives of this Act and it may provide by such rules or regulations that the applicant for a supplier's license may pay a fee for each calendar year or pay the increased fee during any calendar year without the filing of an additional application.

Section 14. Amend §502, Chapter 5, Title 4 of the Delaware Code, by striking the figure "30" as the same appears in subsection (b), and substituting the figure "20" in lieu thereof.

Section 15. Amend §504, Subchapter I, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new section which shall read as follows:

§ 504. Bond

The Commission may require that any person licensed in accordance with the provisions of §501 of this chapter shall furnish a satisfactory bond in such amount as the Commission deems necessary to guarantee the performance of the requirements of this Title.

Section 16. Amend §507, Subchapter I, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 507. Monthly report

Notwithstanding any of the provisions of this chapter, every importer of alcoholic liquors licensed by the Commission shall make a report to the Commission every month, in the form that the Commission determines, which report shall contain an exact return of the gross amount of each variety of alcoholic liquors bought by the importer and alcoholic liquors sold within this State during the preceding calendar month. The Commission may require such returns to be certified under oath or affirmation of the holder of the license, or of such other person approved by the Commission.

Any importer who fails to make a return to the Commission within fifteen (15) days following the expiration of any calendar month for which it should be made shall be fined Fifty Dollars (\$50.00) per day for each day's delay counting from the expiration of said fifteen (15) days, and the license of such importer shall be suspended by the Commission if the return is not made within fifteen (15) additional days.

Section 17. Amend §511, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by adding a new paragraph to said section, which shall read as follows:

If a licensee holds an on premises license and an off premises license, voluntary relinquishment of one of the said licenses and the retention of the other license shall be permitted automatically by the Commission.

Section 17A. Amend §512 (a), Subchapter I, Chapter 5, Title 4 of the Delaware Code, by adding a new sentence thereto at the end of that said subsection which is as follows:

There shall be no age restrictions on persons permitted on the premises of a licensed multiple activity club.

Section 18. Amend §514, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 514. Gathering Licenses; consumption on premises

(a) If alcoholic liquors are to be sold during a gathering of persons, the manager or person in charge of such gathering, or the owner, tenant or person in charge of the premises in which the gathering is being held, must obtain one of the types of gathering licenses, which permit consumption only on the premises, provided for in this section.

(b) There shall be two types of gathering licenses which may be granted hereunder:

(1) **Gathering License—Group**

The manager or person in charge of a gathering of persons at which alcoholic liquors are to be sold shall apply for a group type gathering license, which license, if granted, shall be valid only for the time, and at the location, specified in the application therefor. A group gathering license shall not be required if the said gathering is being held on premises which are validly licensed under an annual premises gathering license issue pursuant to subsection (2) below.

(2) **Gathering License—Annual Premises**

The owner, tenant or person in charge of the premises, other than a residence, on which gatherings of persons are held, may apply for an annual premises type gathering license, which license shall be valid for the entire calendar year in which it is granted for gatherings of persons at the location specified in the application therefor.

(c) All purchases of alcoholic liquors in connection with such gathering licenses must be made from retailers and such retailers shall be permitted to make deliveries to persons holding gathering licenses. Gathering licenses granted pursuant to this section shall be exempt from paying the application process fee as provided in section (c) of §555 of this act.

(d) For purposes of §514 only, the price paid for alcoholic liquors to be sold at a gathering of persons licensed under this section shall be a price agreed upon between the said licensee and the retailer from whom said alcoholic liquors are purchased, which price shall not be below the price paid by the said retailer for those alcoholic liquors.

(e) Any person holding an annual premises gathering license granted hereunder must report each gathering of persons to be held in its facilities to the Commission, which report may be made in person, in writing, or by telephone and which report must be received by the Commission not later than 12 o'clock noon of the day on which such gathering is to be held, unless it is to be held on a day on which the Commission shall be closed, in which case it must be so reported on the last day on which the Commission is open immediately preceding such a gathering.

(f) Any person holding a gathering license of either type granted hereunder who has purchased alcoholic liquors for sale at a gathering of persons may return any unopened bottles so purchased, to the licensee from whom they were purchased and shall receive therefor the amount paid for each said bottle, so long as such return is made within thirty days of the date of the gathering for which they were purchased. An annual premises type gathering licensee, however, shall not be required to return any bottles it has purchased for sale during such gathering, but may store them in a suitable storage facility for sale at a future gathering of persons to be held within its facilities.

(g) All holders of gathering licenses hereunder shall be subject only to the restrictions on the hours of sale of alcoholic liquors set forth in §717 (d) of this title and shall also be subject to the prohibitions of sales to minors set forth in §715 of this title.

(h) It shall not be necessary to obtain a license to dispense alcoholic liquors at a gathering of persons if no such alcoholic liquors are to be sold at that gathering of persons.

Section 19. Amend §515, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by adding a period (.) immediately following the phrase, "member of that club" as the same appears in subsection (a) of said section.

Section 20. Amend §515, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking subsection (b) of said section in its entirety.

Section 21. Amend §517, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following :

§ 517. Pharmacists

Any person whether as owner, lessee or manager who conducts a pharmacy which is recognized as such by the Commission, and in which pharmacy there is in constant attendance a pharmacist, may purchase alcoholic liquors and may keep and sell the same on the prescription of any physician, and otherwise supply or sell alcoholic liquors for medicinal purposes as provided in §518 of this Title without a permit or license from the Commission.

Section 22. Amend §518, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 518. Physicians, dentists, veterinarians and medical institutions

(a) A physician or dentist may purchase alcoholic liquors for professional purposes without a permit or license. A physician may administer alcoholic beverages to a *bona fide* patient in cases of actual need when in the judgment of the physician the use of alcoholic beverages is necessary.

(b) A veterinarian may purchase alcoholic liquors for professional purposes without a permit or license. A veterinarian who deems it necessary may, in the course of his practice, administer or cause to be administered alcoholic beverages to any animal under treatment.

(c) A person in charge of an institution regularly conducted as a hospital or sanitarium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may purchase alcoholic beverages for professional purposes without the requirement of a permit or license. Such person may, after obtaining proper permission, administer alcoholic beverages to any *bona fide* patient of a medical institution who is in need of the same, either by way of external application or otherwise for emergency medical purposes.

Section 23. Amend §519, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 519. Hospital; retention and use

Any person in charge of a hospital recognized by the Commission as such may purchase alcoholic liquors, and may keep and administer alcoholic liquors for purposes of compounding medicines or to use alcohol for purposes of sterilization without the requirement of a permit or license.

Section 24. Amend §520, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 520. Clergymen; wine for sacramental purposes

Any minister, priest, rabbi or clergyman of any established or recognized Church or religious sect may purchase wine for sacramental purposes, and to keep and use wine for sacramental purposes, without the requirement of a permit or license.

Section 26. Amend §522, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking subsection (b) and substituting a new subsection which shall read as follows:

(b) Any person twenty (20) years of age or older may apply for a license permitting the purchase of alcoholic liquors for resale. Any partnership may apply for a license permitting the purchase of alcoholic liquors for resale if such application is approved by a majority of the partners and each of the partners is twenty (20) years of age or older. A corporation may apply for a license permitting the purchase of alcoholic liquors for resale if all the stockholders, officers and directors of the corporation making application are twenty (20) years of age or older.

Section 27. Amend §522, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking subsection (c) in its entirety, and substituting a new subsection which shall read as follows:

(c) The application shall be made on a blank furnished by the Commission and shall be signed by the applicant before two witnesses. The application shall give the name, age, occupation and residence of the applicant and the kind of license requested.

Section 28. Amend §522, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking subsection (d) in its entirety, and substituting in lieu thereof the following:

(d) The application furnished by the Commission shall contain a statement to the effect that the applicant will comply with all of the provisions of this Title and the Rules of the Delaware Alcoholic Beverage Control Commission.

Section 29. Amend §524, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking the word "published" as the same appears seven times in said section. and substituting the word "circulated" in lieu thereof.

Section 30. Amend §524, Subchapter II, Chapter 5, Title 4 of the Delaware Code, by striking the figure "15" as the same appears in the second sentence of said section, and substituting the figure "20" in lieu thereof.

Section 31. Amend Subchapter III, Chapter 5, Title 4 of the Delaware Code, by striking said subchapter in its entirety. and redesignating all subsequent subchapters accordingly.

Section 32. Amend §541, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by placing a period (.) immediately after the word "refusal" as the same appears in subsection (a), and striking all subsequent words of said subsection.

Section 33. Amend §541, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by striking the period (.) at the end of the second sentence of subsection (b), and substituting in lieu thereof the following:

; provided, however, that it shall be sufficient to send Notice to the attorneys of those who are represented by legal counsel.

Section 34. Amend §543, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by striking the subsection (b) in its entirety, and substituting a new subsection in lieu thereof, which shall read as follows:

(b) The Commission may refuse to license an applicant if the Commission has substantial evidence that would reasonably support a belief that:

(1) except for restaurants, there are sufficient licensed premises in the locality; or the granting of a license in the locality stated in the application is not otherwise demanded by public interest or convenience;

(2) the applicant is an importer of alcoholic liquors and has not furnished an acceptable bond for the purpose of assuring tax payments;

(3) the applicant appears to be financially irresponsible;

(4) the applicant has been provided with funds by, or has any forbidden connection with, a manufacturer, supplier or importer of alcoholic liquors;

(5) the applicant has made false statements to the Commission;

(6) the applicant has been convicted of violating any of the liquor laws of this State, or has been convicted and imprisoned for a crime.

Section 35. Amend §543, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by striking subsection (c) in its entirety.

Section 35A. Amend §543 (d), Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by striking the first sentence thereof and substituting in lieu thereof the following:

The Commission may refuse to grant a license to sell alcoholic liquors to any new establishment to be located in the vicinity of a church, school or college.

Section 36. Amend §543, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by striking subsection (e) in its entirety.

Section 37. Amend Subsection (f), §543, Chapter 5, Title 4 of the Delaware Code, by striking paragraph (1) and paragraph (2) and substituting in lieu thereof the following:

(1) to any existing license or to the sale, transfer of ownership, or renewal thereof;

(2) to a club, hotel or restaurant for consumption of alcoholic liquors on the premises.

Section 38. Amend §544, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by adding a new first sentence to said section, which shall come immediately before the present first sentence. The new first sentence shall read as follows:

In cases concerning the possible refusal of an application for a license, the Commission shall render its decision promptly.

Section 39. Amend §545, Subchapter IV, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety, and thereof and substituting in lieu thereof the following:

§ 545. Improvements to premises

The Commission may not require an applicant to make improvements to the premises before the issuance of a license; however, the Commission may issue a license to sell alcoholic liquor upon the condition that certain improvements shall be made to the premises.

Section 40. Amend §551, Subchapter V, Chapter 5, Title 4 of the Delaware Code, by striking the first sentence of said section, and by striking the words "age, occupation and residence of applicant" as they appear in the third sentence of said section.

Section 41. Amend §554, Subchapter V, Chapter 5, Title 4 of the Delaware Code, by striking said section in its entirety.

Section 42. Amend §555, Subchapter V, Chapter 5, Title 4 of the Delaware Code, by striking subsections (j), (s), (t), (u), (w) and (y) thereof and by redesignating every subsection in said section accordingly so that there are no gaps or missing subsections and by striking subsection (i) thereof and adding thereto a new subsection (i) as follows:

(i) For a license to sell alcoholic liquors at gatherings of persons, the license fee shall be as follows:

(i) For a group type gathering license, the license fee shall be \$5.00 for each such license granted, unless the said license shall be for a period of more than 2 days in which case the license fee shall be \$5.00 plus the additional sum of \$2.00 for each such additional day.

(ii) For an annual premises type gathering license for a facility in which not more than 25 gatherings of persons at which alcoholic liquors are to be sold are to be held, the fee shall be \$100.00. For an annual premises type gathering license for a facility in which more than 25 but not more than 75 such gatherings of persons are to be held, the fee shall be \$200.00. For an annual premises type gathering license for a facility in which more than 75 such gatherings of persons are to be held, the fee shall be \$500.00

Section 43. Amend §561, Subchapter VI, Chapter 5, Title 4 of the Delaware Code, by striking the first (unnumbered) paragraph of subsection (b), and substituting in lieu thereof the following:

(b) The Commission may suspend any license or fine any licensee for the sale of alcoholic liquors if it has reasonable grounds to believe that the licensee has committed any of the following violations, or may cancel any license for the sale of alcoholic liquors for the following violations, if repeated and continuous:

Section 44. Amend subsection (b), §561, Chapter 5, Title 4 of the Delaware Code, by striking paragraph (3) of said subsection, and substituting in lieu thereof the following:

(3) The licensee is not maintaining an acceptable bond, if such bond is required.

Section 45. Amend subsection (b), §561, Chapter 5, Title 4 of the Delaware Code, by striking paragraph (6), and substituting in lieu thereof the following:

(6) The licensee is in the habit of using dangerous or narcotic drugs, or is in the habit of using alcoholic beverages to excess.

Section 46. Amend §561, Subchapter VI, Chapter 5, Title 4 of the Delaware Code, by adding thereto a new subsection, designated as subsection (d), which shall read as follows:

(d) Any of the grounds for refusal of a license as provided for in §543 of this Chapter shall also be adequate grounds for suspension of a license.

Section 47. Amend subsection (b), §561, Chapter 5, Title 4 of the Delaware Code, by striking paragraph (7) in its entirety, and substituting in lieu thereof the following:

(7) The licensee has sold alcoholic liquors in contravention of §715 of this Title.

Section 48. Amend subsection (b), §561, Chapter 5, Title 4 of the Delaware Code, by striking paragraph (8) in its entirety, and substituting in lieu thereof:

(8) The licensee has in his possession on his licensed premises or has sold or offered for sale any alcoholic beverages not purchased or sold pursuant to this Title.

Section 49. Amend §562, Subchapter VI, Chapter 5, Title 4 of the Delaware Code, by striking subsection (c) in its entirety, and substituting in lieu thereof the following:

(c) Within ten days after the licensee has received notice that the Commission has rendered a decision fining the licensee or ordering the suspension or cancellation of his license, the licensee may secure judicial review of such decision by commencing an action in the Superior Court. No bond shall be required for entering such appeal.

Section 50. Amend §562, Subchapter VI, Chapter 5, Title 4 of the Delaware Code, by striking the second sentence of subsection (d), and substituting in lieu thereof the following:

After the petition is filed, service shall be made by the Sheriff upon any member of the Commission or the Executive Secretary; if such persons are unavailable for service, the Assistant Executive Secretary or the temporary successor of the Executive Secretary shall be served.

Section 51. Amend §563, Subchapter VI, Chapter 5, Title 4 of the Delaware Code, by striking the period (.) at the end of the first paragraph thereof, and substituting the following:

, except those which occur solely by reason of the death of the licensee.

Section 52. Amend §571, Subchapter VII, Chapter 5, Title 4 of the Delaware Code, by adding to said section a new paragraph which shall read as follows:

In instances where the Commission has approved the transfer of a license, all matters concerning alcoholic beverage inventories shall be handled directly between the transferor and the transferee and all payments shall be made directly and not through the Commission.

Section 53. Amend §711, Chapter 7, Title 4 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new section, which shall read as follows:

§ 711. Sale or service of alcoholic liquors to intoxicated person

Any licensee, or employee of a licensee, or person in charge of a licensed premises shall refuse to sell or serve alcoholic liquors to any individual if such individual is intoxicated or appears to be intoxicated. Such licensee, employee of a licensee or person in charge of the licensed premises shall not be liable to any individual for damages claimed to arise from the refusal to sell alcoholic liquors if such refusal is based upon the provisions of this Section.

Section 54. Amend Chapter 7, Title 4 of the Delaware Code, by adding thereto a new section, to be designated as §712, which new section shall read as follows:

§ 712. Home manufacture of wines for personal consumption

No license or special permit shall be required for the manufacture within homes, or other premises used in connection therewith, of wines in quantities of not more than two hundred gallons for the personal consumption only of the home owner, his family, or his guests; provided, however, that such wine shall not be for sale. Such wine, when manufactured and used as set forth above, shall not be subject to any taxes imposed by the Liquor Control Act.

Section 55. Amend subsection (a) §715, Chapter 7, Title 4 of the Delaware Code, by striking paragraphs (3) and (4) and by redesignating each paragraph in said subsection accordingly.

Section 56. Amend §716, Chapter 7, Title 4 of the Delaware Code, by striking said section in its entirety.

Section 57. Amend Subsection (d), §717, Chapter 7, Title 4 of the Delaware Code, by striking the said subsection in its entirety and substituting in lieu thereof a new subsection (d) as follows:

(d) No holder of a license for the sale of alcoholic liquor in a hotel, restaurant, club, tavern, taproom, horse racetrack, dining room of a boat or passenger cars of a railroad shall sell the same between the hours of 1:00 o'clock a.m. and 9:00 o'clock a.m. The closing hour may be made earlier in any municipality by ordinance of the municipal corporation. The sale of alcoholic liquors shall be permitted in a licensed hotel, restaurant, club, horse racetrack, dining room of a boat or passenger cars of a railroad on every day of the year; provided that no such licensee shall be required to be open to sell alcoholic liquors on any of the holidays specified in subsection (e) of this section. The sale of alcoholic liquors shall be permitted in a licensed tavern or taproom on every day of the year except the holidays specified in subsection (e) of this section, on which days such licensees shall not be permitted to sell alcoholic liquors.

Section 58. Amend §717, Chapter 7, Title 4 of the Delaware Code, by striking subsection (e) in its entirety, and substituting in lieu thereof the following:

(e) For purposes of this section, the following shall be considered as holidays: Sundays, Thanksgiving Day, Christmas, Good Friday and, in any territory where an election is held, the hours of the day upon which the polling for such election takes place.

Section 59. Amend Chapter 7, Title 4 of the Delaware Code, by striking §717 A, §717 B, and §717 C, each section in its entirety.

Section 60. Amend §719, Chapter 7, Title 4 of the Delaware Code, by striking the word "travelers" and "traveler" as the same appear in said section and substituting the words "consumers" and "consumer" in lieu thereof.

Section 61. Amend §720, Chapter 7, Title 4 of the Delaware Code, by striking the words "traveler, club member or other person" and substituting the word "consumer" in lieu thereof.

Section 62. Amend §721, Chapter 7, Title 4 of the Delaware Code, by striking the words "by license" as the same appear at the end of said section, and substituting the words "to be sold" in lieu thereof.

Section 63. Amend §722, Chapter 7, Title 4 of the Delaware Code, by striking subsection (6) in its entirety, and substituting in lieu thereof the following:

(6) In the office of a physician, pharmacist or veterinarian for medicinal purposes only, and in the office of a clergyman for sacramental purposes only;

Section 64. Amend §724, Chapter 7, Title 4 of the Delaware Code, by adding thereto a new subsection, designated as subsection (6), which new subsection shall read as follows:

(6) an individual importing alcoholic liquors into the State of Delaware, the daily quantity of which does not exceed the amount permitted by Federal statutes governing the importation of alcoholic liquors into the United States.

Section 65. Amend §727, Chapter 7, Title 4 of the Delaware Code, by striking the comma (,) following the word "distillery" as the same appears in subsection (a), and substituting the words "or brewery" in lieu thereof.

Section 66. Chapter 5, Subchapter I, Title 4, Delaware Code, is amended by adding a new Section 508 thereto to read as follows:

§ 508. Affirmation and filing of price schedules required

(a) All manufacturers and distilleries offering for sale in the State of Delaware alcoholic liquors other than beer or wine, shall file by January 15 of each year, or within 30 days of the first time they become licensed in the State of Delaware to sell such alcoholic liquors, a verified affirmation that the bottle and case price of all alcoholic liquors, excluding beer and wine, which

such distillery or manufacturer shall offer for sale to a Delaware importer will be sold to that importer at a price which is no higher than the lowest price at which such items will be offered for sale at the same time by such manufacturer or distillery to any wholesaler in any state or the District of Columbia or to any state, or state agency, which owns and/or operates retail liquor stores.

(b) In determining the lowest price for which any item of liquor is sold in any other state, or in the District of Columbia or to any state or state agency which owns and/or operates retail liquor stores, appropriate reductions shall be made to reflect all discounts and all rebates, free goods, allowances and other inducements of any kind whatsoever offered or given to any such wholesaler or state or state agency purchasing such items in such other states or in the District of Columbia; provided, however, that nothing contained in paragraph (a) of this section shall prevent differentials in price which make only appropriate allowance for difference in state taxes and fees paid by the manufacturer or distilleries and in the actual cost of delivery.

(c) As used in this section, the phrase 'state taxes and fees' shall mean the excise taxes or fees imposed on the manufacturers or distilleries by any state or the District of Columbia upon, or based upon, the gallon of liquor and the term 'gallon' shall mean one hundred twenty-eight (128) fluid ounces.

(d) (1) Such manufacturers or distilleries shall also file, at the same time they must file an affirmation hereunder, a verified schedule, in writing, in the number of copies and on the form required by the Commission, which schedule shall contain the following information as to each item they are offering for sale at that time, in the State of Delaware, by brand or trade name:

- A. The capacity of each package thereof so offered for sale;
- B. The nature of the contents thereof;
- C. The age and proof thereof where stated on the container label;
- D. The number of bottles thereof contained in a case of such items;

E. The bottle and case price to the Delaware wholesaler or importer, which prices in each such instance shall be individual for each item and not in combination with any other item; and

F. The discount given for quantity or time of payment, if any. Any such schedule need not contain any such information as to any brand which is owned exclusively by a retailer and sold at retail in Delaware exclusively by such a retailer.

(2) The Commission, acting through its Chairman, shall also have the authority, any time it determines there is a reasonable basis to suspect such a manufacturer or distillery has sold an alcoholic liquor product covered by this section to a Delaware importer at a price higher than the price at which it is then selling the same product to a wholesaler elsewhere, to demand that such a manufacturer or distillery file an additional schedule containing all the information required by subsection (d) (1) above as of a specified date prior to the date of the demand therefor, which schedule shall be filed within 30 days of the date such a written demand is sent by the Commission.

(3) Such schedules of prices or price of individual item need not be filed at any time other than provided for in subsections (d) (1), (d) (2), or (d) (4) of this section and need not be updated any time a manufacturer or distillery changes such prices between such required filing times.

(4) A manufacturer or distillery shall, however, be required to amend such schedule for any item within 30 days of a change in price as determined in subsection (b) of this section if the effect of such price change would be to make the price as determined in subsection (b) of that item higher in Delaware than in any other state or the District of Columbia.

(e) Effective date. Notwithstanding any provisions in this chapter to the contrary, the effective date of this Section shall be October 1, 1973, and all manufacturers and distilleries shall file such lists as required by this chapter on or before October 15, 1973, and any retail price changes resulting from the implementation of this Act shall become effective on October 30, 1973.

Section 67(a). The Delaware Alcoholic Beverage Control Commission is specifically directed to promptly review and amend

as appropriate its rules and regulations to be consistent with the amendments made hereby.

Section 68. The Delaware Alcoholic Beverage Control Commission is hereby expressly directed to refrain from engaging in the prosecution of any statute except those found in Title 4 of the Delaware Code and the Rules of the Commission. Any issue or other matter concerning the regulation of alcoholic liquors which can be prosecuted or tried in a court of law or chancery shall be tried or prosecuted in court, and not before the Commission. The powers of the Commission are limited only to those powers expressly given in Title 4 of the Delaware Code and cannot be extended beyond a strict construction thereof, except with the approval of the General Assembly.

Section 69. All rules and regulations of the Delaware Alcoholic Beverage Control Commission which on or after the effective date of this Act are in conflict with the provisions of this Act are made null and void.

Section 70. The effective date of this Act, unless otherwise provided herein, shall be the date this Act is signed by the Governor.

Section 71. Amend Section 101, Chapter 1, Title 4 of the Delaware Code, by adding a definition of "retailer" which is as follows:

"Retailer" means the person permitted to sell alcoholic liquors in a store in the State of Delaware, not for consumption on the premises.

Approved June 25, 1973.

CHAPTER 108

FORMERLY HOUSE BILL NO. 322

AN ACT TO AMEND CHAPTER 25, TITLE 24 OF THE DELAWARE CODE ESTABLISHING IMMUNITY TO INDIVIDUALS SERVING ON THE BOARD OF PHARMACY, AND COMMITTEES OF PHARMACEUTICAL SOCIETIES.

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

Section 1. Amend Chapter 25, Title 24 of the Delaware Code, by adding thereto a new subchapter, which new subchapter shall read as follows:

SUBCHAPTER VII. PHARMACY PEER REVIEW

§ 2591. Immunity of officials reviewing prescription records and Pharmacists' work

The members of the State Board of Pharmacy of Delaware and pharmacists who are members of pharmaceutical society committees whose functions are to review prescription records and pharmacists' work with the view to the validity, quality and appropriateness of service 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 proceeding, 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, authority, duties, powers and privileges of the offices conferred by law upon them under the provisions of this Chapter of this Title, or any other provisions of the Delaware law, or duly adopted rules and regulations of the aforementioned committees, good faith being presumed until proven otherwise with malice required to be shown by the complainant.

Approved June 26, 1973.

Chapter 109

FORMERLY SENATE BILL NO. 228

AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO RECEIVE SEALED BIDS FOR DISPOSING OF CERTAIN USED BOATS, MOTORS AND TRAILERS THROUGH SEALED BIDS.

WHEREAS, 29 Delaware Code, Section 7002, specifies the procedure for disposing of used and surplus equipment of State agencies; and

WHEREAS, this procedure may result in the State's obtaining less than fair market value for the material; and

WHEREAS, the State should utilize every method possible to obtain the best sale value for its assets; and

WHEREAS, disposal of certain types of surplus material except as trade-in for new items could result in a loss to the State.

NOW, THEREFORE,

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

Section 1. Notwithstanding the provisions of §7002, Chapter 7, Title 29 of the Delaware Code, the Department of Natural Resources and Environmental Control is hereby authorized to:

(a) dispose of six used fiberglass boats, eight motors for such boats, and five trailers through sale to the highest bidder after receipt of sealed bids on an open market; and

(b) reject any and all bids deemed by the Department not to be in the best interest of the State.

Section 2. Monies received from any sale in accordance with the provisions of this Act shall be returned to the Department of Natural Resources and Environmental Control.

Section 3. The Department of Natural Resources and Environmental Control is hereby made exempt from the provisions of §7002, Chapter 7, Title 29 of the Delaware Code, only for the purpose of disposing of the above-mentioned boats, motors and trailers.

Approved June 26, 1973.

CHAPTER 110

FORMERLY HOUSE BILL NO. 184

**AN ACT TO AMEND SUBCHAPTER 1 OF CHAPTER 5,
TITLE 7, DELAWARE CODE PERTAINING TO HUNT-
ING, TRAPPING AND FISHING LICENSES.**

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

Section 1. Amend Section 511, Title 7 of the Delaware Code, by adding a new sentence at the end of paragraph (a) of said Section which shall read as follows:

(4) Authorized officials of the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife, who are nonresidents of the State of Delaware.

Section 2. Amend Section 511, subsection (b), Title 7 of the Delaware Code, by striking the figure "20" as it appears in the second sentence thereof and substituting in lieu thereof the figure "50".

Section 3. Amend Section 511, Title 7 of the Delaware Code, by adding a new paragraph (c) to read as follows:

(c) The Secretary may also issue letter permits, valid for up to three days, to visiting State and Federal dignitaries. The number of outstanding permits shall not exceed ten (10) at any time.

Approved June 26, 1973.

CHAPTER 111

FORMERLY HOUSE BILL NO. 226

**AN ACT TO AMEND PART III, CHAPTER 47, TITLE 29,
DELAWARE CODE, RELATING TO BURIALS PAID
FOR BY THE STATE OR OTHER POLITICAL SUB-
DIVISIONS.**

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

Section 1. Amend Section 4714, Chapter 47, Part III, Title 29, Delaware Code, by striking the figure "\$100" as it appears in said section and inserting in lieu thereof the figure "\$200".

Section 2. Amend Section 4714, Chapter 47, Part III, Title 29, Delaware Code, by striking the figure "\$75" as it appears in said section and inserting in lieu thereof the figure "\$100".

Section 3. Amend Section 4714, Chapter 47, Part III, Title 29, Delaware Code, by adding a new sentence to said section at the end thereof to read as follows:

"Every such body shall be buried in a cement vault."

Approved June 26, 1973.

CHAPTER 112

FORMERLY HOUSE BILL NO. 302

**AN ACT TO AMEND SECTION 3923, CHAPTER 39, TITLE
10, DELAWARE CODE, RELATING TO RECOVERY OF
DAMAGES FROM PARENTS FOR MALICIOUS DE-
STRUCTION OF PROPERTY BY MINORS.**

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

Section 1. Amend Section 3923, Chapter 39, Title 10, Delaware Code, by striking the figure "\$300" and inserting in lieu thereof the figure "\$1,000".

Approved June 26, 1973.

CHAPTER 113**FORMERLY HOUSE BILL NO. 187
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AND
SENATE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE
CODE, RELATING TO THE CORPORATION INCOME
TAX.**

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

Section 1. Paragraph 3 of Section 1903(a) is amended by adding the following words after the end of the semicolon contained therein:

“provided however, that the expenses allocable to interest income from securities issued by the United States or agencies or instrumentalities thereof shall not be allowed as a deduction.”

Section 2. Subsection (c), Section 1903, Chapter 19, Title 30, Delaware Code, is amended to read in its entirety as follows:

(c) If, in the discretion of the Secretary of Finance, the application of the allocation or apportionment provisions of this section result in an unfair or inequitable proportion of the taxpayer's entire net income being assigned to this State, then the Secretary of Finance, or his delegate, may permit or require the exclusion or alteration of the weight to be given to one or more of the factors in the formula specified above, or the use of separate accounting, or other method to produce a fair and equitable result.

Section 4. Subsection (d), Section 1910, Chapter 19, Title 30, Delaware Code, is amended by striking in the third full sentence the words “whichever of the following amounts is the lesser” and all that follows thereafter, and inserting in lieu thereof the following:

“the tax liability reported in the return of the taxpayer for the preceding taxable year.”

Section 5. Subsection (d), Section 1913, Chapter 19, Title 30, Delaware Code, is amended by striking the last paragraph thereof.

Section 6. Effective Date. This amendment shall apply to taxable years beginning on or after January 1, 1973.

Approved June 26, 1973.

CHAPTER 114

FORMERLY HOUSE BILL NO. 208
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2
AND SENATE AMENDMENTS NO. 1 AND 3

**AN ACT TO AMEND CHAPTER 11, PART II, TITLE 16 OF
THE DELAWARE CODE RELATING TO SANATORIA,
REST HOMES, NURSING HOMES, BOARDING HOMES
AND RELATED INSTITUTIONS.**

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

Section 1. Amend §1106, Chapter 11, Part II, Title 16 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 1106. Issuance of licenses

Licenses shall be issued in the following categories:

(1) Annual License. An annual license may be renewed yearly if the holder is in full compliance with the provisions of this Chapter and the rules and regulations of the State Board of Health.

(2) Provisional License. A provisional license shall be granted for a term of ninety days only, and shall be granted only to a home which, although not in full compliance, is nevertheless demonstrating evidence of improvement.

(3) Restricted License. A restricted license shall be granted for a term of ninety days when the home is not in compliance with the provisions of this Chapter, and does not demonstrate evidence of improvement. The holder of a restricted license may not admit patients to the home to which the restricted license applies during the period of restriction, but the home may remain in operation until such license is revoked, expires, becomes annual or provisional.

(4) Facilities in existence prior to January 1, 1972, which accommodate more than six residents, may be given a restricted license provided such facilities show evidence that the owner is complying with the rules and regulations of State Board of Health and the provisions of this Chapter. In no case shall this category of restricted licenses be valid beyond January 1, 1976.

Section 2. Amend §1109, Chapter 11, Part II, Title 16 of the Delaware Code, by striking the word "inmates" as the same appears in said section, and substituting the word "residents" in lieu thereof.

Section 3. Amend §1110, Chapter 11, Part II, Title 16 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§ 1110. Violations and penalties

Whoever operates a sanatorium, rest home, nursing home, boarding home or other health-related institution without a license shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Approved June 26, 1973.

CHAPTER 115

FORMERLY HOUSE BILL NO. 527

AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO FEES FOR A SPECIAL LICENSE TO SERVE ALCOHOLIC LIQUORS ON SUNDAY.

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

Section 1. Amend subsection (d) of Section 717, Title 4, Delaware Code, by adding a new sentence thereto at the end of the third sentence thereof to read as follows:

"Any holder of a license to sell alcoholic liquor in a licensed hotel, restaurant, horse racetrack, dining room of a boat or passenger car of a railroad who wishes to sell alcoholic liquors on Sundays shall pay a fee of two hundred dollars (\$200) for the issuance of a special license to serve alcoholic liquors on Sundays, which shall be in addition to any other license fees which may be required of the licensee."

Approved June 26, 1973.

CHAPTER 116

FORMERLY HOUSE BILL NO. 200

**AN ACT TO AMEND SUBCHAPTER V, OF CHAPTER 5,
TITLE 7, OF THE DELAWARE CODE PERTAINING
TO TAKING GAME, BIRDS, EGGS OR FISH FOR SCI-
ENTIFIC OR PROPAGATION PURPOSES.**

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

Section 1. Amend §571, Subchapter V, Chapter 5, Title 7 of the Delaware Code, by striking the said Section in its entirety, and substituting in lieu thereof a new §571 which shall read as follows:

§ 571. Permit to collect birds, game animals and fish for scientific or propagating purposes

(a) The Division of Fish and Wildlife may issue a permit, revocable at the discretion of the Director, to take, capture, have in possession or transport wild birds, their nests or eggs, game animals, or fish for scientific or propagating purposes within this State.

(b) Permits issued under this Section may establish any conditions and/or restrictions deemed desirable; every such permit shall expire on the last day of the calendar year in which it is issued. No wild birds, game animals or fish held in captivity under said permit shall be confined under inhumane or unsanitary conditions.

(c) Each person receiving a permit under this Section must file with the Division, a report of his operations under the permit, prior to its renewal date. Said report shall set forth the name and address of the permittee, the number of his permit, the number of birds, nests, eggs, game animals or fish taken thereunder along with a list of the species taken or otherwise acquired, disposition of the same, names and addresses of persons acquiring the same from the permittee, and number of each species on hand at the expiration of the permit.

Section 2. Amend §572, Subchapter V, Chapter 5, Title 7 of the Delaware Code, by striking the said §572 in its entirety.

Section 3. Amend §573, Subchapter V, Chapter 5, Title 7 of the Delaware Code, by striking the said §573 in its entirety.

Section 4. The Secretary shall have the authority to set a reasonable fee for issuance of permits under this Section.

Approved June 26, 1973.

CHAPTER 117

FORMERLY HOUSE BILL NO. 364

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE DEPARTMENT OF FINANCE, DEPARTMENT
OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL, DEPARTMENT OF PUBLIC SAFETY, AND
DEPARTMENT OF LABOR.**

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

Section 1. There is appropriated to the Department of Finance, Department of Natural Resources and Environmental Control, Department of Public Safety, and Department of Labor the following amounts:

DEPARTMENT OF FINANCE

(25-06-000) Division of Revenue

Salary of Director	\$4,525
Supplementary appropriation required to pay earned and accrued vacation pay to termi- nated employee.	

**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

(40-01-000) Office of Secretary

Salary of Secretary	930
Supplementary appropriation required to pay earned and accrued vacation pay to termi- nated employee.	

DEPARTMENT OF PUBLIC SAFETY

(45-12-000) Capitol Security

Salary of Chief	1,630
Supplementary appropriation required to pay earned and accrued vacation pay to termi- nated employee.	

DEPARTMENT OF LABOR

(60-07-002) Labor and Industrial Relations

Salary of Director	1,000
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Supplementary appropriation required to pay
earned and accrued vacation pay to termi-
nated employee.

TOTAL \$8,085

Section 2. This Act shall be known as a supplementary ap-
propriation and the funds appropriated shall be in addition to any
funds heretofore appropriated and shall be paid by the State
Treasurer from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unex-
pended on June 30, 1973, shall revert to the General Fund.

Approved June 27, 1973.

CHAPTER 118

FORMERLY SENATE BILL NO. 264

**AN ACT TO AMEND CHAPTER 69, PART VI, TITLE 29 OF
THE DELAWARE CODE RELATING TO PUBLIC
WORKS BY STATE AGENCIES AND PROVIDING CER-
TAIN STANDARDS OF CONSTRUCTION FOR THE
PROTECTION OF PHYSICALLY HANDICAPPED PER-
SONS.**

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

Section 1. Amend §6918, Chapter 69, Title 29 of the Delaware Code by repealing said section in its entirety and substituting in lieu thereof the following:

Every public works contract awarded by the State or any political subdivision thereof on or after the effective date of June 30, 1973, dealing with the construction, alteration, remodeling, renovation or repair of any public building or building in which public funds are involved shall require construction performed pursuant to the contract to conform to the standards set forth in paragraphs (a) through (n) hereof. Compliance with these requirements shall be enforced by the Secretary of the Department of Administrative Services.

A waiver may be granted by the Secretary of the Department of Administrative Services in any of the requirements set forth in paragraphs (a) through (n) hereof for good and sufficient reasons stated in writing concerning severe economic hardship to the State or to the political subdivision involved in relation to the public interest sought to be protected by this statute only after approval of said request has been obtained by the Secretary of the Department of Administrative Services by the majority vote of a review committee consisting of three members with one member being appointed by the Secretary of the Department of Administrative Services, one member being appointed by the Secretary of the Department of Health and Social Services and one member being appointed by the Secretary of the Department of Labor. The members of the review committee shall serve without compensation, shall be employed by the Department from

which he or she is appointed and shall serve at the pleasure of the appointing Secretary.

Alterations, remodeling, renovations, repairs or forms thereof, shall not be construed to include any work on any area, facility, or part of an edifice, building or structure if the area, facility, or part is not regulated by the standards of this statute.

"Building" means an edifice or structure which is designated primarily for human use and occupancy which is:

(1) constructed after, or being constructed on, the effective date of this statute;

(2) altered, remodeled, renovated, or repaired after, or being altered, remodeled, renovated, or repaired on, the effective date of this statute.

"Public building" means any building all or part of which is usually held open to the public and which is owned, rented, or to be rented by, any governmental unit.

"Governmental unit" means the State government or any agency, department or political subdivision of the State government, or any agency or department of a political subdivision of the State government.

(a) Public walks shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. These walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways, or parking lots, they shall blend to a common level. A walk shall have a level platform at the top which is at least 5 feet by 5 feet, if a door swings out onto the platform or toward the walk. This platform shall extend at least 1 foot beyond each side of the doorway. A walk shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least 1 foot beyond each side of the doorway.

(b) At least one parking area shall be made accessible to the building by either placing it at the grade level of the building or providing ramps at curbs or steps between the parking area and the building. An adequate parking space shall be one that is set aside and identified for use by individuals with physical disa-

bilities and that is open on one side and which allows room for individuals in wheelchairs or individuals on braces and crutches to get in and out of an automobile on to a level surface, suitable for wheeling and walking. Parking spaces for individuals with physical disabilities' when placed between two conventional diagonal or head-on parking spaces shall be 12 feet wide.

(c) Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) The ramps shall not have a slope greater than one foot rise in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

(2) The ramp shall have handrails on at least one side, and preferably 2 sides. The top of handrails shall be 32 inches above the surface of the ramp and shall extend one foot beyond the top and bottom of the ramp.

(3) The ramp shall be at least 32 inches wide (inside clear measurements) and have a surface that is nonslip.

(4) If a door swings out onto the platform, the ramp shall be at least 5 feet by 5 feet. This platform shall be clear of the door frame.

(5) If the door does not swing onto the platform or toward the ramp, this platform shall be at least 3 feet deep and 5 feet wide. This platform shall be clear of the door frame.

(6) The bottom of the ramp shall have at least a 6 foot level run.

(7) Where the ramp exceeds 30 feet in length, level platforms shall be provided at 30 foot intervals. Level platforms shall also be provided at turns in the ramp. Platforms shall be at least 32 inches wide by 5 feet long.

(d) At least one primary entrance to each building shall be accessible and usable by individuals in wheelchairs. At least one entrance shall be accessible to and usable by individuals in wheelchairs to provide access to elevators either on a level plane or by a ramp.

Doors shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a

distance of 5 feet from the door and shall extend 1 foot beyond each jamb of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. Thresholds shall be flush with the floor.

(e) Steps in stairs shall be designed and built without abrupt (square) nosing. Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. Steps shall have risers that do not exceed 7.5 inches.

(f) Floors shall have surfaces that are nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp in accordance with subsection (c) of this section.

(g) (1) Toilet rooms shall be accessible to, and usable by the physically handicapped and shall have space to allow traffic of individuals in wheelchairs.

(2) toilet rooms shall have at least one toilet stall that:

(i) is 3 feet wide;

(ii) is at least 4 feet 8 inches, preferably 5 feet deep;

(iii) has a door (where doors are used) that is 32 inches wide and swings out;

(iv) has handrails on each side, 33 inches high and parallel to the floor, $1\frac{1}{2}$ inches in outside diameter, with $1\frac{1}{2}$ inches clearance between rail and wall, and fastened securely at ends and center; and

(v) has a water closet with the seat 19 to 21 inches from the floor.

(3) Toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are usable by individuals in wheelchairs; or shall have lavatories mounted higher, when particular designs demand, so that they are usable by individuals in wheelchairs.

(4) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than 40 inches

above the floor, measured from the top of the shelf and the bottom of the mirror.

(5) Toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin 17-20 inches from the floor, or shall have floor-mounted urinals that are on a level with the main floor of the toilet room.

(6) Toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than 40 inches from the floor.

(h) An appropriate number of water fountains or other water-dispensing means shall be accessible to, and usable by, the physically disabled. Water fountains or coolers shall have up-front spouts and controls and be hand-operated or hand-and-foot operated.

(i) Elevators shall be provided and shall be accessible to and usable by a physically handicapped individual at all levels normally used by the general public. Elevators shall allow for traffic by wheelchair.

(j) Switches and controls for light, windows, draperies, elevators, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

(k) (1) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(2) Access panels to manholes in floors, walks and walls shall be avoided where possible.

(3) Where manholes or access panels are open and in use or when an open excavation exists on a site, barricades shall be placed on all open sides at least 8 feet from the hazard and warning devices shall be installed in accordance with the provisions of paragraph (1) of this statute.

(4) Low-hanging door closers that are within the opening of a doorway when the door is open or that protrude into regular corridors or traffic ways when the door is closed are prohibited.

(5) Signs, ceiling lights and similar objects and fixtures that protrude into regular corridors or traffic ways shall be at least 7 feet above the floor.

(6) Hand-operated fire extinguishers where required shall be placed within reach of individuals in wheelchairs.

(1) Audible warning signals shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilities.

(2) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

(m) Raised letters or numbers, in braille, shall be used to identify rest rooms, exits, and any other essential facilities, including telephones. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by knurling the door handle or knob.

(n) (1) An appropriate number of public telephones shall be made accessible to, and usable by, the physically disabled.

(2) Those telephones shall be placed so that the dial and the handset can be reached by individuals in wheelchairs.

(3) An appropriate number of public telephones shall be equipped for those with hearing disabilities and so identified with instructions for use.

Approved June 28, 1973.

CHAPTER 119

FORMERLY SENATE BILL NO. 384
AS AMENDED BY
SENATE AMENDMENT NOS. 1 AND 2
AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO THE METHOD OF PAYMENT OF STATE OFFICIALS AND EMPLOYEES AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

Section 1. Amend Section 2713, Chapter 27, Title 29, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section 2713, as follows:

§ 2713. Method of payment of State officials and employees

The salaries of State officials and employees shall be paid semi-monthly, the first payment shall be made on the fifteenth day of each calendar month by the payment of one-half of the statutory or stipulated monthly salary or one twenty-fourth of the statutory or stipulated annual salary, for the period from the first day of that calendar month to and including the fifteenth day of that calendar month; and the second payment shall be made on the last day of each calendar month by the payment of the remaining one-half of the statutory or stipulated monthly salary or one twenty-fourth of the statutory or stipulated annual salary, for the period from the sixteenth day of such calendar month to the last day of said calendar month.

Section 2. The sum of \$5,500,000 is hereby appropriated to the State Treasurer, which funds shall be used to pay State employees for the pay period ending on June 30, 1973.

Section 3. This Act is a supplementary appropriation act and the funds hereby appropriated shall be paid from the General Fund of the State Treasury from moneys not otherwise appropriated.

Section 4. These funds herein appropriated shall be expended only in the manner set forth herein.

Section 5. This Act is a supplementary appropriation act and the funds hereby appropriated shall be paid from the General Fund of the State Treasury from moneys not otherwise appropriated.

Section 6. The funds herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

The State Treasurer has had the checks prepared to issue to State Employees as soon as the budget for Fiscal Year 1974 is enacted. Those checks are dated July 1, 1973. To insure that State Employees are paid for the pay period ending June 30, 1973, and to avoid the delay and the necessity of rewriting approximately 22,000 checks, those checks shall be issued pursuant to this Act.

Approved June 30, 1973.

CHAPTER 120

FORMERLY HOUSE BILL NO. 285
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 50, PART IV, TITLE 15 OF
THE DELAWARE CODE RELATING TO GENERAL
ELECTIONS, AND THE NUMBER OF VOTING MA-
CHINES TO BE SUPPLIED TO EACH ELECTION DIS-
TRICT.**

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

Section 1. Section 5005, Chapter 50, Part IV, Title 15, Delaware Code, is hereby amended by striking said section in its entirety and substituting in lieu thereof a new §5005 to read as follows:

§ 5005. Number of voting machines per election district

(a) In all general or primary elections every election district or polling place shall be supplied with at least one (1) voting machine for every six hundred (600) registered voters or a majority fraction thereof.

(b) In all special elections every election district or polling place shall be supplied with as many voting machines as the Department of Elections shall deem necessary to conduct an election properly and efficiently; provided, however, that there shall be not less than one (1) voting machine for each polling place nor more than one (1) voting machine for every six hundred (600) registered voters or a majority fraction thereof.

Approved June 30, 1973.

CHAPTER 121

FORMERLY HOUSE BILL NO. 369
AS AMENDED BY
HOUSE AMENDMENTS NO. 2, 5 AND 6

AN ACT TO AMEND CHAPTER 14, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 22, DELAWARE CODE, ENTITLED "MUNICIPALITIES" BY ADDING THERETO A NEW CHAPTER 9 AUTHORIZING CITIES WITH A POPULATION IN EXCESS OF 50,000 PERSONS TO ENACT A TAX ON INCOME OF ITS RESIDENTS; AND A TAX ON THE INCOME OF NON-RESIDENTS ENGAGED IN ANY OCCUPATION, BUSINESS OR PROFESSION WITHIN THE CITY".

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

Section 1. Section 908 of Chapter 14, Volume 58, Laws of Delaware, is amended by striking the date "June 30, 1973", and substituting in lieu thereof the date "June 30, 1975".

Section 2. Section 902 of Chapter 14, Volume 58, Laws of Delaware, is amended by striking the phrase "1.5 percent" wherever it appears in said section, and substituting in lieu thereof the phrase "1.25 percent".

Section 3. Section 901, Chapter 14, Volume 58, Laws of Delaware, is amended by adding a new sentence at the end thereof to read as follows:

"If any exclusions or exemptions are granted under such tax, such exclusions or exemptions shall apply uniformly to all persons subject to such tax; and if different rates of tax are provided, such rates shall apply uniformly to all persons subject to such tax."

Approved June 30, 1973.

CHAPTER 122

FORMERLY SENATE BILL NO. 373

**AN ACT TO AMEND CHAPTER 14, VOLUME 58, LAWS OF
DELAWARE, RELATING TO THE MUNICIPAL USER
TAX BY PROVIDING FOR CERTAIN EXEMPTIONS
FROM SAID TAX.**

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

Section 1. Section 901, Chapter 14, Volume 58, Laws of Delaware, is hereby amended by striking the following language from said sections:

If any exclusions or exemptions are granted under such tax, such exclusions or exemptions shall apply uniformly to all persons subject to such tax; and if different rates of tax are provided, such rates shall apply uniformly to all persons subject to such tax.

Approved June 30, 1973.

CHAPTER 123

FORMERLY SENATE BILL NO. 239
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PROVIDE MATCHING FUNDS FOR THE PURPOSE OF MAKING A SURVEY OF THE BOUNDARIES OF THE STATE OF DELAWARE.

WHEREAS, the present boundaries of the State of Delaware are not correctly and concisely described and may be unclear because of the passage of time since the last boundary survey of the State; and

WHEREAS, prospective real estate and industrial developers, consumers of the State's natural resources, law enforcement officials, courts, and many other interested citizens need a precise description of the State's boundaries; and

WHEREAS, the General Assembly adopted Senate Joint Resolution No. 14 during the 126th General Assembly, authorizing the Secretary of Natural Resources and Environmental Control, the Director of the Division of Historical and Cultural Affairs, and the Governor to proceed with negotiations with adjacent states to delineate more thoroughly common boundaries; and

WHEREAS, after said negotiations the National Oceanic and Atmospheric Administration of the United States Department of Commerce has agreed to survey the westerly and southerly boundaries of the State at a cost of \$120,000 of which the States of Delaware and Maryland will be required to contribute \$40,000 and the Federal Government will contribute \$40,000 on a matching funds basis.

NOW, THEREFORE:

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

Section 1. In addition to any other funds previously appropriated, there is hereby appropriated to the Department of Natural Resources and Environmental Control the sum of \$40,000 which sum shall be used to provide matching funds for the purpose of making a survey of the boundaries of the State of Delaware by the National Oceanic and Atmospheric Administration of the United States Department of Commerce.

Section 2. This Act is a Supplementary Appropriations 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 herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unencumbered by June 30, 1975 shall thereupon revert to the General Fund of the State Treasury.

Approved June 30, 1973.

CHAPTER 124

FORMERLY HOUSE SUBSTITUTE NO. 1
 FOR
 HOUSE BILL NO. 239
 AS AMENDED BY
 SENATE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
 TO THE VARIOUS DEPARTMENTS FOR OPERA-
 TIONAL EXPENSES:

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

Section 1. The several amounts hereby appropriated are as follows:

Department of Administrative Services (30-00-000)

Office of the Secretary (30-01-000)	
Salary of Secretary—Termination Pay	\$ 1,930
Division of State Buildings (30-05-000)	
Custodian (30-05-002)	
Contractual Services — Telephone ex-	
penses (Prior Fiscal Year's Obligation)	\$17,000
<i>Total—Department of Administrative Services</i>	<i>\$18,930</i>

Department of Highways & Transportation (50-00-000)

Division of Highways (55-04-000)	
Operations—Prior Fiscal Year's	
Obligations—\$8,500	\$ 8,500
Division of Transportation (55-06-000)	
Salaries and Wages of Employees	\$ 1,058
<i>Total—Department of Highways & Transportation</i>	<i>\$ 9,558</i>

Department of Labor (60-00-000)

Office of the Secretary (60-01-000)	
Salary of Secretary—Termination Pay	\$ 8,300

Department of Agriculture (65-00-000)

Office of the Secretary (65-01-000)	
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Salary of Secretary—Termination Pay	\$3,100
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Salaries and Wages of Employees—

Termination Pay	\$1,100	
Total—Office of the Secretary		\$ 4,200
Division of Standards & Inspections (56-03-001)		
Personal Services—Veterinary Fees		\$ 3,000
Division of Production & Promotion (65-04-001)		
Salaries and Wages of Employees		\$ 100
Total—Department of Agriculture		\$ 7,300
GRAND TOTAL		<u>\$44,088</u>

Section 2. This appropriation shall be paid by the State Treasurer from General Funds not otherwise appropriated. Any funds not expended on July 31, 1973, shall revert to the General Fund.

Approved June 30, 1973.

CHAPTER 125

FORMERLY HOUSE BILL NO. 185
AS AMENDED BY
HOUSE AMENDMENTS NO. 3, 5 AND 7

**AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF
THE DELAWARE CODE RELATING TO THE POWERS,
DUTIES AND PROCEDURES OF THE BOARD OF PA-
ROLE.**

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

Section 1. Amend Section 4347 (d), Chapter 43, Title 11, Delaware Code, by striking said subsection (d) in its entirety, and inserting in lieu thereof a new subsection (d) to read as follows:

(d) All paroles shall issue upon order of the Board duly adopted by at least three of the five members of the Board; provided, however, no person who has been convicted of and imprisoned for murder, rape, kidnapping or any offense relating to the sale, attempt to sell, delivery, or possession with intent to sell or deliver a narcotic drug shall be granted a parole except by order of the Board duly adopted by at least four of the five members of the Board.

Approved July 2, 1973.

CHAPTER 126

FORMERLY HOUSE BILL NO. 292
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE
CODE, RELATING TO RETAIL AND WHOLESALE
MERCHANTS LICENSE TAXES.**

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

Section 1. Amend Section 2901 (6) (A), Chapter 29, Part III, Title 30, Delaware Code, by striking the semicolon (;) at the end thereof, and adding after the word "chapter" the following:

" , provided, nevertheless, that sales to this State, or any agency or political subdivision thereof, shall be deemed to be sales at wholesale;".

Section 2. Effective Date. This Act shall become effective June 30, 1973.

Approved July 2, 1973.

CHAPTER 127

FORMERLY HOUSE BILL NO. 327
AN ACT TO AMEND TITLE 3, CHAPTER 71, DELAWARE
CODE, RELATING TO THE FEEDING OF GARBAGE
TO HOGS.

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 3, Chapter 71, Section 7108, Delaware Code, is amended by striking said Section 7108 in its entirety and substituting in lieu thereof a new Section 7108 to read as follows:

§ 7108. Feeding of garbage to hogs prohibited; exception; penalty

(a) It shall be unlawful for any person to feed garbage to hogs in this State except as provided in subsection (c) of this Section.

(b) For the purposes of this Section 'garbage' means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods, swine carcasses, and parts thereof, but not to include waste exclusively vegetable in nature.

(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) Whoever willfully violates any of the provisions of this Section shall be fined not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00). Each day's violation shall be considered a separate offense.

(e) Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this Section.

Approved July 3, 1973.

CHAPTER 128

FORMERLY HOUSE BILL NO. 538

**AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE
RELATING TO THE PURCHASE OF ALCOHOLIC LIQ-
UORS FOR SALE OR DISPENSING AT A GATHERING
OF PERSONS.**

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

Section 1. Amend Section 101, Title 4, Delaware Code, by striking the words “, or to the holders of a gathering license to dispense and not for resale” as the same appear in the last two lines of the definition of the word “Importer”.

Section 2. Amend Section 514, Title 4, Delaware Code, by striking subsection (c) of said section in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

(c) A holder of a gathering license may purchase alcoholic liquors for sale at a gathering of persons from either retailers or importers and such retailers and importers shall be permitted to make deliveries to persons holding gathering licenses. A holder of a gathering license granted pursuant to this section shall be exempt from paying the application process fee as provided in subsection (cc) of Section 555 of this Act.

Section 3. Amend Section 514, Title 4, Delaware Code, by striking subsection (d) thereof in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) For purposes of §514 only, the price paid for alcoholic liquors to be sold at a gathering of persons licensed under this section shall be a price agreed upon between the said licensee and the retailer from whom said alcoholic liquors are purchased. A retailer shall not sell at a price less than the price paid by the retailer for such alcoholic liquors. An importer shall not sell at a price which is less than the price that a retailer pays for the same alcoholic liquors.

Section 4. Amend Section 514, Title 4, Delaware Code, by adding a new sentence to subsection (h) at the end thereof to read as follows:

Importers may sell and deliver beer directly to persons for dispensing at a gathering of persons and not for resale.

Approved July 3, 1973.

CHAPTER 129

FORMERLY SENATE BILL NO. 297

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

WHEREAS, the 1964 Capital Improvements Act provided funds in the amount of \$1,759,000 to Delaware State College for the construction of a classroom building, a home economics facility, improvements of roads, and planning for two dormitories, and future campus expansion; and

WHEREAS, these projects have been completed; and

WHEREAS, there remains unencumbered the amount of \$56,526.14 in this account; and

WHEREAS, the College presently has a serious sewage treatment problem and that these funds will be used to modify and correct this problem.

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. Funds appropriated in Section 6, Paragraph D, Chapter 384, Volume 54, Laws of Delaware, which remain unexpended may be used for making the necessary modifications to eliminate the sewage treatment problem which exists at the College. These funds so diverted by this account shall be continued and not revert as otherwise required by law until June 30, 1974.

Approved July 3, 1973.

CHAPTER 130

FORMERLY SENATE BILL NO. 277

AN ACT TO AMEND CHAPTER 92, VOLUME 23, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 572, VOLUME 57, LAWS OF DELAWARE, BEING "AN ACT TO PROVIDE FOR THE ORGANIZATION AND CONTROL OF THE PUBLIC SCHOOLS OF THE CITY OF WILMINGTON", RELATING TO THE MEMBERSHIP OF THE BOARD OF PUBLIC EDUCATION IN 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 concurring therein):

Section 1. Section 3, Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by adding a new paragraph at the end thereof to read as follows:

Upon the expiration occurring in the year 1974 of the terms of the members of the Board of Public Education in the City of Wilmington, appointed by the Mayor of the City of Wilmington, the said Mayor shall appoint one (1) person to serve for a term of four (4) years, one (1) person to serve for a term of three (3) years, and one (1) person to serve for a term of two (2) years. Upon the expiration occurring in the year 1975 of the terms of two (2) of the members of the Board of Public Education in the City of Wilmington, appointed by the Governor of the State of Delaware, the Governor shall appoint one (1) person to serve for a term of one (1) year, and one (1) person to serve for a term of four (4) years. Thereafter, all appointments made to the said Board for the purpose of filling a vacancy created by reason of the expiration of any term shall be for a term of four (4) years; any appointment made for the purpose of filling a vacancy not created by reason of the expiration of a term shall be for the remainder of the unexpired term only.

Section 2. Section 1, Chapter 92, Volume 23, Laws of Delaware, as amended, is hereby amended by striking the word "five" where it appears in the first sentence thereof and substituting in lieu thereof the word "seven".

Approved July 3, 1973.

CHAPTER 131

FORMERLY SENATE BILL NO. 189

AN ACT TO AMEND CHAPTER 43, TITLE 10, DELAWARE CODE, RELATING TO EVIDENCE AND WITNESSES BY AMENDING §4302 THEREOF RELATING TO COMPETENCE OF PARTIES TO TESTIFY AS TO TRANSACTIONS WITH OR STATEMENTS BY THE TESTATOR, INTESTATE OR WARD, IN ACTIONS OR PROCEEDINGS BY OR AGAINST EXECUTORS, ADMINISTRATORS OR GUARDIANS.

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

Section 1. Chapter 43, Title 10, §4302, Delaware Code, is amended by striking out said section and substituting in lieu thereof the following:

§ 4302. Competence of parties or interested witnesses to testify

No person shall be incompetent to testify in any civil action or proceeding whether at law or in equity, because he is a party to the record or interested in the event of the suit or matter to be determined. In actions, suits or proceedings by or against the representatives of deceased or incompetent persons, including proceedings for the probate of wills, any statement of the deceased or ward, whether oral or written, shall not be excluded as hearsay, provided that the trial judge shall first find as a fact that the statement was made by the decedent or ward, and that it was made in good faith and on decedent's personal knowledge.

Approved July 3, 1973.

CHAPTER 132

FORMERLY HOUSE BILL NO. 280
AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 2, 4 AND 5

**AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF
THE DELAWARE CODE RELATING TO THE UNIFORM
CONTROLLED SUBSTANCES ACT, AND ESTABLISH-
ING A PENALTY FOR THE MANUFACTURE, DELIV-
ERY OR POSSESSION OF CERTAIN DRUGS CLASSI-
FIED UNDER SCHEDULE I AND SCHEDULE II OF
THE ACT.**

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

Section 1. Amend §4701, Chapter 47, Part IV, Title 16 of the Delaware Code by adding the following definition, which shall be the first definition of the section:

“ ‘Addicted’ or ‘addiction’ shall mean dependence upon a drug in the following manner:

(a) psychological dependence upon a drug in the sense that the user lacks the ability to abstain from taking or using the drug or experiences a compulsive need to continue its use; and

(b) a tolerance to the effects of the drug which leads the user to require larger and more potent doses; and

(c) such physical dependence upon the drug that the user suffers withdrawal symptoms if he is deprived of its dosage.”

Section 2. Amend §4751, Chapter 47, Part IV, Title 16 of the Delaware Code, by inserting the phrase “who is addicted to narcotic drugs” after the word “person”, and by redesignating the present section as subsection (a) and adding thereto two new subsections, to be designated as subsections (b) and (c) which shall read as follows:

“(b) Except as authorized by this chapter, any person who is not himself addicted to narcotic drugs who manufactures, delivers or possesses with intent to manufacture or deliver a con-

trolled substance or a counterfeit controlled substance classified in Schedule I or II which is a narcotic drug is guilty of a felony, and upon conviction shall be fined not less than twenty-five thousand dollars (\$25,000) nor more than one hundred thousand dollars (\$100,000) and imprisoned for 30 years without eligibility for parole.

(c) Except as authorized by this chapter, in cases where death occurs as a result of the use or consumption of a controlled substance or counterfeit controlled substance classified in Schedule I or Schedule II which is a narcotic drug, any person not addicted to narcotic drugs who is convicted of manufacturing or delivering such drug shall be guilty of a felony and shall be sentenced to imprisonment for life, and shall not be eligible for parole until after serving 45 years from the date of conviction under this subparagraph, and if paroled the person shall remain on parole for the remainder of his natural life or until parole is terminated pursuant to Chapter 43, Title 11, Delaware Code."

Approved July 3, 1973.

CHAPTER 133

FORMERLY SENATE BILL NO. 309

AN ACT CREATING "THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE": PRESCRIBING THE POWERS AND JURISDICTION OF SAID COURT: PROVIDING FOR THE APPOINTMENT, NUMBER AND TERM OF THE JUDGES OF SAID COURT, AND THE SALARIES AND PAYMENT OF THE JUDGES AND OTHER OFFICERS AND EMPLOYEES OF SAID COURT: PROVIDING FOR A SEAL AND RULES: PROVIDING FOR THE SERVICE OF PROCESS AND TRIAL PROCEDURES IN CIVIL AND CRIMINAL CASES: PROVIDING FOR THE TRANSFER OF CERTAIN CAUSES FROM THE SUPERIOR COURT TO THE COURT OF COMMON PLEAS: PROVIDING FOR THE VALIDITY OF CERTAIN JUDGMENTS WHICH MAY EXCEED THE JURISDICTION OF THE COURT: PROVIDING FOR THE DISPOSITION OF PENDING CASES IN THE COURTS OF COMMON PLEAS FOR THE RESPECTIVE COUNTIES: REPEALING CHAPTERS 13, 15 AND 16 OF TITLE 10, CHAPTERS 53, 55 AND 56 OF TITLE 11, DELAWARE CODE OF 1953, AMENDING SECTION 2701 OF TITLE 11, DELAWARE CODE OF 1953; PRESERVING EMPLOYEE RIGHTS, AND TRANSFERRING APPROPRIATIONS.

WHEREAS, the Court of Common Pleas for New Castle County, the Court of Common Pleas for Kent County and the Court of Common Pleas for Sussex County are distinct and separate entities; and

WHEREAS, there is a movement nationally to unify and reorganize the criminal and civil courts in order to provide speedier, more efficient, and better administration of justice; and

WHEREAS, it would be to the best interest and welfare of the State of Delaware if the jurisdiction, policies, practices and procedures of these Courts were made uniform and consistent; and

WHEREAS, the establishment of a Court of Common Pleas for the State of Delaware with State-wide jurisdiction will accomplish the ends desired.

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. Amend Title 10, Delaware Code of 1953 by striking Chapters 13, 15, and 16 of said Title and inserting in lieu thereof a new Chapter 13 to read as follows:

CHAPTER 13. THE COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE

SUBCHAPTER I. ORGANIZATION AND OPERATION

§ 1301. Creation; designation

There is created for the State of Delaware a Court of Record to be known as 'The Court of Common Pleas for the State of Delaware' and hereinafter sometimes referred to in this Chapter as the 'Court'.

§ 1302. Judges; qualifications, residence

(a) There shall be four (4) Judges of the Court of Common Pleas, who shall be citizens of the State and shall have been actively engaged in the general practice of law in the State of Delaware for at least five (5) years. Two Judges shall be residents of New Castle County, one Judge a resident of Kent County and one Judge a resident of Sussex County. The Judge with seniority in service shall serve as Chief Judge and administrative head of the Court.

§ 1303. Appointment of Judges; term, vacancies, political representation, salary

(a) The Judges presently serving in the Court of Common Pleas for New Castle County, The Court of Common Pleas for Kent County and the Court of Common Pleas for Sussex County,

respectively, at the time the Courts are merged by this Chapter, shall continue to serve as judges of this Court for the remainders of their present terms and until their successors are duly appointed and qualify. The enactment of this Chapter ratifies their respective appointments and confirmations as judges of this Court with state-wide jurisdiction. All further appointments of Judges of this Court from time to time hereafter shall be made by the Governor, by and with the consent of a majority of all the members elected to the Senate. Appointments, including appointments to fill vacancies which may occur during a term shall be for a term of twelve (12) years and until their successors are duly appointed and qualify. Seniority in this Court shall be calculated from the date of the judges original appointment to each respective Court of Common Pleas for the applicable county, any provisions to the contrary herein contained notwithstanding.

(b) Each Judge of the Court of Common Pleas shall receive annually as compensation for his services the sum of at least twenty-nine thousand dollars (\$29,000.00), payable monthly in equal amounts by the State Treasurer out of the General Fund of the State. The Chief Judge shall receive an additional sum of five hundred (\$500.00) dollars per annum.

(c) The Judges upon assuming their duties, shall not practice law during their terms of office.

(d) Appointments to the office of Judge of the Court of Common Pleas shall at all times be subject to the following limitations: At any time when the total number of Judges of the Court of Common Pleas shall be an even number, not more than one-half of the members of all such offices shall be of the same political party; and at any time when the number of such offices shall be an odd number, then not more than a majority of one of the members of all such offices shall be of the same political party.

§ 1304. Composition of Court of Common Pleas; quorum

(a) One Judge shall constitute a quorum of said Court and may open and adjourn any session thereof.

§ 1305. Places of holding Court

(a) The Court of Common Pleas shall be held:

(1) In New Castle County, at Wilmington;

- (2) In Kent County, at Dover; and
- (3) In Sussex County, at Georgetown.

§ 1306. Terms of Court

The designation and the duration of the terms of the Court of Common Pleas and the nature of the proceedings to be conducted at each such term, shall be determined as provided by the rules adopted for the Court.

§ 1307. Seals, rules of Court

The Judges of the Court of Common Pleas, or a majority of them, shall, for and on behalf of the Court of Common Pleas, adopt a seal, make and publish general rules regulating the practice and procedure therein and the keeping of its records, including a schedule of costs and fees and providing for such deposits as are deemed necessary.

§ 1308. Disposition of money

The fees, fines and costs received by the Court shall be paid to the State Treasurer, except as otherwise provided by statute.

SUBCHAPTER II. OFFICERS AND EMPLOYEES

§ 1309. Appointment of Clerks and Other Officers; terms; compensation

(a) The Judges of the Court of Common Pleas, or a majority of them, shall appoint competent persons from each County as Clerks for the Court in said County, and such other officers and employees in each County as in deemed necessary to perform the business of the Court.

(b) The Clerks, other officers and employees shall hold office at the pleasure of the Court.

§ 1310. Bonds of clerks

Each Clerk and Deputy Clerk of the Court of Common Pleas shall, before entering upon the duties of the office, give bond to the State in the sum of five thousand dollars (\$5,000.00) with approved surety to faithfully perform and execute all the duties

of his office during his continuance therein. The bond shall be approved by the Chief Judge. Should any Clerk or Deputy Clerk so appointed fail to give bond as required within thirty (30) days from the date of his appointment, the Court shall make a new appointment.

§ 1311. Powers and duties of clerks

(a) The Clerk of the Court in and for the County in which he is appointed to serve shall have the care of the records of the Court in and for said County, and the records of all proceedings had before the Court, and he shall receive all fees, fines and costs arising out of any proceedings had in the Court, or before any Judge thereof, and he shall pay the same over as in this Chapter provided.

(b) The Clerk may administer all necessary oaths; he shall enter the judgments, issue commitments and executions to enforce the same and make and keep the records of the Court in all cases therein under the direction of the Judges. He shall issue all process under his hand and the seal of the Court, signing such process by his title of Office and shall tax costs.

(c) The Clerk shall have such other duties as may be prescribed by Rule of Court, or by administrative direction.

§ 1312. Deputy Clerk; powers and duties

The Court may appoint a suitable person in each County to be Deputy Clerk, who shall hold such office at the pleasure of the Court and who during his tenure in said office, shall have, exercise and perform the powers and duties of the Clerk, when so instructed by the Court and shall perform such other duties as shall be assigned to him by the Court.

§ 1313. Scope of jurisdiction and process

The jurisdiction of the Court of Common Pleas shall extend throughout the State. Process may be issued out of each County, into each County.

§ 1314. Civil jurisdiction; amount in controversy

(a) The Court shall have jurisdiction in the State in all civil actions at law arising ex contractu or exdelicto, where the matter

or thing in controversy, exclusive of interest, does not exceed the sum of three thousand dollars (\$3,000.00).

(b) The amount claimed by the plaintiff, where the claim is for a sum certain and not in excess of three thousand dollars (\$3,000.00), exclusive of interest, shall be conclusive as to jurisdiction of the Court.

(c) The Court shall have and may exercise the same jurisdiction and powers in all civil actions as is vested in Justices of the Peace for the several Counties.

(d) No counterclaims or cross-claims, as defined and provided by Rule of Court, shall be barred in any actions ex contractu or ex delicto which exceed the jurisdictional amount provided in the Section and any judgment rendered in favor of any such counterclaim or cross-claim which exceeds the sum of three thousand dollars (\$3,000.00) shall be valid in all respects.

§ 1315. Causes transferred from Superior Court

The Court shall have jurisdiction to receive, hear, try and dispose of all such arguments, cases, matters and business as, by a certificate of a Judge of the Superior Court, may be assigned to it, pursuant to the Rules of the Court made for that purpose, provided they come within the jurisdiction of the Court of Common Pleas.

§ 1316. General Powers of Court

The Court of Common Pleas shall have all the powers of a court of record possessed by the Superior Court of the State of Delaware in the endorsement of its writs, rules, processes, the attendance of witnesses, the requiring of security for costs from non-residents plaintiffs, the production of documents, books and records and the production of all other necessary evidence.

§ 1317. Judgments and executions

(a) All civil judgments rendered by the Court of Common Pleas shall be entered in a Judgment Docket, which shall be properly indexed. The judgment shall not constitute a lien upon real estate, but a transcript thereof may be filed in the office of the Prothonotary in and for the County wherein the judgment was rendered upon motion made in the Court of Common Pleas by

the judgment creditor in the judgment, and the Prothonotary shall enter in his Judgment Docket the names of the parties, the amount of the judgment, the name of the Court in which the judgment was recovered, the time from which interest runs, and the amount of the costs, with the true date of such filing and entry. The judgment, so transferred, shall, from that date, become and be a lien on all the real estate of the debtor in the County in the same manner and as fully as judgments rendered in the Superior Court as liens, and may be executed and enforced in the same manner as judgments of the Superior Court. If any judgment is lawfully assigned to a joint debtor or surety, the assignee shall have the benefit of this Section.

(b) Writs of execution for the seizure and sale of personal property based upon judgments obtained in the Court, shall be issued in the manner provided by law for writs issuing out of the Prothonotary's office in and for the respective Counties for the seizure and sale of personal property. The Court, may, by Rule of the Court made for that purpose, change the method of procedure.

§ 1318. Appeal in civil actions

From any order, rule, decision, or judgment of the Court in a civil action, the aggrieved party shall have the right of appeal to the Superior Court of the State of Delaware in and for the County in which the judgment was rendered in the same manner as is provided by law as to causes tried before Justices of the Peace, except that appeals to the Superior Court shall be reviewed on the record and shall not be tried de novo. The Superior Court shall have the power to make rules to carry the provisions of this Section into effect.

§ 1319. Civil trial without jury or referees

All civil cases tried before the Court shall be without a jury or referees.

§ 1320. Civil actions. Demand for jury trials; waivers, removal to Superior Court

(a) Every person who commences a civil action in this Court shall, by virtue of such commencement, be deemed to have

waived any right to trial by jury of the issues to which such person's original pleading is directed.

(b) Except as otherwise provided in this Chapter any party other than the party commencing the action may demand a trial by jury of an issue triable of right by a jury by serving upon the other parties a demand therefor in writing and depositing with the Clerk of the Court the amount necessary for the commencement of an action in Superior Court. Such demand shall be served and filed and the necessary amount deposited with the Clerk, not later than five (5) days after the service of the last pleading directed to such issue. The demand for jury trial may be endorsed upon a pleading of the party, provided it is typed or written on the first page of the pleading immediately following the caption of the case.

(c) The failure of a party to serve and file a demand for trial by jury or to deposit the necessary amount in accordance with the requirements of this section constitutes a waiver by him of trial by jury.

(d) Upon demand for trial by jury as provided in this section, the Clerk of the Court shall forthwith transmit all records in the matter and the amount necessary for commencement of an action in Superior Court to the Prothonotary of the County in which the action has been commenced. Following such removal, proceedings shall continue as though the action has been commenced in Superior Court.

§ 1321. Record

A verbatim record shall be kept of all evidence taken in the Court of Common Pleas.

§ 1322. Proceedings pending at time of effective date of this chapter; books, records and papers

(a) All suits, proceedings and matters pending, at the time this Chapter becomes effective, in the Courts of Common Pleas for New Castle, Kent and Sussex Counties, as heretofore constituted, shall be proceeded within the Court of Common Pleas for the State of Delaware hereby established and all the books, records and papers of the said Courts of Common Pleas as hereto-

fore constituted, shall be the books, records and papers of the Court of Common Pleas hereby established.

(b) All informations, proceedings and matters of a criminal nature pending in the former Courts of Common Pleas for New Castle, Kent and Sussex Counties, respectively, at the time this Chapter becomes effective, and all books, records and papers of the said former Courts of Common Pleas for New Castle, Kent and Sussex Counties shall be transferred to the Court of Common Pleas for the State of Delaware hereby established, and the said informations, proceedings and matters pending shall be proceeded with to final judgment and determination in the said Court of Common Pleas hereby established."

Section 2. Amend §2701, Chapter 27, Title 11, Delaware Code, 1953, by striking subsections (b), (c) and (g) of said section and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) The Court of Common Pleas for the State of Delaware shall have original jurisdiction over all misdemeanors alleged to have been committed in this State except where the Superior Court, Family Court, Justices of the Peace for the respective counties, and the Municipal Court of the City of Wilmington, respectively have concurrent or original jurisdiction as provided by statute.

The Municipal Court for the City of Wilmington shall have jurisdiction to hear, try, and finally determine all misdemeanors and violations alleged to have been committed in the City of Wilmington, except where jurisdiction over such offenses is vested exclusively in another court. The Municipal Court shall have sole original jurisdiction to inquire of, hear, try, and finally determine all offenses committed within the city against any of the laws, ordinances, regulations, or charter of the city. The jurisdiction conferred by this subsection includes concurrent jurisdiction with the Justices of the Peace in all cases in which the Justices have jurisdiction.

The Court of Common Pleas for the State of Delaware shall have concurrent jurisdiction over all misdemeanors alleged to have been committed in this State where the Courts of Common Pleas of New Castle, Kent and Sussex Counties have heretofore had jurisdiction."

Section 3. Amend Title 11, Delaware Code, 1953, by striking Chapters 53, 55 and 56 of said Title and substituting in lieu thereof a new Chapter 53 to read as follows:

CHAPTER 53. CRIMINAL PROCEDURE

§ 5301. General provisions

(a) The accused shall have the right to trial by petit jury in all criminal cases except as otherwise provided by statute. In any criminal case pending in New Castle County in which the defendant does not waive his right to a jury trial, the case and all records of the Court pertaining thereto shall be transferred to the Superior Court and the case shall continue upon information and without indictment, according to the same procedures applicable to cases originating in the Superior Court.

(b) The Court shall have the power to receive pleas of guilty from persons charged with misdemeanors and to impose sentence or probation according to law, as fully as is now done by the Superior Court.

(c) From any order, rules, decision, judgment or sentence of the Court in a criminal action, the accused shall have the right of appeal to the Superior Court in and for the County wherein the information was filed as provided in Section 28 of Article 4 of the Constitution of the State of Delaware. Such appeal to the Superior Court shall be reviewed on the record and shall not be tried de novo.

§ 5302. Rules of criminal procedure

(a) The Judges of the Court of Common Pleas, or a majority of them, may, from time to time, adopt and promulgate general rules which prescribe and regulate the form and manner or process, pleading, practice and procedure governing criminal proceedings in the Court of Common Pleas from their inception to their termination.

§ 5303. Election by accused to have case tried by court when proceedings brought before Justices of the Peace

The accused, in all criminal cases where a Justice of the Peace in the County where the charge is brought has jurisdiction

and power to hear and finally determine the matter, may elect at any time prior to day of trial to have the case tried by the Court of Common Pleas.

§ 5304. Contempt, issuance of process in aid of jurisdiction

The Court of Common Pleas may punish contempt and may issue all process necessary for the exercise of its criminal jurisdiction, which process may be executed in any part of the State.

§ 5305. Bail and commitment upon election to trial by Court

(a) In all those cases where, by the provisions of Section 5303 of this Title, the accused may elect to be tried by the Court of Common Pleas, if the accused elects to be tried by the Court of Common Pleas, the Justice of the Peace shall hold such accused under sufficient bail for a hearing or for his appearance at the Court of Common Pleas where the matter shall proceed as though originating in the Court of Common Pleas by information filed.

(b) In default of bail, the person accused shall be committed to the custody of the Department of Health and Social Services to await the session of the Court of Common Pleas.

§ 5306. Witness fees

(a) The witnesses attending the Court of Common Pleas in criminal cases shall receive the same fees as in the Superior Court.

(b) In criminal cases witness fees shall be taxed as part of the costs of such proceeding."

Section 5. All sums heretofore appropriated for the general operations of the Court of Common Pleas for New Castle, Kent and Sussex Counties, respectively, shall be transferred to and be made available to the Court of Common Pleas for the State of Delaware.

Section 6. Employees of the Court of Common Pleas for New Castle, Kent and Sussex Counties, respectively, shall become employees of the Court of Common Pleas for the State of Delaware. No employee's compensation, retirement benefits or other employment right or benefit, now existing, shall be diminished in

any way as a result of any provision of this Act. The retirement benefits or eligibility thereto of any former Judge of the Courts of Common Pleas for New Castle, Kent or Sussex Counties shall be unaffected by any provision of this Act.

Section 7. Acts or part of Acts inconsistent with this Act are repealed to the extent of such inconsistency only.

Section 8. This Act shall take effect thirty days after the enactment.

Approved July 3, 1973.

CHAPTER 134

FORMERLY HOUSE BILL NO. 388

**AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER
OF CERTAIN STATE REAL PROPERTY SITUATED
IN CHRISTIANA HUNDRED TO NEW CASTLE
COUNTY.**

WHEREAS, the major portion of the lands on which the former New Castle County Correctional Institute was located is not presently used by the State of Delaware; and

WHEREAS, these lands could serve as a recreational facility for the people of the area; and

WHEREAS, said lands were formerly owned by New Castle County and were transferred to the State of Delaware for the consideration of one dollar (\$1.00) in 1956 by the Board of Trustees of the New Castle County Workhouse; and

WHEREAS, New Castle County is desirous of using said lands for recreational purposes; and

WHEREAS, the State of Delaware is desirous of transferring said lands to New Castle County; and

WHEREAS, it is the intent of the General Assembly that said lands are to be used by New Castle County primarily for recreational purposes.

NOW, THEREFORE:

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

Section 1. The transfer and conveyance of the following described state real property to New Castle County for the consideration of one dollar (\$1.00) subject to the conditions hereinafter recited is hereby specifically approved:

ALL those certain tracts or parcels of land with the buildings thereon erected, being known as the "New Castle County

Correctional Institute," situated in Christiana Hundred, New Castle County and State of Delaware, excepting therefrom the following described parcels of land:

(1) The parcel on which the Woman's prison is situated and adjoining lands used in connection therewith;

(2) The parcel on which the warden's house is situated and the adjoining lands used in connection therewith; and

(3) The parcel on which State Police Troop No. 6 is situated and the adjoining lands used in connection therewith.

Section 2. The above described real property is to be transferred and conveyed to New Castle County upon the following conditions:

(1) That all buildings and structures thereon erected are to be removed by New Castle County at its expense on or before September 30, 1974, and in the event that said buildings and structures are not removed on or before said date said real property shall revert to the State of Delaware; and

(2) That said real property shall not be used for residential or commercial purposes, and in the event that said real property shall be used for said purposes said real property shall revert to the State of Delaware; and

(3) That said real property is to be used primarily for recreational purposes, and when said real property is no longer used primarily for recreational purposes said real property shall revert to the State of Delaware.

Section 3. The above described property is to be transferred and conveyed to New Castle County subject to the existing lease agreement between the State of Delaware and the Capitol Little League and the lease agreement between the State of Delaware and the Wilmington and Western Railroad.

Section 4. The Governor and the Department of Administrative Services are authorized and empowered to execute and deliver to New Castle County a good and sufficient deed transferring and conveying the above described lands to New Castle County subject to the above mentioned conditions.

Approved July 3, 1973.

CHAPTER 135

FORMERLY HOUSE BILL NO. 481
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 66 OF TITLE 18, DELAWARE CODE, TO BROADEN THE COVERAGE PROVIDED BY THIS CHAPTER THAT INSURES CERTAIN POLICEMEN, FIREMEN, NATIONAL GUARDSMEN, AND CORRECTIONAL OFFICERS AGAINST DEATH IN THE LINE OF DUTY; AND PROVIDING FOR PAYMENT TO DESIGNATED BENEFICIARIES AND FOR PAYMENT OF TUITION FOR THEIR CHILDREN.

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

Section 1. Amend Section 6601 of Chapter 66, Title 18, Delaware Code, by striking the previous new subparagraph (1) (g) and adding a new subparagraph (1) (g) and (1) (h) as follows:

(g) The Fire Marshal, the Deputy Fire Marshals, Fire Inspectors, Fire Safety Engineer, and the Director, Senior Instructors and Field Instructors of the Delaware State Fire School.

(h) Drivers and attendants of ambulances owned or operated by counties or municipalities for the benefit of the public; provided, however, that such ambulance drivers and attendants have been certified by the State.

Approved July 3, 1973.

CHAPTER 136

FORMERLY HOUSE BILL NO. 233

**AN ACT TO AMEND CHAPTER 79, PART VII, TITLE 29 OF
THE DELAWARE CODE RELATING TO THE DEPART-
MENT OF HEALTH AND SOCIAL SERVICES, AND
PROVIDING FOR A DIVISION OF AGING.**

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

Section 1. Amend §7903, Chapter 79, Part VII, Title 29 of the Delaware Code, by adding thereto a new subsection, designated as subsection (m), which shall read as follows:

“(m) 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 limitations 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.”

Section 2. Amend §7930 A, Chapter 79, Part VII, Title 29 of the Delaware Code, by striking said section in its entirety.

Section 3. Amend §7923, Chapter 79, Part VII, Title 29 of the Delaware Code, by re-designating said section as new §7924 and by further re-designating all subsequent sections accordingly.

Section 4. Amend Subchapter 1, Chapter 79, Part VII, Title 29 of the Delaware Code, by adding thereto a new section, to be designated as §7923, which new section shall read as follows:

§7923. Division of Aging

The Division of Aging is established, and shall have the power to perform and be responsible for the performance of all the powers, duties and functions heretofore vested in the Bureau of Aging and the Delaware Commission for the Aging.

Section 5. If any provision of Chapter 79, Title 29 of the Delaware Code, or any rule, regulation or order thereunder, or the application of such provision to any person or circumstances shall be held invalid, the remainder of said Chapter and the application of such provision 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, 1973.

CHAPTER 137

FORMERLY SENATE BILL NO. 256
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND §322(a), TITLE 22, DELAWARE CODE,
BY ALLOWING AN AUTHORIZED AGENT OF A MAY-
OR TO SIT FOR HIM ON THE BOARD OF ADJUST-
MENT.**

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 §322(a), Title 22, Delaware Code, by striking the "." at the end of the first sentence of said subsection and substituting in lieu thereof the following:

" , or an authorized agent of the mayor."

Approved July 6, 1973.

CHAPTER 138

FORMERLY SENATE BILL NO. 269

AN ACT ESTABLISHING A COUNTY-MUNICIPAL PENSION STUDY COMMITTEE TO PARTICIPATE WITH THE STATE BOARD OF PENSION TRUSTEES IN THE FURTHER STUDY OF A UNIFORM PENSION PLAN FOR PUBLIC EMPLOYEES IN THE STATE OF DELAWARE, AND DIRECTING THE STATE BOARD OF PENSION TRUSTEES TO SUBMIT RECOMMENDATIONS AND PROPOSED LEGISLATION CONCERNING SUCH A UNIFORM PENSION PLAN TO THE GOVERNOR AND MEMBERS OF THE 127TH GENERAL ASSEMBLY BY APRIL 1, 1974.

WHEREAS, Chapter 574, Volume 58, Laws of Delaware, (S.B. No. 777), directed the State Board of Pension Trustees to study the "advisability and feasibility of establishing a common pension fund for all public employees in the State of Delaware, excepting the State Police and Judiciary"; and

WHEREAS, the State Board of Pension Trustees, in its report to the Governor and Members of the 127th General Assembly prepared in accordance with Chapter 574, Volume 58, Laws of Delaware, (S.B. No. 777), recommended:

1. that the Board be given another year to study the design of a uniform pension plan for public employees in Delaware, and
2. that a County-Municipal Pension Study Committee be established to participate with the State Board of Pension Trustees in the further study of such a uniform pension plan; and

WHEREAS, all interested parties agree that the establishment of a uniform pension plan for public employees in Delaware is both feasible and, in principle, a desirable objective.

NOW, THEREFORE,

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

Section 1. The State Board of Pension Trustees is directed to continue to study the design of a uniform pension plan to cover all public employees in Delaware, except the State Police and Judiciary.

Section 2. There is hereby established a County-Municipal Pension Study Committee comprised of the following seven members, each of whom may designate an individual to serve as a member of said Committee in his behalf by so notifying the Board of Pension Trustees in writing: the Mayors of the Cities of Wilmington, Newark, and Dover; the New Castle County Executive; the President of the Levy Court of Kent County; the President of the County Council of Sussex County; and the President of the Delaware League of Local Governments.

Section 3. The County-Municipal Pension Study Committee established by Section 2 of this Act shall participate with the State Board of Pension Trustees in the further study of a uniform pension plan for all public employees in Delaware, except the State Police and Judiciary.

Section 4. The State Board of Pension Trustees is hereby directed to submit recommendations and proposed legislation establishing a uniform pension plan for all public employees in Delaware, except the State Police and Judiciary, to the Governor and Members of the 127th General Assembly by no later than April 1, 1974.

Section 5. The cost of the study directed by this Act shall be charged to the State Employees Retirement Fund.

Approved July 6, 1973.

CHAPTER 139

FORMERLY SENATE BILL NO. 156

**AN ACT TO AMEND CHAPTER 13, PART II, TITLE 9 OF
THE DELAWARE CODE RELATING TO NEW CASTLE
COUNTY, AND THE COMPENSATION RECEIVED BY
EACH MEMBER OF THE BOARD OF ADJUSTMENT.**

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

Section 1. Amend §1350, Chapter 13, Part II, Title 9 of the Delaware Code, by striking the last sentence of said section, and substituting in lieu thereof the following:

The compensation of the members of the Board of Adjustment shall be determined by the County Council of New Castle County.

Approved July 6, 1973.

CHAPTER 140

FORMERLY SENATE BILL NO. 304

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR SALARY REIMBURSEMENT FOR AN EMPLOYEE OF THE DELAWARE STATE HOSPITAL, EMILY CROSSLAND, R.N.

WHEREAS, Miss Emily Crossland, R.N. was not paid a five percent (5%) shift differential for the period July 1, 1969, through June 30, 1971, through error; and

WHEREAS, the Office of the Budget Director has determined that such reimbursement can only be made by means of a supplementary appropriation because such claims revert to Fiscal Years 1969, 1970, and 1971.

NOW, THEREFORE,

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

Section 1. The sum of eight hundred and seventy-nine dollars (\$879.00) is hereby appropriated to the Department of Health and Social Services, which money shall be paid to Miss Emily Crossland, an employee of the Delaware State Hospital for salary due her for the period July 1, 1969, through June 30, 1971, for which she has not yet received payment.

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

Section 3. The funds herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended by January 1, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved July 6, 1973.

CHAPTER 141

FORMERLY SENATE BILL NO. 390

AN ACT ESTABLISHING A TAX STUDY COMMITTEE AND PROVIDING AN EMERGENCY SUPPLEMENTARY APPROPRIATION FOR A STUDY OF THE PRESENT TAX STRUCTURE.

WHEREAS, there is a demonstrated interest and need for the establishment of a committee to evaluate the inequities in the State's present tax structure, to propose reforms thereto, and to investigate other revenue sources such as a gross receipts tax; and

WHEREAS, because of these present inequities, many millions of possible tax dollars are thought to be lost, especially in the areas of mercantile taxes and licensing; and

WHEREAS, this is a matter of utmost importance to the citizens of the State, and it is essential that the Committee be appointed and begin its work as rapidly as possible;

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

Section 1. A "Delaware Tax Study Committee" be and hereby is created to consist of seven (7) members, two (2) of whom shall be members of the Senate and appointed by the President Pro Tempore, and two (2) of whom shall be members of the House of Representatives and appointed by the Speaker of the House. The remaining three (3) members shall be appointed by the Governor. The President Pro Tempore and the Speaker of the House shall each appoint one (1) member from one (1) major political party and one (1) member from the other major political party. The Governor shall not appoint more than two (2) members from any one political party. Any vacancy shall be filled by the appointing authority. The members of the Committee shall elect one (1) member to serve as its Chairman. The appointments shall be made on or before July 10, 1973.

Section 2. The Committee shall study the tax laws of the State, existing inequities in the mercantile and licensing taxes, and alternative taxes, such as a gross receipts tax, which will provide revenues in the amount of the anticipated revenue refunds for the taxable year beginning on or after January 1, 1973, and such additional revenues as necessary to replace taxes enacted by, or to be enacted by, the First Special Session of the 127th General Assembly, and shall report its findings and recommendations in these areas to the General Assembly and the Governor on or before October 15, 1973.

Section 3. On or about October 30, 1973, the President Pro Tempore and the Speaker shall convene a special session of the General Assembly to review the Committee's findings and recommendations and consider enactment of additional revenue measures and a revenue package to replace, in whole or in part, those taxes passed during the First Special Session of the 127th General Assembly with the effective date of January 1, 1974.

Section 4. The Committee is authorized to employ such advisors, attorneys, and clerical assistants as are essentially required and to reimburse its members for actual expenses incurred in attending the meetings of the Committee.

Section 5. The sum of SIXTY THOUSAND DOLLARS (\$60,000.00) is hereby appropriated to the Department of Finance for use by the Tax Study Committee, at the direction of such committee, for the purpose of carrying out and accomplishing the purposes of this Act. This is an emergency supplementary appropriation within the meaning of Section 6337 of Title 29, Delaware Code, and the monies appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated. Any monies appropriated herein and unexpended shall revert to the General Fund of the State of Delaware on June 30, 1974.

Approved July 6, 1973.

CHAPTER 142

FORMERLY SENATE BILL NO. 392
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1974, AND TO AMEND CER-
TAIN PERTINENT STATUTORY PROVISIONS.**

*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, 1974, are hereby appropriated and authorized to be paid out of the Treasury of the 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, 1974, 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:

DEPARTMENTS

(01-00-000) LEGISLATIVE

Year Ending June 30, 1974

(01-01-000) General Assembly—House

Salaries—House Members	\$ 246,000
Salary of Chief Clerk	6,600
Salaries—Attaches	73,500
F.I.C.A.—Employer's Share	386

Year Ending June 30, 1974

Pensions	31,070
Health Insurance	1,020
Travel	29,500
TOTAL—General Assembly—House	\$ 388,076

(01-02-000) General Assembly—Senate

Salaries—Senate Members	\$ 126,000
Salary of Secretary of the Senate	6,600
Salary of Assistant Secretary of the Senate ...	5,520
Salaries—Attaches	68,000
Salary of MT/ST Operator	8,350
F.I.C.A.—Employer's Share	817
Pensions	17,769
Health Insurance	850
Travel	20,700
TOTAL—General Assembly—Senate	\$ 252,606

(01-05-000) Commission on Interstate Cooperation

Travel	
Legislative	\$ 10,000
Other Travel	1,200
Contractual Services	
Council on State Governments	15,110
Delaware River Basin Advisory Committee	188,400
National Legislative Leaders Conference ..	1,000
Other Contractual Services	3,000
Supplies and Materials	100
TOTAL—Commission on Interstate	
Cooperation	\$ 168,810

*(01-08-000) Legislative Council**(01-08-001) Office of Director*

Salary of Director	\$ 20,500
Salaries—Casual and Seasonal	12,000
Salaries and Wages of Employees (11)	100,800

Year Ending June 30, 1974

Salaries—Overtime	700
F.I.C.A.—Employer's Share	7,307
Pensions	15,006
Health Insurance	1,529
Personal Services	
House	1,000
Senate	1,000
Travel	
Legislative Council	1,500
Legislative Leadership Conference	6,000
Contractual Services	33,771
Supplies and Materials	20,000
Capital Outlay	9,509
Code Revisors	
Personal Services	25,000
Travel	1,600
Supplies and Materials	100
Contingency—Hearing Fund	4,000
Central Data Processing Services	1,000
TOTAL—Office of Director	\$ 262,322

(01-08-002) Office of Controller General

Salary of Controller General	\$ 20,664
Salaries—Casual and Seasonal	200
Salaries and Wages of Employees (7)	62,889
F.I.C.A.—Employer's Share	4,159
Pensions	10,277
Health Insurance	470
Travel	900
Contractual Services	1,690
Supplies and Materials	2,985
Capital Outlay	3,850
Central Data Processing Services	3,000
TOTAL—Office of Controller General	\$ 111,084
TOTAL—Legislative Council	\$ 373,406
TOTAL—LEGISLATIVE	\$ 1,182,898

(02-00-000) JUDICIAL**(02-01-000) Supreme Court** *Year Ending June 30, 1974*

Salary of Chief Justice	\$ 34,500
Salaries of Associate Justices (2)	68,000
Salaries and Wages of Employees (8)	76,708
F.I.C.A.—Employer's Share	6,488
Pensions	9,435
Health Insurance	1,614
Travel	1,000
Contractual Services	8,250
Supplies and Materials	6,750
Capital Outlay	1,500
Sub-total	214,245
Debt Service	
Principal	20,000
Interest	11,603
TOTAL—Supreme Court	\$ 245,848

(02-02-000) Court of Chancery

Salary of Chancellor	\$ 31,500
Salaries of Vice-Chancellors (2)	62,000
Salaries and Wages of Employees (10)	99,291
F.I.C.A.—Employer's Share	7,301
Pensions	12,213
Health Insurance	1,105
Personal Services	2,000
Travel	1,500
Contractual Services	3,319
Supplies and Materials	3,675
Capital Outlay	3,000
TOTAL—Court of Chancery	\$ 226,904

(02-03-000) Superior Court

Salary of President Judge	\$ 31,500
Salaries of Associate Judges (10)	310,000
Salaries of Jury Commissioners (6)	6,000

Year Ending June 30, 1974

Salaries and Wages of Employees (74)	668,179
F.I.C.A.—Employer's Share	43,699
Pensions	82,185
Health Insurance	8,666
Personal Services	34,000
Travel	9,500
Contractual Services	
Jury Costs	300,000
Other Contractual Services	33,200
Supplies and Materials	13,800
Capital Outlay	29,100
TOTAL—Superior Court	\$ 1,569,829

(02-04-000) Common Pleas Court—Kent County

Salary of Judge	\$ 27,000
Salaries—Casual and Seasonal	10,100
Salaries and Wages of Employees (4)	35,790
F.I.C.A.—Employer's Share	3,176
Pensions	4,402
Health Insurance	340
Travel	500
Contractual Services	
Jury Costs	28,000
Other Contractual Services	5,500
Supplies and Materials	1,200
Capital Outlay	1,200
TOTAL—Common Pleas Court—Kent County .	\$ 117,208

(02-05-000) Common Pleas Court—Sussex County

Salary of Judge	\$ 27,000
Salaries—Casual and Seasonal	4,494
Salaries and Wages of Employees (5)	41,622
F.I.C.A.—Employer's Share	3,181
Pensions	5,120
Health Insurance	850
Travel	37

Year Ending June 30, 1974

Contractual Services	
Jury Costs	18,000
Other Contractual Services	5,000
Supplies and Materials	2,000
Capital Outlay	1,100
TOTAL—Common Pleas Court—Sussex	
County	\$ 108,404

(02-06-000) Common Pleas Court—New Castle County

Salary of Judges (2)	\$ 54,000
Salaries and Wages of Employees (15)	136,883
F.I.C.A.—Employer's Share	8,717
Pensions	16,837
Health Insurance	1,869
Personal Services	2,500
Travel	1,250
Contractual Services	9,600
Supplies and Materials	3,900
Capital Outlay	12,800
TOTAL—Common Pleas Court—New Castle	
County	\$ 248,356

*(02-08-000) Family Court of Delaware**(02-08-001) State Office*

Salary of Chief Judge	\$ 29,000
Salary of Director of Treatment	25,716
Salary of Assistant Administrator	21,488
Salaries and Wages of Employees (14)	139,980
F.I.C.A.—Employer's Share	9,037
Pensions	22,820
Health Insurance	1,427
Personal Services	500
Travel	1,500
Contractual Services	3,400
Supplies and Materials	2,750
Capital Outlay	1,000
TOTAL—State Office	\$ 258,618

(02-08-002) New Castle County Year Ending June 30, 1974

Salaries of Judges (6)	\$ 162,000
Salary of Chief Supervisor	21,517
Salaries—Casual & Seasonal	5,000
Salaries and Wages of Employees (87)	627,789
F.I.C.A.—Employer's Share	40,675
Pensions	79,864
Health Insurance	8,388
Personal Services	
Masters	16,500
Other Personal Services	19,600
Travel	2,500
Contractual Services	
Rent	220,000
Other Contractual Services	76,000
Supplies and Materials	11,700
Capital Outlay	6,600
TOTAL—New Castle County	\$ 1,298,133

(02-08-003) Kent County

Salaries of Judges (2)	\$ 54,000
Salary of Chief Supervisor	13,550
Salaries and Wages of Employees (22)	163,213
F.I.C.A.—Employer's Share	11,549
Pensions	21,741
Health Insurance	4,078
Personal Services	
Masters	5,000
Other Personal Services	1,000
Travel	2,500
Contractual Services	13,300
Supplies and Materials	5,800
Capital Outlay	2,600
Sub-total	\$ 298,331
Debt Service	
Principal	12,000
Interest	10,698
TOTAL—Kent County	\$ 321,029

(02-08-004) Sussex County**Year Ending June 30, 1974**

Salary of Judge	\$ 27,000
Salary of Chief Supervisor	15,088
Salaries and Wages of Employees (22)	176,020
F.I.C.A.—Employer's Share	10,794
Pensions	23,836
Health Insurance	2,142
Personal Services	
Masters	4,000
Other Personal Services	2,000
Travel	3,500
Contractual Services	14,600
Supplies and Materials	4,200
Capital Outlay	3,600
TOTAL—Sussex County	\$ 286,780
TOTAL—Family Court of Delaware	\$ 2,164,560

(02-09-000) Kent County Law Library

Salaries—Casual and Seasonal	\$ 2,400
Salaries and Wages of Employees (1)	8,800
F.I.C.A.—Employer's Share	626
Pensions	1,021
Health Insurance	170
Contractual Services	1,900
Supplies and Materials	350
Capital Outlay	15,300
TOTAL—Kent County Law Library	\$ 30,067

(02-10-000) Sussex County Law Library

Salaries—Casual and Seasonal	\$ 2,100
F.I.C.A.—Employer's Share	123
Contractual Services	2,200
Supplies and Materials	100
Capital Outlay	12,000
TOTAL—Sussex County Law Library	\$ 16,523

*Year Ending June 30, 1974**(02-11-000) New Castle County Law Library*

Salaries and Wages of Employee (1)	\$ 8,300
F.I.C.A.—Employer's Share	486
Pensions	1,021
Health Insurance	170
Contractual Services	1,200
Supplies and Materials	200
Capital Outlay	16,000
TOTAL—New Castle County Law Library ...	\$ 27,377

(02-13-000) Justice of the Peace Courts

* (6) Salaries of Justices of Peace (53) *	\$ 530,000
Salaries of Constables (24)	167,000
Salaries of Chief Clerks (14)	91,000
Salaries of Deputy Clerks (45)	262,772
Salaries of Bailiffs (6)	40,005
F.I.C.A.—Employer's Share	63,637
Pensions	133,798
Health Insurance	16,227
Personal Services	11,000
Travel	
Constable Travel	20,000
Other Travel	1,750
Contractual Services	
Rents—Justice of Peace Courts	64,100
Repair and Service—Buildings and Grounds	2,500
Other Contractual Services	47,450
Supplies and Materials	
Building Alterations and Repairs ...	10,000
Other Supplies and Materials	27,000
Capital Outlay	7,800
TOTAL—Justice of the Peace Courts	\$ 1,496,039

(*) NOTE:

() Salaries and Wages of
 ↑ Employees

Numeral denotes number of other positions not paid out of General Fund appropriations which are subject to change in view of the uncertainties of Federal funding.

()

↑
 Numeral denotes authorized full-time equivalent positions paid by General Fund appropriations.

Year Ending June 30, 1974

(02-17-000) Administrative Office of the Courts

Salary of Director	\$ 25,000
Justice of Peace Courts	
Salary of Deputy Administrator	20,000
Salary of Assistant Deputy Administrator	14,333
Salary of Superior Court Administrator .	16,317
Salaries and Wages of Employees (8) ..	49,620
F.I.C.A. — Employer's Share	5,571
Pensions — Judiciary	64,100
Pensions — All Others	15,409
Health Insurance	1,275
Travel	600
Contractual Services	
Court Rents	500,000
Other Contractual Services	10,500
Supplies and Materials	3,200
Capital Outlay	1,250
TOTAL — Administrative Office of the Courts	\$ 727,175
TOTAL — JUDICIAL	\$ 6,978,290

(10-00-000) EXECUTIVE OFFICES

(10-01-000) Office of the Governor

Salary of Governor	\$ 35,000
Salaries and Wages of Employees (16) ..	183,868
F.I.C.A. — Employer's Share	7,500
Pensions	25,568
Health Insurance	850
Personal Services	5,500
Travel	
Governors Conference	800
Other Travel	6,000
Contractual Services	26,000
Supplies and Materials	9,500
Capital Outlay	1,200
Contingency — Other Expenses	5,400
TOTAL — Office of the Governor	\$ 307,186

(10-02-000) Office of the Budget Year Ending June 30, 1974
(10-02-001) Budget Office

Salary of Budget Director	\$ 20,664
Salaries — Casual and Seasonal	1,500
Salaries and Wages of Employees (8) ..	101,621
Salaries — Overtime	1,600
F.I.C.A. — Employer's Share	5,342
Pensions	15,238
Health Insurance	1,190
Personal Services	2,500
Travel	1,000
Contractual Services	9,500
Supplies and Materials	850
Capital Outlay	900
Central Data Processing Services	18,000
TOTAL — Budget Office	\$ 179,905

(10-02-006) Budget Commission

Contingency Funds	
Emergency Fund Only	\$ 200,000
Accrued Vacation and Sick Leave	
Pay	40,000
Unemployment Compensation	25,000
Boiler and Roof Repair	5,000
TOTAL — Budget Commission	\$ 270,000
TOTAL — Office of the Budget	\$ 449,905

(10-03-000) State Planning Office

Salary of Director	\$ 22,000
(15) Salaries and Wages of Employees (19) ..	177,087
F.I.C.A. — Employer's Share	9,405
Pensions	24,623
Health Insurance	3,144
Personal Services	5,826
Travel	1,011
Contractual Services	23,020
Supplies and Materials	3,644
Capital Outlay	1,400
TOTAL — State Planning Office	\$ 271,160

(10-04-000) Office of Personnel Year Ending June 30, 1974

Salaries of Commissioners (5)	\$ 2,250
Salary of Director	22,000
Salaries — Casual and Seasonal	900
(3) Salaries and Wages of	
Employees (19.5)	196,032
F.I.C.A. — Employer's Share	10,686
Pensions	27,599
Health Insurance	2,634
Personal Services	500
Travel	2,000
Contractual Services	13,000
Supplies and Materials	5,100
Capital Outlay	1,900
TOTAL — Office of Personnel	\$ 280,820
TOTAL — EXECUTIVE OFFICES	\$ 1,309,971

(12-00-000) OTHER ELECTIVE OFFICES**(12-01-000) Lieutenant Governor**

Salary of Lieutenant Governor	\$ 9,000
Salaries and Wages of Employees (1) ..	7,850
F.I.C.A. — Employer's Share	460
Pensions	2,073
Travel	2,200
Contractual Services	800
Supplies and Materials	300
TOTAL — Lieutenant Governor	\$ 22,683

(12-02-000) Auditor of Accounts

Salary of Auditor	\$ 18,000
Salaries — Casual and Seasonal	2,400
(1) Salaries and Wages of Employees (26) .	298,034
F.I.C.A. — Employer's Share	16,767
Pensions	38,872
Health Insurance	2,889
Personal Services	25,000
Travel	1,400

Year Ending June 30, 1974

Contractual Services	3,750
Supplies and Materials	7,400
Capital Outlay	8,000
TOTAL — Auditor of Accounts	\$ 422,512

(12-03-000) Insurance Commissioner

Salary of Commissioner	\$ 18,000
Salary of Deputy Commissioner	13,000
Salaries and Wages of Employees (17) ..	149,575
F.I.C.A. — Employer's Share	9,300
Pensions	22,218
Health Insurance	1,445
Personal Services	2,000
Travel	4,550
Contractual Services	
Insurance Premiums	548,100
Other Contractual Services	12,000
Supplies and Materials	5,350
Capital Outlay	760
Central Data Processing Services	10,000
TOTAL — Insurance Commissioner	\$ 796,293

(12-04-000) State Treasurer

Salary of Treasurer	\$ 18,000
Salaries and Wages of Employees (1) ..	7,560
F.I.C.A. — Employer's Share	1,110
Pensions	3,144
Health Insurance	170
TOTAL — State Treasurer	\$ 29,984
TOTAL — OTHER ELECTIVE OFFICES	\$ 1,271,477

*(15-00-000) LEGAL**(15-01-000) Department of Justice*

Salary of Attorney General	\$ 30,000
Salary of Chief Deputy Attorney General	23,600

Year Ending June 30, 1974

Salaries of Deputies (24)	391,150
Salary of State Solicitor.....	21,000
Salary of State Prosecutor	21,000
Salaries of State Detectives (5)	39,000
Salaries — Casual and Seasonal	6,500
(3) Salaries and Wages of Employees (27) ..	213,439
F.I.C.A. — Employer's Share	40,803
Pensions	90,182
Health Insurance	6,627
Personal Services	4,000
Travel	1,000
Contractual Services	
Rent	45,347
Other Contractual Services	31,000
Supplies and Materials	13,500
Capital Outlay	5,600
TOTAL — Department of Justice	\$ 983,748

(15-02-000) Public Defender

Salary of Public Defender	\$ 18,000
Salary of Chief Deputy Public Defender .	22,900
Salaries of Assistant Public	
Defenders (5)	92,000
Salaries and Wages of Employees (10) ..	75,000
F.I.C.A. — Employer's Share	9,055
Pensions	25,572
Health Insurance	2,039
Personal Services	
Lawyers	90,000
Other Personal Services	20,000
Travel	2,000
Contractual Services	24,000
Supplies and Materials	5,000
Capital Outlay	5,000
TOTAL — Public Defender	\$ 390,566

(15-03-000) Board of Parole **Year Ending June 30, 1974**

Salaries of Board Members (4)	\$ 10,000
Salary of Board Chairman	19,000
Salaries and Wages of Employees (3) ...	26,986
F.I.C.A. — Employer's Share	2,188
Pensions	5,656
Health Insurance	340
Travel	2,200
Contractual Services	11,500
Supplies and Materials	2,700
Capital Outlay	800
TOTAL — Board of Parole	\$ 81,370

(15-04-000) Board of Pardons

Salary of President	\$ 244
Personal Services	100
Travel	156
TOTAL — Board of Pardons	\$ 500
TOTAL — LEGAL	\$ 1,456,184

(20-00-000) DEPARTMENT OF STATE**(20-01-000) Office of the Secretary**

Salary of Secretary of State	\$ 18,000
Salary of Assistant to the Secretary	15,000
Salaries and Wages of Employees (4) ..	39,150
F.I.C.A. — Employer's Share	3,559
Pensions	8,874
Health Insurance	510
Travel	800
Contractual Services	47,000
Supplies and Materials	4,000
TOTAL — Office of the Secretary	\$ 136,893

(20-04-000) State Building Commission

Debt Service	
Principal	\$ 146,000
Interest	115,020
TOTAL — State Building Commission ..	\$ 261,020

(20-05-000) Division of Corporations**(20-05-001) Incorporating Section Year Ending June 30, 1974**

Salaries and Wages of Employees (24) ..\$	145,969
F.I.C.A. — Employer's Share	8,474
Pensions	17,921
Health Insurance	1,954
Contractual Services	25,000
Supplies and Materials	9,500
Capital Outlay	1,200
TOTAL — Incorporating Section	\$ 210,018

(20-05-002) Franchise Tax Section

Salaries — Casual and Seasonal	\$ 4,000
Salaries and Wages of Employees (19) ..	113,309
F.I.C.A. — Employer's Share	6,863
Pensions	13,937
Health Insurance	1,360
Contractual Services	7,000
Supplies and Materials	6,500
Capital Outlay	1,500
Central Data Processing Services	125,000
TOTAL — Franchise Tax Section	\$ 279,469

(20-05-003) Uniform Commercial Code Section

Salaries and Wages of Employees (2) ..\$	15,755
F.I.C.A. — Employer's Share	922
Pensions	1,938
Health Insurance	340
Contractual Services	880
Supplies and Materials	950
Capital Outlay	480
TOTAL — Uniform Commercial Code	
Section	\$ 21,265
TOTAL — Division of Corporations	\$ 510,752

Year Ending June 30, 1974

(20-06-000) Division of Historical and Cultural Affairs

(20-06-001) Office of Director

Salary of Director	\$ 23,000
Salaries — Summer Help	1,500
Salaries — Casual and Seasonal	7,000
Salaries and Wages of Employees (17) ..	137,897
Salaries — Overtime	1,000
F.I.C.A. Employer's Share	9,035
Pensions	20,036
Health Insurance	2,464
Personal Services	500
Travel	600
Contractual Services	
Sussex County Courthouse	100
Robinson House — Blockhouse	950
Other Contractual Services	10,600
Supplies and Materials	
Film	4,000
Other Supplies and Materials	4,000
Capital Outlay	
Historic Markers	1,000
Other Capital Outlay	1,200
Sub-total	\$ 224,882
Debt Service	
Principal	47,000
Interest	33,130
TOTAL — Office of Director	\$ 305,012

(20-06-002) National Historic Register Program

(1.5) Salaries and Wages of Employees (1.5) . \$	13,180
F.I.C.A. — Employer's Share	771
Pensions	1,621
Health Insurance	255
Travel	470
Contractual Services	3,100
Supplies and Materials	900
Capital Outlay	300
TOTAL — National Historic Register	
Program	\$ 20,597

(20-06-003) State Museum **Year Ending June 30, 1974**

Salaries — Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (11) ..	84,858
Salaries — Overtime	215
F.I.C.A. — Employer's Share	5,035
Pensions	10,459
Health Insurance	1,360
Travel	150
Contractual Services	2,600
Supplies and Materials	1,950
Capital Outlay	250
TOTAL — State Museum	\$ 107,877

(20-06-004) John Dickinson Mansion

Salaries — Casual and Seasonal	\$ 1,500
Salaries and Wages of Employees (3) ..	21,198
F.I.C.A. — Employer's Share	1,328
Pensions	2,607
Health Insurance	340
Personal Services	500
Contractual Services	500
Supplies and Materials	700
TOTAL — John Dickinson Mansion	\$ 28,673

(20-06-005) Fort Christina Monument

Salaries — Casual and Seasonal	\$ 800
Salaries and Wages of Employees (3) ..	17,862
F.I.C.A. — Employer's Share	630
Pensions	1,226
Health Insurance	170
Contractual Services	1,070
Supplies and Materials	475
TOTAL — Fort Christina Monument ...	\$ 14,337

(20-06-009) Lewes Memorial Commission

Salaries — Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (2) ..	9,966

Year Ending June 30, 1974

F.I.C.A. — Employer's Share	1,103
Pensions	2,197
Contractual Services	2,500
Supplies and Materials	500
Sub-Total	\$ 25,162
Debt Service	
Principal	1,000
Interest	592
TOTAL—Lewes Memorial Commission ..\$	26,754

(20-06-010) New Castle Historic Building

Salaries — Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (4) ..	20,667
F.I.C.A. — Employer's Share	1,268
Pensions	2,542
Health Insurance	340
Contractual Services	4,000
Supplies and Materials	1,000
TOTAL—New Castle Historic Building ..\$	30,817

(20-06-012) Archaeological Section

Salary of Archaeologist	\$ 11,923
Salaries — Casual and Seasonal	3,000
Salaries and Wages of Employees (4) ..	30,569
F.I.C.A. — Employer's Share	2,631
Pensions	5,227
Health Insurance	850
Personal Services	300
Travel	300
Contractual Services	5,000
Supplies and Materials	2,800
Capital Outlay	600
Sub-total	\$ 63,200
Debt Service	
Principal	4,000
Interest	4,889
TOTAL — Archeological Section	\$ 72,089

(20-06-013) Fisher House **Year Ending June 30, 1974**

Contractual Services	750
Supplies and Materials	350
Capital Outlay	200
TOTAL — Fisher House	\$ 1,300

(20-06-014) Octagonal Schoolhouse

Salaries and Wages of Employees (1) ..	\$ 4,962
F.I.C.A. — Employer's Share	291
Pensions	610
Contractual Services	1,000
Supplies and Materials	300
TOTAL — Octagonal Schoolhouse	\$ 7,163

(20-06-015) Prince George Chapel

Salaries and Wages of Employees (1) ..	\$ 4,962
F.I.C.A. — Employer's Share	291
Pensions	610
Contractual Services	1,250
Supplies and Materials	350
TOTAL — Prince George Chapel	\$ 7,463

(20-06-016) Delaware State Arts Council

Salary of Director	\$ 13,962
Salaries and Wages of Employees (1) ..	7,845
F.I.C.A. — Employer's Share	1,126
Pensions	2,682
Health Insurance	340
Travel	1,000
Contractual Services	2,500
Supplies and Materials	1,145
Contingency — Grants	12,000
TOTAL — Delaware State Arts Council ..	\$ 42,600

(20-06-017) Hale-Byrnes House

Contractual Services	\$ 1,200
Supplies and Materials	300

Year Ending June 30, 1974

Capital Outlay	500
TOTAL — Hale-Byrnes House	\$ 2,000
TOTAL — Division of Historical & Cultural Affairs	\$ 666,682
DEPARTMENTAL REDUCTION (Sec. 38 of this Act	(50,000)
TOTAL—DEPARTMENT OF STATE ..	\$ 1,525,347

(25-00-000) DEPARTMENT OF FINANCE***(25-01-000) Office of the Secretary***

Salary of Secretary	\$ 29,000
Salaries and Wages of Employees (2) ..	27,656
F.I.C.A. — Employer's Share	2,001
Pensions	6,354
Health Insurance	340
Travel	500
Contractual Services	1,750
Supplies and Materials	600
Capital Outlay	500
Central Data Processing Services	660,000
TOTAL — Office of the Secretary	\$ 728,701

(25-05-000) Division of Accounting

Salary of Director	\$ 18,500
Salaries and Wages of Employees (24) ..	205,660
Salaries — Overtime	2,000
F.I.C.A. — Employer's Share	12,618
Pensions	27,927
Health Insurance	3,313
Personal Services	2,000
Travel	400
Contractual Services	15,000
Supplies and Materials	
Data Processing Forms	17,000
Other Supplies and Materials	3,800
Capital Outlay	800
TOTAL — Division of Accounting	\$ 309,018

(25-06-000) Division of Revenue Year Ending June 30, 1974

Salaries of Board Members (5)	\$ 13,000
Salary of Director	26,000
Salaries — Casual and Seasonal	6,000
Salaries and Wages of Employees (176) .	1,322,237
Salaries — Overtime	2,258
F.I.C.A. — Employer's Share	75,877
Pensions	165,865
Health Insurance	18,012
Personal Services	4,500
Travel	5,000
Contractual Services	270,000
Supplies and Materials	53,350
Capital Outlay	9,000
Sub-total	\$ 1,971,099
Debt Service	
Principal	336,000
Interest	170,759
TOTAL — Division of Revenue	\$ 2,477,858

(25-07-000) Division of Treasury**(25-07-001) Office of the Director**

Salaries — Casual and Seasonal	\$ 600
(12) Salaries and Wages of Employees (21) .	165,349
F.I.C.A. — Employer's Share	9,460
Pensions — Paraplegic Veterans	16,800
Pensions — All Others	20,338
Health Insurance — Retirees	260,500
Health Insurance — All Others	2,040
Personal Services	100
Contractual Services	16,350
Supplies and Materials	25,550
Capital Outlay	2,625
Contingency — Lost and Outdated	
Checks	1,000
TOTAL — Office of the Director	\$ 520,712

(25-07-011) Municipal Aid *Year Ending June 30, 1974*

Street Improvement Aid Funds	\$ 2,000,000
TOTAL — Municipal Aid	\$ 2,000,000

(25-07-012) Bond Issuing Officers

Expense of Issuing Bonds	\$ 35,000
TOTAL — Bond Issuing Officers	\$ 35,000

(25-07-013) Debt Service

State Obligations	
Redemptions	\$ 43,000
Interest	641,229
Redemptions — Local Schools	383,800
Interest — Local Schools	480,627
Principal — Employees Retirement .	1,000,000
Interest — Employees Retirement ..	450,000
County Obligations	
Redemptions	25,000
Interest	188
Anticipation Notes	
Interest — Revenue Anticipation Notes	50,000
Interest — Bond Anticipation Notes	125,000
TOTAL — Debt Service	\$ 3,198,844
TOTAL — Division of the Treasury	\$ 5,754,556
DEPARTMENTAL REDUCTION (Sec. 38 of this Act)	(50,000)
TOTAL — DEPARTMENT OF FINANCE	\$ 9,220,133

**(30-00-000) DEPARTMENT OF
ADMINISTRATIVE SERVICES****(30-01-000) Office of the Secretary**

Salary of Secretary	\$ 24,000
Salaries and Wages of Employees (3) ..	28,832
F.I.C.A. — Employer's Share	2,353
Pensions	6,498
Health Insurance	340

Year Ending June 30, 1974

Travel	500
Contractual Services	2,500
Supplies and Materials	200
Capital Outlay	500
Central Data Processing Services	40,000
TOTAL — Office of the Secretary	\$ 105,723

(30-04-000) Division of Facilities Management

Salary of Director	\$ 21,000
Salaries — Casual and Seasonal	500
Salaries and Wages of Employees (4) ..	41,731
Salaries — Overtime	150
F.I.C.A. — Employer's Share	2,696
Pensions	7,735
Health Insurance	280
Personal Services	1,000
Travel	500
Contractual Services	21,550
Supplies and Materials	2,600
Capital Outlay	1,200
Sub-total	\$ 100,942
Debt Service	
Principal	114,000
Interest	101,929
TOTAL — Division of Facilities Management	\$ 316,871

(30-05-000) Division of Maintenance & Communications

Salary of Director	\$ 17,500
Salaries — Casual and Seasonal	12,842
Salaries and Wages of Employees (100.5)	633,897
Salaries — Overtime	10,830
Salaries — Shift Differential	13,632
F.I.C.A. — Employer's Share	39,932
Pensions	83,131
Health Insurance	13,132

Year Ending June 30, 1974

Personal Services	275
Travel	400
Contractual Services	479,075
Supplies and Materials	51,000
Capital Outlay	7,500
TOTAL — Division of Maintenance & Communications	\$ 1,363,146

(30-06-000) Division of Purchasing

Salary of Director	\$ 21,500
Salaries — Casual and Seasonal	1,470
(18) Salaries and Wages of Employees (24.5)	209,528
Salaries — Overtime	20,185
F.I.C.A. — Employer's Share	14,191
Pensions	28,193
Health Insurance	4,090
Personal Services	200
Travel	1,500
Contractual Services	21,170
Supplies and Materials	18,400
Capital Outlay	4,000
Sub-total	\$ 344,427
Debt Service	
Principal	1,000
Interest	672
TOTAL — Division of Purchasing	\$ 346,099

(30-07-000) Division of Central Data Processing

Salary of Director	\$ 22,000
Salaries and Wages of Employees (98) ..	912,160
Salaries — Overtime	12,000
F.I.C.A. — Employer's Share	49,276
Pensions	111,964
Health Insurance	13,600
Travel	3,000
Contractual Services	
Rental — EDP Equipment	885,000

Year Ending June 30, 1974

Other Contractual Services	25,000
Supplies and Materials	75,000
Capital Outlay	10,000
TOTAL — Division of Central Data Processing	\$ 2,119,000

Allocation of Central Data Processing Services

	General Fund	Special Fund
01 Legislative	\$ 4,000	\$ —
02 Judicial	—	—
10 Exec. Staff of Governor.	18,000	\$ 5,000
12 Other Elective Offices ..	10,000	—
15 Legal	—	—
20 State	125,000	—
25 Finance	660,000	—
30 Administrative Services .	40,000	5,000
35 Health & Social Services	300,000	5,000
40 Nat. Res. & Evn. Control	—	10,000
45 Public Safety	472,000	200,000
50 Comm. Affairs & Econ. Dev.	—	—
55 Highways & Transportation	110,000	40,000
60 Labor	5,000	50,000
65 Agriculture	—	—
70 Elections	15,000	—
75 Fire Prevention	—	—
76 Delaware National Guard	—	—
90 Higher Education	—	—
95 Public Education	35,000	10,000
Sub-Total	\$1,794,000	\$ 325,000
TOTAL — Central Data Processing Services	\$ 2,119,000	

*Year Ending June 30, 1974***(30-08-000) Division of Business and Occupational Regulation****(30-08-001) Office of Director**

Salaries of Board Members (28)	\$ 8,017
Salary of Director	14,000
Salaries — Casual and Seasonal	1,400
Salaries and Wages of Employees (5) .	42,735
F.I.C.A. — Employer's Share	2,500
Pensions	5,256
Health Insurance	763
Travel	1,000
Contractual Services	3,500
Supplies and Materials	800
Capital Outlay	—0—
TOTAL — Office of Director	\$ 79,971

(30-08-003) Alcoholic Beverage Control Commission

Salaries of Board Members (5)	\$ 3,000
Salary of Executive Secretary	17,000
Salaries — Casual and Seasonal	1,400
Salaries and Wages of Employees (20.5)	166,122
F.I.C.A. — Employer's Share	9,800
Pensions	20,433
Health Insurance	1,870
Personal Services	12,000
Travel	5,500
Contractual Services	38,500
Supplies and Materials	4,000
Capital Outlay	9,000
TOTAL Alcoholic Beverage Control Com-	
mission	\$ 288,625

(30-08-011) Public Service Commission

Salaries of Board Members (5)	\$ 22,500
Salaries and Wages of Employees (6) ...	90,168
F.I.C.A. — Employer's Share	5,274
Pensions	11,090

Year Ending June 30, 1974

Health Insurance	1,020
Personal Services	24,000
Travel	5,000
Contractual Services	8,000
Supplies and Materials	2,500
Capital Outlay	5,500
TOTAL — Public Service Commission ..\$	175,052

(30-08-015) Banking Commission

Salary of Bank Commissioner	\$ 18,300
Salaries and Wages of Employees (7) ..	81,921
F.I.C.A. — Employer's Share	4,792
Pensions	10,076
Health Insurance	1,190
Travel	4,800
Contractual Services	5,600
Supplies and Materials	1,600
Capital Outlay	6,650
TOTAL — Banking Commission	\$ 134,929
TOTAL — Division of Business and Occupational Regulation	\$ 678,577

(30-10-000) Division of Graphics and Printing

Salary of Director	\$ 15,500
Salaries and Wages of Employees (16) .	97,757
F.I.C.A. — Employer's Share	6,385
Pensions	13,921
Health Insurance	2,379
Travel	250
Contractual Services	1,000
Supplies and Materials	2,800
Capital Outlay	4,850
TOTAL — Division of Graphics and Printing	\$ 144,842
TOTAL — DEPARTMENT OF ADMINISTRATIVE SERVICES	\$ 2,955,258

**(35-00-000) DEPARTMENT OF HEALTH AND
SOCIAL SERVICES**

(35-01-000) Office of the Secretary Year Ending June 30, 1974

Salary of Secretary	\$	33,000
Salaries and Wages of Employees (3) ...		21,474
F.I.C.A. — Employer's Share		1,923
Pensions		5,593
Health Insurance		510
Travel		1,000
Contractual Services		3,000
Supplies and Materials		2,000
Capital Outlay		3,600
TOTAL — Office of the Secretary	\$	72,100

***(35-02-000) Office of Business Administration and
General Services***

Salary of Chief	\$	21,000
(34) Salaries and Wages of Employees (58) ..		516,140
Salaries — Overtime		2,800
F.I.C.A. — Employer's Share		29,009
Pensions		66,613
Health Insurance		8,751
Travel		1,000
Contractual Services		75,000
Supplies and Materials		12,000
Capital Outlay		7,000
Central Data Processing Services		300,000
TOTAL — Office of Business Adminis-		
tration and General Services	\$	1,039,313

(35-03-000) Office of Planning, Research and Evaluation

Salary of Director	\$	23,000
(6) Salaries and Wages of Employees (8) ..		75,659
Salaries — Overtime		500
F.I.C.A. — Employer's Share		3,885
Pensions		12,197
Health Insurance		850

Year Ending June 30, 1974

Travel	1,500
Contractual Services	
Office Rent	8,000
Other Contractual Services	4,000
Supplies and Materials	1,900
Capital Outlay	3,500
TOTAL — Office of Planning, Research and Evaluation	\$ 134,991

(35-04-000) Office of Medical Examiner

Salary of Chief Medical Examiner	\$ 34,000
(2) Salaries and Wages of Employees (31) .	325,780
Salaries — Overtime	7,000
F.I.C.A. — Employer's Share	16,119
Pensions	47,097
Health Insurance	1,954
Personal Services	7,500
Travel	4,000
Contractual Services	38,020
Supplies and Materials	33,315
Capital Outlay	24,800
Sub-total	\$ 539,585
Debt Service	
Principal	46,000
Interest	45,188
TOTAL — Office of Medical Examiner .	\$ 630,773

*(35-05-000) Division of Public Health**(35-05-001) Office of the Director*

Salary of Director	\$ 33,000
Salaries and Wages of Employees (1) ..	10,420
F.I.C.A. — Employer's Share	1,276
Pensions	4,234
Health Insurance	340
Travel	500
Contractual Services	2,300
Supplies and Materials	1,500
TOTAL — Office of the Director	\$ 53,570

(35-05-002) Community Health Year Ending June 30, 1974

(101.6) Salaries and Wages of Employees (172) . \$	1,585,122
Salaries for New Service Centers (27)	
(1 mo. salary)	17,083
Salaries for Health Screening (85)	746,841
Salaries for Licensed Nursing Homes (5)	42,600
Salaries for Sickle Cell Anemia (7)	66,850
Salaries for Center City Personal Health	
Services (8)	78,465
F.I.C.A. Employer's Share	174,218
Pensions	391,626
Health Insurance	44,103
Personal Services	
Health Screening	100,000
Family Planning	13,000
Sickle Cell Anemia	8,000
Adolescent Program	76,000
Other Personal Services	56,375
Travel	
Health Screening	500
Family Planning	5,000
Licensed Nursing Homes	500
Sickle Cell Anemia	850
Other Travel	3,800
Contractual Services	
New Jersey Virus Lab	12,750
Health Screening	20,000
Family Planning	7,500
Licensed Nursing Homes	1,200
Sickle Cell Anemia	10,000
Adolescent Program	5,000
Renal Disease	15,000
Motor Pool	4,500
Other Contractual Services	150,000
Supplies and Materials	
Glasses — Optometry Division	4,000
Polio, Measles and Other Vaccines ..	25,000
Health Screening	85,000
Family Planning	88,500
Licensed Nursing Homes	2,500
Sickle Cell Anemia	6,000

Year Ending June 30, 1974

Adolescent Program	4,000
Renal Disease	25,000
Other Supplies and Materials	46,000
Capital Outlay	
Family Planning	2,000
Licensed Nursing Homes	3,200
Renal Disease	8,000
Other Capital Outlay	47,000
Sub-total	\$ 3,983,083
Debt Service	
Principal	681,750
Interest	507,264
TOTAL — Community Health	\$ 5,172,097

(35-05-003) Emily P. Bissell Hospital

Salaries — Casual and Seasonal	\$ 28,000
Salaries and Wages of Employees (124) .	968,744
Salaries — Overtime	8,500
Salaries — Shift Differential	2,000
F.I.C.A. — Employer's Share	53,132
Pensions	120,447
Health Insurance	12,914
Personal Services	
Medical Fees	9,000
Other Personal Services	2,400
Travel	800
Contractual Services	
Contracts — Other Hospitals	13,000
Repair and Service — Buildings and Grounds	17,000
Other Contractual Services	96,000
Supplies and Materials	
Food	58,800
Drugs and Medical Supplies	94,000
Building Alterations and Repairs ..	4,000
Other Supplies and Materials	30,000
Capital Outlay	6,600
Sub-total	\$ 1,525,337

Year Ending June 30, 1974

Debt Service	
Principal	67,000
Interest	11,013
TOTAL — Emily P. Bissell Hospital	\$ 1,603,350

(35-05-004) Delaware Home and Hospital

Salaries and Wages of Employees (633) ..	\$ 3,834,524
Salaries — Overtime	27,000
Salaries — Shift Differential	28,000
F.I.C.A. — Employer's Share	219,210
Pensions	478,411
Health Insurance	54,629
Personal Services	11,000
Travel	1,200
Contractual Services	
Repair and Service — Buildings and Grounds	36,000
Other Contractual Services	205,000
Supplies and Materials	
Drugs and Medical Supplies	60,000
Food	295,000
Building Alterations and Repairs ..	25,000
Other Supplies and Materials	129,000
Capital Outlay	15,000
Sub-total	\$ 5,418,974
Debt Service	
Principal	191,500
Interest	70,507
TOTAL — Delaware Home and Hos- pital	\$ 5,680,981

(35-05-005) Office of Health-Related Professional Licensing

Salaries of Board Members (67)	\$ 16,100
Salaries and Wages of Employees (12) .	121,234
F.I.C.A. — Employer's Share	6,852
Pensions	16,892

Year Ending June 30, 1974

Health Insurance	935
Personal Services	4,000
Travel	8,300
Contractual Services	23,400
Supplies and Materials	1,700
Capital Outlay	6,405
TOTAL — Office of Health-Related Professional Licensing	\$ 205,818
TOTAL — Division of Public Health ...	\$ 12,715,816

*(35-06-000) Division of Mental Health**(35-06-001) Office of the Director*

Salary of Director	\$ 33,000
(184.3) Salaries and Wages of Employees (5.7) .	54,292
F.I.C.A. — Employer's Share	3,624
Pensions	9,630
Health Insurance	1,190
Travel	1,000
Contractual Services	7,000
Supplies and Materials	1,000
TOTAL — Office of the Director	\$ 110,736

(35-06-002) Delaware State Hospital

(36.61) Salaries and Wages of Employees (903.64)	\$ 6,324,022
Salaries — Overtime	99,330
Salaries — Shift Differential	85,675
F.I.C.A. — Employer's Share	348,753
Pensions	800,610
Health Insurance	74,255
Personal Services	
Payments to Patients	23,000
Other Personal Services	150,000
Travel	2,500
Contractual Services	
Repair and Service — Buildings and Grounds	76,200

Year Ending June 30, 1974

Other Contractual Services	382,000
Supplies and Materials	
Food	480,000
Drugs and Medical Supplies	185,000
Building Alterations and Repairs ..	35,000
Other Supplies and Materials	165,500
Capital Outlay	66,000
Sub-total	\$ 9,297,845
Debt Service	
Principal	674,500
Interest	331,965
TOTAL — Delaware State Hospital	\$ 10,304,310

(35-06-003) Mental Hygiene Clinics

(.10) Salaries and Wages of Employees (63) ..	\$ 731,861
F.I.C.A. — Employer's Share	34,690
Pensions	90,019
Health Insurance	4,163
Contractual Services	50,000
Supplies and Materials	
Drugs and Medical Supplies	72,000
Other Supplies and Materials	5,275
Capital Outlay	1,000
Sub-total	\$ 989,008
Debt Service	
Principal	9,000
Interest	2,590
TOTAL — Mental Hygiene Clinics	\$ 1,000,598

(35-06-004) Governor Bacon Health Center

(2) Salaries and Wages of Employees (247) ..	\$ 1,728,889
Salaries — Overtime	42,000
F.I.C.A. — Employer's Share	104,017
Pensions	233,170
Health Insurance	23,959
Personal Services	
Payments to Patients	2,000

Year Ending June 30, 1974

Other Personal Services	21,000
Travel	600
Contractual Services	
Repair and Service — Buildings and Grounds	42,000
Hospital Contracts	3,000
Other Contractual Services	172,000
Supplies and Materials	
Drugs and Medical Supplies	22,000
Food	85,000
Building Alterations and Repairs ..	30,000
Other Supplies and Materials	42,000
Capital Outlay	20,000
Governor Bacon Health Center School	
Salary of Supervisor (1)	11,630
Salaries of Teachers (10)	105,832
Salary of Clerical (1)	7,342
Other Costs	9,000
Sub-total	\$ 2,705,439
Debt Service	
Principal	147,000
Interest	141,731
TOTAL — Governor Bacon Health Cen- ter	\$ 2,994,170

(35-06-007) Terry Children's Psychiatric Center

(25.5) Salaries and Wages of Employees (64) . \$	421,011
Salaries — Overtime	2,016
Salaries — Shift Differential	5,167
F.I.C.A. — Employer's Share	29,959
Pensions	63,659
Health Insurance	7,731
Personal Services	2,400
Travel	1,500
Contractual Services	45,000
Supplies and Materials	
Food	22,000
Other Supplies and Materials	15,000

Year Ending June 30, 1974

Capital Outlay	5,750
Terry Children's Psychiatric Center School	
Salary of Supervisor (1)	15,104
Salaries of Teachers (7)	74,254
Sub-total	\$ 710,551
Debt Service	
Principal	56,000
Interest	34,020
TOTAL — Terry Children's Psychiatric Center	\$ 800,571

(35-06-008) Alcoholic Services

Salaries and Wages of Employees (26) ..\$	219,621
Salaries — Overtime	2,000
F.I.C.A. — Employer's Share	11,896
Pensions	27,259
Health Insurance	1,444
Personal Services	5,200
Travel	700
Contractual Services	12,000
Supplies and Materials	22,400
Capital Outlay	1,350
TOTAL — Alcoholic Services	\$ 303,870
TOTAL — Divison of Mental Health	\$ 15,514,255

*(35-07-000) Division of Social Services**(35-07-002) Public Welfare*

Salary of Director (State funds — \$9,500 All other funds — \$15,500)	9,500
(257.5) Salaries and Wages of Employees (145.6)	1,318,597
F.I.C.A. — Employer's Share	76,191
Pensions	163,356
Health Insurance	19,031
Personal Services	7,015
Travel	3,200

Year Ending June 30, 1974

Contractual Services	
Blue Cross Contract	100,000
Other Contractual Services	114,000
Supplies and Materials	30,300
Capital Outlay	6,400
Head Start Program	200,000
General Assistance Grants	1,904,500
Old Age Assistance Grants	1,227,000
Aid to Disabled Grants	1,417,788
Aid to Families with Dependent Children	4,552,468
Child Welfare Service — Direct Care ..	2,287,500
Medical Aid Program — Drugs	500,000
Purchase of Day Care	200,000
Title XIX Federal Programs	
Other than State Institutions	3,830,600
State Institutions	2,200,000
Purchase Homemaker Service	108,000
Hospital Care — Indigent Patients	500,000
Aid to Visually Impaired	310,000
Emergency & Disaster Assistance	50,000
Sub-total	\$ 21,135,446
Debt Service	
Principal	2,000
Interest	1,209
TOTAL — Public Welfare	\$ 21,138,655

(35-07-003) Bureau for the Visually Impaired

Salaries — Casual and Seasonal	\$ 2,000
(26.1) Salaries and Wages of Employees (13) .	101,180
F.I.C.A. — Employer's Share	6,038
Pensions	12,445
Health Insurance	2,209
Personal Services	4,500
Travel	1,700
Contractual Services	
Education Services	76,000
Bus Transportation	8,000
Other Contractual Services	13,000

*Year Ending June 30, 1974***Supplies and Materials**

Vocational Training	20,000
Other Supplies and Materials	6,000
Capital Outlay	6,110
Vending Stand Construction	5,000
TOTAL — Bureau for the Visually Im-	
paired	\$ 264,182

(35-07-004) Aging

(15.5) Salaries and Wages of Employees (4.5) .. \$	41,020
F.I.C.A. — Employer's Share	2,340
Pensions	5,046
Health Insurance	425
Travel	500
Contractual Services	3,280
Supplies and Materials	500
Capital Outlay	1,675
Older American Act Grants	188,000
TOTAL — Aging	\$ 242,786
TOTAL — Division of Social Services .. \$	21,645,623

(35-08-000) Division of Adult Corrections**(35-08-001) Office of the Director**

Salary of Director	\$ 25,000
Salaries and Wages of Employees (4) ..	58,983
F.I.C.A. — Employer's Share	2,861
Pensions	10,232
Health Insurance	510
Personal Services	500
Travel	300
Contractual Services	
Repair and Service — Buildings and	
Grounds	500
Other Contractual Services	5,000
Supplies and Materials	2,200
Capital Outlay	2,600
TOTAL — Office of the Director	\$ 108,686

(35-08-002) Central Administration Year Ending June 30, 1974

Salaries and Wages of Employees (8) ...\$	81,430
Salaries — Overtime	300
Salaries — Hazardous Duty and Shift Differential	600
F.I.C.A. — Employer's Share	4,527
Pensions	10,164
Health Insurance	850
Travel	200
Contractual Services	
Repair and Service — Buildings and Grounds	500
Other Contractual Services	6,492
Supplies and Materials	2,350
Sub-total	\$ 107,413
Debt Service	
Principal	577,375
Interest	402,337
TOTAL — Central Administration	\$ 1,087,125

(35-08-003) Delaware Correctional Center

Salaries — Casual and Seasonal	\$ 1,400
Salaries and Wages of Employees (215) .	1,878,155
Salaries — Overtime	182,000
Salaries — Hazardous Duty and Shift Differential	103,000
F.I.C.A. — Employer's Share	123,926
Pension	266,068
Health Insurance	21,240
Personal Services	
Medical, Dental and Psychiatric	46,000
Payments to Inmates	16,135
Other Personal Services	1,800
Travel	1,000
Contractual Services	
Repair and Service — Buildings and Grounds	90,000
Other Contractual Services	210,000

Year Ending June 30, 1974

Supplies and Materials	
Food	165,000
Drugs	21,560
Building Alterations and Repairs ..	14,600
Other Supplies and Materials	81,500
Capital Outlay	13,400
TOTAL—Delaware Correctional Center . \$	3,236,784

(35-08-004) Sussex Correctional Center

Salaries — Casual and Seasonal	900
Salaries and Wages of Employees (52) .	467,679
Salaries — Overtime	60,000
Salaries — Hazardous Duty and Shift Differential	37,000
F.I.C.A. — Employer's Share	32,720
Pensions	69,455
Health Insurance	5,098
Personal Services	
Medical, Dental and Psychiatric	8,000
Payment to Inmates	8,000
Other Personal Services	1,600
Travel	200
Contractual Services	
Repair and Service — Buildings and Grounds	20,000
Other Contractual Services	39,000
Supplies and Materials	
Food	75,000
Drugs	9,000
Building Alterations and Repairs ..	5,200
Other Supplies and Materials	37,200
Capital Outlay	10,585
TOTAL — Sussex Correctional Center . \$	886,637

(35-08-005) Women's Correctional Institution

Salaries — Casual and Seasonal	\$ 300
Salaries and Wages of Employees (14) ..	127,738

Year Ending June 30, 1974

Salaries — Overtime	4,438
Salaries — Hazardous Duty and Shift Differential	7,500
F.I.C.A. — Employer's Share	7,927
Pensions	17,180
Health Insurance	1,359
Personal Services	
Medical, Dental and Psychiatric ...	2,000
Payments to Inmates	865
Other Personal Services	1,600
Travel	120
Contractual Services	
Instructional Services	4,000
Repair and Service — Buildings and Grounds	7,000
Other Contractual Services	14,000
Supplies and Materials	
Food	6,899
Drugs	1,940
Building Alterations and Repairs ..	800
Other Supplies and Materials	13,000
Capital Outlay	865
TOTAL — Women's Correctional Institution	\$ 219,531

(35-08-006) Pre-Trial Release

Salaries — Casual and Seasonal	\$ 5,500
Salaries and Wages of Employees (5) ...	50,132
F.I.C.A. — Employer's Share	3,255
Pensions	6,166
Health Insurance	510
Travel	810
Contractual Services	4,633
Supplies and Materials	700
TOTAL — Pre-Trial Release	\$ 71,706

(35-08-007) Probation and Parole

Salaries — Casual and Seasonal	500
Salaries and Wages of Employees (56) .	515,206

Year Ending June 30, 1974

F.I.C.A. — Employer's Share	28,339
Pensions	63,370
Health Insurance	5,437
Personal Services	
Debtor's Prison Payments	25,000
Travel	2,600
Contractual Services	62,800
Supplies and Materials	6,085
Capital Outlay	5,200
TOTAL — Probation and Parole\$	714,537

(35-08-008) Halfway House

Salaries — Casual and Seasonal	\$ 5,500
Salaries and Wages of Employees (3) ..	24,505
F.I.C.A. — Employer's Share	1,843
Pensions	3,014
Health Insurance	340
Travel	300
Contractual Services	
Repair and Service — Buildings and Grounds	3,500
Other Contractual Services	4,663
Supplies and Materials	
Food	1,916
Building Alterations and Repairs ..	300
Other Supplies and Materials	1,860
TOTAL — Halfway House\$	47,741
TOTAL — Adult Corrections\$	6,372,747

(35-09-000) Division of Drug Control

Salary of Director	\$ 18,000
(48.5) Salaries and Wages of Employees (47) ..	350,219
Salaries — Overtime	200
F.I.C.A. — Employer's Share	20,922
Pensions	45,316
Health Insurance	7,307
Personal Services	16,000

Year Ending June 30, 1974

Travel	13,000
Contractual Services	215,000
Supplies and Materials	41,838
Capital Outlay	3,600
TOTAL — Division of Drug Control	\$ 731,402

*(35-11-000) Division of Mental Retardation**(35-11-001) Hospital for the Mentally Retarded*

Salaries — Casual and Seasonal	\$ 1,050
(57.5) Salaries and Wages of Employees (451)	2,724,421
Salaries — Overtime	47,000
Salaries — Shift Differential	28,000
F.I.C.A. — Employer's Share	164,202
Pensions	355,229
Health Insurance	50,806
Personal Services	
Payments to Patients	8,000
Other Personal Services	29,000
Travel	1,200
Contractual Services	
Repair and Service — Buildings and Grounds	27,000
Other Contractual Services	179,836
Supplies and Materials	
Food	230,000
Drugs	50,000
Building Alterations and Repairs ...	15,000
Other Supplies and Materials	67,000
Capital Outlay	10,000
Hospital for the Mentally Retarded School	
Salary of Teacher (1)	10,282
Salaries of Aides and Attendants (12) ..	77,732
Other Costs	6,000
Sub-total	\$ 4,081,758
Debt Service	
Principal	201,000
Interest	103,166
TOTAL — Hospital for the Mentally Retarded	\$ 4,385,924

*Year Ending June 30, 1974***(35-11-002) Community Mental Retardation Programs**

Salaries — Casual and Seasonal	\$	8,000
(50) Salaries and Wages of Employees (54.5)		349,905
Salaries — Overtime		7,381
F.I.C.A. — Employer's Share		20,508
Pensions		43,946
Health Insurance		5,268
Travel		300
Contractual Services		26,022
Supplies and Materials		
Food		15,000
Other Supplies and Materials		16,500
Capital Outlay		25,100
Small Group Living Centers		13,644
Sub-Total	\$	531,574
Debt Service		
Principal		4,000
Interest		1,150
TOTAL — Community Mental Retardation Programs	\$	536,724
TOTAL — Division of Mental Retardation	\$	4,922,648

(35-12-000) State Service Centers

Salary of Director	\$	15,500
(3) Salaries and Wages of Employees (25)		151,375
Salaries for New Service Centers (25) (1 mo. salary)		11,262
F.I.C.A. — Employer's Share		9,924
Pensions		21,910
Health Insurance		2,124
Personal Services		7,000
Travel		900
Contractual Services		77,186
Supplies and Materials		7,140
South Wilmington Medical Center		20,000
Sub-Total	\$	324,321

Year Ending June 30, 1974

Debt Service	
Principal	2,000
Interest	2,305
TOTAL — State Service Centers	<u>\$ 328,626</u>

*(35-13-000) Juvenile Corrections**(35-13-001) Administration*

Salary of Director	\$ 22,000
(82) Salaries and Wages of Employees (5.5) ..	60,851
F.I.C.A. — Employer's Share	26,103
Pensions	60,135
Health Insurance	7,480
Personal Services	500
Travel	1,000
Contractual Services	16,250
Supplies and Materials	3,000
Capital Outlay	2,275
Juvenile Corrections School	
Salaries of Supervisors (2)	28,061
Salary of Administrative Assistant ..	16,624
Salary of Teachers (30)	339,814
Salary of Clerical (3)	17,054
Salary of Custodian (1)	4,500
Other Costs	27,000
Sub-total	<u>\$ 632,647</u>
Debt Service	
Principal	210,846
Interest	136,476
TOTAL — Administration	<u>\$ 979,969</u>

(35-13-002) Ferris School for Boys

Salaries — Casual and Seasonal	\$ 5,000
Salaries and Wages of Employees (88.5)	576,336
Salaries — Overtime	20,000
Salaries — Hazardous Duty and Shift	
Differential	4,181

Year Ending June 30, 1974

F.I.C.A. — Employer's Share	34,257
Pensions	73,864
Health Insurance	8,326
Personal Services	21,000
Travel	430
Contractual Services	
Repair and Service — Buildings and Grounds	7,500
Other Contractual Services	68,300
Supplies and Materials	
Food	58,000
Drugs	4,000
Other Supplies and Materials	47,450
Capital Outlay	7,450
TOTAL — Ferris School for Boys	\$ 936,094

(35-13-003) Woods Haven-Kruse School for Girls

Salaries — Casual and Seasonal	\$ 6,000
Salaries and Wages of Employees (58) ..	392,729
Salaries — Overtime	14,000
Salaries — Hazardous Duty and Shift Differential	2,177
F.I.C.A. — Employer's Share	23,717
Pensions	50,295
Health Insurance	4,758
Personal Services	14,100
Travel	380
Contractual Services	
Repair and Service — Buildings and Grounds	6,600
Other Contractual Services	32,300
Supplies and Materials	
Food	35,000
Drugs	4,000
Other Supplies and Materials	17,000
Capital Outlay	2,500
TOTAL — Woods Haven-Kruse School for Girls	\$ 605,556

*Year Ending June 30, 1974**(35-13-004) Bridge House Detention Center*

Salaries — Casual and Seasonal	\$ 8,000
Salaries and Wages of Employees (18) ..	141,192
Salaries — Overtime	8,200
Salaries — Hazardous Duty and Shift Differential	3,000
F.I.C.A. — Employer's Share	9,193
Pensions	18,744
Health Insurance	2,379
Personal Services	5,800
Travel	230
Contractual Services	
Repair and Service — Buildings and Grounds	3,300
Other Contractual Services	8,300
Supplies and Materials	
Food	15,000
Drugs	300
Other Supplies and Materials	11,900
Capital Outlay	4,450
TOTAL — Bridge House Detention Cen- ter	\$ 239,988

(35-13-005) Stevenson House Detention Center

Salaries — Casual and Seasonal	\$ 5,000
Salaries and Wages of Employees (18) ..	150,916
Salaries — Overtime	7,200
Salaries — Hazardous Duty and Shift Differential	3,800
F.I.C.A. — Employer's Share	9,288
Pensions	19,916
Health Insurance	2,209
Personal Services	3,500
Travel	230
Contractual Services	
Repair and Service — Buildings and Grounds	1,600
Other Contractual Services	12,150

Year Ending June 30, 1974

Supplies and Materials	
Food	13,000
Drugs	300
Other Supplies and Materials	10,700
Capital Outlay	2,125
TOTAL — Stevenson House Detention	
Center	\$ 241,934

(35-13-006) Delaware Youth Center

Salaries — Casual and Season	\$ 8,000
Salaries and Wages of Employees (29) ..	211,311
Salaries — Overtime	11,000
Salaries — Hazardous Duty and Shift	
Differential	17,000
F.I.C.A. — Employer's Share	13,793
Pensions	29,435
Health Insurance	4,078
Personal Services	10,000
Travel	280
Contractual Services	
Repair and Service — Buildings and	
Grounds	2,100
Other Contractual Services	13,900
Supplies and Materials	
Food	20,000
Drugs	2,000
Other Supplies and Materials	17,200
Capital Outlay	2,500
TOTAL — Delaware Youth Center	\$ 362,597

(35-13-007) Group Homes

Salaries — Casual and Seasonal	\$ 10,000
Salaries and Wages of Employees (8) ..	64,781
Salaries — Overtime	3,000
F.I.C.A. — Employer's Share	4,455
Pensions	8,337
Health Insurance	1,020

Year Ending June 30, 1974

Personal Services	9,100
Travel	180
Contractual Services	
Repair and Service — Buildings and Grounds	2,000
Other Contractual Services	8,450
Supplies and Materials	
Food	10,200
Drugs	1,000
Other Supplies and Materials	12,100
Capital Outlay	2,050
TOTAL — Group Homes	\$ 136,673

(35-13-008) After Care

Salaries and Wages of Employees (15) ..\$	131,462
F.I.C.A. — Employer's Share	6,840
Pensions	16,170
Health Insurance	2,549
Travel	2,280
Contractual Services	16,750
Supplies and Materials	2,700
Capital Outlay	425
TOTAL — After Care	\$ 179,176

(35-13-009) Delinquency Prevention

Salaries and Wages of Employees (8) ..\$	81,697
F.I.C.A. — Employer's Share	4,602
Pensions	10,049
Health Insurance	1,020
Travel	900
Contractual Services	4,000
Supplies and Materials	1,400
Capital Outlay	425
TOTAL — Delinquency Prevention\$	104,093
TOTAL — Juvenile Corrections	\$ 3,786,080
TOTAL — DEPARTMENT OF HEALTH AND SOCIAL SERVICES	\$ 65,894,374

**(40-00-000) DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL CONTROL**

Year Ending June 30, 1974

(40-01-000) Office of the Secretary

Salary of Secretary	\$ 27,000
Salaries and Wages of Employees (9) ..	111,161
F.I.C.A. — Employer's Share	7,170
Pensions	16,625
Health Insurance	1,190
Personal Services	10,000
Travel	1,200
Contractual Services	5,500
Supplies and Materials	2,600
Capital Outlay	100
Sub-total	\$ 182,546
Debt Service	
Principal	677,000
Interest	652,733
TOTAL — Office of the Secretary	\$ 1,512,279

(40-02-000) Office of Administration

Salaries and Wages of Employees (16) ..	\$ 147,467
F.I.C.A. — Employer's Share	8,626
Pensions	18,138
Health Insurance	2,379
Travel	100
Contractual Services	6,000
Supplies and Materials	2,250
Capital Outlay	800
TOTAL — Office of Administration	\$ 185,760

(40-03-000) Office of Information and Education

Salaries and Wages of Employees (3) ...	\$ 25,620
F.I.C.A. — Employer's Share	1,499
Pensions	3,151
Health Insurance	425
Travel	150

Year Ending June 30, 1974

Contractual Services	21,500
Supplies and Materials	2,250
Capital Outlay	900
TOTAL — Office of Information and Education	\$ 55,495

*(40-05-000) Division of Fish and Wildlife**(40-05-001) Office of the Director*

Salary of Director (State Funds — \$10,- 000) (All other Funds — \$10,000) . \$	10,000
Salaries and Wages of Employees (2) ..	15,287
F.I.C.A. — Employer's Share	1,479
Pensions	3,110
Health Insurance	510
Travel	500
Contractual Services	3,000
Supplies and Materials	100
Capital Outlay	140
Contingency — Small Boat Program	30,000
TOTAL — Office of the Director	\$ 64,126

(40-05-002) Wildlife

(19.66) Salaries and Wages of Employees (13) . \$	115,409
Salaries — Overtime	10,000
F.I.C.A. — Employer's Share	7,336
Pensions	15,425
Health Insurance	3,993
Travel	250
Contractual Services	
Kent County Dog Control	10,000
Delaware S.P.C.A.	20,000
Other Contractual Services	9,000
Supplies and Materials	8,500
Capital Outlay	7,300
TOTAL — Wildlife	\$ 207,213

(40-05-003) Fisheries**Year Ending June 30, 1974**

(4.25) Salaries and Wages of Employees (11) ..\$	81,802
Salaries — Overtime	2,500
F.I.C.A. — Employer's Share	4,932
Pensions	10,369
Health Insurance	1,699
Travel	200
Contractual Services	
Boat Repairs	3,000
Other Contractual Services	9,000
Supplies and Materials	10,000
Capital Outlay	2,000
Sub-total	\$ 125,502
Debt Service	
Principal	22,000
Interest	14,142
TOTAL — Fisheries	\$ 161,644

(40-05-004) Mosquito Control

Salaries — Casual and Seasonal	\$ 10,000
Salaries and Wages of Employees (19) ..	149,176
Salaries — Overtime	1,500
F.I.C.A. — Employer's Share	9,400
Pensions	18,533
Health Insurance	2,634
Personal Services	50
Travel	100
Contractual Services	
Research Contracts — University of Delaware	20,000
Spraying	60,000
Other Contractual Services	20,000
Supplies and Materials	
Insecticides	35,000
Other Supplies and Materials	19,000
Capital Outlay	50,000
TOTAL — Mosquito Control	\$ 395,393

(40-05-005) Technical Services Year Ending June 30, 1974

(7) Salaries and Wages of Employees (2) . \$	20,009
F.I.C.A. — Employer's Share	1,170
Pensions	2,461
Health Insurance	1,699
Travel	75
Contractual Services	
University of Delaware — Crabs & Clams Research	12,000
Seed Oysters to Public Beds	12,000
Other Contractual Services	6,500
Supplies and Materials	3,000
Capital Outlay	1,300
TOTAL — Technical Services \$	60,214
TOTAL — Division of Fish and Wildlife \$	888,590

(40-06-000) Division of Parks, Recreation and Forestry**(40-06-001) Office of the Director**

Salary of Director	\$ 20,000
Salaries and Wages of Employees (1) ..	9,404
F.I.C.A. — Employer's Share	1,217
Pensions	3,617
Health Insurance	170
Travel	75
Contractual Services	1,397
Supplies and Materials	700
Capital Outlay	250
TOTAL — Office of the Director \$	36,830

(40-06-002) Parks

(3.66) Salaries and Wages of Employees (42) . \$	369,267
F.I.C.A. — Employer's Share	21,601
Pensions	45,420
Health Insurance	5,098
Travel	250
Contractual Services	
Fort Delaware	10,000

Year Ending June 30, 1974

Other Contractual Services	47,434
Supplies and Materials	5,550
Capital Outlay	25,470
Sub-total	\$ 530,090
Debt Service	
Principal	111,000
Interest	85,155
TOTAL — Parks	\$ 726,245

(40-06-003) Forestry and Fire Protection

(1) Salaries and Wages of Employees (8) ..\$	65,163
F.I.C.A. — Employer's Share	3,812
Pensions	8,015
Health Insurance	1,359
Personal Services	200
Travel	125
Contractual Services	8,300
Supplies and Materials	3,800
Capital Outlay	4,300
Sub-total	\$ 95,074
Debt Service	
Principal	12,000
Interest	8,307
TOTAL — Forestry and Fire Protection . \$	115,381

(40-06-004) Recreation

Salaries and Wages of Employees (2) ...\$	23,876
F.I.C.A. — Employer's Share	1,396
Pensions	2,937
Health Insurance	680
Travel	80
Contractual Services	2,900
Supplies and Materials	1,550
Recreation Assistance Funds — Local Government	226,000
TOTAL — Recreation	\$ 259,419
TOTAL — Division of Parks, Recreation and Forestry	\$ 1,137,875

*Year Ending June 30, 1974**(40-07-000) Division of Soil and Water Conservation**(40-07-001) Office of Director*

Salary of Director	\$ 15,500
Salaries and Wages of Employees (1) ..	4,739
F.I.C.A. — Employer's Share	944
Pensions	2,489
Travel	100
Contractual Services	2,250
Supplies and Materials	500
Capital Outlay	130
TOTAL — Office of Director	\$ 26,652

(40-07-002) Drainage

Salaries and Wages of Employees (5) ..\$	50,599
F.I.C.A. — Employer's Share	2,960
Pensions	6,624
Health Insurance	1,444
Contractual Services	
Highway Crossings	79,000
Other Contractual Services	6,400
Supplies and Materials	
Highway Crossings	68,500
Other Supplies and Materials	1,600
Tax Ditches — Sussex County	20,000
Tax Ditches — Kent County	25,000
Tax Ditches — New Castle County	25,000
Sub-total	\$ 287,127
Debt Service	
Principal	102,750
Interest	58,754
TOTAL — Drainage	\$ 448,631

(40-07-003) Beach Preservation

Salaries and Wages of Employees (4) ..\$	46,220
F.I.C.A. — Employer's Share	2,703
Pensions	5,685

Year Ending June 30, 1974

Health Insurance	680
Personal Services	500
Travel	100
Contractual Services	5,000
Supplies and Materials	2,600
Capital Outlay	2,250
TOTAL — Beach Preservation	\$ 65,738
TOTAL — Division of Soil and Water Conservation	\$ 541,021

*(40-08-000) Division of Environmental Control**(40-08-001) Office of the Director*

Salary of Director (State Funds — \$13,- 200; All other funds — \$10,800) ...	\$ 13,200
(1.45) Salaries and Wages of Employees (2) ..	16,679
F.I.C.A. — Employer's Share	1,642
Pensions	3,675
Health Insurance	425
Travel	1,500
Contractual Services	2,000
Supplies and Materials	595
Capital Outlay	325
TOTAL — Office of the Director	\$ 40,041

(40-08-002) Air Resources

(9.5) Salaries and Wages of Employees (7) ..	\$ 70,877
F.I.C.A. — Employer's Share	4,147
Pensions	8,718
Health Insurance	2,039
Personal Services	500
Travel	300
Contractual Services	19,000
Supplies and Materials	1,100
TOTAL — Air Resources	\$ 106,681

(40-08-003) Water Resources **Year Ending June 30, 1974**

(11) Salaries and Wages of Employees (11) ..\$	139,679
F.I.C.A. — Employer's Share	8,172
Pensions	17,181
Health Insurance	2,719
Personal Services	2,600
Travel	270
Contractual Services	35,410
Supplies and Materials	5,265
Capital Outlay	2,600
Sub-total	\$ 213,896
Debt Service	
Principal	10,000
Interest	10,400
TOTAL — Water Resources	\$ 234,296

(40-08-004) Technical Services

(9) Salaries and Wages of Employees (12) ..\$	142,736
F.I.C.A. — Employer's Share	8,350
Pensions	17,557
Health Insurance	2,719
Travel	270
Contractual Services	2,000
Supplies and Materials	9,600
TOTAL — Technical Services	\$ 183,232

(40-08-006) Delaware River Basin Commission

(7.66) Salaries and Wages of Employees\$ —

(40-08-007) Solid Waste

(1) Salaries and Wages of Employees (2) ..\$	15,900
F.I.C.A. — Employer's Share	980
Pensions	1,956
Health Insurance	170
Personal Services	1,000
Travel	300
Contractual Services	5,000

Year Ending June 30, 1974

Supplies and Material	1,050
Capital Outlay	50
TOTAL — Solid Waste	\$ 26,356
TOTAL — Division of Environmental Control	\$ 590,606
TOTAL — DEPARTMENT OF NATURAL RESOURCES AND ENVIRON- MENTAL CONTROL	\$ 4,911,626

(45-00-000) DEPARTMENT OF PUBLIC SAFETY**(45-01-000) Office of the Secretary**

Salary of Secretary	\$ 27,000
Salaries and Wages of Employees (2) ..	17,067
F.I.C.A. — Employer's Share	1,665
Pensions	5,051
Health Insurance	170
Travel	100
Contractual Services	3,000
Supplies and Materials	800
TOTAL — Office of the Secretary	\$ 54,853

(45-03-000) Division of Alcohol Safety

(8) Salaries and Wages of Employees\$ —

**(45-05-000) Division of Administration &
Intergovernmental Services****(45-05-001) Office of Administration**

Salary of Director	\$ 14,500
Salaries and Wages of Employees (6) ..	79,439
F.I.C.A. — Employer's Share	4,971
Pensions	12,031
Health Insurance	1,189
Contractual Services	3,500
Supplies and Materials	1,700

Year Ending June 30, 1974

Capital Outlay	500
Central Data Processing Services	472,000
TOTAL — Office of Administration	<u>589,830</u>

(45-05-002) Communications Section

Salaries and Wages of Employees (15) ..	158,013
Salaries — Overtime	520
F.I.C.A. — Employer's Share	8,680
Pensions	19,500
Health Insurance	2,804
Travel	500
Contractual Services	
School Contracts	500
Other Contractual Services	7,500
Supplies and Materials	
Materials for Resale	20,000
Other Supplies and Materials	5,000
Sub-total	<u>\$ 223,017</u>
Debt Service	
Principal	28,000
Interest	27,480
TOTAL — Communications Section	<u>\$ 278,497</u>
TOTAL — Division of Administration & Intergovernmental Services	<u>868,327</u>

(45-06-000) Division of State Police

Salary of Superintendent	\$ 23,000
Salary of Assistant Superintendent	20,500
(10) Salaries of Uniformed Division (419) ..	4,688,237
(17) Salaries and Wages of Employees (83) .	587,803
Salaries — Overtime	288,000
F.I.C.A. — Employer's Share	35,986
Pensions — Uniformed Division	1,109,634
Pensions — All others	73,315
Health Insurance	79,424
Personal Services	1,000

Year Ending June 30, 1974

Travel	6,500
Contractual Services	413,350
Supplies and Materials	364,525
Capital Outlay	
Vehicles and Related Equipment ...	351,150
Other Capital Outlay	16,400
Crime Reduction Fund	20,000
Drug Control Program	35,000
Sub-total	\$ 8,113,824
Debt Service	
Principal	101,000
Interest	86,045
TOTAL Division of State Police	\$ 8,300,869

(45-07-000) Division of Motor Vehicles

Salary of Director	\$ 16,800
Salaries — Casual and Seasonal	20,000
Salaries and Wages of Employees (187) .	1,291,734
F.I.C.A. — Employer's Share	76,580
Pensions	163,410
Health Insurance	20,730
Travel	1,000
Contractual Services	
Photographs for Licenses	47,400
Other Contractual Services	85,700
Supplies and Materials	
Tags, Stickers and Numerals	167,000
Other Supplies and Materials	27,000
Capital Outlay	4,800
Sub-total	\$ 1,922,154
Debt Service	
Principal	54,500
Interest	53,544
TOTAL — Division of Motor Vehicles ..	\$ 2,030,198

(45-08-000) Division of Emergency Planning and Operations

Salary of Director (State funds — \$6,- 825; All other funds — \$6,825)	\$ 6,825
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Year Ending June 30, 1974

(11.5) Salaries and Wages of Employees (7.5) .	64,000
F.I.C.A. — Employer's Share	3,918
Pensions	8,711
Health Insurance	2,124
Travel	300
Contractual Services	6,000
Supplies and Materials	2,000
Capital Outlay	5,000
Sub-total	\$ 98,878
Debt Service	
Principal	7,000
Interest	4,017
TOTAL — Division of Emergency Plan- ning and Operations	\$ 109,895
 <i>(45-09-000) Division of Boiler Safety</i>	
Salary of Director	\$ 13,230
Salaries and Wages of Employees (5) ..	38,009
F.I.C.A. — Employer's Share	2,891
Pensions	6,302
Health Insurance	935
Travel	3,500
Contractual Services	3,600
Supplies and Materials	600
Capital Outlay	500
TOTAL — Division of Boiler Safety	\$ 69,567
 <i>(45-10-000) Federal-State Highway Safety Coordinator</i>	
(6) Salaries and Wages of Employees	\$ —
 <i>(45-11-000) Delaware Agency to Reduce Crime</i>	
Salary of Executive Director (State funds — \$12,000; (All other funds — \$12,- 000)	\$ 12,000
(20.5) Salaries and Wages of Employees (2) ..	27,500

Year Ending June 30, 1974

F.I.C.A. — Employer's Share	2,276
Pensions	4,859
Health Insurance	850
Program Grants	225,000
Aid to Local Law Enforcement Agencies	350,000
Contingency — Administrative	10,000
Law Enforcement Planning	5,760
TOTAL — Delaware Agency to Reduce Crime	\$ 638,245

(45-12-000) Capitol Security

Salary of Chief	\$ 10,080
Salaries and Wages of Employees (9.5) ..	58,123
Salaries — Overtime	4,470
F.I.C.A. — Employer's Share	4,282
Pensions	8,939
Health Insurance	1,020
Contractual Services	22,300
Supplies and Materials	1,500
TOTAL — Capitol Security	\$ 110,714
TOTAL — DEPARTMENT OF PUBLIC SAFETY	\$ 12,182,668

**(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS
AND ECONOMIC DEVELOPMENT***(50-01-000) Office of the Secretary*

Salary of Secretary	\$ 25,000
(1.75) Salaries and Wages of Employees (8.50) ..	56,065
F.I.C.A. — Employer's Share	11,658
Pensions	12,655
Health Insurance	2,209
Travel	600
Contractual Services	4,600
Supplies and Materials	1,900

Year Ending June 30, 1974

Capital Outlay	1,000
Opportunities Industrialization Center ..	160,000
Foster Grandparents Program	
(64.5) Salaries of Foster Grandparents (62)	109,000
Salaries and Wages of Employees (3.12)	22,822
Personal Services	600
Travel	250
Contractual Services	
Workmen's Compensation	400
Other Contractual Services	3,700
Supplies and Materials	300
Capital Outlay	500
TOTAL — Office of the Secretary	\$ 413,259

(50-06-000) Office of Human Relations

Salary of Director	\$ 16,000
Salaries and Wages of Employees (9) ..	75,499
F.I.C.A. — Employer's Share	5,031
Pensions	11,254
Health Insurance	850
Personal Services	500
Travel	3,500
Contractual Services	11,000
Supplies and Materials	1,700
Capital Outlay	750
TOTAL — Office of Human Relations ..	\$ 126,084

(50-08-000) Division of Economic Development

Salary of Director	\$ 18,375
Salaries — Casual and Seasonal	500
(4) Salaries and Wages of Employees (12) .	104,335
Salaries — Overtime	100
F.I.C.A. — Employer's Share	6,805
Pensions	15,106
Health Insurance	1,274
Personal Services	3,300

Year Ending June 30, 1974

Travel	5,000
Contractual Services	61,000
Supplies and Materials	7,000
Capital Outlay	1,300
Delmarva Advisory Council Grant	13,000
TOTAL — Division of Economic Development	\$ 237,095

(50-09-000) Division of Housing

Debt Service	
Principal	24,000
Interest	24,026
TOTAL — Division of Housing	\$ 48,026

(50-10-000) Division of Libraries

Salaries and Wages of Employees (12) ..\$	97,089
F.I.C.A. — Employer's Share	5,372
Pensions	11,945
Health Insurance	2,040
Travel	200
Contractual Services	23,200
Supplies and Materials	13,950
Capital Outlay	12,130
Public Library Grants	32,000
TOTAL — Division of Libraries	\$ 197,926

(50-11-000) Division of Consumer Affairs

Salaries of Board Members (2)	\$ 2,000
Salary of Board Chairman	1,500
Salary of Director	16,000
(7.7) Salaries and Wages of Employees (4) ..	33,182
F.I.C.A. — Employer's Share	2,608
Pensions	6,049
Health Insurance	425
Personal Services	2,000

Year Ending June 30, 1974

Travel	1,500
Contractual Services	
Rent	14,800
Other Contractual Services	4,000
Supplies and Materials	1,500
Capital Outlay	500
TOTAL — Division of Consumer Affairs	\$ 86,064
TOTAL — DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT	\$ 1,108,454

**(55-00-000) DEPARTMENT OF HIGHWAYS
AND TRANSPORTATION**

(55-01-000) Office of the Secretary

Salary of Secretary	\$ 29,000
Salaries — Casual and Seasonal	500
(5.2) Salaries and Wages of Employees (5.8) .	71,496
F.I.C.A. — Employer's Share	4,027
Pensions	11,746
Health Insurance	1,274
Travel	1,200
Contractual Services	5,000
Supplies and Materials	1,000
TOTAL — Office of the Secretary	\$ 125,243

(55-02-000) Office of Administration

Salary of Chief	\$ 22,000
(27.7) Salaries and Wages of Employees (31) .	253,982
Salaries — Overtime	500
F.I.C.A. — Employer's Share	15,525
Pensions	33,945
Health Insurance	5,270
Personal Services	2,500
Travel	150
Contractual Services	50,000

Year Ending June 30, 1974

Supplies and Materials	5,900
Capital Outlay	13,150
Central Data Processing Services	110,000
TOTAL — Office of Administration	\$ 512,922

(55-05-000) Division of Highways

Salary of Director	\$ 27,000
(546.2) Salaries and Wages of Employees (805)	5,904,542
Salaries — Overtime	120,000
F.I.C.A. — Employer's Share	353,103
Pensions	743,971
Health Insurance	125,486
Resurfacing Contracts	400,000
Capital Outlay	400,000
Operations	1,900,000
Lines — Center and Edge of Highway ..	105,000
Roadside, Grass and Growth Control ...	90,000
Highway Lighting	15,000
Highway Signing	25,000
Sub-total	\$ 10,209,102
Debt Service	
Principal	12,628,050
Interest	5,929,012
TOTAL — Division of Highways	\$ 28,766,164

(55-06-000) Division of Transportation

Salary of Director	\$ 21,000
Salaries and Wages of Employees (2) ..	22,623
F.I.C.A. — Employer's Share	2,001
Pensions	5,366
Health Insurance	340
Personal Services	1,000
Travel	400
Contractual Services	4,200
Supplies and Materials	500
Contingency — DART	350,000
TOTAL — Division of Transportation ..	\$ 407,430
TOTAL — DEPARTMENT OF HIGH-	
WAYS AND TRANSPORTATION .	\$ 29,811,759

(60-00-000) DEPARTMENT OF LABOR**(60-01-000) Office of the Secretary Year Ending June 30, 1974**

Salary of Secretary (State Funds — \$8,- 750; All other Funds — \$16,250) ..\$	8,750
(.65) Salaries and Wages of Employees (1) ..	7,446
F.I.C.A. — Employer's Share	947
Pensions	1,992
Health Insurance	170
Travel	700
Contractual Services	1,200
Supplies and Materials	600
Central Data Processing Services	5,000
TOTAL — Office of the Secretary \$	26,805

(60-05-000) Division of Employment Services

(16) Salaries and Wages of Employees\$	—
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(60-06-000) Division of Unemployment Insurance

(203) Salaries and Wages of Employees\$	—
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(60-07-000) Division of Industrial Affairs**(60-07-002) Labor and Industrial Relations**

Salary of Director	\$ 19,000
(9) Salaries and Wages of Employees (19) .	162,731
F.I.C.A. — Employer's Share	10,187
Pensions	22,558
Health Insurance	3,230
Travel	1,400
Contractual Services	15,300
Supplies and Materials	1,550
Capital Outlay	3,000
TOTAL — Labor and Industrial Rela- tions \$	238,956

*Year Ending June 30, 1974***(60-07-003) Apprenticeship and Training**

Salary of Director	\$ 9,215
Salaries and Wages of Employees (1) ..	6,048
F.I.C.A. — Employer's Share	893
Pensions	1,877
Health Insurance	170
Travel	300
Contractual Services	985
Supplies and Materials	150
Capital Outlay	75
TOTAL—Apprenticeship and Training .	\$ 19,713

(60-07-004) Industrial Accident Board

Salaries of Board Members (3)	\$ 24,000
Salaries and Wages of Employees (7) ..	49,964
F.I.C.A. — Employer's Share	2,922
Pensions	6,146
Health Insurance	340
Personal Services — Court Reporters ...	17,500
Travel	3,500
Contractual Services	18,000
Supplies and Materials	3,000
Capital Outlay	700
TOTAL — Industrial Accident Board ..	\$ 126,072
TOTAL—Division of Industrial Affairs .	\$ 384,741

(60-08-000) Division of Vocational Rehabilitation

(65) Salaries and Wages of Employees	\$ —
Personal Services	100,000
Travel	3,000
Contractual Services	226,264
Supplies and Materials	9,000
TOTAL — Division of Vocational Rehabilitation	\$ 338,264
TOTAL—DEPARTMENT OF LABOR .	\$ 749,810

Year Ending June 30, 1971

(65-00-000) DEPARTMENT OF AGRICULTURE

(65-01-000) Office of the Secretary

Salary of Secretary	\$ 24,000
Salaries and Wages of Employees (4) ..	44,733
F.I.C.A. — Employer's Share	2,964
Pensions	6,595
Health Insurance	850
Travel	500
Contractual Services	2,000
Supplies and Materials	1,000
Sub-total	\$ 82,642
Debt Service	
Principal	41,250
Interest	16,189
TOTAL — Office of the Secretary	\$ 140,081

(65-03-000) Division of Standards and Inspection

Salary of Director	\$ 17,000
Salaries — Casual and Seasonal	3,000
Salaries and Wages of Employees (45.5)	398,265
Salaries — Overtime	13,000
F.I.C.A. — Employer's Share	23,950
Pensions	52,677
Health Insurance	7,820
Personal Services — Veterinary Fees ...	18,000
Travel	4,000
Contractual Services	
USDA Inspector Services	6,000
Livestock Indemnity	10,000
Other Contractual Services	27,500
Supplies and Materials	19,000
Capital Outlay	7,800
TOTAL — Division of Standards and Inspection	\$ 608,012

Year Ending June 30, 1974

(65-04-000) Division of Production and Promotion

Salary of Director	\$ 14,000
Salaries — Casual and Seasonal	3,000
Salaries and Wages of Employees (6) ..	50,857
F.I.C.A. — Employer's Share	4,138
Pensions	9,847
Health Insurance	1,190
Travel	1,000
Contractual Services	
USDA Inspector Services	6,000
Other Contractual Services	4,500
Supplies and Materials	4,000
Peninsula Horticulture Society	800
Crop Improvement Association	800
DEPARTMENTAL REDUCTION (Sec. 38 of this Act)	(15,000)
TOTAL — Division of Production and Promotion	\$ 85,131
TOTAL — DEPARTMENT OF AGRICULTURE	\$ 833,225

(70-00-000) DEPARTMENT OF ELECTIONS

(70-01-000) Commissioner of Elections

Salary of Election Commissioner	\$ 14,000
Salaries and Wages of Employees (3) ..	25,258
F.I.C.A. — Employer's Share	2,145
Pensions	4,829
Health Insurance	680
Travel	500
Contractual Services	5,500
Supplies and Materials	800
Central Data Processing Services	15,000
TOTAL — Commissioner of Elections ..	\$ 68,712

(70-02-000) New Castle County Department of Elections

Salaries of Board Members (10)	\$ 10,500
Salary of Administrative Director	13,230

Year Ending June 30, 1974

Salary of Deputy Administrative Director	10,400
Salaries — Casual and Seasonal	5,000
Salaries and Wages of Employees (12) .	78,005
F.I.C.A. — Employer's Share	6,371
Pensions	12,810
Health Insurance	2,380
Travel	600
Contractual Services	
Rent	12,904
Other Contractual Services	15,500
Supplies and Materials	2,450
TOTAL — New Castle County Department of Elections	\$ 170,150

(70-03-000) Kent County Department of Elections

Salaries of Board Members (6)	\$ 6,500
Salary of Administrative Director	11,025
Salary of Deputy Administrative Director	9,625
Salaries — Casual and Seasonal	1,000
Salaries and Wages of Employees (2) ..	15,029
F.I.C.A. — Employer's Share	2,585
Pensions	4,512
Health Insurance	680
Travel	400
Contractual Services	4,900
Supplies and Materials	1,200
Capital Outlay	1,500
TOTAL — Kent County Department of Elections	\$ 58,956

(70-04-000) Sussex County Department of Elections

Salaries of Board Members (6)	\$ 6,500
Salary of Administrative Director	11,025
Salary of Deputy Administrative Director	9,625
Salaries — Casual and Seasonal	1,500
Salaries and Wages of Employees (2) ..	14,754

Year Ending June 30, 1974

F.I.C.A. — Employer's Share	2,218
Pensions	4,478
Health Insurance	680
Travel	700
Contractual Services	8,500
Supplies and Materials	1,400
Capital Outlay	2,100
TOTAL — Sussex County Department of Elections	\$ 63,480
TOTAL — DEPARTMENT OF ELECTIONS	\$ 361,298

(75-00-000) FIRE PREVENTION COMMISSION**(75-01-000) Office of Fire Marshall**

Salary of Fire Marshal	\$ 13,000
Salaries and Wages of Employees (13) ..	106,494
F.I.C.A. — Employer's Share	6,897
Pensions	14,698
Health Insurance	2,380
Travel	1,750
Contractual Services	8,125
Supplies and Materials	6,600
Capital Outlay	9,000
Fire Prevention Conferences	800
TOTAL — Office of Fire Marshal	\$ 169,744

(75-02-000) State Fire School

Salary of Director	\$ 13,000
Salaries and Wages of Employees (8) ..	64,686
F.I.C.A. — Employer's Share	4,451
Pensions	9,555
Health Insurance	1,530
Travel	
Meals & Lodging — Training School	12,000
Other Travel	2,000

Year Ending June 30, 1974

Contractual Services	
Instructional Services	29,000
Other Contractual Services	6,000
Supplies and Materials	10,500
Capital Outlay	8,500
Sub-total	\$ 161,222
Debt Service	
Principal	35,000
Interest	20,226
TOTAL — State Fire School	\$ 216,448

(75-03-000) State Fire Prevention Commission

Travel	\$ 2,000
TOTAL — State Fire Prevention Com-	
mission	\$ 2,000
TOTAL — FIRE PREVENTION COM-	
MISSION	\$ 388,192

(76-00-000) DELAWARE NATIONAL GUARD

Salary of Adjutant General	\$ 23,000
(16.4) Salaries and Wages of Employees (22) .	191,000
F.I.C.A. — Employer's Share	11,841
Pensions	26,322
Health Insurance	4,418
Travel	5,000
Contractual Services	190,000
Supplies and Materials	
Uniform Allowance — Officers ...	25,000
Other Supplies and Materials	37,500
Capital Outlay	28,000
Unit Fund Allowance	15,000
Minor Capital Improvements	50,000
DEPARTMENTAL REDUCTION (Sec.	
38 of this Act)	(30,000)
Sub-total	\$ 577,081

Year Ending June 30, 1974

Debt Service	
Principal	47,000
Interest	19,325
TOTAL — DELAWARE NATIONAL	
 GUARD	\$ 643,406

(90-00-000) HIGHER EDUCATION**(90-01-001) University of Delaware**

Operations	\$ 16,000,000
Diagnostic Poultry Service	10,000
General Scholarships	533,000
Aid to Needy Students	57,000
Teaching Scholarships	50,000
Scholarship Fund	100,000
Occupational Teachers Education	63,000
F.I.C.A. — Employer's Share	1,342,859
Pensions	1,777,469
Health Insurance	293,825
Pension Fund (TIAA)	519,157
Sub-total	\$ 20,746,310
Debt Service	
Principal	2,157,500
Interest	1,296,249
TOTAL — University of Delaware	\$ 24,200,059

(90-01-002) State Geologist

Salaries — Casual and Seasonal	\$ 1,500
Salaries and Wages of Employees (7) ..	85,481
F.I.C.A. — Employer's Share	4,108
Pensions	10,699
Travel	750
Contractual Services	
River Master Program	22,000
Federal Co-op Program	38,250
Supplies and Materials	7,500
Capital Outlay	3,800
TOTAL — State Geologist	\$ 174,088
TOTAL — University of Delaware	\$ 24,374,147

*Year Ending June 30, 1974****(90-02-000) Delaware Institute of Medical Education and Research***

General Operations	\$ 2,200,000
TOTAL — Delaware Institute of Medical Education and Research	\$ 2,200,000

(90-03-000) Delaware State College

Salaries of Security Guards (18)	\$ 136,737
(101) Salaries and Wages of Employees (224) .	2,193,455
F.I.C.A. — Employer's Share	157,000
Pensions	412,000
Health Insurance	42,225
Personal Services	
Work Study Program	25,000
Other Personal Services	11,000
Travel	3,000
Contractual Services	450,000
Supplies and Materials	150,000
Capital Outlay	61,500
Scholarships	50,000
State Matching Grants-in-Aid	50,000
Occupational Teacher Education	34,500
Sub-total	\$ 3,776,417
Debt Service	
Principal	696,000
Interest	359,679
TOTAL — Delaware State College	\$ 4,832,096

(90-04-000) Delaware Technical and Community College

(3) Salaries and Wages of Employees (329) .	\$ 3,732,170
F.I.C.A. — Employer's Share	195,382
Pensions	458,055
Health Insurance	33,729
Personal Services	14,200
Travel	18,000

Year Ending June 30, 1974

Contractual Services	
University of Delaware	397,000
Rental of Buildings	276,800
Other Contractual Services	839,650
Supplies and Materials	203,550
Capital Outlay	420,100
Federal Matching Funds	25,000
Occupational Teacher Education	26,000
AGENCY REDUCTION (Sec. 38 of this Act)	(150,000)
Sub-total	\$ 6,489,636
Debt Service	
Principal	508,000
Interest	378,629
TOTAL — Delaware Technical and Community College	\$ 7,376,265

(90-05-000) Higher Educational Aid Advisory Commission

Salaries and Wages of Employees (1) ..\$	10,500
F.I.C.A. — Employer's Share	614
Pensions	1,292
Health Insurance	170
Travel	200
Contractual Services	4,830
Supplies and Materials	800
Capital Outlay	120
Guaranteed Loan Reserves	20,000
TOTAL — Higher Educational Aid Advisory Commission	\$ 38,526
TOTAL — HIGHER EDUCATION	\$ 38,821,034

(95-00-000) PUBLIC EDUCATION**(95-01-000) STATE BOARD OF EDUCATION AND
STATE BOARD FOR VOCATIONAL EDUCATION***(95-01-001) Administration*

Division I — Salaries	
Board Members (6)	\$ 2,700
Superintendent	34,000

Year Ending June 30, 1974

Administrative Assistant (1)	
All Other Funds	—
Assistant Superintendents (3)	83,791
Directors (6)	
State Funds (4)	96,723
State and Other (2)	23,838
Supervisors (52)	—
State Funds (18)	373,753
State and Other (11)	109,379
All Other Funds (23)	—
Specialists (4)	
All Other Funds (4)	—
Others	
Statistician Research (All Other Funds)	—
Librarian (All Other Funds)	—
Clerical (50)	
State Funds (35)	274,602
All Other Funds (15)	—
Other Employment Costs	
F.I.C.A. — Employer's Share	70,026
Pensions	229,970
Health Insurance	15,633
TOTAL — Division I and Other Employment Costs	\$ 1,314,415
Division II — Other Costs	
Personal Services	\$ 6,000
Travel	
State Board	2,800
Staff	13,000
Contractual Services	77,000
Supplies and Materials	29,000
Capital Outlay	
Cars	13,000
Other Capital Outlay	9,000
Central Data Processing Services	35,000
TOTAL — Division II	\$ 184,800
TOTAL — Administration	\$ 1,499,215

*Year Ending June 30, 1974***(95-01-002) SERVICES TO SCHOOL DISTRICTS
AND OTHERS****Division I — Salaries****Teachers**

Homebound	\$ 148,000
Substitutes in Districts	700,000
Vocational Programs	140,000
Apprentice Programs	105,000

Other

Student Work-Study Program	20,000
Nonpublic and Summer Driver Education	100,000

Other Employment Costs

F.I.C.A. — Employer's Share	\$ 230,982
Pensions - Retired and Disabled Teachers	140,400
Pensions — All Others	483,194
Health Insurance	14,000

TOTAL — Division I and Other Employment

Costs	\$ 2,081,576
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Division II — Other Costs**Travel**

Homebound	\$ 6,000
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Contractual Services

Tuition — Deaf Program	19,700
Public School Transportation	7,700,000
Nonpublic School Transportation	850,000
James H. Groves High School	225,000
Pregnant Students	21,500

Supplies and Materials

Adult Trade Extension	55,000
Apprentice Programs	80,000

Capital Outlay

Films	15,000
Tuition — Military & State Police Children ..	16,000
Scholarship Fund	150,000
Youth Organizations	15,000
Delaware Education Council Compact	9,000
Private Business and Trade School (SB 525) ..	5,000
Education in Science and Math — Del-Mod ..	15,000
Sub-total — Division II	\$ 9,182,200

Year Ending June 30, 1974

Debt Service	
Principal	449,188
Interest	293,347
TOTAL — Division II and Debt Service	\$ 9,924,735
Division III — Equalization Funds	\$ 3,515,600
TOTAL — Services to School Districts and Others	\$ 15,521,911

(95-01-003) Educational Contingency

Growth and Upgrading	
New Classes for L.D. and S.E.M. Chil- dren	\$ 1,365,000
All Other	300,000
Occupational-Vocational (HB 509)	536,000
Summer School Occupational Vocational Program	400,000
Operation and Maintenance	
Driver Education Cars	28,880
Gas and Oil	1,457
Delmar Tuition	140,000
Learning Disabilities — Tuition	112,000
5.5% Salary Increase (HB 222)	
Salaries	\$4,300,000
F.I.C.A. — Employer's Share	270,000
Pensions	530,000
	5,100,000
F.I.C.A. — Employer's Share	112,625
Pensions	237,027
Health Insurance	3,000
TOTAL — Educational Contingency	\$ 7,799,989
AGENCY REDUCTION (Sec. 38 of this Act)	(30,000)
TOTAL — State Board of Education and Board for Vocational Education	\$ 24,791,115

(95-10-000) Caesar Rodney

Division I — Salaries	
Chief School Officer	1 \$ 19,505
Assistant Superintendent	1 17,247

Year Ending June 30, 1974

Directors	1.77	28,529
Supervisors	2	23,253
Principals	7	97,460
Assistant Principals	6	73,706
Administrative Assistant	1	14,651
Clerical	25	150,399
Teachers	280	2,352,337
Teacher Psychologists	2	18,738
Teachers — Speech and Hearing	2	15,557
Teacher — Visiting	1	7,450
Teachers — Driver Education	3.2	28,739
Custodial	44	270,178
Nurses	7	52,443
Cafeteria	7	43,492
Supervisor of Transportation .....	.629	9,002
Supervisor of School Lunch	1	10,159
TOTAL — Division I		\$ 3,232,845
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 209,769
Pensions		478,068
Health Insurance		69,328
TOTAL — Other Employment Costs		\$ 757,165
TOTAL — Division I and Other Employment Costs		\$ 3,990,010
Division II — Other Costs	310	\$ 372,000
All Other Costs		
 Debt Service		
Principal		\$ 430,480
Interest		224,098
TOTAL — All Other Costs		\$ 654,578
TOTAL — Caesar Rodney		\$ 5,016,588

*(95-11-000) John S. Charlton School***Division I — Salaries**

Principal	1	\$ 13,861
Clerical	1	4,572
Teachers	10	76,808
Custodial	1	5,988

Year Ending June 30, 1974

Nurse	1	6,663
Cafeteria	1	4,484
Aides and Attendants	8	29,798
TOTAL — Division I		\$ 142,169
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 8,445
Pensions		19,255
Health Insurance		1,530
TOTAL — Other Employment Costs		\$ 29,230
TOTAL — Division I and Other Employment Costs		\$ 171,399
Division II — Other Costs	16	\$ 19,200
TOTAL — John S. Charlton School		\$ 190,599

(95-12-000) Claymont

Division I — Salaries		
Chief School Officer	1	\$ 18,918
Supervisor	1	10,874
Principals	5	72,126
Assistant Principals	3	38,154
Administrative Assistant	1	14,110
Clerical	16	99,220
Teachers	176	1,540,603
Teacher Psychologist	1	11,062
Teacher — Speech and Hearing	1	10,610
Teacher — Visiting .....	.7	5,549
Teachers — Driver Education	2.2	18,602
Custodial	33	200,304
Nurses	4	30,076
Cafeteria	6	31,663
Supervisor of School Lunch	1	10,347
TOTAL — Division I		\$ 2,112,218
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 150,200
Pensions		343,742
Health Insurance		35,854
TOTAL — Other Employment Costs		\$ 529,796

Year Ending June 30, 1974

TOTAL — Division I and Other Employment Costs		\$	2,642,014
Division II — Other Costs	194	\$	232,800
All Other Costs			
Debt Service			
Principal		\$	287,110
Interest			134,686
TOTAL — All Other Costs		\$	421,796
TOTAL — Claymont		\$	3,296,610

(95-13-000) Capital

Division I — Salaries

Chief School Officer	1	\$	20,047
Assistant Superintendent	1		17,247
Directors	2		32,236
Supervisors	2		21,595
Principals	9		122,360
Assistant Principals	7		89,019
Administrative Assistant	1		14,651
Clerical	27		164,066
Teachers	312		2,732,049
Teacher Psychologists	2		20,770
Teachers — Speech and Hearing	2		16,931
Teacher — Visiting	1		8,804
Teachers — Driver Education	4.2		38,042
Custodial	61		368,888
Nurses	7.5		52,009
Cafeteria	9		52,316
Aides and Attendants	3		11,569
Supervisor of Transportation .....	.743		10,634
Supervisor of School Lunch	1		11,249
TOTAL — Division I		\$	3,804,482
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	249,068
Pensions			575,863
Health Insurance			70,177
TOTAL — Other Employment Costs		\$	895,108

Year Ending June 30, 1974

TOTAL — Division I and Other Employment Costs			4,699,590
Division II — Other Costs	319	\$	382,800
All Other Costs			
Debt Service			
Principal		\$	532,030
Interest			177,727
TOTAL — All Other Costs		\$	<u>709,757</u>
TOTAL — Capital		\$	5,792,147

(95-14-000) Alexis I. du Pont

Division I — Salaries			
Chief School Officer	1	\$	18,918
Supervisor	1		11,927
Principals	4		70,162
Assistant Principals	2		23,432
Administrative Assistant	1		15,193
Clerical	14		84,706
Teachers	151		1,381,175
Teacher Psychologist	1		10,610
Teacher — Speech and Hearing	1		9,933
Teachers — Driver Education	2		17,383
Custodial	46		280,503
Nurses	3		25,737
Cafeteria	7		36,515
Supervisor of Transportation .....	.39		4,100
Supervisor of School Lunch	1		9,707
TOTAL — Division I		\$	<u>2,000,001</u>
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	163,963
Pensions			393,788
Health Insurance			37,893
TOTAL — Other Employment Costs		\$	<u>595,644</u>
TOTAL — Division I and Other Employment Costs		\$	2,595,645

Year Ending June 30, 1974

Division II — Other Costs	157	\$	188,400
All Other Costs			
Debt Service			
Principal		\$	379,445
Interest			239,135
TOTAL — All Other Costs		\$	618,580
TOTAL — Alexis I. duPont		\$	3,402,625

(95-15-000) Lake Forest

Division I — Salaries			
Chief School Officer	1	\$	17,564
Supervisor	1		11,927
Principals	5		69,146
Assistant Principals	2		20,612
Administrative Assistant	1		14,651
Clerical	14		86,012
Teachers	158		1,332,601
Teacher Psychologist	1		8,353
Teacher — Speech and Hearing	1		9,030
Teacher — Driver Education	1.8		16,254
Custodial	27		167,004
Nurses	3		21,063
Cafeteria	5		27,655
Supervisor of School Lunch	1		8,353
TOTAL — Division I		\$	1,810,225
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	119,979
Pensions			265,480
Health Insurance			30,161
TOTAL — Other Employment Costs		\$	415,620
TOTAL — Division I and Other Employment Costs		\$	2,225,845
Division II — Other Costs	176	\$	211,200
All Other Costs			
Debt Service			
Principal		\$	205,240
Interest			93,708
TOTAL — All Other Costs		\$	298,948
TOTAL — Lake Forest		\$	2,735,993

(95-16-000) Laurel**Year Ending June 30, 1974****Division I — Salaries**

Chief School Officer	1	\$	17,247
Principals	3		41,312
Assistant Principals	2		25,286
Administrative Assistant	1		13,839
Clerical	10		60,861
Teachers	104		903,160
Teacher Psychologist	1		8,127
Teacher — Speech and Hearing	1		9,030
Teacher — Driver Education	1		9,707
Custodial	26		157,806
Nurses	2		15,902
Cafeteria	3		18,317
Supervisor of School Lunch	1		9,481
TOTAL — Division I		\$	1,290,075
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	77,990
Pensions			174,327
Health Insurance			23,874
TOTAL — Other Employment Costs		\$	276,191
TOTAL — Division I and Other Employment Costs		\$	1,566,266
Division II — Other Costs	116	\$	139,200
All Other Costs			
Debt Service			
Principal		\$	169,520
Interest			93,375
TOTAL — All Other Costs		\$	262,895
TOTAL — Laurel		\$	1,968,361

(95-17-000) Cape Henlopen**Division I — Salaries**

Chief School Officer	1	\$	18,376
Director	1		16,118
Supervisor	1		11,250
Principals	7		98,133
Assistant Principal	1		13,297
Administrative Assistant	1		14,651
Clerical	16		97,208

Year Ending June 30, 1974

Teachers	172	1,519,754
Teacher Psychologist	1	9,933
Teacher — Speech and Hearing	1	9,933
Teacher — Visiting	1	8,579
Teachers — Driver Education	2	19,866
Custodial	31	189,608
Nurses	4	31,384
Cafeteria	7	38,377
Supervisor of School Lunch	1	8,488
TOTAL — Division I		\$ 2,104,955
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 152,542
Pensions		347,298
Health Insurance		41,291
TOTAL — Other Employment Costs		\$ 541,131
TOTAL — Division I and Other Employment Costs		\$ 2,646,086
Division II — Other Costs	184	\$ 220,800
All Other Costs		
Debt Service		
Principal		\$ 165,525
Interest		48,957
TOTAL — All Other Costs		\$ 214,482
TOTAL — Cape Henlopen		\$ 3,081,368

*(95-18-000) Milford***Division I — Salaries**

Chief School Officer	1	\$ 18,917
Supervisor	1	11,927
Principals	5	67,907
Assistant Principals	4	50,141
Administrative Assistant	1	13,568
Clerical	17	106,725
Teachers	192	1,579,310
Teacher Psychologist	1	10,610
Teacher — Speech and Hearing	1	7,450
Teacher — Visiting	1	9,933
Teachers — Driver Education	2.4	24,110

Year Ending June 30, 1974

Custodial	35	214,642
Nurses	4	30,944
Cafeteria	6	34,878
Supervisor of Transportation .....	.875	11,575
Supervisor of School Lunch	1	9,896
TOTAL — Division I		\$ 2,202,533
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 128,848
Pensions		270,912
Health Insurance		44,265
TOTAL — Other Employment Costs		\$ 444,025
TOTAL — Division I and Other Employment Costs		\$ 2,646,558
Division II — Other Costs	208	\$ 249,600
All Other Costs		
Debt Service		
Principal		\$ 267,375
Interest		140,569
TOTAL — All Other Costs		\$ 407,944
TOTAL — Milford		\$ 3,304,102

*(95-19-000) Mount Pleasant***Division I — Salaries**

Chief School Officer	1	\$ 20,047
Director	1	16,118
Supervisors	1	11,927
Principals	7	98,721
Assistant Principals	5	63,745
Administrative Assistant	1	14,651
Clerical	23	138,365
Teachers	258	2,429,461
Teacher Psychologist	1	10,610
Teacher—Speech and Hearing	1	9,030
Teacher—Visiting	1	8,127
Teachers—Driver Education	3.4	31,694
Custodial	43	264,590
Nurses	6	47,449
Cafeteria	7	42,103

Year Ending June 30, 1974

Supervisor of Transportation .....	.4	3,432
Supervisor of School Lunch	1	10,121
TOTAL—Division I		\$ 3,220,191
Other Employment Costs		
F.I.C.A.—Employer's Share		\$ 236,416
Pensions		576,842
Health Insurance		49,957
TOTAL—Other Employment Costs		\$ 863,215
TOTAL—Division I and Other Employment Cost		\$ 4,083,406
Division II—Other Costs	282	\$ 338,400
All Other Costs		
Debt Service		
Principal		\$ 471,745
Interest		165,452
TOTAL—All Other Costs		\$ 637,197
TOTAL—Mount Pleasant		\$ 5,059,003

(95-20-000) New Castle - Gunning Bedford

Division I — Salaries		
Chief School Officer	1	\$ 18,693
Assistant Superintendent	1	17,789
Directors	3	48,354
Supervisors	2	24,306
Principals	10	140,892
Assistant Principals	10	127,056
Administrative Assistant	1	14,651
Clerical	36	215,257
Teachers	420	3,585,621
Teacher Psychologists	2	21,672
Teachers—Speech and Hearing	3	24,381
Teacher — Visiting	1	7,224
Teachers — Driver Education	5	44,472
Custodial	69	398,775
Nurses	10	78,619
Cafeteria	12	63,975
Supervisor of Transportation	1	13,779
Supervisor of School Lunch	1	11,250
TOTAL—Division I		\$ 4,856,766

Other Employment Costs		Year Ending June 30, 1974	
F.I.C.A. — Employer's Share		\$	323,969
Pensions			763,657
Health Insurance			84,281
TOTAL—Other Employment Costs		\$	1,171,907
TOTAL — Division I and Other Employment Costs		\$	6,028,673
Division II — Other Costs	468	\$	561,600
All Other Costs			
Debt Service			
Principal		\$	774,200
Interest			415,781
TOTAL—All Other Costs		\$	1,189,981
TOTAL—New Castle-Gunning Bedford ..		\$	7,780,254

(95-21-000) Newark

Division I — Salaries			
Chief School Officer	1	\$	20,047
Assistant Superintendents	2		35,036
Directors	6		96,438
Supervisors	8		92,516
Principals	21		298,374
Assistant Principals	11		141,863
Administrative Assistant	1		14,651
Clerical	62		381,074
Teachers	726		6,343,923
Teacher Psychologists	4		38,604
Teachers — Speech and Hearing	5		42,442
Teachers — Visiting	2		18,737
Teachers — Driver Education	8.4		72,466
Custodial	135		787,451
Nurses	18		135,377
Cafeteria	19		116,772
Supervisor of Transportation	1		13,237
Supervisor of School Lunch	1		10,347
TOTAL — Division I		\$	8,659,355

Year Ending June 30, 1974

Other Employment Costs		
F.I.C.A. — Employer's Share	\$	613,120
Pensions		1,451,488
Health Insurance		155,222
TOTAL — Other Employment Costs	\$	2,219,830
TOTAL — Division I and Other Employment Costs	\$	10,879,185
Division II — Other Costs 785	\$	942,000
All Other Costs		
Debt Service		
Principal	\$	1,627,900
Interest		932,308
TOTAL — All Other Costs	\$	2,560,208
TOTAL — Newark	\$	14,381,393

(95-22-000) Margaret S. Sterck
(Administered by Newark District)

Division I — Salaries		
Principal	1	\$ 13,274
Clerical	1	6,152
Teachers	16	151,000
Teacher — Audiologist	1	8,353
Teacher — Speech and Hearing	1	9,482
Custodial	5	28,753
Nurse	1	7,506
Cafeteria	1	4,515
Aides and Attendants	13	50,057
Salaries—Resident Supervision	11	80,628
TOTAL — Division I	\$	359,720
Other Employment Costs		
F.I.C.A. — Employer's Share	\$	21,044
Pensions		44,246
Health Insurance		6,967
TOTAL — Other Employment Costs	\$	72,257
TOTAL — Division I and Other Employment Costs	\$	431,977
Division II — Other Costs 16	\$	19,200

Year Ending June 30, 1974

Residence — Other Cost	41,870
Consultant Services	9,000
TOTAL — All Other Costs	\$ 70,070
TOTAL — Margaret S. Sterck	\$ 502,047

(95-23-000) Seaford

Division I — Salaries

Chief School Officer	1	\$ 18,376
Director	1	16,118
Supervisor	1	11,062
Principals	5	69,825
Assistant Principals	3	38,943
Administrative Assistant	1	14,651
Clerical	16	92,258
Teachers	172	1,483,671
Teacher Psychologist	1	8,127
Teacher — Speech and Hearing	1	6,998
Teacher — Visiting	1	7,224
Teachers — Driver Education	2	14,900
Custodial	31	191,385
Nurses	4	29,019
Cafeteria	5	30,057
Supervisor of Transportation	1	14,047
Supervisor of School Lunch	1	10,347
TOTAL — Division I		\$ 2,057,008
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 123,082
Pensions		279,703
Health Insurance		38,232
TOTAL — Other Employment Costs		\$ 441,017
TOTAL — Division I and Other Employment Costs		\$ 2,498,025
Division II — Other Costs	181	\$ 217,200
All Other Costs		
Debt Service		
Principal		\$ 247,780
Interest		60,709
TOTAL — All Other Costs		\$ 308,489
TOTAL — Seaford		\$ 3,023,714

*(95-24-000) Smyrna**Year Ending June 30, 1974*

Division I — Salaries		
Chief School Officer	1	\$ 17,247
Principals	5	68,923
Assistant Principals	2	25,224
Administrative Assistant	1	14,651
Clerical	13	79,408
Teachers	141	1,197,729
Teacher Psychologist .....	.94	9,337
Teacher — Speech and Hearing	1	6,998
Teacher — Visiting	1	9,933
Teacher — Driver Education	1.6	14,539
Custodial	32	190,310
Nurses	3	23,853
Cafeteria	6	34,479
Supervisor of Transportation .....	.523	6,825
Supervisor of School Lunch	1	8,842
TOTAL — Division I		\$ 1,708,298
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 108,540
Pensions		240,228
Health Insurance		26,083
TOTAL — Other Employment Costs		\$ 374,851
TOTAL — Division I and Other Employment Costs		\$ 2,083,149
Division II — Other Costs	151	\$ 181,200
All Other Costs		
Debt Service		
Principal		\$ 220,475
Interest		147,231
TOTAL — All Other Costs		\$ 367,706
TOTAL — Smyrna		\$ 2,632,055

(95-25-000) Wilmington

Division I — Salaries

Chief School Officer	1	\$ 20,048
Assistant Superintendents	2	34,494
Directors	6	96,981
Supervisors	9	107,572

Year Ending June 30, 1974

Principals	20	281,108
Assistant Principals	9	114,704
Administrative Assistant	1	13,297
Clerical	61	388,017
Teachers	720	6,491,011
Teacher Psychologists	4	41,312
Teachers — Speech and Hearing	5	50,116
Teachers — Visiting	2	19,866
Teachers — Driver Education	7.6	67,409
Custodial	116	718,821
Nurses	18	145,444
Cafeteria	22	124,931
Aides and Attendants	8	31,153
Supervisor of School Lunch	1	10,347
Americanization of Foreign Born		45,000
TOTAL — Division I		\$ 8,801,631
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 902,730
Pensions		2,084,981
Health Insurance		195,918
TOTAL — Other Employment Costs		\$ 3,183,629
TOTAL — Division I and Other Employment Costs		\$ 11,985,260
Division II — Other Costs	769	\$ 922,800
All Other Costs		
Debt Service		
Principal		\$ 1,033,775
Interest		479,917
TOTAL — All Other Costs		\$ 1,513,692
TOTAL — Wilmington		\$ 14,421,752

(95-26-000) Alfred I. du Pont

Division I — Salaries

Chief School Officer	1	\$ 20,047
Assistant Superintendent	1	17,247
Directors	4	64,179
Supervisors	3	35,556
Principals	14	198,163

Year Ending June 30, 1974

Assistant Principals	8	105,108
Administrative Assistant	1	13,838
Clerical	44	264,799
Teachers	516	4,717,314
Teacher Psychologists	3	31,830
Teachers — Speech and Hearing	3	29,799
Teachers — Visiting	2	20,543
Teachers — Driver Education	6.6	64,790
Custodial	105	633,131
Nurses	12	93,814
Cafeteria	14	82,714
Supervisor of Transportation .....	.8	9,191
Supervisor of School Lunch	1	10,347
TOTAL — Division I		\$ 6,412,410
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 468,543
Pensions		1,151,281
Health Insurance		105,775
TOTAL — Other Employment Costs		\$ 1,725,599
TOTAL — Division I and Other Employment Costs		\$ 8,138,009
Division II — Other Costs	541	\$ 649,200
All Other Costs		
Debt Service		
Principal		\$ 1,028,490
Interest		513,230
TOTAL — All Other Costs		\$ 1,541,720
TOTAL — Alfred I. du Pont		\$ 10,328,929

(95-27-000) C. W. Bush Trainable
(Administered by Alfred I. du Pont)

Division I — Salaries		
Principal	1	\$ 13,861
Clerical	1	6,152
Teachers	8	70,912
Custodial	1	6,378
Nurse	1	7,721

Year Ending June 30, 1974

Cafeteria	1	4,315
Aides and Attendants	11	41,594
TOTAL — Division I	\$	150,933
Other Employment Costs		
F.I.C.A. — Employer's Share	\$	10,135
Pensions		24,812
Health Insurance		1,869
TOTAL — Other Employment Costs	\$	36,816
TOTAL — Division I and Other Employ-		
 ment Costs	\$	187,749
Division II — Other Costs	19 \$	22,800
All Other Costs		
Debt Service		
Principal	\$	18,500
Interest		7,125
TOTAL — All Other Costs	\$	25,625
TOTAL — C. W. Bush Trainable	\$	236,174

*(95-28-000) Marshallton-McKean***Division I — Salaries**

Chief School Officer	1	\$	18,918
Director	1		16,118
Supervisor	1		11,927
Principals	6		85,424
Asssistant Principals	3		38,740
Administrative Assistant	1		14,651
Clerical	18		109,107
Teachers	202		1,825,076
Teacher Psychologist	1		8,127
Teacher — Speech and Hearing	1		8,353
Teacher — Visiting .....	.8		8,488
Teachers — Driver Education	2.4		20,769
Custodial	37		226,323
Nurses	5		32,217
Cafeteria	6		34,710
Supervisor of School Lunch	1		10,121
TOTAL — Division I		\$	2,469,069

Year Ending June 30, 1974

Other Employment Costs		
F.I.C.A. — Employer's Share	\$	185,708
Pensions		441,274
Health Insurance		40,611
TOTAL — Other Employment Costs	\$	667,593
TOTAL — Division I and Other Employment Costs	\$	3,136,662
Division II — Other Costs 217	\$	260,400
All Other Costs		
Debt Service		
Principal	\$	274,314
Interest		99,050
TOTAL — All Other Costs	\$	373,364
TOTAL — Marshallton-McKean	\$	3,770,426

(95-29-000) Appoquinimink

Division I — Salaries

Chief School Officer	1	\$	17,247
Supervisor	1		11,927
Principals	4		56,664
Assistant Principals	2		26,594
Administrative Assistant	1		15,194
Clerical	12		73,936
Teachers	124		1,061,507
Teacher Psychologist .....	.82		8,145
Teacher — Speech and Hearing .....	.87		7,400
Teachers — Driver Education	1.4		10,158
Custodial	18		114,631
Nurses	3		23,643
Cafeteria	4		24,154
Supervisor of School Lunch	1		11,927
TOTAL — Division I		\$	1,463,127
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	96,024
Pensions			220,635
Health Insurance			25,488
TOTAL — Other Employment Costs		\$	342,147

Year Ending June 30, 1974

TOTAL — Division I and Other Employment Costs		\$	1,805,274
Division II — Other Costs	136	\$	163,200
All Other Costs			
Debt Service			
Principal		\$	136,310
Interest			48,562
TOTAL—All Other Costs		\$	184,872
TOTAL — Appoquinimink		\$	2,153,346

(95-30-000) Conrad Area

Division I — Salaries

Chief School Officer	1	\$	19,505
Assistant Superintendent	1		17,247
Directors	2		32,236
Supervisors	2		24,306
Principals	9		124,570
Assistant Principals	6		71,092
Administrative Assistant	1		14,651
Clerical	27		154,314
Teachers	305		2,668,820
Teacher Psychologists	2		21,220
Teachers — Speech and Hearing	2		18,512
Teacher — Visiting	1		9,030
Teachers — Driver Education	4		34,652
Custodial	38		233,829
Nurses	7		53,066
Cafeteria	6		37,249
Supervisor of Transportation .....	.345		2,385
Supervisor of School Lunch	1		10,121
TOTAL — Division I		\$	3,546,805
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	250,996
Pensions			566,035
Health Insurance			55,734
TOTAL — Other Employment Costs		\$	872,765

Year Ending June 30, 1974

TOTAL — Division I and Other Employment Costs		\$	4,419,570
Division II — Other Costs	345	\$	414,000
All Other Costs			
Debt Service			
Principal		\$	565,035
Interest			143,948
TOTAL — All Other Costs		\$	708,983
TOTAL — Conrad Area		\$	5,542,553

(95-31-000) De La Warr

Division I — Salaries			
Chief School Officer	1	\$	18,376
Director	1		16,118
Supervisor	1		11,927
Principals	6		82,533
Assistant Principals	3		38,244
Administrative Assistant	1		14,651
Clerical	18		109,491
Teachers	199		1,717,747
Teacher Psychologist	1		10,610
Teacher — Speech and Hearing	1		7,224
Teacher — Visiting .....	.8		6,502
Teachers — Driver Education	2		16,931
Custodial	32		191,722
Nurses	4		31,804
Cafeteria	6		35,105
Supervisor of School Lunch	1		10,347
TOTAL — Division I		\$	2,319,332
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	157,980
Pensions			344,535
Health Insurance			35,769
TOTAL — Other Employment Costs		\$	538,284
TOTAL — Division I and Other Employment Costs		\$	2,857,616
Division II — Other Costs	236	\$	283,200

Year Ending June 30, 1974

All Other Costs		
Debt Service		
Principal	\$	281,095
Interest		87,846
TOTAL — All Other Costs	\$	368,941
TOTAL — De La Warr	\$	3,509,757

*(95-32-000) John G. Leach**(Administered by De La Warr)*

Division I — Salaries		
Principal	1	\$ 13,861
Clerical	1	6,152
Teachers	9	77,207
Custodial	2	10,892
Nurses	1	7,951
Aides and Attendants	9	28,726
TOTAL — Division I		\$ 144,789
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 9,878
Pensions		21,570
Health Insurance		2,879
TOTAL — Other Employment Costs		\$ 33,827
TOTAL — Division I and Other Employment Costs		\$ 178,616
Division II — Other Costs	9	\$ 10,800
All Other Costs		
Debt Service		
Principal		\$ 22,000
Interest		4,050
TOTAL — All Other Costs		\$ 26,050
TOTAL — John G. Leach		\$ 215,466

(95-33-000) Stanton

Division I — Salaries		
Chief School Officer	1	\$ 19,505
Assistant Superintendent	1	17,990
Directors	2	30,882

Year Ending June 30, 1974

Supervisors	2	24,756
Principals	8	114,231
Assistant Principals	4	51,496
Administrative Assistant	1	14,651
Clerical	26	157,014
Teachers	279.6	2,515,578
Teacher Psychologists	2	20,770
Teachers — Speech and Hearing	2	18,963
Teacher — Visiting	1	9,707
Teachers — Driver Education	3	27,090
Custodial	49	299,780
Nurses	7	52,845
Cafeteria	8	46,448
Aides and Attendants	9	22,770
Supervisor of Transportation	1	13,500
Supervisor of School Lunch	1	10,346
TOTAL — Division I		\$ 3,468,322
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 252,860
Pensions		588,724
Health Insurance		58,028
TOTAL — Other Employment Costs		\$ 899,612
TOTAL — Division I and Other Employment Costs		\$ 4,367,934
Division II — Other Costs	307	\$ 368,400
All Other Costs		
Debt Service		
Principal		\$ 518,405
Interest		243,960
TOTAL — All Other Costs		\$ 762,365
TOTAL — Stanton		\$ 5,498,699

*(95-34-000) Meadowood Trainable**(Administered by Stanton)*

Division I — Salaries		
Principal	1	\$ 13,861
Clerical	1	6,152

Year Ending June 30, 1974

Teachers	15	135,223
Custodial	3	18,795
Nurse	1	7,951
Cafeteria	1	5,192
Aides and Attendants	5	38,244
TOTAL — Division I		\$ 225,418
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 16,276
Pensions		38,166
Health Insurance		3,654
TOTAL — Other Employment Costs		\$ 58,096
TOTAL — Division I and other Employment Costs		\$ 283,514
Division II		
Therapy Pool		\$ 20,000
Other Costs	19	22,800
TOTAL — All Other Costs		\$ 42,800
TOTAL — Meadowood Trainable		\$ 326,314

(95-35-000) Woodbridge

Division I — Salaries		
Chief School Officer	1	\$ 17,790
Principals	4	53,911
Administrative Assistant	1	14,200
Clerical	9	54,463
Teachers	97	807,470
Teacher Psychologist	1	9,933
Teacher — Speech and Hearing .....	.7	6,163
Teachers — Driver Education	1.2	10,610
Custodial	15	94,310
Nurses	2	15,902
Cafeteria	3	15,747
TOTAL — Division I		\$ 1,100,499
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 71,578
Pensions		155,791
Health Insurance		20,476
TOTAL — Other Employment Costs		\$ 247,845

Year Ending June 30, 1974

TOTAL — Division I and Other Employment Costs		\$	1,348,344
Division II — Other Costs	106	\$	127,200
All Other Costs			
Debt Service			
Principal		\$	97,425
Interest			24,197
TOTAL — All Other Costs		\$	121,622
TOTAL — Woodbridge		\$	1,597,166

(95-36-000) Indian River

Division I — Salaries			
Chief School Officer	1	\$	19,505
Assistant Superintendent	1		17,247
Directors	2		32,236
Supervisors	2		23,177
Principals	10		134,210
Assistant Principals	3		35,895
Administrative Assistant	1		14,651
Clerical	26		160,558
Teachers	294		2,478,665
Teacher Psychologists	2		20,543
Teachers — Speech and Hearing	2		17,834
Teacher — Visiting	1		7,901
Teachers — Driver Education	4		33,186
Custodial	44		276,050
Nurses	7		55,641
Cafeteria	9		49,327
Supervisor of Transportation	1		9,896
Supervisor of School Lunch	1		10,347
TOTAL — Division I		\$	3,396,869
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	228,826
Pensions			497,411
Health Insurance			57,773
TOTAL — Other Employment Costs		\$	784,010
TOTAL — Division I and Other Employment Costs		\$	4,180,879

Year Ending June 30, 1974

Division II — Other Costs	319	\$	382,800
All Other Costs			
Debt Service			
Principal		\$	289,625
Interest			90,030
TOTAL — All Other Costs		\$	379,655
TOTAL — Indian River		\$	4,943,334

(95-37-000) Delmar

Division I — Salaries

Chief School Officer	1	\$	16,118
Principal	1		14,312
Assistant Principal	1		12,485
Administrative Assistant	1		11,852
Clerical	3		20,713
Teachers	38		333,659
Teacher — Driver Education	1		9,030
Custodial	7		44,080
Nurse	1		7,951
Cafeteria	1		6,039
TOTAL — Division I		\$	476,239
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	30,193
Pensions			65,355
Health Insurance			7,477
TOTAL — Other Employment Costs		\$	103,025
TOTAL — Division I and Other Employment Costs		\$	579,264
Division II — Other Costs	49	\$	58,800
All Other Costs			
Debt Service			
Principal		\$	26,685
Interest			6,088
TOTAL — All Other Costs		\$	32,773
TOTAL — Delmar		\$	670,837

Year Ending June 30, 1974

(95-38-000) New Castle Vocational-Technical

Division I — Salaries

Chief School Officer	1	\$	17,247
Principal	1		14,990
Assistant Principal	3		38,740
Administrative Assistant	1		15,193
Clerical	9		53,673
Teachers	90		814,434
Teachers — Driver Education	3.8		31,018
Custodial	17		102,267
Nurse	1		8,579
Cafeteria	1		6,716

TOTAL — Division I \$ 1,102,857

Other Employment Costs

F.I.C.A. — Employer's Share	\$	76,939
Pensions		182,617
Health Insurance		20,221

TOTAL — Other Employment Costs \$ 279,777

TOTAL — Division I and Other Employment Costs \$ 1,382,634

Division II — Other Costs 175 \$ 210,000

All Other Costs

Debt Service		
Principal	\$	491,165
Interest		383,577

TOTAL — All Other Costs \$ 874,742

TOTAL — New Castle Vocational-Technical \$ 2,467,376

(95-39-000) Kent Vocational-Technical

Division I — Salaries

Chief School Officer	1	\$	16,118
Principal	1		13,614
Assistant Principal	1		12,485
Administrative Assistant	1		14,651
Clerical	4		25,171
Teachers	48		446,131

Year Ending June 30, 1974

Custodial	9	56,044
Nurse	1	7,521
Cafeteria	1	6,378
TOTAL — Division I		\$ 598,113
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 38,497
Pensions		85,542
Health Insurance		10,705
TOTAL — Other Employment Costs		\$ 134,744
TOTAL — Division I and Other Employment Costs		\$ 732,857
Division II — Other Costs	130	\$ 156,000
All Other Costs		
Debt Service		
Principal		\$ 185,990
Interest		98,833
TOTAL — All Other Costs		\$ 284,823
TOTAL — Kent Vocational-Technical		\$ 1,173,680

(95-40-000) Sussex Vocational-Technical

Division I — Salaries		
Chief School Officer	1	\$ 14,222
Principal	1	13,500
Assistant Principal	1	12,485
Administrative Assistant	1	13,839
Clerical	3	21,841
Teachers	39	365,437
Custodial	10	61,574
Nurse	1	6,878
Cafeteria	1	5,531
TOTAL — Division I		\$ 515,307
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 32,718
Pensions		71,319
Health Insurance		7,987
TOTAL — Other Employment Costs		\$ 112,024

Year Ending June 30, 1974

TOTAL — Division I and Other Employment Costs		\$	627,331
Division II — Other Costs	108	\$	129,600
All Other Costs			
Debt Service			
Principal		\$	201,352
Interest			121,704
TOTAL — All Other Costs		\$	323,056
TOTAL — Sussex Vocational-Technical ...		\$	1,079,987

(95-42-000) Wallace Wallin School for Trainables
(Administered by New Castle-Gunning Bedford)

Division I — Salaries			
Principal	1	\$	11,687
Clerical	1		4,305
Teachers	9		70,661
Custodial	2		11,570
Nurse	1		7,735
Cafeteria	1		4,146
Aides and Attendants	6		22,009
TOTAL — Division I		\$	132,113
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	8,884
Pensions			19,362
Health Insurance			1,870
TOTAL — Other Employment Costs		\$	30,116
TOTAL — Division I and Other Employment Costs		\$	162,229
Division II — Other Costs	12	\$	14,400
TOTAL — Wallace Wallin School for Trainables		\$	176,629

(95-43-000) Howard T. Ennis, Sr. Trainable
(Administered by Indian River)

Division I — Salaries			
Principal	1	\$	14,087
Clerical	1		6,152
Teachers	11		85,784

Year Ending June 30, 1974

Custodial	2	12,530
Nurse	1	7,951
Cafeteria	1	5,587
Aides and Attendants	11	41,143
TOTAL — Division I		\$ 173,234
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 10,810
Pensions		23,531
Health Insurance		3,229
TOTAL — Other Employment Costs		\$ 37,570
TOTAL — Division I and Other Employment Costs		\$ 210,804
Division II — Other Costs	20	\$ 24,000
TOTAL — Howard T. Ennis, Sr. Trainable		\$ 234,804
TOTAL PUBLIC EDUCATION		\$ 145,305,203
TOTAL EDUCATION		184,126,237
TOTAL AGENCIES		142,783,470
REDUCTION IN PENSION CONTRIBUTION		(4,000,000)
GRAND TOTAL — AGENCIES AND EDUCATION		\$ 322,909,707

Section 2. The monies appropriated in Section 1 of this Budget Appropriation Act shall be paid by the Director, Division of Treasury, Department of Finance, 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 Director, Division of Treasury, Department of Finance 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 Delaware at Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the Director, Division of Treasury, Department of Finance and shall have the State Seal affixed.

(5) The Governor, Secretary of State and Director, Division of Treasury, Department of Finance 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 Director, Division of Treasury, Department of Finance. 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, 1974, but prior to June 15, 1974, there should be a temporary insufficiency of General Fund monies in the State Treasury to pay then current General Fund obligations, the Director, Division of Treasury, Department of Finance shall pay such obligations from any other funds on deposit with the Director, Division of Treasury, Department of Finance. 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, 1974. 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 Director,

Division of Treasury, Department of Finance are insufficient to meet all current obligations chargeable against such funds or until June 15, 1974, whichever is the earlier date.

Section 4. All monies received by the Director, Division of Treasury, Department of Finance 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 Director, Division of Treasury, Department of Finance, 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 "Division II — Other Costs" shall be used for all school costs except salaries, debt service 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. (a) In the event that any school district shall have more certified units of pupils based on the actual enrollment for September 30, 1973, 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, 1973, and the number of units of pupils for which teachers are provided by Section 1 of this Act.

(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, 1973, 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.

(b) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1973, 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, 1973.

(c) Authorizations to the Vocational Technical High Schools for staffing summer school programs may be granted upon a certified program and application to and approval by the State Board for Vocational Education within the appropriations contained in Section 1 of this Act.

Section 9. The State Board of Education and the State Board for Vocational Education shall employ no persons except those whose salaries or wages are paid wholly or in part from the funds appropriated by this Act. Except for casual or part-time "Teacher", "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 "Assistant Superintendents", "Directors", "Supervisors", "Specialists", "Teachers", "Clerical" and "Custodial" shall be paid within the ranges of the salary schedules for these classifications as set forth in Chapter 13, Title 14, Delaware Code, provided that the State portion of such salaries in total shall not exceed the total funds appropriated by this Act, and provided

that no employee shall be paid a base 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, 1973, 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 within the ranges of salary schedules 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 Boards 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.

(f) The amount of \$536,000, and applicable Other Employment Costs, herein appropriated as partial implementation of House Bill No. 509 (125th General Assembly) for occupational-vocational units in reorganized school districts (Vocational-Technical School Districts excepted since funds are provided in the regular budget and for growth in contingency) shall be distributed by the State Superintendent of Public Instruction as provided by Title 14, Sections 1703, 1706, and 1707, Delaware Code, on an equitable basis as far as these funds will allow.

(g) In order that the children for whom the learning disability and socially or emotionally maladjusted units were devised shall be the sole beneficiaries of all funds available for such children, the State Board of Education shall require strict adherence to approved guidelines before release of any funds designated for such children. The State Board of Education shall particularly ascertain that no educable mentally retarded are being classified as learning disabled; and that strict guidelines are developed for determining eligibility of socially or emotionally maladjusted children so that this category does not become a catch-all for low-achieving, unmotivated or disruptive pupils without serious physiological or neurological disorder. All pupils classified learning disabled and socially or emotionally maladjusted must be reevaluated at least every two years.

(h) To the extent that DIVISION I funds which are allocated in accordance with statutory formula for Administrative Staff salaries only 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.

(i) The total amount of \$700,000 appropriated for substitute teachers shall be allocated to the several reorganized school districts in amounts not to exceed each school district's proportion of Division I units to the total number of Division I units in the State as of September 30, 1973. Any funds not used for the purpose herein referred to by the school districts shall revert to the General Fund on June 30, 1974.

(j) The Department of Public Instruction staff shall be reduced by three positions at the Supervisor level in the areas of planning, evaluation, and teacher education; by one position at the Specialist level; and by five positions at the Clerical level. The reductions shall all be made from State funds, but positions to be eliminated at the Supervisor level may be made from the total staff in the areas specified as a result of criteria to be established by the State Board of Education without regard to source of funds.

(k) General Fund appropriations to (95-01-002) Services to School Districts and Others for Non-public and Summer Driver Education, Public School Transportation, James H. Groves High School, and Pregnant Students shall not be subject to the limitations as defined for Division I and Division II in Sections 1706 and 1709, Chapter 17, Title 14, Delaware Code.

Section 11. 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 funds shall be expended for purposes such as gratuities, greeting cards, flowers and tickets to athletic events when unrelated to the Agency's function, and the Secretary, Department of Finance, shall, in executing his duty under Section 6518, Title 29, Delaware Code, refuse to approve such expenditures. Any Agency affected by this Section shall have the right of appeal to the Budget Commission.

Section 12. (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 salaries 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 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 Other" part of a line 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 an 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 may be paid additional compensation therefor, provided such additional duties are not a part of his regular duties for the principal employer and not rendered during time paid for by the principal employer. In specific instance of the Institute of Human Behavior, State employees may join in the cooperative program with the Jefferson Medical College if the service is rendered at times other than when the employee is assigned to State duty, and under these instances the employee may be paid for services rendered.

Section 13. (a) For the purpose of this section the term "Department" means all State Departments and Agencies except public school districts.

(b) Where the number of employee positions have been set forth in the salary or wage line appropriation for a Department in Section 1 of this Act such number* shall be interpreted to mean equivalent full-time positions. Each Department having such a designation shall file with the Budget Director and the Controller General a listing of the employee positions as provided and the salary or wage for each position. The total of such salaries and wages for each Department 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.

(*) See footnote on Page 313.

(c) In the event the number of employee positions for a Department 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, 1973 except within the limit of the Department'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 Department in the accomplishment of its function and the necessary funds are available in the Department's salary and wage appropriation. The Budget Director shall advise the Controller General immediately when such approval is granted.

(d) 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 the amounts set forth in Section 1.

(e) The following starting salary scale will be applied when hiring a new employee to fill the position of Deputy Attorney General or Assistant Public Defender:

0-2 Years' Experience	\$12,000
3-5 Years' Experience	13,500
Over 5 Years' Experience	15,000

Experience shall be defined as the active practice of law.

Section 14. Beginning with the fiscal year ending June 30, 1974, and during each fiscal year thereafter, no wage or salary increases resulting from "up-grading" or "re-allocation" by the State Personnel Commission, shall be granted to any State employee, prior to the beginning of the ensuing fiscal year and then only provided that the funds required for same shall have been provided in the State's annual budget appropriations for such ensuing fiscal year.

Section 15. If the employee positions authorized and allocated to the various departments, divisions, agencies, boards and commissions pursuant to Section 1 of this Act shall be unfilled for a period exceeding sixty (60) days from the effective date of this Act for any reason whatsoever, each department, division, agency, board and commission shall notify the Controller General within thirty (30) calendar days thereafter as to why such authorized personnel positions are not being filled pursuant to this Act.

Section 16. The sums appropriated to the Communications Section, Division of Administration and Intergovernmental Services, Department of Public Safety, in Section 1 of this Act are intended to cover the expense of services performed by the Communications Section pursuant to Chapter 16, Title 17, Delaware Code. Any funds received by the Communications Section pursuant to said Chapter 16 shall be considered as revenue to the State and deposited in the General Fund.

Section 17. The funds herein appropriated to the Department of Health and Social Services in the amount of \$200,000, or any part thereof, for the Head Start Program shall be spent only if there shall have been approved and made available the corresponding matching funds to be provided by the Federal Gov-

ernment. To the extent that such Federal matching funds are not forthcoming, the corresponding proportionate amount of State funds herein appropriated shall revert to the General Fund.

Section 18. The sum of \$3,830,600 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 sum of \$2,200,000 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:

(i) The sum of up to \$2,140,000 shall be expended for the purpose of providing medical services to patients eligible under the Federal Title XIX Medicaid Program residing in various facilities of, or under the jurisdiction of, the Department of Health and Social Services.

(ii) The sum of up to \$60,000 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.

(iii) The funds hereby appropriated shall be expended only on condition that the program is approved and Federal matching funds are provided by the appropriate Federal Agency.

Section 19. (a) 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 \$500,000 appropriated to the Department of Health and Social Services for services rendered to eligible beneficiaries (indigent patients) including as a first priority the payment for legitimate transportation services under contract with the Delaware Interagency Motor Service, Inc. or other State approved transportation facilities, 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.

(b) The State Auditor shall from time to time verify the expenditures and the cost basis of billings by said hospitals and report to the Secretary, Department of Finance, the Budget Director, and the Controller General.

Section 20. No payments from the amount of \$50,000 appropriated for Emergency and Disaster Assistance under Public Welfare (35-07-002) shall be made for special emergency needs to any welfare-receiving household (all clients, regardless of category, living in a single residential unit and using the same

kitchen facilities) exceeding a total of \$150 in the fiscal year ending June 30, 1974.

Section 21. Any Department or Agency, other than those covered by the classified service or by the provisions of Section 10 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 Department having personnel covered by the Classification Plan, and as paid by such Departments to the State Personnel Commission in proportion to the number of classified positions in such Department on July 1, 1973. Any Department 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 as appropriated and authorized in Section 1 of this Act between departments and within departments with appropriate justification to the Controller General.

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 Division of Adult Corrections and the Division of Juvenile Corrections of the Department of Health and Social Services.

Section 25. The limitation of \$2,200 with respect to the cost of passenger motor vehicles (5-passenger sedans) purchased for

State use, prescribed by Section 6902, Chapter 69, Title 29 of the Delaware Code, is hereby increased to \$2,900, for such vehicles purchased during the fiscal year ending June 30, 1974, within the appropriation limits imposed by this Act. It is the intent of this section that only new vehicles will be purchased unless specific approval is granted by the Budget Director.

Section 26. All State Agencies, Boards, Commissions, and Departments (hereinafter referred to as Agency) receiving funds herein, shall file an annual report by October 15 following the close of the fiscal year.

(a) The annual report shall inform the Governor, the General Assembly, and the public of the accomplishments of the fiscal year just ended. The report need not be long, but it should be of sufficient length to summarize the accomplishments of the year. Emphasis on new programs which justify the cost in relation to the services rendered should be included. Special, unusual, or particularly interesting problems should be reported.

(b) Statistical tables, charts, or graphs are encouraged when they can be used to show the current status of a function in relation to earlier years on the one hand and projection for growth on the other. Useful information would show the number of people served by a program, the number of employees, and the allocation of costs when practical. As a guide, comparative information should be for Fiscal Years 1973 and 1974, as well as projections for Fiscal Years 1975, 1976, and 1977. New programs should show growth figures and their dependence on Federal or Special Funds.

(c) A brief resume of the Agency's statutory responsibility should be included in an appendix.

(d) The Governor, Lieutenant Governor, Budget Director, Controller General and Auditor of Accounts shall receive copies of all reports. Each member of the General Assembly shall receive a copy of all reports except those of local School Districts. Reports of various local School Districts shall be furnished to members of the General Assembly who represent in whole or in part the area encompassed within such School District. Two extra copies of the reports of all local School Districts shall be furnished to the Controller General.

(e) The report shall be typewritten on standard-sized paper and reproduced by the most economical means. In final analysis, the report is to transmit information rather than be a promotional publication.

Section 27. (a) Appropriations set forth in Section 1 of this Act must remain with the Department to which appropriated and may not be transferred for use by another Department.

(b) Appropriations set forth in Section 1 of this Act must remain within the Departmental Divisions to which appropriated and may not be transferred for use by another Division within a Department.

(c) Transfer of any funds appropriated by this Act shall be subject to the authority and limitations set forth in Part VI, Title 29 of the Delaware Code; provided, however, that no funds may be transferred into "salaries" or "salaries and wages" from non-salary appropriations nor shall any funds be transferred into line-item salary appropriation for a specific position from any emergency or contingency fund, except as otherwise specifically provided by law and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, of the Delaware Code. No funds appropriated to salaries may be transferred to non-salary appropriation lines (e.g., Personal Services, Travel, Contractual Services, Supplies and Materials and Capital Outlay). Contingency and special items may be used in accordance with the Department's objectives substantiating their request.

(d) The provisions of paragraphs (a) and (b) of this Section are waived with respect to the allocation of Central Data Processing Services to Departments and/or Departmental Divisions. Requests for re-allocation within the total appropriated amount made by the Director of the Division of Central Data Processing must be approved by the Budget Director and the Controller General.

Section 28. The Governor shall submit to all members of the General Assembly an itemized list of anticipated General Fund revenues by major categories for the current and the next immediate fiscal year. Such reports shall be made not later than the 15th day of September, December, March, May and June.

Section 29. 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, 1974, in excess of, or other than, the amounts set forth in this Act as have been or may be authorized in Supplementary Appropriation Acts enacted by the General Assembly.

Section 30. Nothing contained in any contract entered into pursuant to Delaware Code, Title 19, Chapter 13 or Title 14, Chapter 40, which contract is entered into or renegotiated after the effective date of this Act, shall require the payment of any monies for any item, purpose or benefit for which a specific appropriation by the General Assembly has not been made for the fiscal year ending June 30, 1974, or any subsequent fiscal year, or any part thereof, during which such contract is effective.

Section 31. Any and all appropriations herein authorized and specifically designated and separately identified within each agency budget for Central Data Processing Services shall be credited by the Secretary of Finance to the Division of Central Data Processing, Department of Administrative Services, by line item as detailed in Section 1. Any program or function undertaken by any State agency which requires the services of the Division of Central Data Processing and which is to be funded through any Special Funds other than the General Fund must include provisions for the anticipated costs thereof and payment therefor must be made to the Division of Central Data Processing for deposit to the General Fund of the State.

Section 32. The total appropriation in Section 1 of this Act to the Division of Central Data Processing (30-07-000) for fiscal year beginning July 1, 1973, contemplates data processing services for State Department/Agencies as indicated, subject to the following requirements:

(a) All Department/Agencies shall review computer-based data processing systems which were operative on July 1, 1973, to determine their value and essentiality to the management of the Department/Agency. Such review shall take into account the usefulness of the program results, time-saving, cost effectiveness and whether or not non-data processing means and methods could better provide the same management informa-

tion within the time limits required. This review shall be reduced to writing and accomplished by September 1, 1973. Copy of the review, listing computer-based systems in priority order and showing source of funding for each, shall be furnished in writing to the Division of Central Data Processing and the Controller General. The priority listing will be assessed against the allocation of General Funds for the Department/Agency.

(b) Any computer-based data processing system which was operative on July 1, 1973, and was previously funded within the General Fund appropriations for fiscal year 1973, may be continued during fiscal year 1974. This will exclude those data processing programs or projects which were being planned or in the process of being developed and not appropriately funded.

(c) No computer or computer-programming related systems study may be continued or initiated by any Department/Agency in the 1974 fiscal year unless covered by a formal project approved by the Department/Agency head. Such project will be in the form prescribed by the Division of Central Data Processing but shall include in any case a statement of work to be done, existing work to be modified or displaced, total cost of systems development and conversion effort (including systems analysis and programming cost, establishment of master files, testing, documentation, special equipment cost and all other costs, including full overhead), savings or added operating cost that will result after conversion, other advantages or reasons that justify the work, source of funding for the work and whether or not work is within scope of work envisioned when the fiscal year 1974 budget was approved. No project is to be undertaken which is beyond the scope of work positively funded by the General Fund or a Special Fund. This paragraph applies to all computer or computer-related systems development performed by the Division of Central Data Processing, a Department/Agency itself or an outside contractor, and also applies to new computer programs or systems purchases or otherwise acquired and placed in use.

(d) All projects are to be signed by the Director, Division of Central Data Processing and the concerned Department/Agency head before work is begun, except such relatively minor feasibility work required to prepare the project. Copies of all

projects are to be provided to the Controller General or made available for his examination as he directs.

Section 33. The provisions for salaries and wages in this Act are projected to cover the salaries and wages which shall become due and payable during the fiscal year ending June 30, 1974.

Section 34. All entitlement payments from Federal Revenue Sharing Funds (Fiscal Assistance to State and Local Governments, P.L. 92-512, 86 Stat. 919) received by the State during fiscal year 1974 shall be used in partial payment of the appropriations to the State Employees Retirement Fund.

Section 35. (a) Pursuant to Title 29, Chapter 63, Section 6340, of the Delaware Code, Other Employment Costs (Fringe Benefits), including provision for F.I.C.A.—Employer's Share, Pensions and Health Insurance, are reflected herein within each departmental or agency budget for the fiscal year ending June 30, 1974. These Other Employment Costs shall be accounted for and disbursed through accounts within the Department of Finance. Any department or agency employing personnel who are paid from Federal Funds, from Capital Improvement Debt Appropriations or from other Special Funds, other than School Local Funds, shall transfer or pay to the Treasurer of the State of Delaware from such funds appropriate sums for each of the State fringe benefit plans applicable to salaries and wages paid to employees from such Special Funds.

(b) The sum total of amounts appropriated for Pensions shall be reduced by the amount of \$4,000,000. This reduction shall be listed as a line item entitled, "REDUCTION IN PENSION CONTRIBUTION", and shall immediately precede the line item entitled, "GRAND TOTAL—AGENCIES AND EDUCATION", listed at the end of Section 1 of this Act. The grand total amount shall reflect this \$4,000,000 reduction in the total aggregate appropriation to the State Employees Retirement Fund for the fiscal year ending June 30, 1974. Payments totaling at least \$2,000,000 per month shall be made by the Secretary of Finance into the State Employees Retirement Fund for the first eight (8) months of the fiscal year ending June 30, 1974.

Section 36. In the event the sum appropriated in Section 1 of this act is insufficient for benefits to be paid for F.I.C.A.—Employer's Share, such additional sum as may be required for this purpose is hereby appropriated and shall be paid from the General Fund.

Section 37. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 38. (a) For purposes of compliance with this Section, the provisions of Section 27 (b) and (c) of this Act shall be waived.

(b) The Total amount appropriated to each of the State Agencies hereinafter named is hereby reduced as follows:

<i>State Agency</i>		<i>From</i>	<i>To</i>	<i>Amt. Reduced</i>
(20-00-000)	Department of State	\$ 1,575,347	\$ 1,525,347	\$ 50,000
(25-00-000)	Department of Finance	9,270,133	9,220,133	50,000
(35-00-000)	Department of Health and Social Services	67,963,573	65,963,573	2,000,000
(65-00-000)	Department of Agriculture	848,225	833,225	15,000
(76-00-000)	Delaware National Guard	673,406	643,406	30,000
(90-04-000)	Delaware Technical and Community College	7,526,265	7,376,265	150,000
(95-01-000)	State Board of Education and State Board for Vocational Education	1,499,215	1,469,215	30,000
TOTAL REDUCTION				\$ 2,325,000

(c) No reduction in appropriation amounts shall be made by the State Agencies listed in paragraph (b) of this Section in the following appropriations to said State Agencies: Debt Serv-

ice, F.I.C.A.—Employer's Share, Pensions, Health Insurance, Municipal Street Aid, health and welfare grants, line item appropriation which may affect compliance with Federal Revenue Sharing, and Central Data Processing Services. State Agencies listed in paragraph (b) of this Section may include a reduction in applicable Other Employment Costs (F.I.C.A.—Employer's Share, Pension, and Health Insurance) as part of their total Agency reduction, if the primary reduction contemplated is in authorized positions and salaries and wages of employees.

(d) The State Agencies listed in paragraph (b) of this Section must submit a reduction plan or program to carry out the intent of this Section on or before September 1, 1973, jointly to the Budget Director and the Controller General for their final approval. Upon failure by any State Agency listed in paragraph (b) of this Section, to comply with the intent of this Section, reductions in line item appropriations will be made by the Joint Finance Committee, or at its direction. The State Agency will comply with the resulting revised budgetary appropriation amounts.

(e) The Budget Director and the Controller General shall prepare an official copy of Senate Bill No. 392 as amended by this section on or before October 31, 1973. Copies of this final budget shall be made available, within reasonable limitations, to members of the General Assembly and State Agencies upon request.

Section 39. Total budgetary appropriations for salaries and wages of employees for the fiscal year ending June 30, 1974, or any statutory provisions notwithstanding, no employee of any Department or Agency of the State of Delaware listed on pages 2 through line 24 on page 56 of this Act shall receive an increase in his salary or wage in excess of 5% of his salary or wage prevailing as of June 30, 1973, during the fiscal year ending June 30, 1974, provided further that in the case of individual line item salaries delineated in this Act the salaries paid during the fiscal year ending June 30, 1974, shall not exceed the amounts therein prescribed.

Approved July 6, 1973.

CHAPTER 143

FORMERLY HOUSE BILL NO. 8

**AN ACT CONCURRING IN A PROPOSED AMENDMENT TO
THE CONSTITUTION OF THE STATE OF DELAWARE,
RELATING TO THE ELIMINATION OF PROHIBITION
AGAINST CERTAIN TYPES OF LOTTERIES.**

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 126th General Assembly, being Chapter 312, Volume 58, Laws of Delaware, as follows:

**"AN ACT TO AMEND ARTICLE 2, SECTION 17 OF THE
CONSTITUTION OF THE STATE OF DELAWARE BY
ELIMINATING THE PROHIBITIONS AGAINST CER-
TAIN TYPES OF LOTTERIES.**

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. Amend Article 2 of the Constitution of the State of Delaware by striking Section 17 and substituting in lieu thereof the following:

§17. Lotteries and other gambling

All forms of gambling are prohibited in this State except the following:

(a) Lotteries under State control for the purpose of raising funds,

(b) Wagering or betting on races within the enclosure of any race meeting licensed and conducted under the laws of this State by the use of pari-mutual machines or totalizators,

(c) Bingo games as conducted under the limitations of Section 17A.

The General Assembly shall enforce this Section by appropriate legislation."

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 126th General Assembly.

NOW THEREFORE,

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

Section 1. The said proposed amendment is hereby concurred in and adopted, and shall forthwith become a part of the Constitution of the State of Delaware.

Effective June 25, 1973.

CHAPTER 144

FORMERLY HOUSE BILL NO. 286

**AN ACT TO AMEND CHAPTER 7, PART I, TITLE 7 OF THE
DELAWARE CODE PERTAINING TO REGULATIONS
AND PROHIBITIONS CONCERNING GAME AND FISH.**

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. Amend §709, Chapter 7, Part I, Title 7 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

§709. Loaded firearms prohibited in or on motor vehicles, motor boats or farm machinery

No person shall have a loaded shotgun or rifle in his possession in, against, or on any automobile; other vehicle; any piece of farm machinery; motor boat while under power; sail boat while under power; or have any ammunition in the magazine or chamber of such shotgun or rifle except when it is otherwise lawful to hunt crippled migratory birds from a motor boat as permitted by Federal law.

Approved July 6, 1973.

CHAPTER 145

FORMERLY HOUSE BILL NO. 389
AS AMENDED BY
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND §4106, TITLE 11 OF THE DELAWARE
CODE ENTITLED, "DEFAULT IN PAYMENT OF FINE;
INABILITY TO PAY FINE" BY CHANGING THE METH-
OD OF WORK PROGRAM PAYMENTS.**

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

Section 1. Amend §4106, Chapter 11 of the Delaware Code, by repealing subsection (b) and substituting in lieu thereof the following:

(b) Where a person sentenced to pay a fine, costs or both, on conviction of a crime is unable or fails to pay such fine, costs or both, at the time of imposition of sentence or in accordance with the terms of payment set by the Court, the Court may order the person to report at any time to the Director of the Division of Corrections, Department of Health and Social Services, or a person designated by him, for work for a number and schedule of hours necessary to discharge the fine and costs imposed. In cases involving Justice of the Peace Courts, the Deputy Administrator thereof shall establish guidelines for the number of hours of work which may be assigned and the Courts shall adhere to said guidelines. The Division may approve public work assignments for convicted persons in accordance with subsection (c) of this section, whereupon the Director, or a person designated by him, may assign the 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 Division of Corrections shall not compensate any convicted person assigned to work under the supervision of any state, county or municipal agency, but shall credit such person with the number of hours of satisfactory service. When the number of such hours equals the number of hours imposed by the Court, the Division shall certify this fact to the appropriate Court, and the Court shall proceed as if the fines and costs had been paid in cash. Fines and

costs successfully worked off in the above manner shall not be considered as receivables of the Court, but the records shall show the hours worked. Failure to comply with an Order of the Court made pursuant to this section shall be punishable as civil contempt, and all Courts shall have the power to punish as a civil contempt any convicted person who fails to comply with such an Order.

Approved July 6, 1973.

CHAPTER 146

FORMERLY HOUSE BILL NO. 432

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE CANCELLATION, ABATEMENT AND REFUNDING OF INCOME TAXES OF MEMBERS OF THE ARMED FORCES ON DEATH.

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

Section 1. Amend Chapter 11, Part II, Title 30, Delaware Code, by adding a new section numbered 1204 to read as follows:

§1204. Income taxes of members of Armed Forces on death

(a) In the case of any individual who dies during an induction period (as defined in paragraph (b) (1)) while in active service as a member of the Armed Forces of the United States, if such death occurred while serving in a combat zone (as determined under this section) or as a result of wounds, disease, or injury incurred while so serving—

(1) any tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone after January 1, 1960; and

(2) any tax under this chapter and under the corresponding provisions of prior revenue laws for taxable years preceding those specified in paragraph (a) (1) which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

(b) Definitions

(1) The term "induction period" means any period during which, under laws heretofore or hereafter enacted relating to the induction of individuals for training and service in the Armed Forces of the United States, individuals (other than individuals

liable for induction by reason of a prior deferment) are liable for induction for such training and service.

(2) Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

(3) The term "combat zone" means any area which the President of the United States by Executive Order designates, for purposes of this section or corresponding provisions of prior income tax laws, as an area in which Armed Forces of the United States are or have (after January 1, 1960) engaged in combat.

Approved July 6, 1973.

CHAPTER 147

FORMERLY HOUSE BILL NO. 438

AN ACT TO AMEND CHAPTER 3, TITLE 30, DELAWARE CODE, RELATING TO DEPARTMENT OF FINANCE.

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

Section 1. Amend Subchapter IV of Chapter 3, Title 30, Delaware Code, by adding thereto two new sections to be designated as §351 and §352 to read as follows:

§351. Preservation of returns and destruction of records

All tax returns or reports received by the Division of Revenue, shall be preserved for not less than six years, after which time the Secretary of Finance may establish guidelines and standards for retention and, upon the recommendation of the Director of Revenue, may authorize and direct their disposal or destruction.

§352. Accounts receivable

In the case of any account receivable arising from the assessment of any tax which is outstanding on the records of the Division of Revenue for more than six years, the Secretary of Finance may authorize the Director of Revenue to write off and remove any such account from the current active accounts of the Division if it is determined that the account is uncollectible, or that the potential recovery or administrative costs of collection would not warrant further collection efforts.

Approved July 6, 1973.

CHAPTER 148

FORMERLY HOUSE BILL NO. 453
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 11, TITLE 12, DELAWARE
CODE, RELATING TO UNCLAIMED LIFE INSURANCE
FUNDS.**

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

Section 1. Amend §1187, Chapter 11, Title 12, Delaware
Code, by striking the words:

out of the Special Trust Fund in his custody or, in the event
such Special Trust Fund shall be insufficient.,

Section 2. Amend §1188, Chapter 11, Title 12, Delaware
Code, by striking said section in its entirety.

Section 3. Amend §1190, Chapter 11, Title 12, Delaware
Code, by striking the words:

Out of the Special Trust Fund in his custody or, in the event
such Special Trust Fund shall be insufficient, it shall be paid.

Section 4. Amend §1193, Chapter 11, Title 12, Delaware
Code, by striking said section in its entirety and substituting in
lieu thereof a new §1193 to read as follows:

Any life insurance company failing to render any report re-
quired by this Chapter shall pay a civil penalty of \$25.00 for each
day such report is withheld, not to exceed \$2,500.00; provided,
however, that the State Escheator may extend the time for filing
any such report and may waive all or any portion of the penalty
if the failure is due to reasonable cause.

Section 5. This Act shall take effect on July 1, 1973.

Approved July 6, 1973.

CHAPTER 149

FORMERLY HOUSE BILL NO. 468

AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO REFUNDS OF CORPORATION TAX.

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

Section 1. Amend §1912 (e) of Chapter 19, Title 30, Delaware Code, by striking paragraph (e) in its entirety and substitute in lieu thereof a new paragraph (e) to read as follows:

“(e) Any refunds provided for in this Chapter shall be paid out of the General Fund.”

Approved July 6, 1973.

CHAPTER 150

FORMERLY HOUSE BILL NO. 545
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE
CODE RELATING TO THE CORPORATION INCOME
TAX.**

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

Section 1. Amend Subsection (a) of §1902, Chapter 19, Title 30, Delaware Code, by striking subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

Every domestic or foreign corporation that is not exempt under subsection (b) of this section shall annually pay a tax of seven and two-tenths percent on its taxable income, computed in accordance with §1903 of this Title, which shall be deemed to be its net income derived from business activities carried on and property located within the State during the income year. Any receiver, referee, trustee, assignee, or other fiduciary, or any officer or agent appointed by any court, who conducts the business of any corporation, shall be subject to the tax imposed by this Chapter in the same manner and to the same extent as if the business were conducted by the corporation.

Section 2. The effective date of this Act shall be the day after signature by the Governor.

Approved July 6, 1973.

CHAPTER 151

FORMERLY HOUSE BILL NO. 546

AN ACT TO AMEND SECTION 1106, TITLE 30, DELAWARE CODE, RELATING TO MODIFICATIONS OF TAXABLE INCOME.

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

Section 1. Amend Section 1106, Title 30, Delaware Code, by striking paragraph (2) of subsection (a) of said section in its entirety, and inserting in lieu thereof a new paragraph (2) to read as follows:

(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 or after the effective date of this Act.

Section 2. The effective date of this Act shall be the day after this Act is signed by the Governor of the State of Delaware.

Approved July 6, 1973.

CHAPTER 152

FORMERLY HOUSE BILL NO. 547

AN ACT AMENDING PART II, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE RATE OF TAX ON TAXABLE PERSONAL INCOME.

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

Section 1. Amend subsection (a), Section 1102, Subchapter I, Chapter 11, Part II, Title 30, Delaware Code, by striking all that follows after the colon at the end of the second sentence, and inserting in lieu thereof the following:

1.6% of the amount of taxable income not in excess of \$1,000; 2.2% of the amount of taxable income in excess of \$1,000 but not in excess of \$2,000; 3.3% of the amount of taxable income in excess of \$2,000 but not in excess of \$3,000; 4.4% of the amount of taxable income in excess of \$3,000 but not in excess of \$4,000; 5.5% of the amount of taxable income in excess of \$4,000 but not in excess of \$5,000; 6.6% of the amount of taxable income in excess of \$5,000 but not in excess of \$6,000; 7.7% of the amount of taxable income in excess of \$6,000 but not in excess of \$8,000; 8.8% of the amount of taxable income in excess of \$8,000 but not in excess of \$20,000; 9.3% of the amount of taxable income in excess of \$20,000 but not in excess of \$25,000; 9.9% of the amount of taxable income in excess of \$25,000 but not in excess of \$30,000; 12.1% of the amount of taxable income in excess of \$30,000 but not in excess of \$40,000; 13.2% of the amount of taxable income in excess of \$40,000 but not in excess of \$50,000; 15.4% of the amount of taxable income in excess of \$50,000 but not in excess of \$75,000; 16.5% of the amount of taxable income in excess of \$75,000 but not in excess of \$100,000; 19.8% of the amount of taxable income in excess of \$100,000.

Section 2. This Act shall take effect on January 1, 1974.

Approved July 6, 1973.

CHAPTER 153

FORMERLY HOUSE BILL NO. 549
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 54, TITLE 30, AND CHAPTER 1, TITLE 25, OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX, PROVIDING FOR SUCH TAX ON CERTAIN LEASES AND DOCUMENTS PERTAINING TO OTHER LIMITED INTERESTS IN REAL ESTATE, AND PERTAINING TO THE RECORDING AND ENFORCEABILITY OF THOSE LEASES AND DOCUMENTS.

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

Section 1. Amend Section 5401 (a) (2), Chapter 54, Title 30, Delaware Code, by striking said subsection (2) in its entirety, and substituting in lieu thereof the following:

“(2) any lease other than those described or defined in subsection (d) below;”.

Section 2. Amend Section 5401 (c), Chapter 54, Title 30, Delaware Code, by striking the words “or interest” as the same appear in the second line of said subsection (c), and substituting in lieu thereof the following:

“or interest or leasehold interest”.

Section 3. Amend Section 5401 (c), Chapter 54, Title 30, Delaware Code, by striking the phrase “contract of sale,” as the same appears in the 10th line of said subsection (c), and inserting in lieu thereof the following:

“contract of sale or lease,”.

Section 4. Amend Section 5401, Chapter 54, Title 30, Delaware Code, by adding thereto new subsections (d), (e) and (f) to read as follows:

“(d) The term ‘document’ defined in subsection (a) above shall include the following:

(1) any writing purporting to transfer a title interest or possessory interest for a term of more than 5 years in a condominium unit or any unit properties subject to the Unit Property Act;

(2) any writing purporting to transfer a title interest or possessory interest under a lease for a term of more than 5 years;

(3) any writing purporting to transfer a title interest or possessory interest of any lessee or other person in possession of real estate owned by the State or other political subdivision thereof;

(4) the exercise of any right or option to renew or extend a title or possessory interest in an existing lease where such extension or renewal is for a term of more than five years.

(e) In determining the term of a lease under subsection (d) above, it shall be presumed for the purpose of computing the lease term that any rights or options to renew or extend will be exercised.

(f) For purposes of subsection (c), in the case of a document described in subsection (d) under which the consideration is based in whole or in part on a percentage of the income or receipts to be received in the future, actual consideration shall include the amounts actually received under such percentage of income or receipts provision; provided, however, and notwithstanding any other provisions of this chapter, the tax imposed by this chapter shall be due and payable to the Division of Revenue within 30 days after the date such amounts become due and payable under the agreement."

Section 5. Amend Section 5402, Chapter 54, Title 30, Delaware Code, by adding thereto new subsections (d) and (e) to read as follows:

"(d) Every person who makes, executes, delivers, accepts or presents for recording any document defined or described in Section 5401 (d) of this chapter, or in whose behalf any such document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, a realty transfer tax at the rate of

2 percent of the value of the property represented by such document, which tax shall be payable as follows:

(1) The tax on the consideration attributed to the first year of the term shall be payable at the time of making, execution, delivery, acceptance or presenting of such document for recording;

(2) The tax on the consideration attributed to each successive year of the term thereafter shall be paid annually to the Division of Revenue.

(e) There shall be no tax imposed on any document described in Section 5401 (d) entered into prior to the effective date of this Act."

Section 6. Amend Chapter 1 of Title 25, Delaware Code, by adding thereto a new Section 154 to read as follows:

§ 154. Enforceability of certain leases and documents pertaining to lands and tenements

Failure to record, within 15 days of the date of execution of the documents defined or described in Section 5401 (d) of Title 30, Delaware Code, in the office of the Recorder of Deeds in the county in which the lands or tenements or any part thereof are located shall make those documents unenforceable in any court of this State.

Section 7. Amend Section 5402 (a) of Chapter 54, Title 30, Delaware Code, by adding after the phrase "recording any document" and before the comma the phrase "except as defined or described in Section 5401 (d) of this Chapter".

Section 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other section, subsection, sentence, clause or provision of this Act which can be given effect without the invalid provision or application, and to that end each provision of this Act is declared to be severable.

Section 10. The effective date of this Act shall be the day after signature by the Governor.

Approved July 6, 1973.

CHAPTER 154

FORMERLY SENATE BILL NO. 35
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND HOUSE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS, RESTRICTING CERTAIN CANCELLATION AND NON-RENEWAL RIGHTS.

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

Section 1. Amend Section 3904, Chapter 39, Title 18 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new Section 3904, which shall read as follows:

§ 3904. Same; reasons for cancellation or non-renewal

(a) No notice of cancellation of a policy shall be effective and the insurer shall not refuse renewal or threaten to refuse renewal of a policy unless based on one or more of the following reasons:

(1) Nonpayment of premium; or

(2) The policy was obtained through a material misrepresentation; or

(3) Any insured violated any of the terms and conditions of the policy; or

(4) The named insured knowingly failed to disclose fully his motor vehicle accidents and moving traffic violations, or his losses covered under any automobile physical damage or comprehensive coverage, for the preceding 36 months if called for in the application; or

(5) As to renewal of the policy, if the insured at any time while the policy was in force failed to disclose fully to the insurer,

upon request therefor, facts relative to accidents and losses incurred material to underwriting of the risk; or

(6) Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim; or

(7) The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

(i) Has, within the 36 months prior to the notice of cancellation or non-renewal, had his drivers license under suspension or revocation; or

(ii) Has a history of and is subject to epilepsy or heart attacks, and such individual cannot produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely; or

(iii) Has an accident record, conviction record (criminal or traffic), physical, mental, or other condition which is such that his operation of an automobile might endanger the public safety; or

(iv) Has, while the policy is in force, engaged in a competitive speed contest while operating an automobile insured under the policy; or

(v) is addicted to or uses narcotics or other drugs; or

(vi) Uses alcoholic beverages to excess thereby impairing his ability to operate a motor vehicle; or

(vii) Has been convicted, or forfeited bail, during the 36 months immediately preceding the notice of cancellation or non-renewal, for:

(A) Any felony; or

(B) Criminal negligence resulting in death, homicide, or assault arising out of the operation of a motor vehicle; or

(C) Operating a motor vehicle while in an intoxicated condition or while under the influence of drugs; or

(D) Leaving the scene of an accident without stopping to report; or

(E) Theft or unlawful taking of a motor vehicle; or

(F) Making false statements in an application for a drivers license; or

(viii) Has been convicted of, or forfeited bail for 3 or more violations within the 36 months immediately preceding the notice of cancellation or non-renewal, of any law, ordinance, or regulation limiting the speed of motor vehicles, or any of the provisions of the motor vehicle laws of any state, violation of which constitutes a dangerous moving violation as set forth in 21 Delaware Code, Chapter 41, Rules of the Road, whether or not the violations were repetitions of the same offense or different offenses.

(8) The insured automobile is:

(i) So mechanically defective that its operation might endanger public safety; or

(ii) Used in carrying passengers for hire or compensation, except that the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation; or

(iii) Used in the business of transportation of flammables or explosives; or

(iv) An authorized emergency vehicle; or

(v) Modified or changed in condition during the policy period so as to increase the risk substantially; or

(vi) Subject to an inspection law and has not been inspected or, if inspected fails to qualify; or

(9) (i) Insureds protected by a policy covering two or more persons in a family or household shall not be subject to cancellation or non-renewal because of the wrongdoing or fault of another insured under the policy

(ii) In the event one or more of the insureds under such policy is subject to cancellation or non-renewal, such insured shall be excluded pursuant to the terms of Section 3909 of this Chapter

(iii) In the event a specifically named policyholder or spouse is subject to cancellation or non-renewal, the above provisions will not apply.

Section 2. Amend Section 3905, Chapter 39, Title 18 of the Delaware Code, by striking said Section in its entirety, and substituting in lieu thereof a new Section 3905, which shall read as follows:

§ 3905. Same; notice of cancellation of intention not to renew; notice of reasons

(a) No cancellation of a policy to which §3904 (a) of this Chapter applies shall be effective unless notice thereof is mailed or delivered by the insurer to the named insured at least 30 days prior to the effective date of cancellation and accompanied by the reason for cancellation, except that where cancellation is for nonpayment of premium at least 10 days notice of cancellation accompanied by the reason therefor shall be given.

(b) No insurer shall fail to renew a policy except to which §3903 (b) of this Chapter applies, unless it shall mail or deliver to the named insured, at his address last of record with the insurer, at least 30 days advance notice of its intention to non-renew accompanied by the reason or reasons therefor. This subsection shall not apply in case of nonpayment of premium, or if the insurer has manifested its willingness to renew. Notwithstanding the failure of an insurer to comply with this subsection, the policy shall terminate on the effective date of any other policy procured by the insured, with respect to any automobile designated in both policies. Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation or non-renewal which existed before the effective date of the renewal.

(c) The mailing of notice of cancellation, or of intention not to renew to the named insured at his address last of record with the insurer, shall be by certified mail.

(d) When a policy is cancelled or non-renewed, other than for non-payment of premium, the insurer shall notify the named insured of any possible eligibility for insurance through an automobile assigned risk plan. Such notice shall accompany or be included in the notice of cancellation or the notice of intent not to renew, and shall state that such notice of availability of the automobile assigned risk plan is given pursuant to this section.

(e) Each notice of cancellation, except as provided in Section 3903 (3) (b), or non-renewal of a policy shall contain or be accompanied by a notice of the named insured's right to apply to the Commissioner for a hearing thereon.

Section 3. Amend Section 3906, Chapter 39, Title 18 of the Delaware Code, by striking said Section in its entirety, and substituting in lieu thereof a new Section 3906, which shall read as follows:

§ 3906. Same; hearing before the Commissioner; filing fee; order

(a) A named insured who wishes to contest the reason or reasons for a cancellation or non-renewal to which section 3904 of this Chapter is applicable, shall not less than 15 days prior to the effective date of cancellation or non-renewal mail or deliver to the Commissioner a request for a hearing, which shall state clearly the basis for the appeal and be accompanied by a filing fee of \$10. This subsection shall not apply to cancellation for non-payment of premium. A cancellation or non-renewal which is subject to the provisions of section 3904 of this Chapter shall be deemed effective unless the Commissioner determines otherwise in accordance with the provisions of such section.

(b) Within three working days after receipt of a timely request for a hearing, the Commissioner shall set a hearing date to be held not less than ten days prior to the effective date of the cancellation or non-renewal. The Commissioner may where he finds that an unfairness will result to the insured, because of delays or other circumstances beyond his control, extend the effective date of cancellation or non-renewal for a period not to exceed 4 days from the date the notice of cancellation or non-renewal was received by the insured. Each insurer authorized to transact automobile insurance in this State shall maintain a file with the Commissioner of the names and address of the person authorized to receive notices pursuant to this section on behalf of the insurer.

(c) The Commissioner at the conclusion of any hearing provided for under subsection (b) above, or not later than 2 days thereafter, shall issue his written findings to the parties and, if

he finds for the named insured, he shall assess the insurer \$10 to defray the cost of the hearing and shall refund the \$10 filing fee to the named insured, and he shall either order the insurer to rescind its notice of cancellation or non-renewal, or, if the date cancellation or non-renewal is to be effective has lapsed, order the policy reinstated. Such order shall operate retroactively only to cover a period not to exceed 15 days from the date cancellation or non-renewal otherwise would have been effective, and prospectively from the date on which the order was issued, except that no policy shall be reinstated while the named insured is in arrears in payment of premium on the policy. If the Commissioner finds for the insurer, his written order shall so state and he shall assess the named insured \$10 and apply the named insured's \$10 filing fee against the assessment to defray the cost of hearing. Reinstatement of a policy under this subsection shall not operate in any way to extend the expiration, termination, or anniversary date provided in the policy.

(d) The Commissioner shall promptly deposit all filing fees provided for in this section with the State Treasurer to the credit of the general fund of this State.

Section 4. Amend Chapter 39, Title 18 of the Delaware Code, by adding thereto a new Section, designated as §3911, which shall read as follows:

§ 3911. Other policy renewals or extensions

Any legislation enacted subsequent to the enactment date of §3904, §3905, and §3906 of this Title, or subsequent legislation affecting Chapter 21 of Title 21 shall not effect the renewal of policies as described in paragraph (2), subchapter (a) of Section 3903 of this Title, unless the legislation itself so specifies.

Section 5. Amend §3903, Chapter 39, Title 18, Delaware Code, by adding thereto a new subsection (c) as follows:

(c) Where an insurer either fails to renew a policy or cancels a policy based solely upon the reason of nonpayment of premium, the insurer shall renew the policy if the insured tenders to the insurer or its agent the full amount due within thirty (30) days after the end of the policy period. The renewed policy shall contain the same conditions at the same rates or premiums had he

paid his premium on the due date. The effective date of such renewed policy shall be the date of actual receipt by the insurer or its agent of the full premium payment due. The renewed policy shall not cover, and the insurer shall not be liable for any losses occurring or claims which were sustained during the period from the end of the policy period until the date the full premium payment was actually received by the insurer or its agent, regardless of whether or not such a loss or claim would otherwise fit within the coverage of such a policy.

Approved July 9, 1973.

CHAPTER 155

FORMERLY SENATE BILL NO. 199

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF STATE TO ENABLE AN EMPLOYEE TO RECEIVE A PORTION OF SALARY PREVIOUSLY EARNED.

WHEREAS, because of an oversight, Mystle Brittingham, an employee of the Department of State, did not receive her five percent (5%) increment when the seventh step went into effect on July 1, 1971; and

WHEREAS, the amount needed to bring this employee up-to-date is Four Hundred Fifteen and 25/100 Dollars (\$415.25), which figure is based on her salary of Three Hundred Forty-Six and 50/100 (\$346.50) Dollars per month on July 1, 1971; and

WHEREAS, a seven and one-half percent (7½%) increase effective June 15, 1972, took her to Three Hundred Seventy-Two and 50/100 (\$372.50) Dollars and had her increment gone into effect she would have earned Three Hundred Ninety-One and 75/100 (\$391.75) Dollars per month, bringing the amount due to her to Four Hundred Fifteen and 25/100 (415.25) Dollars.

NOW, THEREFORE:

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

Section 1. The sum of Four Hundred Fifteen and 25/100 (\$415.25) Dollars is hereby appropriated to the Department of State, which funds shall be used to reimburse Mystle Brittingham, an employee of that department, sums which are due and owing from the Department to the employee.

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 moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved July 9, 1973.

CHAPTER 156

FORMERLY HOUSE BILL NO. 2

AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO LABOR, AND EXCEPTING CERTAIN PERSONS FROM THE DEFINITION OF "PUBLIC EMPLOYEE."

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

Section 1. Amend subsection (b), §1301, Chapter 13, Title 19 of the Delaware Code, by striking the period (.) at the end thereof, and adding the following:

; (3) any person who is a prisoner or inmate, or who is otherwise held in lawful custody by an agency of the State.

Approved July 9, 1973.

CHAPTER 157

FORMERLY HOUSE BILL NO. 63

**AN ACT AUTHORIZING AN EXPENDITURE FROM THE
EDUCATIONAL CONTINGENCY FUND IN ORDER TO
PAY SALARY OWED TO MRS. FRANCES REYBURN, A
TEACHER IN THE NEW CASTLE-GUNNING BEDFORD
SCHOOL DISTRICT.**

WHEREAS, Mrs. Frances Reyburn was absent from teaching duties for a period of forty-seven (47) working days, March 8 through May 19, 1972, on account of illnesses associated with pregnancy; and

WHEREAS, at the time of the illness Delaware Code, Title 14, §1323 (e) denied sick leave pay for pregnancy; and

WHEREAS, in an opinion of the Delaware Attorney General dated August 17, 1972, the above cited law was found to be in conflict with a previously enacted federal law and findings of the courts.

NOW, THEREFORE:

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

Section 1. The Delaware State Board of Education is hereby authorized and directed to transfer from the Educational Contingency Fund to the account of the New Castle-Gunning Bedford School District, an amount of \$2493.35 which sum shall be paid to Mrs. Frances Reyburn as salary owed for 47 working days during the period March 8 through May 19, 1972.

Approved July 9, 1973.

CHAPTER 158

FORMERLY HOUSE BILL NO. 194

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH.

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

Section 1. Amend Subchapter II, Chapter 7, Title 7, Delaware Code, by adding a new §749 which shall read as follows:

§ 749. Crows

The crow may be hunted in accordance with Federal regulations.

Section 2. Amend §741, Title 7, Delaware Code, by striking the words "common crows", as they appear in said section.

Approved July 9, 1973.

CHAPTER 159

FORMERLY HOUSE BILL NO. 312

AN ACT TO AMEND TITLE 10, DELAWARE CODE, ENTITLED "COURTS AND JUDICIAL PROCEDURE" BY ADDING TO CHAPTER 31 THEREOF, ENTITLED "COMMENCEMENT OF ACTIONS", A NEW SUBSECTION TO SECTION 3103 PROVIDING FOR SERVICE OF SUMMONS ON THE STATE OR ON OFFICERS OF THE STATE BY SERVICE UPON THE ATTORNEY GENERAL OR THE STATE SOLICITOR OR THE CHIEF DEPUTY ATTORNEY GENERAL.

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

Section 1. Amend Section 3103, Title 10 of the Delaware Code, by adding thereto a new subsection (c), to read as follows:

(c) No service of summons upon the State of Delaware, or upon any administrative office, agency, department, board or commission of the State government, or upon any officer of the State government concerning any matter arising in connection with the exercise of his or her official powers or duties, shall be complete until such service is made upon the person of the Attorney General or upon the person of the State Solicitor or upon the person of the Chief Deputy Attorney General.

Approved July 9, 1973.

CHAPTER 160

FORMERLY HOUSE BILL NO. 408
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND CHAPTER 24, PART II, TITLE 3 OF
THE DELAWARE CODE RELATING TO JOHNSON-
GRASS CONTROL.**

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. Amend §2404, Chapter 24, Part II, Title 3 of the Delaware Code, by striking the second paragraph of said section, and substituting in lieu thereof the following:

"It shall be unlawful to knowingly allow Johnsongrass to set seed on any land, or to allow any portion of a Johnsongrass plant to reach a height of twenty-four inches; and it shall be the duty of each landowner to mow, cultivate, treat with chemicals, or use such other practices as may be prescribed by the Department of Agriculture as effective in preventing seed set on Johnsongrass infestations or elimination of the Johnsongrass plant."

Section 2. Amend Section 2406, Chapter 24, Title 3, Delaware Code, by striking said section in its entirety, and inserting in lieu thereof a new Section 2406 to read as follows:

§ 2406. Violation

Any person who shall knowingly violate any of the provisions of this chapter, or any rule or regulation made thereunder, or who interferes with the State Board of Agriculture in the enforcement of the provisions of this chapter, shall be fined not less than \$50 nor more than \$500 on each count. Justices of the Peace shall have original jurisdiction to hear, try, and finally determine alleged violation of this chapter.

Approved July 9, 1973.

CHAPTER 161

FORMERLY HOUSE BILL NO. 333
AS AMENDED BY
HOUSE AMENDMENT NO. 1**AN ACT TO AMEND TITLE 16, DELAWARE CODE, BY ADDING A NEW CHAPTER 48 THERETO RELATING TO THE LICENSING OF DRUG ABUSE PREVENTION, CONTROL, TREATMENT AND EDUCATION PROGRAMS.**

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

Section 1. Amend Title 16, Delaware Code, by adding thereto a new Chapter 48 to read as follows:

Chapter 48. Licensing of Drug Abuse Prevention, Control, Treatment & Education Programs.

§ 4801. Definitions

The following words and phrases, as used in this Chapter have the following meanings, unless the context otherwise requires:

(1) "Department" means Department of Health and Social Services.

(2) "Division" means the Division of Drug Abuse Control.

(3) "Licensing Division" means the Division of Public Health.

(4) "DATE Center" means a drug abuse, treatment, and education center, and shall include but not be limited to the following: (a) a residential rehabilitation center which is a live-in facility operating 24 hours a day, 7 days a week, staffed by professional and para-professional persons offering therapeutic programs for drug dependent persons. (b) a non-residential day-care center, which is a facility offering therapeutic programs operated by trained professional and para-professional persons

for treatment of drug dependent persons who are able to live in their own homes in the community. (c) an education information center, which is an information center facility offering education and information to drug dependent persons, their families, and the general community, but limits treatment to individual, group, or family counseling by persons trained to do so; with direct referral to more appropriate programs as required. Such a center shall make referrals to approved treatment facilities both in and out of State. (d) drop-in center, communication center or "rap house," which is a program oriented toward youth with a goal of prevention of drug dependency. Such a center shall make referrals to appropriate treatment facilities and may also provide counseling as in "c". (e) "D.I.A.L." (Drug Information Action Line) means a telephone installed to respond to requests for information about drugs, drug treatment facilities, emergency treatment centers, and drug crisis intervention. (f) "DATE Center" shall not include Hospitals or Nursing Homes. (g) Methadone Treatment and Detoxification Programs are for scheduled administration of Methadone under appropriate Food and Drug Administration regulations and by permit issued and verified by Department and Division as a program providing supporting rehabilitative services such as counseling, therapy, and vocational rehabilitation.

(5) "Drug Evaluation Team" (DET), means a special assembly appointed by the Director of Division of physicians, psychologists, social workers, vocational rehabilitation specialists, drug counselors, and representatives of community agencies whose responsibilities will be: (a) to assist all "DATE Centers" in determination of the proper treatment modalities for all referred patients. (b) to accept all referrals made by any state or private agency or individual seeking for himself an evaluation if such person is felt to be a drug abuser.

(6) "Medical Entry Service" (MES), means an outpatient clinical service where all suspected drug abusers can obtain a physical examination, psychological testing, and other examinations indicated. Referrals may be made by any private or state agency, or private individual seeking for himself such an evaluation, as a person felt to be a drug abuser. Such a service must be affiliated with a hospital accredited by the Joint Commission on the Accreditation of Hospitals.

§ 4802. Duties of Division

The Division of Drug Abuse Control as a component of the Department of Health and Social Services shall :

(1) formulate a comprehensive plan for diagnosis, treatment, rehabilitation and education in the areas of drug abuse and dependence and revise such plan from time to time.

(2) promote, develop, establish, coordinate, and conduct unified programs of education, prevention, diagnosis, treatment and rehabilitation in the field of drug abuse and dependence and foster cooperation with appropriate federal, state, local and private agencies.

(3) provide public education and training and disseminate and gather information relating to drug abuse and dependency.

(4) promote, develop, establish, coordinate and conduct through the Department or any approved agency, public or private, unified programs for education prevention, diagnosis, research, treatment, aftercare, community referral, and rehabilitation in the field of drug abuse and dependency and, within the funds made available by appropriation, to implement and administer such programs.

(5) encourage and coordinate, single and multiple programs for drug abuse treatment and education across the Departmental Division lines of authority and utilize the maximum resources of the Department in the most efficient manner possible.

(6) determine in cooperation with the provisions of §4804 of this Chapter a funding program for the dissemination of available federal, state, and private funds to units of state or local government or private organizations which establish and implement approved local drug abuse, education, diagnostic and treatment programs.

(7) promulgate rules and regulations with the approval of the Secretary of Department for the implementation of the authority and responsibilities within this Chapter, and employ persons responsible for implementing the purposes of this Chapter.

(8) establish guide lines and provide for the systematic and comprehensive evaluation of the effectiveness of various programs licensed by Division.

(9) establish a Drug Evaluation Team to assist all other agencies in determination of the appropriate treatment modalities for patients referred.

(10) establish a Medical Entry Service to provide a comprehensive medical diagnostic service to insure timely identification of diseases other than drug abuse to further insure proper referral and treatment.

(11) establish a D.I.A.L. system in each county of the state and promulgate rules and regulations pertaining to the scope of their duties.

§ 4803. Hospital and outpatient facilities for drug dependents

(1) Division shall have the authority to designate all facilities to be used exclusively or partially for the treatment of drug dependents upon application and under the provisions of this Chapter. These facilities may be operated as inpatient or outpatient programs. These facilities may be operated as state or private facilities. The licensing law of Title 31, Chapter 3, paragraphs 341 to 344 is not applicable to these facilities.

(2) Division shall establish procedures whereby persons who are drug dependents shall seek admission to these programs on a voluntary basis, and provide a system to accept appropriate referrals from all components of the criminal justice system, and will provide assistance where necessary for security for such referrals.

(3) Division shall have the authority to contract with other governmental or private agencies for additional diagnostic and treatment facilities or programs. Division is encouraged to establish these programs on a regional basis with emphasis on prevention and preventive education and broad community involvement.

(4) Division shall establish a Medical Entry Service, as a service whereby all individuals can get a physical examination, psychological testing, and other examinations if there is reason to believe the individual or individuals are drug abusers or drug dependent.

(5) Any eligible person in the care or custody of any Division of Department may be transferred for treatment to an approved program.

(6) No person who voluntarily enters any hospital or outpatient facility or program for treatment of drug dependency shall be retained in such facilities or program against his will, nor shall such voluntary admission be used as evidence for criminal prosecution.

§ 4804. Secretary to appoint a Drug Abuse Executive Council

The Secretary of Department shall designate the following membership:

(1) members of the Statutory Governor's Advisory Council on Drug Abuse shall be *ex officio*.

(2) other members with special skills, knowledge and expertise as determined by the Secretary of Department.

(3) other members representing community citizen participation from each county.

§ 4805. Application for license

(1) Organizations described in Section 4801 (4) desiring to be designated to operate within the state shall apply for a license to Division at the time of organization and before the anniversary of initial license of each succeeding year during which such organization proposes to operate.

(2) Organizations described in Section 4801 (4) desiring to be designated to operate within the state will be required to participate in the centralized drug abuse medical recordkeeping system.

(3) Organizations described in Section 4801 (4) desiring to be designated to operate within the state shall have a Medical Advisory Committee or equivalent whose appropriate representatives will be determined by rules and regulations established by Division, but that such Medical Advisory Committee must also have representative community membership.

(4) Payment of a \$15.00 fee shall accompany the submission of the application for license.

§ 4806. Automatic licensing

(1) Any center, institution or other facility providing the same or similar services as those defined in Section 4801 (4) and operated by federal or state agencies shall be issued a license automatically upon receipt of application by Licensing Division, unless recommendation to the contrary is made by Division, or Licensing Division has knowledge of failure to comply with this Chapter or other appropriate regulations.

§ 4807. Review and action upon license applications

(1) Division shall review each application and inspect the premises and evaluate the program of each applicant for a new or renewal license by rules and regulations established under Section 4802 (7).

(2) Division shall make recommendations to the "Licensing Division", which shall issue or deny the application as made, or grant a license with whatever modifications deemed fit.

(3) The Licensing Division shall issue a license without restrictions or deny only when the public interest dictates. Any applicant aggrieved by the Licensing Division's failure, in whole or in part, to grant a license on the terms requested may appeal to the Secretary of Department, who shall have jurisdiction to hear appeals from decisions of the Licensing Division, such hearings to be public.

§ 4808. Expiration of license and renewal; conditional permit

(1) A license issued for operation of a DATE Center, unless sooner superseded or revoked, shall expire on the day prior to the anniversary of the issuance date; unless the same shall have been renewed prior thereto.

(2) Licensed operators against whom a revocation proceeding is pending at the time of license renewal shall be issued a conditional permit effective until final disposition by the Department of such proceedings.

§ 4809. Refusal of license; renewal; revocation; notice; hearing

(1) No license shall be denied, revoked, or suspended except after notice in writing to the applicant or licensee setting forth the particular reasons for the proposed action and provision for a fair hearing, if demanded by the licensee or applicant, within ten days after receipt of said notice, may request in writing a hearing, by delivering the request to the Department in person or by due course of mail. If no such request is made within the time fixed, the Secretary of Department shall proceed to deny, revoke, or suspend said license as set out in the notice of the proposed action.

(2) All hearings under this section shall be held after due public notice by the Secretary of Department or any agent designated by him within the county in which the licensee or applicant operates or applies for license to operate a DATE Center as defined in Section 4801 (4). A transcript of the proceedings shall be reviewed by the Secretary of Department, who shall enter his decisions thereupon. All hearings under this section shall be public.

(3) The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the Department. The Department or any agent designated by it may take testimony concerning any matter within its jurisdiction and may administer oaths for that summons and subpoenas for any witness and subpoenas duces tecum, which shall be served and returned as provided by law. At the hearing the applicant or licensee shall have the right to cross-examine witnesses against him, to produce witnesses in his defense, and to appear personally or by counsel.

(4) On the basis of any such hearing, or upon the failure of the applicant or licensee to request a hearing, the Secretary of Department shall make a determination specifying its findings of fact and conclusions. A copy of such determination shall be sent by registered mail or certified mail or be personally served upon the applicant or licensee.

(5) A full and complete record shall be kept of all proceedings, and all testimony shall be reported. Copies of the transcription may be obtained by any interested party on payment of the cost of preparing such copies.

§ 4810. Reinstatement or revoked or suspended license

(1) When a license has been revoked or suspended, the licensee, if he has not previously had a license revoked or suspended under this Chapter, may at any time after the determination has become final, request a hearing for the purpose of showing that the reasons for the revocation or suspension of license have been corrected and that the license should be reinstated. No licensee who has previously had a license suspended or revoked under this Chapter may request a hearing to reinstate the license prior to one year after the determination becomes final.

(2) The request for hearings shall be in writing and shall be delivered to the Secretary of Department in person or by due course of mail.

(3) Any hearing conducted under this section shall not operate to stay or supersede any decision revoking or suspending a license.

(4) Hearings conducted under this section shall be conducted in the same manner as provided in Section 4809.

§ 4811. Violations

Any person establishing, conducting, managing or operating any DATE Center without proper license under this chapter shall be subject to injunctive proceedings to restrain and enjoin the operation of any DATE Center in violation of the provisions hereof. The Department of Justice shall represent Department and Division in such proceedings through the appropriate court.

§ 4812. Right of entry and inspection

The Department, Division or Licensing Division or any duly designated officer or employee thereof shall have the right to enter upon and into the premises of any DATE Center licensed pursuant to this chapter at any reasonable time in order to determine the state of compliance with the provisions of this Chapter and any rules and regulations enforced pursuant thereof. Such right of entry and inspection shall also extend to any premises which the Department, Division or Licensing Division has reason to believe is being operated or being maintained as a DATE Center without a license, but no such entry or inspection of

any premises shall be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the appropriate Court authorizing same. Any applicant for a DATE Center license made pursuant to this Chapter shall constitute permission for a complete acquiescence in any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with such application.

§ 4813. Methadone Treatment Medication Units

Methadone Treatment Medication Units may only be established in compliance with appropriate Federal Food and Drug Administration regulations.

§ 4814. Annual reports

All licensees shall furnish Division with an annual report in accordance with the rules and regulations established under Section 4803 (7). Such report must include at the least narrative and statistical data on services rendered and achievements in justification of the expenditure of public funds.

§ 4815. Exceptions

(1) For the purpose of this Chapter, licensure shall not be required for those programs that provide drug abuse education in public or private schools as a matter of and in conjunction with a general education of students.

(2) This Chapter does not require registration of law enforcement agencies which provide drug abuse education in the course of their normal performance of duties.

(3) Nothing in this Chapter shall prohibit registration of such programs of education or law enforcement if such law enforcement and education agencies so desire.

Section 2. The effective date of this Act shall be June 30, 1973.

Approved July 9, 1973.

CHAPTER 162**FORMERLY HOUSE BILL NO. 167
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2
AND SENATE AMENDMENT NO. 4****AN ACT TO AMEND CHAPTER 33, PART II, TITLE 19 OF
THE DELAWARE CODE RELATING TO UNEMPLOY-
MENT COMPENSATION, WITH SPECIFIC REFER-
ENCE TO THE DETERMINATION AND PAYMENT OF
COMPENSATION BENEFITS.**

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

Section 1. Amend subsection (b), Section 3313, Chapter 33, Title 19 of the Delaware Code by striking the figure "\$65" as the same appears both times in said subsection, and substituting the figure "\$85" in lieu thereof.

Section 2. The effective date of this Act shall be September 2, 1973.

Approved July 9, 1973.

CHAPTER 163

FORMERLY HOUSE BILL NO. 324

AN ACT TO AMEND CHAPTER 43, PART III, TITLE 10 OF THE DELAWARE CODE RELATING TO COURTS AND JUDICIAL PROCEDURE, AND PROVIDING FOR A UNIFORM REPORTERS' PRIVILEGE ACT.

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

Section 1. Amend Chapter 43, Part III, Title 10 of the Delaware Code, by designating the present sections of said Chapter as Subchapter 1, and adding thereto a new subchapter, which shall read as follows:

SUBCHAPTER II. UNIFORM REPORTERS' PRIVILEGE**§ 4320. Definitions**

As used in this Act:

(1) "Adjudicative proceeding" means any judicial or quasi-judicial proceeding in which the rights of parties are determined but does not include any proceeding of a grand jury.

(2) "Information" means any oral, written or pictorial material and includes, but is not limited to, documents, electronic impulses, expressions of opinion, films, photographs, sound records, and statistical data.

(3) "Reporter" means any journalist, scholar, educator, polemicist, or other individual who either:

(a) at the time he obtained the information that is sought was earning his principal livelihood by, or in each of the preceding three weeks or four of the preceding eight weeks had spent at least twenty hours engaged in the practice of, obtaining or preparing information for dissemination with the aid of facilities for the mass reproduction of words, sounds, or images in a form available to the general public; or

(b) obtained the information that is sought while serving in the capacity of an agent, assistant, employee, or supervisor of

an individual who qualifies as a reporter under subparagraph (a).

(4) "Person" means individual, corporation, business trust, estate, trust, partnership or association, governmental body, or any other legal entity.

(5) "Source" means a person from whom a reporter obtained information by means of written or spoken communication or the transfer of physical objects, but does not include a person from whom a reporter obtained information by means of personal observation unaccompanied by any other form of communication and does not include a person from whom another person who is not a reporter obtained information, even if the information was ultimately obtained by a reporter.

(6) "Testify" means give testimony, provide tangible evidence, submit to a deposition, or answer interrogatories.

(7) "Within the scope of his professional activities" means any situation, including a social gathering, in which the reporter obtains information for the purpose of disseminating it to the public, but does not include any situation in which the reporter intentionally conceals from the source the fact that he is a reporter and does not include any situation in which the reporter is an eyewitness to or participant in an act involving physical violence or property damage.

§ 4321. Privilege in non-adjudicative proceedings

A reporter is privileged in a non-adjudicative proceeding to decline to testify concerning either the source or content of information that he obtained within the scope of his professional activities.

§ 4322. Privilege in adjudicative proceedings

A reporter is privileged in an adjudicative proceeding to decline to testify concerning the source or content of information that he obtained within the scope of his professional activities if he states under oath that the disclosure of the information would violate an express or implied understanding with the source under which the information was originally obtained or would substantially hinder the reporter in the maintenance or existing

source relationships or the development of new source relationships.

§ 4323. Exceptions to the privilege in adjudicative proceedings

(a) Unless the disclosure of the content of the information would substantially increase the likelihood that the source of the information will be discovered, the privilege provided by §4322 shall not prevent a reporter from being required in an adjudicative proceeding to testify concerning the content, but not the source, of information that he obtained within the scope of his professional activities if the judge determines that the public interest in having the reporter's testimony outweighs the public interest in keeping the information confidential. In making this determination, the judge shall take into account the importance of the issue on which the information is relevant, the efforts that have been made by the subpoenaing party to acquire evidence on the issue from alternative sources, the sufficiency of the evidence available from alternative sources, the circumstances under which the reporter obtained the information, and the likely effect that disclosure of the information will have on the future flow of information to the public.

(b) The privilege provided by §4322 shall not prevent a reporter from being required in an adjudicative proceeding to testify concerning either the source or the content of information that he obtained within the scope of his professional activities if the party seeking to have the reporter testify proves by a preponderance of the evidence that the sworn statement submitted by the reporter as required by §4322 is untruthful.

§ 4324. Determination of privilege claim

A person who invokes the privilege provided by this Act may not be required to testify in any proceeding except by court order. If a person invokes the privilege in any proceeding other than a court proceeding, the body or party seeking to have the person testify may apply to the Superior Court for an order requiring the claimant of the privilege to testify. If the court determines that the claimant does not qualify for the privilege under the provisions of this Act, it shall order him to testify.

§ 4325. Waiver

If a reporter waives the privilege provided by this Act with respect to certain facts, he may be cross-examined on the testimony or other evidence he gives concerning those facts but not on other facts with respect to which he claims the privilege. A reporter does not waive or forfeit the privilege by disclosing all or any part of the information protected by the privilege to any other person.

§ 4326. Short title

This Act may be cited as the "Uniform Reporters' Privilege Act".

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Approved July 9, 1973.

CHAPTER 164

FORMERLY HOUSE BILL NO. 69
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AND SENATE AMENDMENTS NO. 1 AND 2
AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE
CODE RELATING TO THE METHOD OF DELIVERING
ASSISTANCE PAYMENTS.

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

Section 1. Amend §503, Title 31, Delaware Code, by striking the period (.) at the end of subsection (g) and adding the following phrase thereto:

or by any other method meeting the requirements of good accounting control and federal regulations and have the approval of the Secretary of Finance. However, when monetary assistance is paid personally to a recipient said recipient must have an identification card bearing his or her picture. Said identification card shall be provided by the State through its appropriate agency upon the request of any recipient at a cost not to exceed \$2.00, except that any recipient who is 65 years of age or older, blind, disabled or handicapped shall not be required to pay any fee for his or her identification card.

Approved July 10, 1973.

CHAPTER 165

FORMERLY HOUSE BILL NO. 398

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, 1929, ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" BY GRANTING UNTO REAL ESTATE OWNERS WHO ARE NOT INDIVIDUALS THE RIGHT TO VOTE AT SPECIAL ELECTIONS FOR THE ANNEXATION OF REAL PROPERTY INTO THE CITY.

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. Amend Section 1 A of the Charter, paragraph 4, by striking said section in its entirety and inserting the following in lieu thereof:

"Any such election shall be held by the election officers of the Election District or Districts of Kent County which shall include the territory proposed to be annexed. Every person who is duly registered upon the books of Registered Voters for said Election District or Districts, who is a resident of the territory proposed to be included within the limits of The City of Dover, and who does not own real estate within said territory, shall be entitled to one vote at the election to determine whether said territory shall be annexed, and every owner of real estate within a territory proposed to be included assessed to him on the assessment records of Kent County, shall be entitled to one vote for each one hundred dollars (\$100.00) or fractional part thereof the assessed value of said real estate. The term 'owners of real estate' shall include individuals, partnerships, firms, corporations and other legal entities holding title to said real estate. Owners of real estate in common shall be entitled to vote according to their respective shares of the assessed value thereof. Owners of real estate by the entireties shall be entitled to vote one-half of the assessed value thereof. Owners of real estate in joint tenancy shall be entitled to vote according to the assessed value thereof, divided by the number of joint tenants. Life tenants shall be

entitled to vote according to the full amount of the assessed value of real estate so held by them, and the holders of remainder or similar interests subject to a life estate shall not be entitled to vote any part of the assessed value of such real estate."

Approved July 10, 1973.

CHAPTER 166

FORMERLY HOUSE BILL NO. 404

AS AMENDED BY

HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 39, TITLE 7, DELAWARE CODE TO PERMIT THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO COOPERATE WITH OTHER STATE AGENCIES FOR USE OF THE STATE DREDGE.

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

Section 1. Amend Section 3906, Chapter 39, Part IV, Title 7, Delaware Code, by adding thereto a new paragraph (11) to subsection 3906 (b) to read as follows:

(11) Cooperate with other agencies and Departments of the State for use of the state dredge at the cost of the State Agency and/or Department requesting use of the state dredge.

Approved July 10, 1973.

CHAPTER 167

FORMERLY HOUSE BILL NO. 423
AS AMENDED BY
SENATE AMENDMENT NO. 2**AN ACT TO AMEND VOLUME 28, LAWS OF DELAWARE,
CHAPTER 119 AND VOLUME 36, LAWS OF DELAWARE,
CHAPTER 143, AS AMENDED, RELATING TO THE COL-
LECTION OF TAXES FOR THE CITY OF WILMINGTON.**

WHEREAS, purchase, repair, or improvement of properties sold at tax sale is now discouraged because of the right of owners and other interested persons to redeem the properties within one year of the sale.

NOW, THEREFORE:

Be it enacted by the General Assembly of the State of Delaware (Two-thirds of the Members of each House concurring therein):

Section 1. Amend Volume 28, Laws of Delaware, Chapter 119 by striking Section 20 in its entirety, and substituting in lieu thereof a new Section 20 to read as follows:

Section 20. The owner of any property sold upon an execution issued upon a tax judgment, or his legal representatives, or, if the owner or his legal representatives do not, any person having any interest in said property or lien upon such property, may redeem the property at any time within sixty (60) days from the day the sale is approved by the Court by paying to the purchaser or his legal representative the amount of the purchase price, the cost of any repairs that the purchaser may be required to make by the City of Wilmington, and 20 percent in addition to the purchase price and the cost of repairs, together with all costs incurred in the proceedings, or if the purchaser or his legal representatives, successors, or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Wilmington, by paying the amount into the Court for the use of the purchaser or his legal representatives, successors, or assigns. The Court upon the filing of a petition by the owner of

said property or real estate or his legal representative, within sixty (60) days after the sale is approved by the Court, may for good cause extend the time within which the property may be redeemed.

Section 2. Amend Section 3 of Volume 36, Laws of Delaware, Chapter 143, as amended by Volume 55, Laws of Delaware; Chapter 9, by striking the first paragraph, and substituting in lieu thereof a new first paragraph to read as follows:

Section 3. The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within sixty (60) days from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors, or assigns, the amount of the purchase price, the cost of any repairs that the purchaser may be required to make by the City of Wilmington, and 20 percent in addition to the purchase price and costs of repairs, together with all costs incurred in the proceeding, or if the purchaser or his legal representatives, successors, or assigns shall refuse to receive the same, or do not reside or cannot be found within the City of Wilmington, by paying the amount into the Court for the use of the purchaser or his legal representatives, successors, or assigns. The Court upon the filing of a petition by the owner of said property or real estate or his legal representative, within sixty (60) days after the sale is approved by the Court, may for good cause extend the time within which the property may be redeemed.

Section 3. This Act will govern all tax bills that are approved by the Court after its effective date. Any property sold at a tax sale that is approved by the Court before the effective date of this Act may not be redeemed after sixty days of the effective date of this Act.

Approved July 10, 1973.

CHAPTER 168

FORMERLY HOUSE BILL NO. 469
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE
CODE, RELATING TO EXEMPTIONS FROM THE REAL-
TY TRANSFER TAX.**

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

Section 1. Amend §5401 (a), Chapter 54, Title 30, Delaware Code, by striking paragraph 14 in its entirety and substituting in lieu thereof a new paragraph 14 to read as follows:

(14) Any conveyance to or from a corporation, or a partnership, where the grantor or grantee owns stock of the corporation, or an interest in the partnership in the same proportion as his interest in, or ownership of, the real estate being conveyed. Provided, however, that this paragraph shall not apply to any distribution in liquidation or other conveyance resulting from the liquidation of a corporation unless the stock of the corporation being liquidated has been held by the grantor or grantee for more than three years;

Section 2. Amend §5401 (a), Chapter 54, Title 30, Delaware Code, by striking the period at the end of subparagraph (17) and substituting in lieu thereof the following:

; provided, however, that only that portion of the tax which is attributable to and payable by the religious organization or other body or person holding title to real estate for a religious organization under Section 5402 of this chapter shall be exempt.

Approved July 10, 1973.

CHAPTER 169**FORMERLY HOUSE BILL NO. 492
AS AMENDED BY
HOUSE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 55, TITLE 30, DELAWARE
CODE, RELATING TO THE PUBLIC UTILITIES TAXES.**

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

Section 1. Section 5506, Chapter 55, Title 30, Delaware Code, relating to exemptions is amended by adding a new subsection (d) to read as follows:

(d) the tax imposed by Section 5502 (a) shall not apply to intrastate telephone commodities and services furnished to this State, or any agency or political subdivision thereof.

Section 2. The effective date of this Act shall be July 1, 1973.

Approved July 10, 1973.

CHAPTER 170

FORMERLY SENATE BILL NO. 274
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE
CODE, RELATING TO THE SALARY OF CHIEF DEP-
UTY PROTHONOTARIES.**

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

Section 1. Amend §2302 (a), Chapter 23, Title 10, Delaware Code, by striking the figure "\$7,200" and substituting in lieu thereof the figure "\$10,000".

Approved July 10, 1973.

CHAPTER 171

FORMERLY SENATE BILL NO. 375

AN ACT TO AMEND CHAPTER 15, TITLE 25, DELAWARE CODE, RELATING TO THE LIABILITY OF OWNERS OR OCCUPIERS OF PROPERTY.

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

Section 1. Amend Chapter 15, Title 25, Delaware Code, by striking said Chapter in its entirety and substituting in lieu thereof a new Chapter 15 to read as follows:

CHAPTER 15. TORT LIABILITY OF PROPERTY OWNERS.**§ 1501. Liability of owners or occupiers of land for injury to guests or trespassers**

No person who enters on to the premises owned or occupied by another person, either as a guest without payment or as a trespasser, shall have a cause of action against the owner or occupier of such premises for any injuries or damages sustained by such person while on the premises unless such accident was intentional on the part of the owner or occupier or was caused by the willful or wanton disregard of the rights of others.

Approved July 10, 1973.

CHAPTER 172

FORMERLY HOUSE BILL NO. 276
AS AMENDED BY
HOUSE AMENDMENTS NO. 2 AND 3
AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF
THE DELAWARE CODE RELATING TO THE BOARD
OF PAROLE.

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 paragraphs (a) and (b) of said section in their entirety, and substituting in lieu thereof new paragraphs (a) and (b) to read as follows:

(a) The Board of Parole shall consist of four members, one from each county plus one additional member from the City of Wilmington, who have a demonstrated interest in correctional treatment or social welfare, 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) The Chairman shall be paid a salary which shall be fixed by the Governor.

Section 2. Title 11, Delaware Code, Chapter 43, Section 4341, is further amended by striking the last sentence of subsection 4341 (c).

Section 3. Title 11, Delaware Code, Chapter 43, Section 4344 is amended by striking paragraph (a) of said section in its entirety and substituting in lieu thereof a new paragraph (a) to read as follows:

(a) Each member of the Board except the chairman shall receive \$60 per day, for services when attending a meeting of the Board. The meetings of the Board shall not exceed 50 in any

year; however, the Governor may, in his discretion, give written authorization to the Board to hold as many meetings in excess of 50 in any year as the business of the Board may require.

Approved July 11, 1973.

CHAPTER 173

FORMERLY SENATE BILL NO. 17
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 1, SUBCHAPTER 1, TITLE
14, DELAWARE CODE RELATING TO STATE BOARD
OF EDUCATION COMPOSITION, ORGANIZATION AND
ADMINISTRATION.**

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

Section 1. Amend Section 101 (b), Title 14, Delaware Code by striking the subsection in its entirety and substituting in lieu thereof the following:

(b) The Board shall be composed of seven members who shall be appointed by the Governor and confirmed by the Senate from the citizens of the State. The Governor shall name the president of the Board who shall serve at his pleasure. Each of the remaining members of the Board shall be appointed to serve for six (6) years and until his successor qualifies.

Section 2. Amend Section 101 (c), Title 14, Delaware Code by striking the subsection in its entirety and inserting in lieu thereof the following:

(c) The members of the Board shall be appointed solely because of their character and fitness subject to the following qualifications: at least four (4) members of the Board shall have had prior experience on a local Board of Education; no more than four (4) members of the Board shall belong to the same political party; no person shall be eligible to appointment who has not been for at least five (5) years immediately preceding his appointment a resident of this State; and no person shall be appointed to the Board who is in any way subject to its authority.

Any member of the Board shall be eligible for reappointment unless otherwise disqualified by the provisions of this title. In constituting the Board the president shall be appointed from the State at large, but the appointments of the remaining six

(6) members shall be made so that there shall always be on the Board at least one resident of the City of Wilmington, three residents from New Castle County outside the City of Wilmington, one from Kent County and one from Sussex County.

Section 3. Amend Section 102, Title 14, Delaware Code, by striking the section in its entirety and substituting in lieu thereof the following:

Section 102. *Staggered appointments to State Board of Education.* Present members of the Board serving at the effective date of the Act shall serve for the balance of the term of their appointment, but for the year beginning July 1, 1973 and each year thereafter through July 1, 1975 one Board member shall be appointed for a term of six (6) years and one for the term of three years. For the year beginning July 1, 1976 and each year thereafter one Board member shall be appointed for a term of six (6) years.

Section 4. Amend Section 104, Title 14, Delaware Code by striking the section in its entirety and inserting in lieu thereof the following:

The Board shall hold an annual meeting each year, at its office, during the month of July. At this meeting the Board shall each year elect one of its members to serve as Vice-President. Other meetings shall be held at times and places as the duties and business of the Board require. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

Section 5. The effective date of this Act shall be July 1, 1973.

Approved July 11, 1973.

CHAPTER 174

FORMERLY SENATE BILL NO. 106
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 8, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS; AND PROVIDING A METHOD BY WHICH IT CAN BE DETERMINED WHETHER OR NOT A GENERAL CONTRACTOR RECEIVING MONEY FROM THE STATE HAS PAID ALL SUBCONTRACTORS.

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

Section 1. Amend §803, Chapter 8, Title 17 of the Delaware Code, by adding the following paragraph to said section :

All general contractors or agents of any general contractor receiving funds impressed with a trust under the provisions of this Chapter shall, within thirty days of receipt of any payment file a Statement in a form to be determined by the Division of Highways, with the contracting State agency that he has paid all subcontractors furnishing labor or material the full sum due them at that stage of the contract, except any funds withheld under the terms of the contract.

In any instance where the contract stipulates that the general contractor will receive a series of pro-rated payments the general contractor or his agents shall, upon the receipt of each payment, pay all subcontractors furnishing labor or materials, who have properly completed all work required of them at that stage of the contract, according to the same pro-rated formula which governs payments to the general contractor, i.e. if the general contractor receives 10% initially, persons furnishing labor and materials will receive 10% initially, and so through the course of the contract.

Approved July 11, 1973.

CHAPTER 175**FORMERLY SENATE BILL NO. 151
AS AMENDED BY
HOUSE AMENDMENT NO. 2****AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE
RELATING TO PROPERTY AND PROVIDING FOR A
FEDERAL TAX LIEN REGISTRATION ACT.**

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

Section 1. Amend Title 25 of the Delaware Code by adding thereto a new Chapter, to be designated as Chapter 48, which shall read as follows:

CHAPTER 48. REGISTRATION OF FEDERAL TAX LIENS.**§ 4801. Federal Tax Lien; place of filing**

Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed in the Office of the Recorder of Deeds of the County in which the real property subject to a federal tax lien is situated.

Notices of liens upon personal property, whether tangible or intangible, for taxes payable to the United States and certificates and notices affecting the liens shall be filed as follows:

(a) if the person against whose interest the tax lien applies is a corporation or a partnership whose principal executive office is in this State, as these entities are defined in the internal revenue laws of the United States, in the Office of the Secretary of State;

(b) in all other cases in the Office of the Recorder of Deeds of the County where the taxpayer resides at the time of filing of the notice of lien.

§ 4802. Execution of notices and certificates

Certification by the Secretary of the Treasury of the United States or his delegate or notices of liens, certificates, or other notices affecting tax liens entitles them to be filed and no other attestation, certification, or acknowledgement is necessary.

§ 4803. Duties of filing officer

(a) If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of any certificate described in this section is presented to the filing officer and

(1) he is the Secretary of State, he shall cause the notice to be marked, held and indexed in accordance with the provisions of subsection (4) of section 9-403, of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that Code; or

(2) he is any other officer described in Section 4801 of this Chapter, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the serial number of the District Director and the total unpaid balance of the assessment appearing on the notice of lien.

(b) If a certificate of release, non-attachment, discharge or subordination of any tax lien is presented to the Secretary of State for filing he shall

(1) cause a certificate of release or non-attachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates shall not be removed from the files, and

(2) cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

If a refiled notice of federal tax lien referred to in subsection (a) or any of the certificates or notices referred to in subsection (b) is presented for filing with any other filing officer specified in §4801, he shall permanently attach the refiled notice or the

certificate to the original notice of lien and shall enter the re-filed notice or the certificate with the date of filing in any alphabetical federal tax lien index on the line where the original notice of lien is entered.

Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of federal tax lien or certificate or notice affecting the lien, filed on or after the effective date of Act, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is Five Dollars (\$5.00). Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of One Dollar (\$1.00) per page.

§ 4804. Fees

The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien is:

- (1) for a tax lien on real estate, \$10.00;
- (2) for a tax lien on tangible and intangible personal property, \$5.00;
- (3) for a certificate of discharge or subordination, \$3.00;
- (4) for all other notices including a certificate or release or non-attachment, \$1.00.

The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them.

§ 4805. Short Title

This Act may be cited as the Uniform Federal Tax Lien Registration Act.

§ 4806. Repeal

Any statute which is inconsistent with this Act is to that extent hereby repealed.

Approved July 11, 1973.

CHAPTER 176

FORMERLY SENATE BILL NO. 242

AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE CODE, RELATING TO GRANTS TO QUALIFIED AGENCIES FOR THE CONSTRUCTION OF TREATMENT WORKS.

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

Section 1. Amend §8003 (k) of Chapter 80, Title 29, Delaware Code by striking said section in its entirety and inserting in lieu thereof a new subsection (k) to read as follows:

(k) The Secretary is empowered to administer and distribute funds in the form of grants to qualified agencies for the construction of treatment works from such funds as may be appropriated from time to time for this purpose.

(1) *Definitions*

(a) "Council" shall mean the Council on Environmental Control.

(b) "Department" shall mean the Department of Natural Resources and Environmental Control.

(c) "Inflow and Infiltration" shall mean any rainwater, melted snow, ground water or stream water entering a sanitary sewer system designed to transport sewage and industrial wastes only.

(d) "Qualified Agency" shall mean any legally incorporated town or city, levy courts, or other governments of the Counties, State agencies, sewer districts authorized by law and organized to provide publically owned and operated treatment works.

(e) "Secretary" shall mean the Secretary of the Department of Natural Resources and Environmental Control or his duly authorized representative.

(f) "Treatment Works" shall mean any device and system used in the storage, treatment, recycling, and reclamation of

municipal sewage, or industrial wastes of a liquid nature, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and improvements to exclude or minimize inflow and infiltration.

(2) Treatment Works Projects.

(a) The Secretary shall promulgate procedures for the administration and distribution of grants.

(b) The State's share of any treatment works shall be a minimum of 25% of the eligible costs as determined by the Environmental Protection Agency pursuant to Section 8, 33 U.S.C., 466 et. seq. only if

(i) the treatment works, having received federal approval, has awarded contracts for start of construction after January 1, 1970 or

(ii) the treatment works has received a grant offer from the Environmental Protection Agency prior to October 18, 1972.

(c) The State's share of any treatment works which has received a grant offer from the federal government pursuant to Section 202 of PL 92-500 shall be a minimum of 10% of the treatment works cost. The acquisition of real property shall not be included in the project cost.

(d) The State's share of any treatment works may be reduced by the Secretary if the cumulative share of state and federal grants exceed 85% of the total treatment works costs.

(e) The Secretary may, with the consent of the Governor, make emergency grants and/or loans to any treatment works if the qualified agency demonstrates, to the satisfaction of the Secretary, the need for such funds. No project shall receive more than 33-1/3 percent of the total project cost as state grants except as provided in 3 (b) (ii).

(f) No treatment works project shall receive a state grant unless it is certified by the Secretary to receive priority for funding based on the priority list.

(3) *Inflow and Infiltration Control.*

(a) The Secretary shall promulgate procedures for making grants to qualified agencies for the purpose of reducing infiltration and inflow into existing sewer systems.

(b) No inflow and infiltration reduction project shall receive more than;

(i) 10% of the costs of such a project if the project also receives a federal grant.

(ii) 50% of the costs of such a project if (a) the project is required by the Department to improve the performance of the sewerage system and (b) federal funds are not available.

(iii) The cost of legal, engineering, and administrative services, and the cost of television inspection shall be included in the cost of the inflow and infiltration reduction project.

(4) *Priority List.*

(a) The Secretary shall, at least annually, submit to the Council on Environmental Control a list of treatment works projects and inflow-infiltration reduction projects. The list shall be comprised of applications submitted by qualified agencies pursuant to procedures promulgated by the Secretary and arranged in an order of priority.

(b) The Council shall hold a public hearing on the list submitted by the Secretary. The Council shall review the testimony received and comment upon, approve or rearrange the priority list. While rearranging the priority list, the Council shall give due recognition to regulations promulgated by the Department and the U.S. Environmental Protection Agency. The Secretary shall make grants utilizing the priority list and all applicable procedures and regulations.

(c) The Secretary's list shall become the approved list if the Council fails to hold a hearing, comment upon, approve or rearrange the list within thirty (30) days of submission to the Council.

(5) *Appropriations and Disbursements.*

(a) The Secretary may allocate up to 15% of the total funds appropriated by the General Assembly for State grants to fund projects specified in §8003 (k) (3).

Approved July 11, 1973.

CHAPTER 177

FORMERLY SENATE BILL NO. 334

AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE, RELATING TO THE POWER TO AUTHORIZE CERTAIN LOCAL POLICEMEN TO HAVE STATEWIDE POLICE POWERS.

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

Section 1. Chapter 25, Title 29 of the Delaware Code is hereby amended by adding a new section, designated as Section 2516, at the end thereof to read as follows:

§ 2516. Authorization for local and out-of-State policemen

(a) The Attorney General may authorize such members of any county or municipal police departments as he deems necessary to have full statewide police, arrest and enforcement powers equivalent to those powers held by members of the Delaware State Police. The Attorney General shall give such authorization by oath for such period of time as he specifies. He shall have the authority to withdraw such authorization whenever he deems necessary.

(b) Such local policemen who have received such authorization shall remain for all other purposes as members of their respective police departments.

(c) The Attorney General may authorize such members of police forces of jurisdictions outside the State of Delaware as he deems necessary to have full statewide police, arrest and enforcement powers equivalent to those powers held by members of the Delaware State Police. Such authorization shall be given under the procedures and conditions prescribed in subsections (a) and (b) hereof.

Approved July 11, 1973.

CHAPTER 178

FORMERLY SENATE BILL NO. 380

AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 4, TITLE 28 OF THE DELAWARE CODE RELATING TO AWARD OF DATES AND MAXIMUM RACING DAYS IN KENT COUNTY.

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

Section 1. Amend §403, Subchapter 1, Chapter 4, Title 28 of the Delaware Code, by striking subsection (d) thereof in its entirety and substituting in lieu thereof a new subsection (d) to read as follows:

(d) The Commission shall, on or before the 15th day of January of each year, award all dates for horse racing in Kent County within the current year, but the dates so awarded shall not exceed 55 days in the aggregate. The decision of the Commission on the award of all dates shall be final.

Approved July 11, 1973.

CHAPTER 179

FORMERLY HOUSE BILL NO. 116
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES REGISTERED IN THE STATE OF DELAWARE.

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

Section 1. Amend Subsection (a), §2118, Chapter 21, Title 21 of the Delaware code, by striking paragraph (1) thereof in its entirety and substituting in lieu thereof the following:

(1) Indemnity from legal liability for bodily injury, death or property damage arising out of ownership, maintenance or use of the vehicle to the limit, exclusive of interest and costs, of at least the limits prescribed by Financial Responsibility Law of the State of Delaware.

Section 2. Amend subsection (a), Section 2118, Chapter 21, Title 21 of the Delaware Code, by striking paragraph (3) in its entirety and substituting in lieu thereof the following:

(3) Compensation for damage to property arising as a result of an accident involving the motor vehicle, other than damage to a motor vehicle, aircraft, water craft, self-propelled mobile equipment and any property in or upon any of the aforementioned, with the minimum limits of Five Thousand Dollars (\$5,000.00) for any one accident

Section 3. Amend subsection (f), Section 2118, Chapter 21, Title 21 of the Delaware Code, by adding the following sentence to the end of the said subsection:

The provisions of this paragraph shall also apply to self-insurers.

Section 4. All automobile insurance policies pertaining to motor vehicles registered in the State of Delaware shall comply with the provisions of this Act not later than 30 days after the Act takes effect.

Approved July 12, 1973.

CHAPTER 180

FORMERLY HOUSE BILL NO. 205

AN ACT TO AMEND CHAPTERS 5 OF TITLE 9 AND TITLE 17, DELAWARE CODE BY REQUIRING THAT CONTRACTS LET BY THE LEVY COURT OR COUNTY COUNCIL OF ANY COUNTY FOR STREET CONSTRUCTION OR STREET IMPROVEMENTS WHICH IS TO BE DEDICATED TO PUBLIC USE UNDER PROVISIONS OF TITLE 17, SECTION 508, DELAWARE CODE, SHALL INCLUDE THE INITIAL INSTALLATION OF STREET SIGNS.

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

Section 1. Amend Subchapter 1 of Chapter 5, Title 9, Delaware Code, by striking the title to Subchapter 1 in its entirety and substitute a new title to read as follows:

Subchapter 1. Sidewalks, Streets, Signs, Drainage, Storm Sewers, etc.

Section 2. Amend Section 501 (1) of Chapter 5, Title 9, Delaware Code, by inserting immediately after the words "completion of streets" the word "signs".

Section 3. Amend Section 503 of Chapter 5, Title 9, Delaware Code, by inserting in the second sentence thereof immediately following the words "sidewalks or streets" the following "installation of street signs".

Section 4. Amend Section 523 of Chapter 5, Title 9, Delaware Code, by striking the period "." immediately following the word "improvements" and insert the following:

, to include the replacement of street signs on any portion thereof when deemed necessary.

Section 5. Amend Section 508 (a) of Chapter 5, Title 17, Delaware Code, by striking the period "." immediately following the word "Department" and insert the following:

“, to include the initial installation of street signs.”

Section 6. Amend Section 508 (c) of Chapter 5, Title 17, Delaware Code, by striking the period "." immediately following the word "street" and insert the following:

to include the replacement of street signs.

Section 7. Amend Section 508 (d) of Chapter 5, Title 17, Delaware Code, by inserting immediately after the words "construction work" and preceding the phrase "in conformity" the following phrase:

, to include specifications for the initial installation of street signs.

Approved July 12, 1973.

CHAPTER 181

FORMERLY HOUSE BILL NO. 287

**AN ACT TO AMEND CHAPTER 13, PART II, TITLE 9 OF
THE DELAWARE CODE RELATING TO THE ADVIS-
ORY RETIREMENT BOARD.**

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

Section 1. Amend §1303, §1304, §1305 and §1306, Chapter 13, Title 9 of the Delaware Code, by striking said sections, each in its entirety.

Approved July 12, 1973.

CHAPTER 182

FORMERLY HOUSE BILL NO. 339
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT, BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO CONFER UPON THE COMMISSIONERS OF REHOBOTH BEACH CERTAIN POWERS RELATING TO THE TAXATION OF REAL ESTATE TRANSFERS WITHIN THE CITY OF REHOBOTH BEACH.

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. Chapter 197, Volume 54, Laws of Delaware, as amended, be and the same is hereby amended by adding a new section following Section 42 to be designated as Section 42A to read as follows:

Section 42A. a. The Commissioners of Rehoboth Beach, in addition to the powers now conferred, shall have the power and authority by ordinance or ordinances to levy, assess and collect or provide for the levying, assessment and collection of such taxes as shall be determined by the Commissioners of Rehoboth Beach to be paid by the transferor or transferee upon the transfer of real property or any interest in real property, situate within the corporate limits of The City of Rehoboth Beach, regardless of where the instruments making the transfers are made, executed or delivered or where the actual settlements on such transfers occur; Provided, However, that no tax levied under this section shall exceed one percent (1%) of the sales price (including the value of any assumed mortgage or mortgages) or fair market value of the real property so transferred;

And Provided Further that no tax shall be levied upon an organization exempted from ad valorem real estate taxes.

b. No ordinance or ordinances providing for a tax on the transfer of real property or any interest in real property authorized under this section shall become effective unless it receives an affirmative vote of two-thirds of all the elected Commissioners of Rehoboth Beach.

c. If the taxing power authority granted under this section shall be exercised by way of a stamp affixed to a document presented for recording, the Recorder of Deeds in and for Sussex County shall not receive for record any documents subject to said tax unless such stamps are affixed thereto.

d. The Commissioners of Rehoboth Beach may adopt an ordinance or ordinances to provide for the effective administration and regulation of any tax adopted pursuant to the provisions of this section.

e. No tax levied under this section shall exceed the difference between any tax levied by the State of Delaware on the same property and one percent (1%).

f. This Act shall not become effective until it shall be approved by a majority of the qualified voters at a Special Election to be held pursuant to a Resolution adopted by the Commissioners of Rehoboth Beach. The Commissioners of Rehoboth Beach shall give notice of the Special Election by printing a copy of the Resolution calling the Special Election in at least two issues of a newspaper having a general circulation within the corporate limits of The City of Rehoboth Beach within thirty (30) days immediately preceding the date of such Special Election. At the said Special Election every person who is a bona fide resident of The City of Rehoboth Beach, and who would be entitled at the time of the holding of the said Special Election pursuant to the provisions of this Act to register and vote in the Annual Municipal Election is such Annual Municipal Election were held on the day of the Special Election to be held pursuant to the provisions of this Act may vote at the said Special Election. The Special Election shall be held by a Board of Election to be appointed by the Commissioners of Rehoboth Beach at least two weeks before such Special Election. The Election Board shall consist of an Inspector of the Special Election and such Judges

as shall be appointed by the Commissioners of Rehoboth Beach. If a majority of the votes cast at the Special Election shall be in favor of the transfer tax authorized by this Act, the tax may be levied and collected as provided for in this Act. The Board of Election holding the Special Election shall meet after the close of such election to ascertain the result and shall certify the result to the Commissioners of Rehoboth Beach. The hours of the Special Election shall be from Eleven o'clock in the morning, prevailing time, until Seven o'clock in the evening, prevailing time, and such persons who are in the polling place at Seven o'clock in the evening, prevailing time, shall be entitled to vote even though such votes may be cast after seven o'clock in the evening, prevailing time. If the majority of the votes cast at any Special Election held under this Act shall be against the levying of the tax authorized by this Act, the proposition shall not again be submitted to the qualified voters for a period of Ninety (90) days from the date of such Special Election.

Approved July 12, 1973.

CHAPTER 183

FORMERLY HOUSE BILL NO. 345

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION TO
DELAWARE SAFETY COUNCIL, INC. ENGAGED IN
EDUCATING THE PEOPLE OF THIS STATE.**

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

Section 1. The sum of \$25,000 is appropriated to the Delaware Safety Council, Inc., to be used for the operations of the Council in educating the public as to safety.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1974, 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 12, 1973.

CHAPTER 184

FORMERLY HOUSE BILL NO. 346
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AID CERTAIN FIRE COMPANIES WHICH
ARE ORGANIZED TO EXTINGUISH FIRES OR MAIN-
TAIN AMBULANCES OR RESCUE TRUCKS, BY MAK-
ING 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, 1973, 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	\$ 4,000
Belvedere Volunteer Fire Co., Belvedere	4,000
Brandywine Hundred Fire Co. No. 1, Bellefonte ..	4,000
Christiana Fire Co., Christiana	4,000
Claymont Fire Co., Claymont	4,000
Cranston Heights Fire Co., Cranston Heights	4,000
Delaware City Fire Co., Delaware City	4,000
Elsmere Fire Co., Elsmere	4,000
Five Points Fire Co. No. 1, Richardson Park	4,000
Goodwill Fire Co. No. 1, New Castle	4,000
Hockessin Fire Co., Hockessin	4,000
Holloway Terrace Fire Co., Holloway Terrace	4,000
Mill Creek Fire Co., Marshallton	4,000
Minquadale Fire Co., Minquadale	4,000
Minquas Fire Co. No. 1, Newport	4,000
Odessa Fire Co., Inc., Odessa	4,000
Port Penn Volunteer Fire Co., Inc., Port Penn ...	4,000
Talleyville Fire Co., Inc., Talleyville	4,000
Townsend Fire Co., Inc., Townsend	4,000

Volunteer Hose Co., Inc., Middletown	4,000
Wilmington Manor Volunteer Fire Co., Inc., Wil- mington Manor	4,000

Kent County

Bowers Volunteer Fire Co., Inc., Bowers	\$ 4,000
Camden-Wyoming Fire Co., Camden	4,000
Carlisle Fire Co., Milford	4,000
Cheswold Volunteer Fire Co., Cheswold	4,000
Citizens' Hose Co. No. 1, Inc., Smyrna	4,000
Clayton Fire Co., Clayton	4,000
Robbins Hose Co. (Dover Fire Dept.), Dover	4,000
Farmington Volunteer Fire Co., Farmington	4,000
Felton Community Fire Co., Felton	4,000
Frederica Volunteer Fire Co., Frederica	4,000
Harrington Fire Co., Harrington	4,000
Hartly Volunteer Fire Co., Hartly	4,000
Houston Volunteer Fire Co., Houston	4,000
Leipsic Volunteer Fire Co., Leipsic	4,000
Little Creek Volunteer Fire Co., Little Creek	4,000
Magnolia Volunteer Fire Co., Magnolia	4,000
Marydel Volunteer Fire Co., Inc., Marydel	4,000
South Bowers Fire Co., South Bowers	4,000

Sussex County

Bethany Beach Volunteer Fire Co., Bethany Beach.	\$ 4,000
Blades Volunteer Fire Co., Inc., Blades	4,000
Bridgeville Volunteer Fire Co., Bridgeville	4,000
Dagsboro Volunteer Fire Co., Dagsboro	4,000
Delmar Fire Department, Delmar	4,000
Ellendale Volunteer Fire Co., Ellendale	4,000
Frankford Volunteer Fire Co., Frankford	4,000
Georgetown Fire Company, Inc., Georgetown	4,000
Greenwood Volunteer Fire Co., Greenwood	4,000
Gumboro Volunteer Fire Co., Inc., Gumboro	4,000
Indian River Volunteer Fire Co., Indian River ...	4,000
Laurel Fire Dept., Inc., Laurel	4,000
Lewes Fire Department, Inc., Lewes	4,000
Millsboro Fire Co., Millsboro	4,000
Milton Volunteer Fire Co., Milton	4,000
Millville Volunteer Fire Co., Inc., Millville	4,000

Rehoboth Beach Volunteer Fire Co., Inc., Rehoboth Beach	4,000
Roxanna Volunteer Fire Co., Roxanna	4,000
Seaford Volunteer Fire Dept., Inc., Seaford	4,000
Selbyville Volunteer Fire Co., Inc., Selbyville	4,000
Slaughter Beach Memorial Fire Co., Slaughter Beach	4,000
TOTAL	\$240,000

Section 2. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1973, 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., Inc., Blades	1,250
Bridgeville Volunteer Fire Co., Bridgeville	1,250
Bowers Volunteer Fire Co., Inc., Bowers	1,250
Brandywine Hundred Fire Co., No. 1, Bellefonte ..	1,250
Camden-Wyoming Fire Co., Camden	1,250
Carlisle Fire Co., Milford	1,250
Cheswold Volunteer Fire Co., Cheswold	1,250
Christiana Fire Co., Christiana	1,250
Claymont Fire Co., Claymont	1,250
Cranston Heights Fire Co., Cranston Heights	1,250
Dagsboro Volunteer Fire Co., Dagsboro	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. No. 1, Richardson Park	1,250
Frankford Volunteer Fire Co. No. 1, Frankford ...	1,250
Goodwill Fire Co. No. 1, New Castle	1,250
Gumboro Volunteer Fire Co., Inc., Gumboro	1,250
Harrington Fire Co., Harrington	1,250
Hartly Volunteer Fire Co., Inc., Hartly	1,250
Holloway Terrace Fire Co., Holloway Terrace	1,250
Hockessin Fire Co., Hockessin	1,250
Laurel Fire Dept., Inc., Laurel	1,250
Leipsic Volunteer Fire Co., Leipsic	1,250
Lewes Fire Department, Inc., Lewes	1,250

Mill Creek Fire Co., Marshallton	1,250
Millville Volunteer Fire Co., Inc., Millville	1,250
Milton Volunteer Fire Co., Milton	1,250
Minquadale Fire Co., Minquadale	1,250
Minquas Fire Co., No. 1, Newport	1,250
Rehoboth Beach Volunteer Fire Co., Inc., Rehoboth Beach	1,250
Seaford Volunteer Fire Dept., Inc., Seaford	1,250
Slaughter Beach Memorial Fire Co., Slaughter Beach	1,250
Talleyville Fire Co., Inc., Talleyville	1,250
Wilmington Manor Volunteer Fire Co., Inc., Wil- mington Manor	1,250
TOTAL	\$ 46,250

Section 3. There is appropriated to the following listed fire companies, for the fiscal year beginning July 1, 1973, the following sums, to be used for the maintenance and operation of rescue trucks in the public service:

Aetna Hose, Hook and Ladder Co., Newark	\$ 1,250
Bethany Beach Volunteer Fire Co., Bethany Beach	1,250
Brandywine Hundred Fire Co. No. 1, Bellefonte ..	1,250
Bridgeville Volunteer Fire Co., Bridgeville	1,250
Camden-Wyoming Fire Co., Camden	1,250
Carlisle Fire Co., Milford	1,250
Cheswold Volunteer 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 Department, Delmar	1,250
Robbins Hose Co. (Dover Fire Dept.), Dover	1,250
Elsmere Fire Co., Elsmere	1,250
Felton Community Fire Co., Felton	1,250
Five Points Fire Co., No. 1, Richardson Park	1,250
Frederica Volunteer Fire Co., Frederica	1,250
Greenwood Fire Co. No. 1, Greenwood	1,250
Goodwill Fire Co. No. 1, New Castle	1,250
Harrington Fire Co., Harrington	1,250

Hartly Volunteer Fire Co., Inc., 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 Department, Inc., Lewes	1,250
Little Creek Volunteer Fire Co., Little Creek	1,250
Magnolia Volunteer Fire Co., Magnolia	1,250
Marydel Volunteer Fire Co., Inc., Marydel	1,250
Mill Creek Fire Co., Marshallton	1,250
Millsboro Fire Co., Millsboro	1,250
Millville Volunteer Fire Co., Inc., Millville	1,250
Milton Volunteer Fire Co., Milton	1,250
Minquadale Fire Co., Minquadale	1,250
Minquas Fire Co. No. 1, Newport	1,250
Port Penn Volunteer Fire Co., Inc., Port Penn	1,250
Rehoboth Beach Volunteer Fire Co., Inc., Rehoboth Beach	1,250
Roxanna Volunteer Fire Co., Roxanna	1,250
Seaford Volunteer Fire Dept., Inc., Seaford	1,250
Selbyville Volunteer Fire Co., Inc., Selbyville	1,250
Slaughter Beach Memorial Fire Co., Slaughter Beach	1,250
South Bowers Fire Co., South Bowers	1,250
Talleyville Fire Co., Inc., Talleyville	1,250
Volunteer Hose Co., Inc., Middletown	1,250
Wilmington Manor Volunteer Fire Co., Inc., Wil- mington Manor	1,250
TOTAL	\$ 56,250

Section 4. There is appropriated to the listed fire companies for the fiscal year beginning July 1, 1973, the following sums to be used for the maintenance of aerial or platform trucks and for the training of personnel in the techniques of extinguishing high-rise fires throughout the State of Delaware:

New Castle County

Aetna Hose, Hook and Ladder Co., Newark	\$ 2,000
Brandywine Hundred Fire Co. No. 1, Bellefonte ..	2,000
Christiana Fire Co., Christiana	2,000
Claymont Fire Co., Claymont	2,000

Five Points Fire Co. No. 1, Richardson Park	2,000
Goodwill Fire Company No. 1, New Castle	2,000
Mill Creek Fire Company, Marshallton	2,000
Talleyville Fire Company, Inc., Talleyville	2,000

Kent County

Carlisle Fire Company, Milford	\$ 2,000
Citizens' Hose Co., No. 1, Inc., Smyrna	2,000
Robbins Hose Co. (Dover Fire Dept.), Dover	2,000

Sussex County

Lewes Fire Department, Inc., Lewes	\$ 2,000
Rehoboth Beach Volunteer Fire Co., Inc., Rehoboth Beach	2,000
Seaford Volunteer Fire Dept., Inc., Seaford	2,000

TOTAL\$ 28,000

Section 5. There is appropriated to the Mayor and Council of Wilmington for the fiscal year beginning July 1, 1973, the following sums to be used for:

(a) 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.\$ 48,000

(b) The maintenance of aerial or platform trucks and for the training of personnel in the techniques of extinguishing high-rise fires throughout the City of Wilmington.\$ 6,000

GRAND TOTAL\$424,500

Section 6. The above said sums shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 7. This Act is a supplementary appropriation act and the 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 July 12, 1973.

CHAPTER 185

FORMERLY HOUSE BILL NO. 347

**AN ACT TO AID CERTAIN CIVIC ORGANIZATIONS
WHICH MAINTAIN EMERGENCY VEHICLES BY MAK-
ING APPROPRIATIONS THEREFOR.**

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. 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, 1974, 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 12, 1973.

CHAPTER 186

FORMERLY HOUSE BILL NO. 349

AN ACT MAKING AN APPROPRIATION TO BIG BROTHERS ASSOCIATION OF NORTHERN DELAWARE, INC.

Be is 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 Big Brothers Association of Northern Delaware, Inc. for the fiscal year ending June 30, 1974.

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, 1974.

Approved July 12, 1973.

CHAPTER 187

FORMERLY: HOUSE BILL NO. 350

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO DIAMOND STATE YOUTH, INC.**

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

Section 1. The sum of \$25,000 is appropriated to Diamond State Youth, Inc., a Delaware corporation, for the fiscal year ending June 30, 1974. 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 12, 1973.

CHAPTER 188

FORMERLY: HOUSE BILL NO. 351

**AN ACT TO AID THE DELAWARE GUIDANCE SERVICES
FOR CHILDREN AND YOUTH, INC., BY MAKING AN
APPROPRIATION THEREFOR,**

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

Section 1. The sum of \$10,000 is hereby appropriated to the Delaware Guidance Services for Children and Youth, Inc., for the fiscal year 1974.

Section 2. 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 July 12, 1973.

CHAPTER 189

FORMERLY: HOUSE BILL NO. 352

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION
TO THE "DELAWARE STATE FAIR, INC."**

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

Section 1. The sum of \$25,000 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, 1974, 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 12, 1973.

CHAPTER 190

FORMERLY: HOUSE BILL NO. 353
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT TO AID VETERANS' ORGANIZATIONS BY MAK-
ING AN APPROPRIATION THEREFOR.**

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

Section 1. The sum of \$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 Delaware veterans of the Armed Forces of the United States, their widows and orphans by providing contact services in Sussex, Kent and New Castle counties.

Section 5. The sum of \$2,000 is appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation 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 \$2,000 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 operation expenses.

Section 9. The sum of \$1,500 is appropriated to the Delaware Veterans of World War I for operation expenses.

Section 10. The sum of \$1,000 is appropriated to the Paralyzed Veterans of America, Department of Delaware, Inc. for operation expenses.

Section 11. Expenses for Memorial Day Programs incurred by local Posts in Sussex, Kent and New Castle counties may be reimbursed out of operation expenses appropriated by Sections 5, 6, 7, 8, 9 and 10 of this Act on vouchers properly submitted to and approved by their representative Veterans Organization.

Section 12. 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 13. 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 14. The sums herein are for the fiscal year ending June 30, 1974, 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 Secretary, Department of Finance.

Section 15. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State not otherwise appropriated.

Approved July 12, 1973.

CHAPTER 191

FORMERLY: HOUSE BILL NO. 384

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 Palmer Home in Dover, for operation expenses.

Section 2. The sum of \$5,000 is appropriated to The Layton Home for Aged 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, 1974.

Section 4. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer out of any monies in the General Fund of the State not otherwise appropriated.

Approved July 12, 1973.

CHAPTER 192

FORMERLY: HOUSE BILL NO. 385

AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE CONRAD AREA SCHOOL DISTRICT TO TRANSFER FUNDS FROM ITS LOCAL SCHOOL DISTRICT SERVICES ACCOUNT TO ITS SCHOOL ADMINISTRATION BUILDING CONSTRUCTION ACCOUNT.

WHEREAS, the 125th General Assembly pursuant to Chapter 736, 57 Laws of Delaware, authorized and appropriated funds to the Conrad Area School District for the purpose of constructing a school administration building at a total cost of \$410,000; and

WHEREAS, the local share of \$164,000 is presently available as a balance in the Conrad Area School District debt service account; and

WHEREAS, the authorization to expend local debt service funds will save the local taxpayers of the Conrad District thousands of dollars in bonding fees, etc.

NOW, THEREFORE:

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

Section 1. The Board of Education of the Conrad Area School District is hereby authorized to transfer the sum of \$164,000 from its local debt service account to its school administration building construction account for the purpose of providing the local share of the cost of constructing the administration building in the Conrad Area School District authorized pursuant to Chapter 736, 57 Laws of Delaware.

Approved July 12, 1973.

CHAPTER 193

FORMERLY: HOUSE BILL NO. 387

AN ACT TO AMEND AN ACT, BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO PROVIDE A PROCEDURE FOR ANNEXATION, TO AMEND THE PROCEDURE FOR VOTING AT THE ANNUAL ELECTION, AND TO PROVIDE A REGISTRATION SYSTEM FOR VOTERS.

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

Section 1. Section 5, Chapter 166, Volume 37, as amended, be and the same is hereby further amended by striking out all of Section 5, Chapter 166, Volume 37, Laws of Delaware, as amended, and substituting in lieu thereof the following:

Section 5. In the event that it becomes feasible or necessary in the future for the Town of Selbyville to enlarge its then existing limits and territory, such annexation shall be accomplished pursuant to the following procedures:

(A) If all of the property owners of a territory contiguous to the then existing corporate limits and territory of the Town of Selbyville, by written Petition with the signature of each such Petitioner duly acknowledge, shall request the Town Council to annex that certain territory in which they own property, the Mayor of the Town of Selbyville shall appoint a Committee composed of not less than Three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than Ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Selbyville. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of

Selbyville and to the territory proposed to be annexed and shall contain the Committee's recommendation whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and the proposed territory to be annexed, the Town Council of Selbyville may then pass a second Resolution annexing such territory to the Town of Selbyville. Such Resolution shall be passed by the affirmative vote of two-thirds ($2/3$) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by Five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of the Town of Selbyville.

(B) If Five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of the Town of Selbyville, by written petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of the Town of Selbyville shall appoint a Committee composed of not less than Three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or, the Town Council, by a majority vote of the elected members thereof may, by Resolution, propose that a Committee composed of not less than Three (3) of the elected members of the City Council be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the Town of Selbyville.

(C) Not later than Ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the Town Council of Selbyville. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Selbyville and to the territory proposed to be annexed and shall contain the Commit-

tee's recommendation whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within Thirty (30) days after receiving the report, a second Resolution shall then be passed by the Town Council proposing to the property owners and residents of both the Town of Selbyville and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the Committee appointed by the Mayor concludes that proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, within Thirty (30) days after receiving the report of the Committee, the Resolution proposing to the property owners and residents of both the Town and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds ($2/3$) of the elected members of the Town Council. If the Resolution shall fail to receive the affirmative vote of two-thirds ($2/3$) of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the Resolution failed to receive the required affirmative vote. The second Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper having a general circulation in the Town of Selbyville at least one week prior to the date set for the public hearing, or, at the discretion of the Town Council, the said Resolution shall be posted in Four (4) public places both in the Town of Selbyville and in the territory proposed to be annexed.

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

(E) The notice of the time and place of holding the said Special Election shall be printed within Thirty (30) days immediately preceding the date of the Special Election in at least two (2) issues of a newspaper having a general circulation in the Town of Selbyville, or, in the discretion of the Town Council, the said notice may be posted in Four (4) public places, both in the Town of Selbyville and in the territory proposed to be annexed at least Fifteen (15) days prior to the date of the said Special Election.

At the Special Election, every property owner, whether an individual, a partnership, or a corporation, both in the Town of Selbyville and the territory proposed to be annexed, shall have one (1) vote for each One Hundred Dollars (\$100.00) of assessment as shown by the books of the Town of Selbyville in the case of Town property owners and by the records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed. Every citizen of either the Town of Selbyville or the territory proposed to be annexed who is not a property owner shall have one (1) vote. In the case of property owned by husband and wife jointly, the husband and wife shall each have one (1) vote for each Two Hundred Dollars (\$200.00) of assessment. In the event that a person owns property both in the Town of Selbyville and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in the Town of Selbyville and in the territory proposed to be annexed, but does not reside in either place, he may vote only in the Town of Selbyville and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed shall not be entitled to vote. The books and records in the Town of Selbyville in the case of Town property owners and the books and records of the Board of Assessment of Sussex County in the case of property owners in the territory proposed to be annexed, shall be conclusive evidence of the right of such property owners to vote at the Special Election. In the event that an individual, partnership or corporation holds a Power of Attorney duly executed and acknowledged specifically authorizing the said individual, partnership or corporation to vote at the said Special Election, a duly authenticated copy of the Power of Attorney shall be filed in the Office of the Town Clerk of the Town of Selbyville. Said Power of Attorney so

filed shall constitute conclusive evidence of the right of said person, partnership or corporation to vote in the Special Election. The Town Council of the Town of Selbyville shall cause to be prepared and printed and have available a sufficient number of ballots, not less than five (5) days prior to the date of the Special Election. The form of ballot shall be as follows:

THIS BALLOT CASTS VOTES

- ☐ For the proposed annexation
 - ☐ Against the proposed annexation
- (Check one)

(F) The Mayor of the Town of Selbyville shall appoint three persons to act as a Board of Special Election, at least one (1) of whom shall own property in the Town of Selbyville and at least one of whom shall own property in the territory proposed to be annexed. One (1) of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in a public place as designated by the Resolution calling the Special Election. The Board of Special Elections shall have available, clearly marked, two (2) ballot boxes. Voting shall be by paper ballot. All votes cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be deposited in one such ballot box and all ballots cast by those persons, partnerships or corporations who are authorized to vote as residents or property owners of the Town of Selbyville shall be deposited in the other such ballot box. The polling place shall be open from one o'clock in the afternoon, prevailing time, until seven o'clock in the evening, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote.

(G) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes, and shall deliver the same to the Town Council of the Town of Selbyville the said Certificate. Said Certificate shall be filed with the papers of the Town Council.

(H) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the

Town of Selbyville and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at Special Election for annexation shall again be considered for annexation for a period of at least one (1) year from the date of the said Special Election. If a favorable vote for annexation shall have been cast, the Town Council of the Town of Selbyville shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall such recordation be completed more than Ninety (90) days following the favorable referendum. The territory considered for annexation shall be considered to be a part of the Town of Selbyville from the time of recordation. The failure to record the description plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the Ninety (90) day period from the date of the favorable Special Election.

Section 2. Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the Fourth Paragraph of said Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended.

Section 3. Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of the Fifth Paragraph of said Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended.

Section 4. Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of the Seventh Paragraph of said Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended.

Section 5. Section 6, Chapter 166, Volume 37, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end thereof a new paragraph to read as follows:

The Annual Municipal Election shall be held on the first Saturday in March from eleven o'clock in the morning, pre-

vailing time, until six o'clock in the evening, prevailing time, at such public place or places as shall be determined by the Town Council of the Town of Selbyville, due notice of which shall be given by posting notices thereof in Five (5) of the most public places within the corporate limits of the Town of Selbyville not less than Ten (10) days before the day of such Annual Municipal Election; provided, however, that in the event there is no contest for any of the several offices in any year, the polls shall not remain open after twelve o'clock noon, prevailing time. Voting machines shall be used in all Annual Municipal Elections in which there is a contest for any elective office. Paper ballots may be used in any Annual Municipal Election in which there is no contest for any elective office. 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 Inspector and the Judges constituting the Election Board shall be qualified voters of the Town of Selbyville and shall be appointed for that purpose by the Mayor of the Town of Selbyville at least Two (2) weeks before such Annual Municipal 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 the voters voting at the Annual Municipal Election. The Election Board shall have the power to subpoena persons and officers of the Town of Selbyville and books, records and papers relative to the determination of the validity of any vote or votes offered. At such Municipal Election, every person, male or female who shall have attained the age of Eighteen (18) years on the date of the annual Municipal Election and who shall be registered on the "Books of Registered Voters" of the Town of Selbyville shall be entitled to one (1) vote. The Town Council of the Town of Selbyville shall provide two (2) Registers to be known as the "Books of Registered Voters" which are to be kept at the office of the Town Clerk. The Books of Registered Voters shall contain the following information for each registrant: the name of the voter arranged in alphabetical order, the local address

of the voter, the birth date of the voter, the date the registrant became a resident of the State of Delaware, the date the registrant became a resident of the Town of Selbyville, 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 Municipal Election for the year in which he registers. A person shall only be required to register one time; provided, however, that if a registered voter fails to vote in two (2) consecutive contested Annual Municipal Elections, his name shall be removed from the Books of Registered Voters and notice sent to such registered voter at his last known address by registered mail with return receipt requested advising that his or her 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 Municipal Election. The Books of Registered Voters shall be maintained at the Office of the Town Clerk and shall be conclusive evidence of the right of any person to vote in the Annual Municipal Election. A person may register at the Office of the Town Clerk during the regular office hours on any day until the close of business on the third Friday in February by completing such forms as may be provided by the Town.

Approved July 12, 1973.

CHAPTER 194

FORMERLY: HOUSE BILL NO. 390
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 41, PART II, TITLE 11 of
THE DELAWARE CODE RELATING TO CRIMINAL
PROCEDURE, AND PROVIDING FOR AN ASSIGN-
MENT OF EARNINGS WHERE PAYMENT OF A FINE
AND COSTS HAS BEEN DEFERRED.**

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

Section 1. Amend §4105, Chapter 41, Part II, Title 11 of the Delaware Code, by adding the following new paragraph to the end of subsection (c) :

An assignment of earnings executed in accordance with the provisions of this subsection shall be binding upon an employer in the same manner as an attachment of wages pursuant to Title 10 of the Delaware Code, except that an assignment need be filed only once with the employer who shall make the withholding and remittances until the full amount is paid. An amount of total earnings consistent with Federal law may be assigned. An employer shall take no action against an employee who has executed an assignment, and the penalty imposed upon an employer who attempts to penalize an employee solely because of an assignment under the provisions of this subsection shall be in accordance with the manner set forth elsewhere in the Delaware Code for attachments.

Approved July 12, 1973.

CHAPTER 195

FORMERLY: HOUSE BILL NO. 417

**AN ACT TO AMEND CHAPTER 25, TITLE 18, DELAWARE
CODE RELATING TO ASSIGNED RISK PLANS.**

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

Section 1. Amend Subsection 2527, Chapter 25, Title 18, Delaware Code, by striking §2527 in its entirety and substituting a new §2527 to read as follows:

§ 2527. Assigned risk plans

The Commissioner shall promulgate the necessary regulations to effect (1) an equitable apportionment, among all the insurers writing automobile insurance in this State, of insurance which shall be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and (2) reasonable rates for such insurance and (3) such other rules as are necessary to effect and maintain an assigned risk plan.

Approved July 12, 1973.

CHAPTER 196

FORMERLY: HOUSE BILL NO. 465

**AN ACT TO AID MID-SUSSEX RESCUE SQUAD, INC.,
WHICH IS ORGANIZED TO OPERATE AND MAIN-
TAIN AN AMBULANCE IN THE PUBLIC SERVICE, BY
MAKING AN APPROPRIATION THEREFOR.**

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

Section 1. There is appropriated to Mid-Sussex Rescue Squad Inc., for the fiscal year beginning July 1, 1973, the sum of \$1,250 to be used for the maintenance and operation of an ambulance in the public service.

Section 2. This appropriation shall be paid by the State Treasurer within three months after the beginning of the fiscal year for which appropriated.

Section 3. This Act is a supplementary appropriation act and the 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 July 12, 1973.

CHAPTER 197

FORMERLY: HOUSE BILL NO. 473

AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO THE REGISTRATION OF INSURANCE HOLDING COMPANIES AND MEMBERS OF INSURANCE HOLDING COMPANY SYSTEMS WITHIN THE STATE OF DELAWARE.

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

Section 1. Amend Title 18, Delaware Code, by adding a new chapter to be designated as Chapter 50 to read as follows:

CHAPTER 50

REGISTRATION BY INSURANCE HOLDING COMPANIES

§ 5001. Short title

This act may be cited as "The Registration of Insurance Holding Companies Act."

§ 5002. Definitions

As used in this Chapter:

(a) "Insurance Holding Company" is one owning or proposing to own a controlling stock interest in a stock insurer. Shares owned directly or indirectly by the corporation, by its subsidiary or affiliate corporations, firms or organizations, or by its officers, directors or principal stockholders shall be deemed to be owned by the corporation for purposes of this Chapter.

(b) "Insurance Holding Company System" consists of two or more affiliated persons, one or more of which is an insurer.

§ 5003. Registration

(a) Every insurer which is authorized to do business in this State and which is either an insurance holding company or a member of an insurance holding company system shall register

with the Commissioner by filing the registration information provided for hereinafter except that a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section shall not be required to so register.

(b) Any insurer which is subject to registration under this section shall register within 60 days after the effective date of this statute or 15 days after it becomes subject to registration, whichever is later, unless the Commissioner for good cause shown extends the time for registration and then within such extended time.

(c) The Commissioner may require any authorized insurer which is either an insurance holding company or a member of an insurance holding company system and which is not subject to registration under this section to furnish a copy of the registration statement or any other information filed by such insurer with the insurance regulatory authority of its domiciliary jurisdiction.

(d) Every insurer subject to registration shall file a registration statement on a form provided by the Commissioner, which shall contain current information relating to:

(1) the capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) the identity of every member of the insurance holding company system;

(3) the following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(i) loans, other investments, or purchases, sales or exchanges or securities of the affiliates by the insurer or by its affiliates;

(ii) purchases, sales or exchanges of assets;

(iii) transactions not in the ordinary course of business;

(iv) guarantees or undertakings for the benefit of an affli-

ate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) all management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles; and

(vi) reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(4) other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the Commissioner.

(e) No information need be disclosed on a registration statement filed pursuant to this section if such information is not material for the purposes of this section. Unless the Commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit or investments, involving one-half of 1 per cent or less of insurer's admitted assets of the 31st day of December next preceding, shall not be deemed material for purposes of this section.

(f) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions in that information on amendment forms provided by the Commissioner within 15 days after the end of the month in which it learns of such change or addition; provided, however, that each registered insurer shall report all dividends or other distributions to shareholders within two business days following the declaration thereof.

(g) The Commissioner shall terminate the registration of any insurer which demonstrates that it is no longer either an insurance holding company or a member of an insurance holding company system.

(h) The Commissioner may require or permit two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(i) The Commissioner may permit an authorized insurer which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register pursuant to this section and to file all information and material required to be filed under this section on behalf of it.

(j) The provisions of this section shall not apply to any insurer, information or transaction if, and to the extent that, the Commissioner, by rule, regulation or order, shall exempt the same from the provisions of this section.

(k) Any person may file with the Commissioner a disclaimer or affiliation with any authorized insurer of such disclaimer may be filed by such insurer or by any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and basis for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the Commissioner disallows such a disclaimer. The Commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard after making specific findings of fact to support such disallowance.

Section 2. Amend §701 of Chapter 7, Title 18, Delaware Code, by inserting a new subsection (17) to read as follows:

(17) Registration Statement of Insurance Holding Company or member of Insurance Holding Company System, filing.

(i) Annual registration statement\$25.00

(ii) Each amendment thereof 5.00

Section 3. If any provision of this act is held invalid, the invalidity thereof shall not affect other provisions of the act which can be given effect without the invalid provision and to this end the provisions of this act are severable.

Section 4. This act shall take effect on July 1, 1973.

Approved July 12, 1973.

CHAPTER 198

FORMERLY: HOUSE BILL NO. 478

AN ACT TO AMEND CHAPTER 47, TITLE 9, DELAWARE CODE, RELATING TO GARBAGE DISPOSAL DISTRICTS IN KENT COUNTY.

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

Section 1. Amend §4726(a), Title 9, Delaware Code, by striking §4726(a) in its entirety and substituting in lieu thereof a new §4726(a) to be used as follows:

(a) In order to pay the annual costs for any garbage collection contract entered into pursuant to §4724 of this title, the Levy Court shall divide the annual contract cost, plus a pro rata administrative cost as determined by the Levy Court, by the number of garbage collection units within the garbage collection district to arrive at the annual unit cost. The annual unit cost shall then be assessed against each garbage collection unit located within the boundaries of the garbage collection district. No parcel of real estate shall be exempt from paying its annual unit cost because it is uninhabited so long as it is improved and intended for residential use. No parcel of real estate so improved and intended for residential use shall be exempt from paying its annual unit cost because its owner chooses not to use the garbage collection service.

Section 2. Amend §4729, Title 9, Delaware Code, by adding thereto the following:

The Levy Court may, without further public hearings, consolidate 2 or more garbage collection districts into a single district.

Approved July 12, 1973.

CHAPTER 199

FORMERLY: HOUSE BILL NO. 458

**AN ACT TO AMEND CHAPTER 44, TITLE 9, DELAWARE
CODE RELATING TO BUILDING PERMITS IN KENT
COUNTY.**

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

Section 1. Amend §4407, Title 9, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (c) to read as follows:

(c) The Levy Court may by resolution waive the requirement for a building permit under specified terms and conditions as may be established by the Levy Court but no waiver shall be permitted where the value of the work to be done exceeds \$500.

Approved July 12, 1973.

CHAPTER 200

FORMERLY: HOUSE BILL NO. 509
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO UNFAIR METHODS OF COMPETITION, UNFAIR DECEPTIVE ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

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

Section 1. Amend Chapter 23, Title 18, Delaware Code, by striking said Chapter 23 in its entirety and substitute a new Chapter 23 to read as follows:

CHAPTER 23

UNFAIR PRACTICES IN THE INSURANCE BUSINESS

§ 2301. Declaration of purpose

(a) The purpose of §2301 through §2316 of this Chapter is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945, Public Law 15, 79th Congress, by defining, or providing for the determination of, all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

(b) §2301 through §2316 of this Chapter constitute and may be cited as the Unfair Trade Practices Act.

§2302. Definitions

When used in this Chapter:

(a) "Person" shall mean any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society, and other legal entity engaged in the business of insurance, including agents, brokers and ad-

justers. Person shall also mean medical service plans and hospital service plans as defined in §6302. For purposes of this Chapter, medical hospital service plans shall be deemed to be engaged in the business of insurance.

(b) "Commissioner" shall mean the Commissioner of Insurance of this State.

(c) "Insurance policy" or "insurance contract" shall mean any contract of insurance, indemnity, medical or hospital service, suretyship, or annuity issued, proposed for issuance, or intended for issuance by any person.

(d) "Service contract" is intended to cover the product issued by medical and hospital service plans and should be changed to conform to the laws of each state.

§ 2303. Unfair methods of competition and unfair or deceptive acts or practices prohibited

No person shall engage in this State in any trade practice which is defined in this Chapter as, or determined pursuant to this Chapter to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

§ 2304. Unfair methods of competition and unfair or deceptive acts or practices defined

The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance.

(1) Misrepresentations and False Advertising of Insurance policies.

No person shall make, issue, circulate, or cause to be made, issued, or circulated, any estimate, circular, statement sales presentation omission, or comparison which:

(a) misrepresents the benefits, advantages, conditions or terms of any insurance policy; or

(b) misrepresents the dividends or share of the surplus to be received on any insurance policy; or

(c) makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy; or

(d) is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates;

(e) or uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof; or

(f) is a misrepresentation for the purpose of inducing or tending to induce to the lapse, forfeiture, exchange, conversion, or surrender of any insurance policy; or

(g) is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) misrepresents any insurance policy as being shares of stock.

(2) False Information and Advertising Generally.

No person shall make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

(3) Defamation.

No person shall make, publish, disseminate or circulate, directly or indirectly, or aid, abet or encourage the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, or of an organization proposing to become an insurer, and which is circulated to injure any person engaged or proposing to engage in the business of insurance.

(4) Boycott, Coercion and Intimidation.

No person shall enter into any agreement to commit, or by any concerted action commit, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or any monopoly in, any business of insurance.

(5) Interlocking Ownership, Management.

(a) Any insurer may retain, invest in or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or insurers, unless such retention, investment, acquisition or common management is inconsistent with any other provision of this title, or unless by reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business or tends to create any monopoly therein.

(b) Any person otherwise qualified may be a director of two or more insurers which are competitors, unless the effect thereof is to lessen substantially competition between insurers generally or tends materially to create any monopoly.

(6) Political Contributions Prohibited; Penalty.

(a) No insurer shall directly or indirectly pay or use, or offer, consent, or agree to pay or use, any money or property for or in aid of any political party, committee, or organization, or for or in aid of any corporation or other body organized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used.

(b) Any officer, director, stockholder, attorney, or agent of any insurer which violates any of the provisions of this section, who participates in, aids, abets, or advises, or consents to any such violation, any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor, and be punished by imprisonment for not more than one year and a fine of not more than \$1,000; and any officer or director abetting in any contribution made in violation of this section shall be liable to the insurer for the amount so contributed.

(c) This section shall not prohibit reasonable expenditures by an insurer otherwise lawful, for presentation of information relative to proposed legislation affecting the insurer.

(7) **Illegal Dealing in Premiums; Excess Charges for Insurance.**

(a) No person shall wilfully collect any sum as premium or charge for insurance, which insurance is not then provided or is not in due course to be provided (subject to acceptance of the risk by the insurer) by an insurance policy issued by an insurer as authorized by this title.

(b) No person shall wilfully collect as premium or charge for insurance any sum in excess of the premium or charge applicable to such insurance, and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner; or, in cases where classifications, premiums, or rates are not required to be so filed and approved, such premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines brokers licensed under Chapter 19 of this title, of the amount of applicable state and federal taxes and nominal service charge to cover communication expenses, in addition to the premium required by the insurer. Nor shall it be deemed to prohibit the charging and collection, by a life insurer, of amounts actually to be expended for medical examination of an applicant for life insurance or for reinstatement of a life insurance policy.

(8) **Insurance as Inducement to Purchase.**

No person shall directly or indirectly participate in any plan to offer or effect any kind or kinds of life or health insurance or annuities as an inducement to, or in connection with, the purchase by the public of any goods, securities, commodities, services or subscriptions to periodicals. This section shall not apply as to insurance written or connection with an indebtedness if the purpose of such insurance is to pay the indebtedness in case of death or disability of the insured.

(9) **Insurer Name; Deceptive Use Prohibited.**

No person who is not an insurer shall assume or use any name which deceptively implies or suggests that it is an insurer. This section shall not preclude a corporation heretofore or hereafter formed under the laws of this State from using such a name between the date it is incorporated and the date it begins to engage in any business, if during such period the corporate activities are limited to its organization or reorganization or to those activities it would be permitted to engage in, if it were an insurer, under §4904(b) (2) of this title.

(10) Service and Processing Charges by Mortgagee Prohibited.

No mortgagee or agent of any mortgagee shall accept or receive any monetary charge or fee from a mortgagor for handling, servicing or processing insurance policies, or endorsements or for the issuances or cancellation of such policies, or property located within this State.

(11) False Statements and Entries.

(a) No person shall knowingly file with any supervisory or other public official, or knowingly make, publish, disseminate, circulate or deliver to any person, or place before the public, or knowingly cause directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or place before the public, any false material statement of fact as to the financial condition of an insurer.

(b) No person shall knowingly make any false entry of a material fact in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of the affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, knowingly omit to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(c) No person shall advertise the capital or assets of any insurer without in the same advertisement setting forth the amount of the insurer's liabilities.

(12) Stock Operations and Advisory Board Contracts.

(a) No person shall offer, issue or deliver or permit its agents, officers, or employees to offer, issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts of any kind promising returns and profits as an inducement to insurance.

(b) No insurer authorized or proposing to be authorized to transact insurance in this State shall offer, issue or deliver, or permit its agents, officers, or employees to offer, issue or deliver in any other state any such agency company stock, certificates, shares, or contracts as inducement to insurance.

(13) Unfair Discrimination; Life Insurance, Annuities, and Health Insurance.

(a) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) No person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(14) Rebates—Life, Health and Annuity Contracts.

(a) Except as otherwise expressly provided by law, no person shall knowingly permit or offer to make or make any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon, or pay or allow, or give or offer to pay, allow, or give directly or indirectly, or knowingly accept, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in

the contract; or directly or indirectly give, or sell, or purchase or offer or agree to give, sell, or purchase, or allow as an inducement to such insurance contract or annuity or in connection therewith, and whether or not specified in the policy or contract, any agreement of any form or nature promising returns and profits, or any stocks, bonds, or other securities, or interest present or contingent therein or as measured thereby, or any insurer or any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or to accrue thereon, or anything of value whatsoever not specified in the contract.

(15) Unfair Discrimination, Rebates Prohibited, Property, Casualty, Surety Insurance.

(a) No property, casualty or surety insurer or any employee or representative thereof, and no broker, agent, or solicitor shall pay, allow, or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified or provided for in the policy, except to the extent provided for in an applicable filing with the Commissioner as provided by law.

(b) No insured named in a policy, nor any employee of such insured shall knowingly receive or accept directly or indirectly any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement.

(c) No such insurer shall make or permit any unfair discrimination between insureds or property having life insuring or risk characteristics, in the premium or rates charged for insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the insurance.

(d) Nothing in this section shall be construed as prohibiting the payment of commissions or other compensation to licensed agents, brokers, or solicitors, or as prohibiting any insurer from allowing or returning to its participating policyholders, members or subscribers, dividends, savings or unabsorbed premium de-

posits. In this section "insurance" includes suretyship and "policy" include bond. This section does not apply to wet marine and transportation insurance.

(e) Nothing in Clause (13) or paragraph (a) of Clause (14) of this subsection shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses, or abatement or premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(2) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses;

(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(4) Reduction of premium rates for policies of large amounts, but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plans issued in smaller amounts;

(5) Reduction in premium rates for life or health insurance policies on annuity contracts on salary savings, payroll deductions, pre-authorized checks, bank drafts or similar plans in amounts reasonably commensurate with the savings made by the use of such plans.

(f) Nothing in this Act shall be construed as including within the definition of securities as inducement to purchase insurance the selling or offering for sale, contemporaneously with life insurance, or mutual fund shares or face amount certificates of regulated investment companies under offerings

registered with the Securities and Exchange Commission where such shares or such face amount certificates or such insurance may be purchased independently of and not contingent upon purchase of the other, at the same price and upon similar terms and conditions as where purchased independently.

(16) Unfair Claim Settlement Practices

No person shall commit or perform with such frequency as to indicate a general business practice any of the following:

(a) misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(b) failing to acknowledge and act reasonably promptly upon communication with respect to claims arising under insurance policies;

(c) failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(d) refusing to pay claims without conducting a reasonable investigation based upon all available information;

(e) failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(f) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(g) compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(h) attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

(i) attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(j) making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which the payments are being made;

(k) making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage;

(n) failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(17) Failure to Maintain Complaint Handling Procedures

Failure of any person to maintain a complete record of all the complaints which it has received since the date of its last examination as otherwise required in this Title. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, and the time it took to process each complaint. For purposes of this subsection, "complaint" shall mean any written communication primarily expressing a grievance.

(18) Misrepresentation in Insurance Applications

(a) Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money, or other benefit from any insurers, agent, broker, or individual.

(b) No agent, broker, solicitor, examining physician, applicant, or other person, shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference

to any application for insurance; or for the purpose of obtaining any money or benefit, knowingly or wilfully present or cause to be presented a false or fraudulent claim; or any proof in support of such a claim for the payment of the loss upon a contract of insurance; or prepare, make, or subscribe a false or fraudulent account, certificate, affidavit or proof of loss, or other document or writing, with intent that the same may be presented or used in support of such a claim.

(19) Fictitious Groups

(a) No insurer, whether an authorized insurer or an unauthorized insurer, shall make available through any rating plan or form, property, casualty or surety insurance to any firm, corporation, or association of individuals, any preferred rate or premium based upon any fictitious grouping of such firm, corporation or association.

(b) No form or plan of insurance covering any group or combination of persons or risks shall be written or delivered within or outside this State to cover persons or risks in this State at any preferred rate or on any form other than as offered to persons not in such group or combination and to the public generally, unless such form, plan of insurance, and the rates or premium to be charged therefor have been submitted to and approved by the Commissioner as being not unfairly discriminatory, and as not otherwise being in conflict with subsection (a) above or with any provision of Chapter 25 of this Title (Rates and Rating Organizations) to the extent that such Chapter 25 is, by its terms, applicable thereto.

(c) This section does not apply to life insurance, health insurance, annuity contracts, or wet marine and transportation insurance.

(20) "Twisting" Prohibited

No person shall make or issue, or cause to be made or issued, any written or oral statement misrepresenting or making incomplete comparisons as to the terms, conditions, or benefits contained in any policy for the purpose of inducing or attempting or tending to induce the policyholder to lapse, forfeit, surrender, retain, exchange or convert any insurance policy.

(21) Insurance on Public Construction Contracts

(a) No officer or employee of this State, or of any public agency, public authority or public corporation (except a public corporation or public authority created pursuant to agreement or compact with another state), and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to (or furnish financial data to) or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(b) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance (except contracts of insurance for builder's risk or owner's protective liability) which can be obtained or procured by the bidder, contractor or subcontractor.

(c) This section shall not, however, prevent the exercise by such officer or employee on behalf of the State or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner of execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(d) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this State.

(e) A violation of this section shall be subject to the penalties provided by Section 2308 (a) of this Chapter.

§ 2305. Favored agent or insurer; coercion of debtors

(a) No person shall

(i) require, as a condition precedent, concurrent or subsequent to the loaning of money upon the security of any real or

personal property; or to the selling of any such property under contract, or extension of credit, or any renewal thereof, that the owner of the property to whom the money is to be loaned or the vendee of the property so being sold, shall place, continue, or renew any policy of insurance covering or to cover such property, or covering any liability related to such property or the use thereof, or that the person to whom such money or credit is extended or whose obligation the creditor is to acquire or finance, negotiate any policy or contract of insurance through a particular insurance agent, broker or in a particular insurer or group of insurers or agent or broker or group of agents or brokers; except that this provision shall not prevent the exercise by any such lender or vendor upon a reasonable basis of the right to approve or disapprove of the insurer and representative selected to underwrite the insurance. Such basis shall relate only to

(1) the adequacy and terms of the coverage with respect to the interest of the vendor or lender to be insured thereunder,

(2) the financial standards to be met by the insurer, and

(3) the ability of the insurer or representative to service the policy;

(ii) unreasonably disapprove the insurance policy provided by a borrower for the protection of the property securing the credit or lien; or

(iii) require directly or indirectly that any borrower, mortgagor, purchaser, insurer, broker or agent pay a separate charge to substitute the insurance policy of one insurer for that of another;

(iv) use or disclose information resulting from a requirement that a borrower, mortgagor or purchaser furnish insurance of any kind on real property being conveyed or used as collateral security to a loan, when such information is to the advantage of mortgagee, vendor, or lender, or is to the detriment of the borrower, mortgagor, purchaser, insurer, or the agent or broker complying with such a requirement.

(b) (i) Paragraph (a) (iii) does not include the interest which may be charged on premium loans or premium advancements in accordance with the security instrument.

(ii) For purpose of paragraph (a) (ii), such disapproval shall be deemed unreasonable if it is not based solely on reasonable standards uniformly applied, relative to the extent of coverage required and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for the disapproval of an insurance policy because such policy contains coverage in addition to that required.

(iii) The Commissioner may investigate the affairs of any person to whom this subsection applies to determine whether such person has violated this subsection. If a violation of this subsection is found, the person in violation shall be subject to the same procedures and penalties as are applicable to other provisions of this Act.

(iv) For purposes of this section, "person" includes any individual, corporation, association, partnership, or other legal entity.

§ 2306. Power of Commissioner

The Commissioner shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in this State in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by Section 2303 of this Chapter.

§ 2307. Procedures as to defined and undefined practices; hearings, witnesses, appearances, production of books and service of process

(a) Whenever the Commissioner shall have reason to believe that any such person has been engaged or is engaging in this State in any unfair method of competition or in any unfair or deceptive act or practice whether or not defined in Section 2304 or Section 2305 of this Chapter and that a proceeding by him in respect thereto would be in the interest of the public he shall issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten (10) days after the date of the service thereof.

(b) At the time and place fixed for such hearing, such person shall have an opportunity to be heard and to show cause why an order should not be made by the Commissioner requiring such person to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the Commissioner shall permit any person to intervene, appear and be heard at such hearing by counsel or in person.

(c) If such report charges a violation of this Chapter and if such method of competition, act or practice has not been discontinued, the Commissioner may, through the Attorney General, at any time after the service of such report cause an action to be instituted to enjoin and restrain such person from engaging in such method, act, or practice. In such action the Court may grant a restraining order or injunction upon such terms as may be just; but the State of Delaware shall not be required to give security before the issuance of any such order or injunction. If a stenographic record of the proceedings in the hearing before the Commissioner was made, a certified transcript thereof including all evidence taken and the report and findings shall be received in evidence in such action.

(d) If the Commissioner's report made under subsection (a) above, or order on hearing made under section 332 of this Title does not charge a violation of this Chapter, then any intervenor in the proceedings may appeal therefrom within the time and in the manner provided in this Title for appeals from the Commissioner generally.

(e) Nothing contained in this Act shall require the observance at any such hearing of formal rules of pleading or evidence.

(1) The Commissioner may hold a hearing in Dover or any other place of convenience to parties and witnesses, as the Commissioner determines. The Commissioner, or his deputy or assistant, shall preside at the hearing, and shall expedite the hearing and all procedures involved therein.

(2) Any party to the hearing shall have the right to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary and other evidence and to examine and cross-examine witnesses, to present evidence in support of his interest and to have subpoenas issued by the Commissioner to compel attend-

ance of witnesses and production of evidence in his behalf. Testimony may be taken orally or by deposition, and any party shall have such right of introducing evidence by interrogatories or deposition as may obtain in a Court of Chancery.

(3) Upon good cause shown the Commissioner shall permit to become a party to the hearing by intervention, if timely, only such persons, not original parties thereto, whose pecuniary interests are to be directly and immediately affected by the Commissioner's order made upon the hearing.

(4) Formal rules of pleading or evidence need not be observed at any hearing.

(5) The Commissioner, upon such hearings, as to the subject of any examination, investigation or hearing being conducted by him, may administer oaths, or affirmations, examine and cross-examine witnesses, receive oral evidence, receive documentary evidence, and shall have the power to subpoena witnesses, compel their attendance, and require the production of books, papers, records, correspondence, or other documents which he deems relevant to the inquiry. Any delegation by the Commissioner of power of subpoena shall be in writing. The Commissioner, upon such hearing, may, and upon the request of any party, shall, at such person's expense, cause a stenographic record to be made of all the evidence and all the proceedings had at such hearing. If transcribed, a copy of such record shall be furnished for the Commissioner without cost to the Commissioner or the State, and shall be part of the Commissioner's record of the hearing, and a copy shall likewise be furnished to any other party to the hearing, at the request and expense of such other party. If no stenographic record is made, and if a judicial review is sought, the Commissioner shall prepare a statement of the evidence and proceedings for use or review.

(f) Subpoenas of witnesses shall be served in the same manner and at the same cost as if issued by the Court of Chancery. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the Court of Chancery of the County where such party resides, on application of the Commissioner, may issue an order requiring such person to comply with such subpoena and to testify, and

any failure to obey any such order of the Court may be punished by the Court as a contempt thereof. Any person knowingly testifying falsely under oath or making a false affirmation, as to any matter material to any such examination, investigation or hearing, shall upon conviction thereof be guilty of perjury.

(g) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in the Court of Chancery. Witness fees, mileage and the actual expense necessarily incurred in securing attendance of witnesses and their testimony, shall be itemized and shall be a part of examination expense to be paid by the person being examined where payment of examination expense by such person is otherwise provided for in this Title: or paid by the person as to whom such proceedings, other than as part of an examination, are held if in such proceedings such person is found to have been in violation of the law; or by the person, if other than the Commissioner, at whose request the hearing is held.

(h) (1) Statements of charges, orders, and other processes of the Commissioner under this Act may be served by any one duly authorized by the Commissioner, either in the manner provided by law for service of process in civil actions, or by registering and mailing a copy thereof to the person affected by such statement, notice, order or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

(2) Service of all process, statements of charges, and notices under this Chapter upon unauthorized insurers shall be made by any deputy or employee of the department delivering to and leaving with the Commissioner or some person in apparent charge of his office, two (2) copies thereof, or in the manner provided for by Section 2105(b) (Service of Process, unauthorized Insurers Process Act) of this Title.

(3) The Commissioner shall forward all such process, statements of charges, and notices to the insurer in the manner provided in Section 2105 (a) of this Title.

(4) No default shall be taken against any such unauthorized insurer until expiration of 30 days after date of forwarding by the Commissioner under subsection (3) above, or date of service of process if under Section 2105(b) of this Title.

(5) Section 2105 of this Title shall apply as to all process, statements of charges, and notices under this section.

§ 2308. Cease and desist and penalty orders and modifications thereof

(a) If, after such hearing, the Commissioner shall determine that the person charged has engaged in an unfair method of competition, or an unfair or deceptive act or practice he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation a copy of such findings and an order requiring such person to cease and desist from engaging in such method of competition, act or practice and if the act or practice is a violation of Sections (4) or (5), the Commissioner may at his discretion order any one or more of the following:

(1) payment of a monetary penalty of not more than \$1,000 for each and every act or violation but not to exceed an aggregate penalty of \$10,000 unless the person knew or reasonably should have known he was in violation of this Act, in which case the penalty shall not be more than \$5,000 for each and every act or violation but not to exceed an aggregate penalty of \$50,000 in any six month period.

(2) suspension or revocation of the person's license if he knew or reasonably should have known he was in violation of this Act, or

(3) such other relief as is reasonable and appropriate.

(b) Until the expiration of the time allowed under Section 2309 of this Act for filing a petition for review (by appeal or writ of certiorari) if no such petition has been duly filed within such time, or if a petition for review has been filed within such time, then until the transcript of the record of the proceeding has been filed in the Chancery Court, as hereinafter provided, the Commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this section.

(c) After the expiration of the time allowed for filing such a petition for review if no such petition has been duly filed within such time, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section, whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

(d) Such desist order shall become final upon expiration of the time allowed for appeals from the Commissioner's orders, if no such appeal is taken, or, in the event of such an appeal, upon final decision of the court if the court affirms the Commissioner's order or dismisses the appeal. An intervenor in such hearing shall have the right to appeal as provided in Section 333 of this Title.

(e) In event of such an appeal, to the extent that the Commissioner's order is affirmed the court shall issue its own order commanding obedience to the terms of the Commissioner's order.

(f) No order of the Commissioner pursuant to this section or order of court to enforce it shall in any way relieve or absolve any person affected by such order from any other liability, penalty, or forfeiture under law.

(g) Violation of any such desist order shall be deemed to be and shall be punishable as a violation of this Title.

(h) This section shall not be deemed to affect or prevent the imposition of any penalty provided by this Title or by other law for violation of any other provision of this Chapter, whether or not any such hearing is called or held or such desist order issued.

§ 2309. Judicial review of orders

(a) Except as to matters arising under Chapter 25 of this Title (Rates and Rating Organizations), an appeal from the Commissioner shall be taken only from an order on hearing, or as to a matter on which the Commissioner has refused or failed to hold a hearing after application therefor under Section 327 of this Title, or as to a matter as to which the Commissioner has refused or failed to make his order on hearing as required by Section 332 of this Title.

(b) Any person subject to an order of the Commissioner under Section 2308 or Section 2312 and who was a party to such hearing or whose pecuniary interests are directly and immediately affected by any such refusal or failure, and who is aggrieved by such order, refusal or failure, may obtain an appeal from the Commissioner's order by filing in the Court of Chancery in any county, within 60 days from the date of such order, a written verified petition praying that the order of the Commissioner be set aside. The petition shall state the grounds upon which the review is sought, together with a bond with good and sufficient sureties to be approved by the court conditioned to pay all costs which may be assessed against the appellant or petitioner in such proceedings. If the appeal is from the Commissioner's order on hearing, the petitioner shall also deliver to the Commissioner a sufficient number of copies of the petition and the Commissioner shall mail or otherwise furnish a copy thereof to the other parties to the hearing to the same extent as a copy of the Commissioner's order is required to be furnished to the hearing parties under Section 332 of this Title. A copy of such petition shall be forthwith served upon the Commissioner, and thereupon the Commissioner forthwith shall certify and file in such court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the Commissioner. Upon such filing of the petition and transcript such court shall have jurisdiction of the proceeding and of the question determined therein, shall determine whether the filing of such petition shall operate as a stay of such order of the Commissioner, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree modifying, affirming, or reversing the order of the Commissioner, in whole or in part. The findings of the Commissioner as to the facts, if supported by the evidence, shall be conclusive.

(c) To the extent that the order of the Commissioner is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commissioner. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commissioner, the court may order such additional evidence to be taken before the Commissioner and

thereby adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commissioner may modify his findings of fact, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings which if supported by the evidence shall be conclusive, and his recommendation if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(d) An order issued by the Commissioner under Section 2308 shall become final:

(1) Upon the expiration of the time allowed for filing a petition for review if no such petition has been duly filed within such time; except that the Commissioner may thereafter modify or set aside his order to the extent provided elsewhere in this Title; or

(2) Upon the final decision of the highest state court if the court directs that the order of the Commissioner be affirmed or the petition for review dismissed. From the judgment of the Court of Chancery either the Commissioner or other party to the appeal may appeal directly to the Supreme Court of the State of Delaware in the same manner as is provided in civil cases.

(e) No order of the Commissioner under this Act, or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability of any other laws of this State.

§ 2311. Judicial review by intervenor

If after any hearing under Section 2306 or Section 2312, the Commissioner's report does not charge a violation of this chapter, then any intervenor in the proceedings may within twenty days after the service of such report, cause a petition to be filed in the Chancery Court of any county of this State, for a review of such report. Upon such review, the court shall have authority to issue appropriate orders and decrees in connection therewith, including, if the court finds that it is to the interest of the public, orders enjoining and restraining the continuance of any method of competition, act or practice which it finds, notwithstanding such report of the Commissioner, constitutes

a violation of the chapter and containing penalties pursuant to Section 2308.

§ 2312. Penalty for violation of cease and desist orders

Any person who violates a cease and desist order of the Commissioner under Section 2308, and while such order is in effect, may after notice and hearing and upon order of the Commissioner be subject at the discretion of the Commissioner to any one or more of the following:

(a) a monetary penalty of not more than \$10,000 for each and every act or violation; or

(b) suspension or revocation of such person's license; or

(c) such other relief as is reasonable and appropriate.

(d) Prosecutions for any such violation shall be brought in the Superior Court of the county in which the offense occurred.

(e) At the discretion of the Commissioner and the Attorney General, any fine provided for above may be recovered on behalf of the State by a civil action brought against the violator.

§ 2313. Regulations

(a) The Commissioner may, after notice and hearing, promulgate reasonable rules and regulations, as are necessary or proper to identify specific methods of competition or acts or practices which are prohibited by Section 2304 or Section 2305, but the regulations shall not enlarge upon or extend the provisions of Section 2304 or Section 2305. Such regulations shall be subject to review in accordance with Section 2309. No such rule or regulation shall extend, modify, or conflict with any law of this State or the reasonable implications thereof.

(b) Wilful violation of any such rule or regulation shall subject the violator to such suspension or revocation of certificate of authority or license, or to such administrative fine in lieu thereof, as may be applicable under this Title for violation of the provision to which such rule or regulation relates; but no penalty shall apply to any act done or omitted in good faith in conformity with any such rule or regulation, notwithstanding that such rule or regulation may, after such act or omission, be

amended or rescinded or determined by judicial or other authority to be invalid for any reason.

§ 2314. Provisions of act additional to existing law

The powers vested in the Commissioner by this Act, shall be additional to any other powers to enforce any penalties, fines, or forfeitures authorized by law with respect to the method, acts and practices hereby declared to be unfair or deceptive.

§ 2315. Immunity from prosecution

If any person shall ask to be excused from attending or testifying or from producing any books, papers, records, contracts, correspondence or other documents at any hearing on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall thereafter notwithstanding this request be directed to give such testimony or produce such evidence, he must nonetheless comply with such direction, but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence thereto, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation or proceeding; provided, however, that no such individual so testifying shall be exempt from prosecution or punishment for any perjury committed by him while so testifying, and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation, or proceeding concerning such perjury, nor shall he be exempt from the refusal, suspension or revocation of any license, permission or authority conferred, or to be conferred, pursuant to the Insurance Law of this State. Any such individual may execute, acknowledge and file in the office of the Commissioner and of the Attorney General a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified such statement, and thereupon the testimony of such person or such evidence in relation to such transaction, matter or thing may be received or produced before any judge or justice, court, tribunal, grand jury or otherwise, and if so received or produced such individual shall not be entitled to any immunity or privileges on account of any testimony he may so give or evidence so produced.

§ 2316. Separability provision

If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the Act, and the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Approved July 12, 1973.

CHAPTER 201

FORMERLY: SENATE BILL NO. 110
AS AMENDED BY
HOUSE AMENDMENT NO. 3

AN ACT TO AMEND PART I, TITLE 18, OF THE DELAWARE CODE, RELATING TO CASUALTY INSURANCE CONTRACTS, AND REGULATING THE EXCLUSION, CANCELLATION OR NON-RENEWAL OF AUTOMOBILE INSURANCE.

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

Section 1. Amend §3909, Chapter 39, Part I, Title 18 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new §3909, which shall read as follows:

§ 3909. Automobile insurance; exclusion, cancellation or non-renewal

(a) The insurer shall have the right to exclude, cancel or refuse to renew coverage under an automobile insurance policy as to designated individuals. Any such cancellation or refusal to renew shall be subject to the applicable provisions of §3903 through and including §3907 of this chapter and the notice provisions of those said sections shall apply equally to the exclusion, cancellation or refusal to renew coverage as to a designated individual or individuals.

(b) In any case where an insurer is authorized under this Chapter to cancel or non-renew any automobile policy under which more than one person is insured because of the record of one or more, but less than all of the persons insured under the policy, the insurer shall, in lieu of cancellation or non-renewal, offer to continue or renew the insurance but to exclude from coverage, by name, the person or persons whose record would have justified the cancellation or non-renewal. The premiums charged on any such policy excluding a named driver or drivers shall not reflect the claims, experience or driving record of the excluded named driver or drivers.

(c) With respect to any person excluded from coverage under this section, the policy may provide that the insurer shall not be liable for damages, losses, or claims arising out of this operation or use of the insured motor vehicle, whether or not such operation or use was with the express or implied permission of a person insured under the policy.

(d) Every insurer shall be required to offer to the driver or drivers excluded under this section coverage of the same type or types and in an amount or amounts at least as great as the types and amount of coverage carried on the vehicle or vehicles that the designated person is being excluded from, which coverage shall be offered at rates commensurate with the driving record of such excluded driver or drivers; provided, however, that such excluded driver or drivers shall not be required to carry coverage in any amount or amounts greater than those amounts required by the Financial Responsibility law of the State of Delaware.

(e) The excluded driver or drivers shall be required to accept this offer of coverage, to furnish proof that such coverage is carried with another company, or surrender his motor vehicle operator's license to the Division of Motor Vehicles within thirty (30) days after the offering of such coverage. Refusal to accept such coverage, the furnishing of adequate proof, or the failure to surrender his operator's license within the 30-day period will cause the cancellation of the policy or policies that they were excluded from. This provision shall apply as long as the designated individual could be considered a member of the household, or possible occasional driver of the vehicle, or vehicles he is being excluded from.

Approved July 12, 1973.

CHAPTER 202

FORMERLY: SENATE BILL NO. 144
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NOS. 1 & 2

AN ACT AMENDING CHAPTER 14, TITLE 24 OF THE DELAWARE CODE, RELATING TO ELECTRICAL CONTRACTORS.

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

Section 1. Amend §1401, Title 24 of the Delaware Code, by striking the definition of "Person" as it appears therein and substituting in lieu thereof a new definition of "Person" to read as follows:

" 'Person' means individual, owner or full time employee."

Section 2. Amend §1401, Title 24 of the Delaware Code, by adding definitions to read as follows:

" 'Full-time employee' means one who receives a wage or salary and who is actively engaged in the services of the company, firm or corporation that is using the person's certificate during the periods of time that the company, firm or corporation is performing work that would require a registration certificate under this Chapter.

'Maintenance' means service.

'Dwelling' means an enclosure that affords habitable living space for human beings.

'Service' means to repair or replace in kind.

'Certificate' means a certificate of registration as required by this Chapter.

'Master Electrician, Limited Special' means any person engaged in specialized electrical installations of a residential nature

limited to not over four family dwellings. Such specialized electrical installations shall be: air conditioning and heating; oil burner; swimming pool and such other categories as the Board shall from time to time specify in its rules.

'Master Electrician, General Special' means a person engaged in the business of or holding himself out to the public as engaged in the business of installing, erecting, and repairing or contracting to install, erect or repair electrical wires or conductors to be used for the proper performance of certain special machinery, lighting or heating installations."

Section 3. Amend §1402(b), Title 24 of the Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) The Board shall consist of seven (7) members appointed by the Governor, who shall be residents of this State and citizens of the United States. Two (2) of said members shall not be engaged in the electrical industry, one (1) shall be a code consultant other than an Electrical inspector, four (4) shall be engaged in the Electrical Contracting business for a period in excess of ten (10) years. No more than two (2) members shall be appointed from any political sub-division, nor more than four (4) members shall be of the same political affiliation."

Section 4. Amend §1402(c), Title 24 of the Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) Each Board member shall be appointed for a term of three (3) years.

No member shall be eligible for successive appointments to the Board."

Section 5. Amend §1405, Title 24 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §1405 to read as follows:

§ 1405. Organizations; meetings; officers; quorum

(a) The Board shall hold regular meetings at least once each month. The time and place of the meetings shall be deter-

mined by the Board. Special meetings may be called by the President or two (2) members of the Board. At least seven (7) days notice shall be given for a special meeting.

(b) The Board shall elect annually a President, Vice-President and Secretary-Treasurer. Four (4) members of the Board shall constitute a quorum for the purpose of doing business."

Section 6. Amend §1408(c), Title 24 of the Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

(c) Annually, prior to December 1, the Board shall submit to the Governor a report of its transactions for the fiscal year ending June 30, and shall also transmit to him a complete statement of the receipts and expenditures of the Board attested by affidavits of its President and Secretary-Treasurer. A copy of the annual report to be received by the Board members.

Section 7. Amend §1422, Title 24 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §1422 to read as follows:

§ 1422. General requirements for registration

The following shall be considered as the minimum evidence satisfactory to the Board that the applicant is qualified for registration as master electrician, general, limited, general special or limited special, respectively, to-wit:

- (1) as a master electrician, general;

A reasonable knowledge of electricity and the natural laws and functions of electric wires, appliances and devices for electric light, heat and power purposes, and skill and knowledge in all matters relating to the work or business of master electrician, general, as defined in §1401 of this title and shall have had at least four (4) years of full time practical training plus two (2) years of full time practical experience. Technical training in a technical school or college may be deemed by the Board to be the equivalent of no more than two (2) years of practical training. It shall be the applicant's responsibility to provide proof of experience.

- (2) as a master electrician, limited;

A reasonable knowledge of electricity insofar as it relates to the particular type or types of equipment pertaining to the business of master electrician, limited, as defined in §1401 of this title and shall have had at least two (2) years of full time practical training and one (1) year of full time practical experience, technical training in a technical school or college may be deemed by the Board to be the equivalent of no more than two (2) years of practical training. It shall be the applicant's responsibility to provide proof of experience.

- (3) as a master electrician, general special;

The same requirements as for master electrician, general, except that the applicant must exhibit knowledge in electrical matters relating to the applicant's speciality.

- (4) as a master electrician, limited special;

The same requirements as for master electrician, limited, except that the applicant must exhibit knowledge in electrical matters relating to the applicant's specialty.

Section 8. Amend §1425, Title 24 of the Delaware Code, by adding thereto subsections (d), (e), (f) and (g) to read as follows:

(d) A special certificate shall be issued to a master electrician, general special in the categories of:

- (1) elevators,
- (2) air conditioning, heating, refrigeration and oil burners,
- (3) electric signs,
- (4) swimming pools,
- (5) overhead and underground primary distribution systems, and other categories that the Board may from time to time establish.

A registrant shall not be allowed to hold a certificate in more than one (1) special category. Said 'special' certificate shall authorize the registrant to perform and/or supervise the electrical work directly associated with the work within the category of the special certificate that is held by the registrant. Said

'special' certificate shall not authorize the registrant to perform and/or supervise any electrical work that is not directly part of the registrants specialty or that services or part of the electrical circuitry of other portions of the total electrical installation.

(e) A certificate shall be issued to a master electrician, limited special with the same restrictions as the master electrician, general special certificates and be further restricted to work on dwellings of not over four (4) families.

(f) The electrical inspection authorities shall not honor a request for inspection submitted by a person that holds an expired or revoked certificate.

(g) All persons receiving a certificate of registration shall display, on the vehicles used in the performance of their work, the words 'Registered Electrician' and the number assigned to them in not less than three (3) inch letters and numbers.

Section 9. Amend §1427(b), Title 24 of the Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) Renewal may be effected at any time during the month of June by payment of the annual fee, which shall be the same as provided by §1424 of this chapter for registration. The failure on the part of any registrant to renew his certificate annually in the month of June 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 June shall include a late charge of \$10.00 plus \$1.00 each month or fraction of a month that payment of renewal fee is delayed."

Section 10. Amend §1427, Title 24 of the Delaware Code, by adding thereto subsections (c) and (d) to read as follows:

"(c) When the applicant fails to renew his registration by the end of a thirty-six (36) month period, such registration shall be canceled and renewal may be obtained only by re-examination.

(d) An applicant for registration may elect to postpone submitting his fee and bond after submitting application as provided by §1424 and successful completion of examination. Such postponement shall not exceed three (3) years and in any case registration shall not be issued until the applicant complies with

§1424. If the applicant fails to submit his bond and fee during a period not to exceed thirty-six (36) months, a re-examination will be required."

Section 11. Amend §1428, Title 24 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §1428 to read as follows:

§ 1428. Revocation of certificate

(a) The Board may revoke the certificate of registration of any registrant that:

(1) is found guilty of the practice of any fraud or deceit in obtaining a certificate of registration;

(2) is found guilty of any gross negligence, incompetence or misconduct in supplying material or performing services as an electrical contractor;

(3) is found guilty of permitting or causing defective electrical work if done deliberately or if not corrected within 15 days or longer if necessary at the discretion of the Board following notice thereof;

(4) loses or has the bond required in §1424 canceled;

(5) is found guilty of using the certificate of registration or allowing the certificate of registration to be used for any work that the registrant has not directly supervised as a full time employee or owner of the company that performed the work;

(6) uses or attempts to use a certificate number for which the registrant is not entitled.

Section 12. Amend §1429 (b), Title 24 of the Delaware Code, by striking therefrom the amount "\$1" and inserting in lieu thereof the amount "\$5.00".

Section 13. Amend §1429, Title 24 of the Delaware Code, by adding thereto subsection (c) to read as follows:

(c) If a partnership, firm or corporation suffers a loss of certificate due to dissolution of the partnership, firm or corporation or death of the certificate holder, the partnership, firm or corporation may continue to operate under a temporary certifi-

cate of registration for a period not to exceed sixty (60) days when all the following provisions are met:

(1) The partnership, firm or corporation continues to employ the same personnel with the exception of the certificate holder.

(2) The partnership, firm or corporation does not change its name. During the sixty (60) day temporary period, a person associated with the partnership, firm or corporation may apply for a certificate and, if all requirements of this chapter are met, be scheduled for an examination as required by this chapter. The Board shall act within ten (10) days to rule on the acceptability of an application submitted under this section and shall schedule the examination within the sixty (60) day temporary period, provided that there is timely submittal of the application. If the partnership, firm or corporation allows the sixty (60) day temporary period to expire without having a person obtain a certificate or have in their employ a person with a certificate, then said partnership, firm or corporation shall cease and desist immediately from all work for which a certificate is required under this chapter.

Section 14. Amend §1430(a), Title 24 of the Delaware Code, by striking said subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

(a) The scope of the examinations, if required, whether oral or written, or both, shall reflect knowledge of the current issue of the National Electrical Code, as well as questions pertaining to electrical theory and practices and 75 per cent shall be deemed a passing mark. Special reference will be given by the Board to the applicant's ability to place, install and operate electrical wires, appliances and apparatus.

Section 15. Amend §1432(a) (3), Title 24 of the Delaware Code, by striking said subsection (a) (3) in its entirety and substituting in lieu thereof a new subsection (2) (3) to read as follows:

(a) (3) Any person who installs his own electrical work, service or equipment in or about his own home and not for sale or any part for rent, except that such person shall be required to file application for inspection with the proper electrical inspec-

tion authority. Nothing in this paragraph shall be construed to prohibit a person from obtaining free assistance in installing his own electrical work, service or equipment in his own home not for sale or any part for rent.

Section 16. Amend §1432(a) (6), Title 24 of the Delaware Code, by striking said subsection (a) (6) in its entirety and substituting in lieu thereof a new subsection (a) (6) to read as follows:

(a) (6) any manufacturing or industrial establishing retaining in its own employment a Professional Engineer, authorized to practice engineering in this State under Title 24, Chapter 28, Delaware Code, with at least ten years' experience in electrical planning and design; such Professional Engineer may inspect the plant's additional electrical installation if he is responsible for and in continuing charge of such work at the site, and if such manufacturing or industrial establishment files with the State Board of Electrical Examiners a letter stating that all additional electrical installation meets the minimum standard of the National Electrical Code or any revisions thereof once each year. The provisions of Section 1433(c) shall apply to this subsection.

Section 17. Amend §1433, Title 24 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §1433 to read as follows:

§ 1433. Certificate of inspection; standards of installation; inspection authorities

(a) No person not the holder of a certificate of registration shall install, alter or repair any wiring or appliance for electric light, heat or power in or on any building unless employed by or working under the supervision of a person holding a certificate and no person not the holder of such certificate, unless employed by or working under the supervision of a person holding a certificate as defined herein, shall falsely represent that he holds such registration or shall use in any advertising the words "Master Electrician", "Register Electrician", "Electrical Contractor", or any words of similar meaning or imprint on any sign, card, letterhead, or in any other manner, except as specific-

ally exempted in this chapter. Manufacturers of mobile homes, modular homes, and travel trailers shall be required to obtain electrical inspections and approval for the electrical work installed in or on these dwelling units.

(b) No person holding a certificate of registration as a master electrician, general or limited, shall install any new or used electrical wires, conduits, machinery, apparatus or any kind of electrical equipment, fixtures, appliances or devices without the prescribed inspections and approval of the electrical inspection authority, except in case of emergency, when such inspections and approval will follow the actual work required within a reasonable time. Applications for electrical inspection with an approved inspection agency must be filed within five (5) working days after the work has begun unless specifically exempted by this chapter.

(c) Persons who are permitted to do work only without a certificate of registration as provided for in §1432(2) and (6) of this title must secure such certificate of inspection at least once annually.

(d) The recognized Electrical Inspection Authorities shall be those Electrical Inspection Agencies, public or private, that have complied with the requirements of this chapter and have received conditional or annual certificate of approval from the Board. No person, firm or corporation shall perform or hold themselves out to the public as Electrical Inspection Agencies unless first obtaining a certificate of approval from the Board.

(e) The said inspection authorities shall make all inspections within five working days of the receipt of applications for inspection. No light or power company whether public or private shall connect any current, light or power to any property without first obtaining a permanent or temporary 'cut-in-card' from inspection authorities having jurisdiction thereof except in case of an emergency when service may be restored by a licensed contractor prior to obtaining such 'cut-in-cards'. No permanent or temporary 'cut-in-cards' shall be issued unless the work is being done or has been done by a person to whom a registration certificate has been issued under the provisions of this chapter, except for work being done or which has been done by persons who are not required to obtain registration certificates under the provi-

sions of this chapter. Temporary 'cut-in-cards' will expire when the finished structure is occupied for a period of Fifteen (15) days.

Section 18. Amend Title 24 of the Delaware Code, by adding a new section to be designated as §1434 to read as follows:

§ 1434. Fees; requirements; revocation of approval

(a) All inspection Agencies, public or private, who desire to perform the electrical inspections or hold themselves out to the public as electrical Inspection Agencies to provide the electrical inspection services as required by this chapter, shall first submit to the Board a list of their qualifications, and obtain a certificate of approval. The applicant's credentials must show evidence that the applicant has:

- (1) Financial responsibility.
- (2) Office facilities.
- (3) Qualified personnel.

(4) Supervisory structure that will insure safe and adequate employee performance.

Upon review of the applicant inspection Agency's credentials, the Board may grant conditional approval. Such conditional approval shall be contingent on the Board's decision, and submittal by the applicant of the required fee and evidence of insurance. Insurance shall be maintained in the amount of \$1,000,000.00 for each person and each occurrence. Conditional approval shall be granted for a period not to exceed six (6) months and the fee shall be fifty dollars (\$50.00).

The Board may deny an applicant's request for approval. If so, the Board will provide the applicant in writing the reason or reasons for the Board's decision within 10 days of the decision and the applicant may reapply for approval.

(b) The authorized inspection Agencies shall be under the jurisdiction of the Public Service Commission in regards to fees charged.

(c) An annual certificate of approval may be obtained by an Inspection Agency after the conditional approval has been in

force for at least three (3) months, the required fee paid and the Inspection Agency has shown that the agency has complied with the following:

1. (a) No electrical inspection authority or any of its employees, officers, or stockholders shall have any interest in or relationship to any electrical contractor, whether a corporation, partnership or individual.

(b) No electrical inspection authority or any of its employees, officers, or stockholders shall have any interest in or relationship to any manufacturers or seller dealing in electrical appliances, machinery, wiring, electrical hardware or other electrical apparatus.

(c) No electrical inspection authority or any of its employees, officers or stockholders shall have any interest in or relationship to any electric public utility, municipal electric department or other entity supplying electrical energy for industrial, residential or commercial use.

2. No electrical inspection authority shall conduct any electrical inspections in the State of Delaware until it has established in this State at least one office staffed by an adequate number of qualified personnel.

3. No electrical inspection authority shall conduct an electrical inspection in the State of Delaware as required by this chapter until it has in its employ at least one qualified inspector devoting his or her full time to the authority's inspections within the State of Delaware and the application for inspection has been filed by a properly registered Electrical Contractor who has a valid certificate, or by a person or persons specifically exempted by this chapter.

4. Each electrical inspection authority shall file and keep up to date with the Board, and keep open to public inspection in each office, addresses and telephone numbers of all offices, time of regular business hours of all offices, a schedule showing all rates and charges made, established, or enforced or to be enforced or charged, all rules and regulations relating to such rates and charges and all general privileges and concessions granted or allowed. The above information shall be readily accessible to the public at all times during normal business hours and on demand by any person, shall be produced for examination immediately.

5. Every electrical inspection authority shall make inspections within five days following receipt of application for inspection from a customer and issue certificate of approval within 15 days after final inspection.

6. Each electrical inspection authority shall keep all records of its business within the State of Delaware and shall notify the Board of the office or offices at which various records are kept. Those records shall be open for examination by the Board's inspectors.

7. Each electrical inspection authority shall maintain an adequate number of offices in the State of Delaware, the current locations and telephone numbers of which shall be furnished to the Board, where applications for electrical inspections, complaints, inspection inquiries, bill payments, etc., will be received, so that prompt and diligent inspection service is rendered to the customers.

8. Every electrical inspection authority shall carry liability insurance, at least in the amount of \$1,000,000, for each person and each occurrence to satisfy claims or judgments for property damage and/or personal injury arising out of failure of its inspector to properly discharge his duties and responsibilities.

9. Every electrical inspection authority shall carry workmen's compensation insurance in accordance with statutory requirements.

10. Inspectors shall be remunerated on a salary basis only. Inspectors shall not be given commissions or other bonus incentives for volume of work performed.

11. In the event a customer refuses to correct the violation in the electrical construction work within 15 days, the electrical inspection authority shall notify the utility concerned, and the Board of such violations. In such case, the utility shall not render service to the premises in question until the violation is corrected.

(d) The fee for the annual certificate of approval shall be seventy-five dollars (\$75.00) payable on or before June 1 of each year. Late charges and right of renewal shall be the same as herein specified for Master Electricians.

(e) The Board may revoke the certificate of approval of any Inspection Agency that is found guilty of:

1. Fraud or deceit in obtaining a certificate of approval.
2. Gross negligence, incompetency or misconduct in providing electrical inspection services.
3. Violation of any rule set forth in §1434(c).

(f) Charges, hearings and appeals in all questions concerning Inspection Agencies shall be the same as established in §1428 of this Chapter."

Section 19. Amend §1440, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §1440 to read as follows:

§ 1440. Violations; penalty and jurisdiction

(a) Whoever violates the provisions of this chapter shall be fined not less than \$100.00 nor more than \$1,000.00 or be imprisoned for not more than thirty (30) days or both. Each day a violation continues shall constitute a separate offense.

(b) Justices of the Peace in the county in which the offense is alleged to have occurred shall have jurisdiction over any violation of this chapter.

Approved July 12, 1973.

CHAPTER 203

FORMERLY: SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 270
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND 58 DELAWARE LAWS, CHAPTER 497,
BEING THE NEW CRIMINAL CODE FOR THE STATE
OF DELAWARE, BY OFFERING CERTAIN OMNIBUS
AMENDMENTS THERETO.

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

Section 1. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §222 (5) thereof the “)” after the words “pocket knife” and inserting a “)” after the word “position” and before the “;”.

Section 2. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting the word “exclusive” as it appears in §306 (3) (b) thereof.

Section 3. Amend Section 1 of 58 Delaware Laws, Chapter 497, by adding in §404 (1) thereof a “,” after the words “after hearing.”.

Section 4. Amend Section 1 of 58 Delaware Laws, Chapter 497, by making the small “j” in §462 (1) (e) thereof a capital “J”.

Section 5. Amend Section 1 of 58 Delaware Laws, Chapter 497, by inserting in §464 (5) (a) thereof a “,” after the word “injury”.

Section 6. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting the period after the word “thereof” as the same appears in §467 (3) (a) thereof and inserting in lieu thereof a “; and”.

Section 7. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by placing the words "and he or another person with whom he conspired commits an overt act in pursuance of the conspiracy." as the same appear in §511, §512, and §513 thereof on the next line following the last line of each of the subsection (2)s in the aforesaid sections.

Section 8. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by deleting in §632 (3) thereof the word "disturbance" and inserting in lieu thereof the word "distress".

Section 9. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by deleting in §652 thereof the words "abortion upon herself" and inserting in lieu thereof the words "miscarriage upon herself".

Section 10. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by deleting in §521 (1) thereof the words "of continuous" and inserting in lieu thereof the words "or continuous".

Section 11. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by deleting in §513 (2) thereof the ",", as the same appears after the word "felony" and inserting in lieu thereof a ";".

Section 12. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by adding in the second sentence of §475 thereof the words "now charged would have been barred by prosecution for the offense" after the words "the offense" and before the words "as to which".

Section 13. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by deleting in §881 thereof the word "Bribery" as the same appears in the catchline thereof and by inserting in lieu thereof the word "Bribing".

Section 14. Amend Section 1 of 58 Laws of Delaware, Chapter 497, by adding in §840 (c) thereof an "s" to the word "premise", making it plural.

Section 15. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting the word "Bribery" from the title of Subpart G thereof, and inserting in lieu thereof the word "Bribing".

Section 16. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §900 (1) thereof the word "not" and inserting in lieu thereof the word "no".

Section 17. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §906 (2) thereof the word "commidity" and inserting in lieu thereof the word "commodity".

Section 18. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §907 (1) thereof the word "of" and inserting in lieu thereof the word "or".

Section 19. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §1273 thereof the letters "cler", and inserting in lieu thereof the word "clerk".

Section 20. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §1311 (1) thereof the letters "insutls" and inserting in lieu thereof the word "insults".

Section 21. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §850 (2) the words "place or" and inserting in lieu thereof the words "place of".

Section 22. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in the catchline of §862 thereof the word "devises" in the title thereof and inserting in lieu thereof the word "devices".

Section 23. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting §1301 (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) Obstructing vehicular or pedestrian traffic; or".

Section 24. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §1301 (e) thereof the words "he congregates" and inserting in lieu thereof the word "Congregating" and by deleting the word "refuses" and by inserting in lieu thereof the word "refusing".

Section 25. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §1337 (1) a comma after the words "access and".

Section 26. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §1425 the word "probable" and inserting in lieu thereof the word "reasonable".

Section 27. Amend Section 1 of 58 Delaware Laws, Chapter 497, by striking in §852 thereof the words "is a dealer in property of the sort received and".

Section 28. Amend Section 1 of 58 Delaware Laws, Chapter 497, by adding to §1336 (c) (1) thereof a new sentence to read as follows: "It shall not be unlawful under this section for an officer, employee or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this section, is authorized, by the Superior Court, to intercept a wire or oral communication."

Section 29. Amend Section 1 of 58 Delaware Laws, Chapter 497, by inserting in §1336 (k) thereof the following new paragraph:

"An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with minimum of interference with the services that such carrier, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates."

Section 30. Amend Section 1 of 58 Delaware Laws, Chapter 497, by adding in §1336 (g) thereof after the words "stimulant drugs" as the same appear therein the following new words, "controlled substances or counterfeit controlled substances,".

Section 31. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting in §1425 thereof the words "probable cause" and inserting in lieu thereof the words "reasonable cause".

Section 32. Amend Section 2 of 58 Delaware Laws, Chapter 497, by striking in §4205 (1) and (2) thereof the word "maximum" as it appears therein.

Section 33. Amend Section 2 of 58 Delaware Laws, Chapter 497, by striking in §2702 thereof everything after the word "misdemeanors:" and substituting in lieu thereof the following:

- "(1) §601 (offensive touching) ;
- (2) §602 (menacing) ;
- (3) §603 (reckless endangering in the second degree) ;
- (4) §611 (assault in the third degree) ;
- (5) §804 (reckless burning or exploding) ;
- (6) §811 (criminal mischief) only if punishable as a misdemeanor ;
- (7) §820 (trespassing with intent to peer or peep into a window or door of another) ;
- (8) §822 (criminal trespass in the second degree) ;
- (9) §840 (Shoplifting) only if punishable as a misdemeanor ;
- (10) §841 (theft) only if punishable as a misdemeanor ;
- (11) §848 (misapplication of property) only if punishable as a misdemeanor ;
- (12) §851 (receiving stolen property) only if punishable as a misdemeanor ;
- (13) §853 (unauthorized use of a motor vehicle) ;
- (14) §861 (forgery) only if punishable as a misdemeanor ;
- (15) §893 (interference with levied-upon property) ;
- (16) §900 (issuing a bad check) only if punishable as a misdemeanor ;
- (17) §903 (unlawful use of a credit card) only if punishable as a misdemeanor ;
- (18) §907 (criminal impersonation) ;
- (19) §1107 (endangering children) ;
- (20) §1241 (refusing to aid a police officer) ;
- (21) §1243 (obstructing firefighting operations) ;
- (22) §1301 (disorderly conduct) ;
- (23) §1311 (harassment) ;
- (24) §1312 (malicious obstruction of emergency telephone calls) ;
- (25) §1315 (public intoxication) ;
- (26) §1322 (criminal nuisance) ;
- (27) §1335 (violation of privacy).

Section 34. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting subsection (b) of §1447 thereof and by substituting in lieu thereof a new subsection (b) to read as follows:

"(b) Notwithstanding the provisions of §4205 of this title, the minimum sentence for a violation of this section shall be not less than five (5) years which minimum sentence shall not be subject to suspension and no person convicted for a violation of this section shall be eligible for parole or probation during such five years."

Section 35. Amend Section 1 of 58 Delaware Laws, Chapter 497, by deleting subsection (2) of §635 thereof and by substituting in lieu thereof the following new subsection (2) :

"(2) In the course of and in furtherance of the commission or attempted commission of any felony not specifically enumerated in §636 of this Title or immediate flight therefrom, he with criminal negligence, causes the death of another person."

Section 36. Amend Section 1 of 58 Delaware Laws, Chapter 497, by striking §407 thereof in its entirety.

Section 37. Amend Section 1 of 58 Delaware Laws, Chapter 497, by striking subsection (1) of §421 thereof and by substituting in lieu thereof a new subsection (1) to read as follows:

"(1) Except as provided in subsection (2) of this section, voluntary intoxication is an affirmative defense in a prosecution for a criminal offense only if it negatives the element of intentional or intentionally."

Section 38. Amend Section 1 of 58 Delaware Laws, Chapter 497, by striking subsection (1) of §432 thereof and by substituting in lieu thereof a new subsection (1) to read as follows:

"(1) In any prosecution for an offense, it is an affirmative defense that the accused engaged in the proscribed conduct because he was induced by a law enforcement official or his agent who is acting in the knowing cooperation with such an official to engage in the proscribed conduct constituting such conduct which is a crime when such person is not otherwise disposed to do so. The defense of entrapment as defined by this Code concedes the commission of the act charged but claims that it should not be

punished because of the wrong-doing of the officer originates the idea of the crime and then induces the other person to engage in conduct constituting such a crime when the other person is not otherwise disposed to do so."

Section 39. This Act shall become effective on July 1, 1973 simultaneously with the taking of effect of 58 Delaware Laws, Chapter 497.

Approved July 12, 1973.

CHAPTER 204

FORMERLY: HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 380

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE
BY CREATING A NEW CHAPTER ESTABLISHING
THE DELAWARE ADVISORY COUNCIL ON CAREER
EDUCATION.**

WHEREAS, career education is intended to provide instruction, training and placement services for all individuals leaving our public schools, to provide such individuals with assistance in gaining employment, admission to programs of further education or a suitable combination thereof; and

WHEREAS, vocational education is an integral component of career education and is intended to provide the training necessary for individuals to develop salable skills and thereby become qualified to secure existing and emerging employment opportunities; and

WHEREAS, career and vocational education require continuing objective evaluation to identify employment opportunities, the appropriate educational programs to prepare individuals for such opportunities and the location and administration necessary to offer such programs in the most effective and efficient manner possible; and

WHEREAS, a valid and reliable evaluation of employment opportunities, program effectiveness, and operational efficiency can be secured from the collective recommendations of employers, students, representatives of governmental service agencies, educators and the lay public; and

WHEREAS, it is the intent of the legislature to secure ready access to the experience and judgment of lay and professional groups in formulating decisions which will affect positively the development of a more effective and efficient program of career education in Delaware.

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 86 thereto to read as follows:

**CHAPTER 86
DELAWARE ADVISORY COUNCIL ON
CAREER EDUCATION**

§ 8601. Purpose

It is the purpose of the General Assembly of the State of Delaware, through this Act, to establish and maintain cooperation, coordination and compliance with the federal government under provisions of Part A, Section 104 (b) (1), P.L. 90-576 and Part A, Section 1001, and B, Section 1055 (a) (1), P.L. 92-318, which require that any state which desires to receive a grant under these titles for any fiscal year shall establish a state advisory council which shall be appointed by the Governor.

Further, it is the intent and purpose of the General Assembly to provide a clearing house of information and objective evaluation of programs and activities in career education, state and nationwide, so that the executive, legislative and administrative branches of state government and communities may have ready access to the experience and judgment of lay and professional groups in the fields of employment and education in the formation of public policies concerning career education.

§ 8602. Membership

A Delaware Advisory Council on Career Education is hereby created whose members shall be appointed by the Governor and shall serve at his pleasure. Such membership shall include:

(1) a person or persons familiar with the vocational needs and the problems of management and labor in the state;

(2) a person or persons representing state and industrial and economic development agencies;

(3) a person or persons representative of community and junior colleges; a person representative of institutions of higher education;

(4) a person or persons representative of area vocational schools, technical institutes, and post-secondary or adult education agencies or institutions which provide programs of vocational or technical education and training;

(5) a person or persons having special knowledge, experience, or qualifications with respect to vocational education and who are not involved in the administration of state or local vocational education programs;

(6) a person or persons familiar with programs of technical, vocational and career education, including programs in comprehensive schools, kindergarten through twelfth grade;

(7) a person or persons who are representative of school boards;

(8) persons representative of manpower and vocational education agencies in the state, including a person or persons from the Comprehensive Area Manpower Planning System of the state;

(9) a person or persons representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students;

(10) a person or persons having special knowledge, experience or qualifications, with respect to the special educational needs of physically or mentally handicapped persons;

(11) a person or persons representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph;

(12) a person or persons representative of business and industry in the state who is familiar with current and projected employment opportunities; and

(13) a person or persons representative of and active in career education youth organizations. They shall serve at the

pleasure of the Governor, but not longer than the duration of their membership in such organizations.

§ 8603. Duties and responsibilities

The Advisory Council on Career Education shall:

(a) Advise the State Board of Education on the development of and policy matters arising in the administration of the State Plan for Vocational Education submitted pursuant to Part B, P.L. 90-576, including the preparation of long-range and annual program plans for career education;

(b) Evaluate career education programs, services and activities in the state, and publish and distribute the results thereof with recommendations to the executive, legislative, educational and other public agencies in the state with interests and responsibilities pursuant thereto;

(c) Prepare and submit to the U.S. Commissioner of Education and to the National Advisory Council an annual evaluation report as required by P.L. 90-576;

(d) Schedule and conduct at least four (4) regular meetings each year at which the public is given opportunity to express views concerning career education. The Advisory Council on Career Education shall meet within sixty (60) days after certification of the Governor and within thirty (30) days of acceptance of certification by the U.S. Commissioner of Education, and select from among its membership a Chairman. The time, place and manner of meeting shall be determined by the Council.

§ 8604. Acceptance of and compliance with Federal Vocational Education Acts

The State of Delaware accepts the benefits of the Vocational Education Act of 1963 (P.L. 88-210) and amendments thereto, including the Vocational Education Amendments of 1968 (P.L. 90-576) and the Education Amendments of 1972 (P.L. 92-318).

In accepting such benefits, the State of Delaware will observe and comply with the requirements of such Acts and amendments thereto as concern the establishment and operation of advisory councils on occupational, vocational and career education. The State Treasurer shall be custodian of any funds accruing to the state for such purposes and shall make disbursements

therefrom upon the order of the Delaware Advisory Council on Career Education.

§ 8605. Expenses

Members shall serve without pay and may be reimbursed for travel in connection with their responsibilities.

§ 8606. Staff

The Council is authorized to obtain the services of such professional technical and clerical personnel as may be necessary to enable it to carry out its functions under this Chapter and to contract for such services as may be necessary to enable it to carry out its evaluation functions.

Approved July 12, 1973.

CHAPTER 205

FORMERLY: SENATE SUBSTITUTE NO. 1
TO
SENATE BILL NO. 194

AN ACT TO AMEND TITLE 14 AND TITLE 29, DELAWARE CODE ANNOTATED, AS THE SAME REFER TO SCHOOL CONSTRUCTION, CAPITAL IMPROVEMENTS, PROVISION OF BUILDING SPACE FOR STATE AGENCIES, AND FUNDING AND PAYMENT PROCEDURES FOR SUCH IMPROVEMENTS AND SPACE, AND THE DUTIES OF THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF ADMINISTRATIVE SERVICES WITH REFERENCE THERETO.

WHEREAS, the cost of construction of buildings for use by Education and by other State agencies is a large part of the total of public expenditures in the State; and

WHEREAS, Action Force on School Construction Costs in Delaware, authorized by the General Assembly, has reported on Recommendations for Reducing School Construction Costs in the State of Delaware.

NOW, THEREFORE,

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

Section 1. §121, Title 14, Delaware Code, is amended by adding thereto a new subsection to be designated as subsection (13), to read as follows:

“(13) The general supervision of design of educational facilities by:

(a) establishing and applying evaluative criteria to all stages in the design of proposed educational facilities;

(b) analyzing and researching design factors as they relate to educational effectiveness;

(c) recommending to local districts matters dealing with educational design.

Section 2. §1708(a), Title 14, Delaware Code, is amended by adding to Division II. A. of the form of appropriations:

"3. Share of annual rental on a 60% State/40% local basis for education facilities leased or rented in lieu of construction."

Section 3. §1716, Title 14, Delaware Code, is amended by striking said section in its entirety.

Section 4. §2116(e), Title 14, 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 Secretary of Finance is hereby authorized and directed to draw warrants or drafts on such fund in the amount of the principal of and interest on such bonds or other obligations as the same shall become due and payable, and to deposit such money, so drawn, to the credit of the General Fund of the State. Warrants or drafts on the said fund may also be drawn for the purpose of paying school construction costs as authorized by referenda pursuant to 29 Delaware Code, §7506A."

Section 5. Chapter 69, Title 29, Delaware Code, is amended as follows:

A. §6904 is amended as follows:

(1) Subsection (f) is redesignated as subsection (g).

(2) By adding a new subsection thereto to be designated as subsection (f), to read as follows:

"(f) An agency may retain the services of a general contractor or other qualified person, firm or corporation to assist in cost estimation, economic design analysis and construction on such terms as are consistent with the provisions of this Chapter."

(3) By adding a new subsection thereto to be designated as subsection (h), to read as follows:

"(h) An agency may purchase used equipment or buildings by negotiations, rather than by competitive bidding, as provided in this Chapter, if it is demonstrated to the satisfaction of the

Budget Commission and the Department of Administrative Services that the negotiated price is reasonable for the intended use."

B. §6905 (a) is amended by striking from the second sentence the words "or equal", and inserting in lieu thereof the words "or approved equal."

Section 6. Chapter 69, Title 29, Delaware Code, is amended by adding thereto a new section to be designated §6920, to read as follows:

§ 6920. Transfer of school district bids

(a) The provisions of this Chapter shall not prevent an agreement between a school district and a bidder whereby the bidder agrees to make available to one or more other school districts the bid prices he submits to the first school district.

(b) The provisions of this Chapter shall not prevent a school district from buying under the bids received by another school district, when such bids have been requested by such other school district, in compliance with the provisions of this Chapter, and the bids have been made available to the school district, pursuant to an agreement between the bidder and such other school district.

Section 7. §7509, Title 29, Delaware Code, is amended as follows:

A. By striking from the second sentence, the words "to provide the funds", and inserting in lieu thereof the words "to provide funds."

B. By adding a new subsection to be designated as subsection (b), to read as follows:

"(b) Instead of issuing bonds, as hereinabove provided, the State may pay its share of the total cost by using gifts or any other money on hand which are not required by law to be used for some other purpose".

Section 8. §7515, Title 29, Delaware Code, is amended by striking the words "only for purposes of retirement of school dis-

strict bonds and interest thereon.", and inserting in lieu thereof the words "for such purposes as are permitted by law."

Section 9. §7522, Title 29, Delaware Code, is amended by inserting after the words "acting secretary of such Board of Education.", the sentence "If such approval is countersigned by the Superintendent of the School District or his authorized designee, any other signature on the approval may be a facsimile."

Section 10. §7523, Title 29, Delaware Code, is amended by inserting after the words "the State Treasurer shall pay the same.", the sentence "If such warrants are countersigned by the Superintendent of the School District or his authorized designee, any other signature on the warrants may be a facsimile."

Section 11. §7526, Title 29, Delaware Code, is amended by striking said section in its entirety, and inserting in lieu thereof a new §7526, to read as follows:

§ 7526. Use of appropriated funds for inspection and auditing

An amount of money equal to the estimated cost of inspection of any school construction, as determined by the State Board of Education and the Department of Administrative Services, not to exceed one percent of such total costs, shall be set aside by each school district receiving an appropriation for school construction, and allocated to the State Board of Education for the purpose of covering the cost of inspecting the school construction program. A further amount of money, equal to one-half percent of such total construction costs shall be set aside by each school district receiving an appropriation for school construction and allocated to the State Auditor of Accounts for the purpose of covering the cost of auditing the school construction program.

Section 12. Chapter 88, Title 29, Delaware Code, is amended as follows:

§8803 (b) is amended by adding thereto a new subsection to be designated as subsection (5), to read as follows:

(5) *Building Construction Review.*

(a) The Department of Administrative Services is hereby authorized to review all building plans for state agencies, including school districts.

(b) The purpose of this review shall be to:

(1) Establish and apply evaluation factors and performance specifications for structural and mechanical functions;

(2) Research and analyze design and construction factors as they relate to economical construction and reliability and maintenance performance;

(3) Advise, recommend and refer to the Governor, matters dealing with state building design and construction practice;

(4) Review bidding procedures and study and make recommendations dealing with bid laws;

(5) Make such studies and provide such information as shall cause the selection of the best cost/performance components that will satisfy a particular function;

(6) Review and make recommendations regarding the operation, maintenance and efficiency of the physical plant of State facilities;

(7) Consider such other matters as may be referred to it by the Governor.

Section 13. Chapter 88, Title 29, Delaware Code, is amended as follows:

A. By adding a new section thereto to be designated as section 8805B, to read as follows:

§ 8805B. Council on construction policy

(a) There is hereby established the Council on Construction Policy.

(b) The Council on Construction Policy shall be composed of not more than 15 members, appointed by the Governor, broadly representative of the various organizations and groups involved with construction in the State of Delaware. The terms of the members shall be staggered. The first 5 appointees shall serve for a term of 1 year, the next 5 appointees shall serve for

a term of 2 years; and the next 5, or a lesser number, of appointees shall serve for a term of 3 years. Thereafter, all new appointees shall serve for a term of 3 years.

(c) The Council on Construction Policy shall:

(1) recommend to the Secretary of Administrative Services, operating policies for the review of all state agency building projects;

(2) recommend legislative changes;

(3) establish and review the fee incentive for professional services;

(4) serve as consultant to the State Board of Education with regard to the standard school construction formula;

(5) act as liaison with all other organizations and agencies dealing with state construction;

(6) establish the cost effect of time delays in construction.

(d) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(e) The Secretary of the Department of Administrative Services or his authorized designee shall serve as Executive Secretary and ex-officio members of the Council.

(f) A chairman of the Council shall be chosen by the Governor from among its members and shall serve in that capacity at the pleasure of the Governor.

Approved July 12, 1973.

CHAPTER 206

FORMERLY: SENATE BILL NO. 195

AS AMENDED BY

SENATE AMENDMENTS NOS. 1, 2, 3, 8 AND 9

AND HOUSE AMENDMENTS NOS. 1, 2 AND 3

AN ACT TO ADD CHAPTER 36, TITLE 24, OF THE DELAWARE CODE RELATING TO SPEECH PATHOLOGISTS AND AUDIOLOGISTS; PROVIDING FOR A BOARD OF EXAMINERS OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS; LICENSE REQUIRED TO PRACTICE SPEECH PATHOLOGY AND/OR AUDIOLOGY; AND PROVIDES FOR VIOLATIONS.

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. To add to Title 24 a new Chapter 36, which shall read as follows:

CHAPTER 36

SPEECH PATHOLOGY AND/OR AUDIOLOGY

§ 3601. Declaration of purpose

It is declared to be a policy of the State of Delaware that, in order to safeguard the public health, safety and welfare; to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of qualified speech pathologists and audiologists; and to help assure the availability of the highest possible quality speech pathology and audiology services to the communicatively handicapped people of this State, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

§ 3602. Definitions

For purposes of this Act, the following words unless otherwise indicated, shall be deemed to have the following meanings:

(a) "Board" means the State Board of Examiners for Speech Pathology and Audiology.

(b) "Person" means any individual, organization, or corporate body except that only individuals can be licensed under this Act.

(c) "Speech pathologist" means a person who practices speech pathology and who presents himself to the public by any title or description of services incorporating the words speech pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, aphasiologist, voice therapist, voice pathologist, or any similar title or description of service.

(d) "The practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, ameliorating, or modifying such disorders and conditions in individuals and/or groups of individuals.

(e) "Speech pathology aide" means a person who meets minimum qualifications which the Board may establish for speech pathology aides, which qualifications shall be less than those established by this Act as necessary for licensure as a speech pathologist, and who works under the direct supervision of a licensed speech pathologist.

(f) "Audiologist" means a person who practices audiology and who presents himself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of service.

(g) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation related to hearing and disorders of hearing for the purpose of evaluation, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals and/or groups of individuals. For the purposes of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid evaluation and recommendation but not the sale of hearing aids.

(h) "Audiology aide" means a person, other than a hearing aid dealer, who meets minimum qualifications which the Board may establish for audiology aides, which qualifications shall be less than those established by this Act as necessary for licensure as an audiologist, and who works under the direct supervision of a licensed audiologist.

§ 3603. Licensure and regulations of Speech Pathologists and Audiologists

(a) Licensure shall be granted either in Speech Pathology or Audiology independently. A person may be licensed in both areas if he meets the respective qualifications.

(b) No person shall practice speech pathology or audiology or represent himself as a speech pathologist or audiologist in this state unless he is licensed in accordance with the provisions of this Act.

§ 3604. Persons and practices not affected (exclusions)

Nothing in this Act shall be construed as preventing or restricting:

(a) a physician or surgeon from engaging in the practice of medicine in this State, or any person testing hearing for industrial hearing screening purposes under the supervision of a physician or surgeon; or

(b) a hearing aid dealer from engaging in the practices of fitting and selling hearing aids including testing of hearing for the purpose of such fitting, which testing shall include testing hearing for industrial hearing screening purposes, but which testing shall in no way include medical or audiologic diagnosis, and the counseling, consulting and instruction of individuals on the care and use of hearing aids in this State; or

(c) any person licensed in this State by any other law from engaging in the profession or occupation for which he is licensed; or

(d) a person who holds a valid and current credential as a speech or hearing specialist, issued by the Delaware Department of Public Instruction, if such person practices speech pathology or audiology in a salaried position solely within the confines or

under the jurisdiction of the Department of Public Instruction. However, such person may, without obtaining a license under this Act, consult or disseminate his research findings and other scientific information to speech pathologists and audiologists outside the jurisdiction of the organization by which he is employed. Such person may also offer lectures to the public for a fee, monetary or other, without being licensed under this Act. Such person may elect to be subject to this Act;

(e) the activities and services of a person pursuing a course of study leading to a degree in speech pathology or audiology at a college or university, if such activities and services constitute a part of a supervised course of study and that such person is designated speech pathology intern, speech pathology trainee, audiology intern, audiology trainee or by other such titles clearly indicating the training status appropriate to his level of training;

(f) the activities and services of persons fulfilling the clinical experience requirement of section 3605 (d) of this Act, if such activities and services constitute a part of the experience required for that section's fulfillment; or

(g) the performance of speech pathology or audiology services in this State by any person not a resident of this State who is not licensed under this Act, if such services are performed for no more than five days in any calendar year and in cooperation with a speech pathologist or audiologist licensed under this Act, and if such person meets the qualifications and requirements for application for licensure described in section 3605 of this Act. However, a person not a resident of this State who is not licensed under this Act, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 3605 of this Act, or who is the holder of the Certificate of Clinical Competence of the American Speech and Hearing Association in Speech Pathology or Audiology or its equivalent, may offer speech pathology or audiology services in this State for no more than 30 days in any calendar year, if such services are performed in cooperation with a speech pathologist or audiologist licensed under this Act.

§ 3605. Qualifications of applicants for license

To be eligible for licensure by the Board as a speech pathologist or audiologist, the applicant must:

(a) Possess at least a master's degree or its equivalent in the area of speech pathology or audiology from an educational institution offering a graduate program in speech pathology or audiology.

(b) Submit to the Board transcripts evidencing completion of at least 18 semester hours in courses providing fundamental information applicable to the normal development of speech, hearing, and language, and at least 42 semester hours in courses providing information about and practical experience in the management of speech, hearing, and language disorders, of which 42 semester hours —

(1) No fewer than 6 shall be in audiology for a person applying for licensure in speech pathology.

(2) No fewer than 6 shall be in speech pathology for a person applying for licensure in audiology.

(3) No more than 6 shall be in courses providing academic credit for clinical practice.

(4) At least 24, not including credits for thesis or dissertation requirements, shall be in the field for which the license is sought.

(5) At least 30 shall be in courses considered by the educational institution in which they are conducted as acceptable for application toward a graduate degree.

(c) Submit evidence to the Board of the completion of a minimum of 275 clock hours of supervised, direct clinical experience with individuals presenting a variety of disorders of communication, the experience being obtained within the training institution or in one of its cooperating programs.

(d) Submit to the Board in a notarized statement evidence of completion of at least nine consecutive months of employment with no less than 30 hours per week in the professional area for which the license is being sought. This requirement may also be fulfilled by parttime employment not to exceed 18 consecutive months with an equivalent minimum of 15 hours of clinical experience per week. Such clinical experience must be under the direct supervision of a person licensed and/or certified by the American Speech and Hearing Association in the professional

area for which the license is being sought and must follow the completion of the requirements described in clauses (a), (b), and (c) of this section.

(e) Pass an examination approved by the Board. The Board shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the Board shall determine. An applicant who fails his examination may be re-examined at a subsequent examination upon payment of another examination fee.

§ 3606. Licensing under special conditions

(a) The Board shall waive the examination and educational requirements and grant a license to those applicants who, at any time in the two years prior to the effective date of this act, were actively engaged in the practice of speech pathology or audiology in Delaware upon proof of bona fide practice presented to the Board in the manner prescribed by the Board's regulations, providing that they file an application for a license within one year of the effective date of this chapter.

(b) The Board shall waive the examination and educational requirements and grant a license to applicants who present proof of current licensure in a state, the District of Columbia, or a territory of the United States which has standards equivalent to those of this state.

(c) The Board shall waive the examination and educational requirements and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for licensure.

§ 3607. Board of Examiners on Speech Pathology and Audiology

There is hereby created a Board of Examiners of Speech Pathology and Audiology. The Board shall consist of five (5) members who are appointed by the Governor and who are residents of the State of Delaware. At least two Board members shall be audiologists and at least two shall be speech pathologists, with the fifth being a consumer. The speech pathologists and audiologists shall hold an active and valid license in this state except for the first appointed members who shall be persons

who have been engaged in rendering services, teaching, or research in speech pathology or audiology for a period of at least five (5) years, and shall be qualified for the license under Subchapter II, section 3605. The members of the Board shall serve until the expiration of the term for which they have been appointed or until their successors are qualified.

Their appointment shall be made as follows:

(a) Initially, one member of the Board shall be appointed for a term of one year; two members of the Board shall be appointed for a term of two years; and two members of the Board shall be appointed for a term of three years. All appointments made thereafter shall be for the term of three years.

(b) When a vacancy upon the Board occurs, the Delaware Speech and Hearing Association shall recommend not less than three persons to fill each vacancy and the Governor may make his appointment from the persons so nominated.

(c) The Board shall reorganize annually and select a chairman and a secretary.

(d) Three members of the Board shall constitute a quorum to do business; however, the quorum must consist of at least one speech pathologist and one audiologist.

(e) No person shall be appointed to serve more than two consecutive terms.

(f) The Board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the Chairman or at the written request of any two members of the Board.

(g) All meetings of the Board shall be open and public except that the Board may hold executive sessions to:

(1) Prepare, approve, grade, or administer examinations.

(2) Upon the request of an applicant who fails an examination, prepare a response indicating the cause of his failure.

(3) Upon the request of an applicant who has been denied a license, prepare a response indicating the reason or reasons for denial.

(h) The Board shall not consist of more than a bare majority representation of one major political party over the other major political party.

§ 3608. Duties and powers

(a) The Board shall administer, coordinate, and enforce the provisions of this Act, evaluate the qualifications of applicants, supervise the examination of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this Act.

(b) The Board shall conduct such hearings and keep such records and minutes as shall be necessary to an orderly dispatch of business. The Board shall provide notice to the appropriate persons of the times and places of all such hearings.

(c) The Board shall adopt responsible rules and regulations, including but not limited to regulations which establish ethical standards of practice, and may amend or repeal the same.

(d) The Board shall publish, in an appropriate manner, the licensure standards prescribed by this Act, any amendments thereto, and such rules and regulations as it may promulgate within sixty days of their respective enactment.

(e) Every person who holds a license to practice speech pathology or audiology in this State shall be governed and controlled by the rules of professional conduct adopted by the Board.

(f) The conferral or enumeration of specific powers elsewhere in this Act shall not be construed as a limitation of the general powers conferred by this section.

§ 3609. Seal and authentication of records

(a) The Board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts of the Board, and certificates purporting to relate the facts concerning such proceedings, records and acts, signed by the secretary and authenticated by said seal, shall be prima facie evidence in all courts of this State.

§ 3610. Compensation

The members of the Board shall receive \$20 for each day, not to exceed twenty (20) days in one calendar year, actually engaged in service and shall be reimbursed for all proper and necessary expenses, subject to the approval of the Budget Director of the State of Delaware.

§ 3611. Payment of expenses of Board

(a) All expenses incurred by the Board in the administration of the provisions of this Act shall be paid on prescribed reimbursement vouchers available through the Office of Professional Licensing when these vouchers are exhibited as having been approved by the Board; however, the expenses shall not exceed the appropriations authorized by the General Assembly.

§ 3612. Disposition of monies received

(a) All monies received under this Act shall be paid to the Office of Professional Licensing and deposited in the General Fund of the State of Delaware. All salaries and expenses shall be paid as budgeted after budgets have been approved by the State Budget Commission or within the limitations of any appropriation for that purpose which may be included in the Annual Budget Act.

§ 3613. Application for license

(a) Each person required by this Act to obtain a license shall make application to the Board. The application shall be made upon a form and shall be made in such manner as the Board prescribes in regulations duly adopted under this Act.

(b) The application shall be accompanied by the application fee prescribed by Section 3616 of Subchapter IV. This fee shall not be refunded by the Board.

(c) A person who fails an examination may make application for re-examination if he again meets the requirements of Subsections (a) and (b) of this section.

(d) A speech pathologist or audiologist who holds the Certificate of Clinical Competence of the American Speech and Hearing Association or its equivalent or is licensed in another

state and who has made application to the Board for a license in this state may practice speech pathology or audiology without a valid license pending disposition of application.

§ 3614. Examination for license

(a) Each applicant shall be examined by the Committee, and shall pay to the Board, at least 30 days prior to the date of the examination, the examination fee prescribed in Section 3616 of Subchapter IV, which fee will not be refunded by the Board.

(b) The Board may examine by written or oral examination or both. Standards for acceptable performance shall be determined by the Board.

(c) Examinations shall be given at least twice a year at the time and place and under such supervision as the Board may determine. Notice of the exams shall be given at least 60 days prior to their administration.

(d) The Board shall waive the examination if the applicant has successfully passed the American Speech and Hearing Association national examination for certification.

(e) The Board may examine or direct the applicant to be examined for knowledge in whatever theoretical or applied field in speech pathology or audiology as it deems appropriate. It may examine the candidate with regard to his professional skills and his judgment in the utilization of speech pathology or audiology techniques and methods.

(f) The Board shall grade the written examination or direct it to be graded and keep the written examination papers for at least one year.

(g) The Board shall keep an accurate transcript of the oral examination and keep such transcripts as part of its permanent records.

§ 3615. Issuance of license

(a) The Board shall issue a license to all applicants who meet the requirements of this Act and who pay to the Board the License Application Fee provided in Section 3616 of Subchapter IV.

§ 3616. Fees

(a) The Board shall be empowered to set and collect reasonable fees to be deposited in the General Fund, not to exceed the amounts hereinafter tabulated:

License applications	\$25.00
Examinations	25.00
License renewals	10.00
Delinquency of payment	5.00
License replacement	5.00

(b) The application fee shall not be returnable under any circumstances. If an applicant fails to appear for a scheduled examination, the examination fee may be forfeited at the discretion of the Board.

§ 3617. Expirations and renewals of licenses

Each year, following the issuance of a license, the holder of such license shall be required to pay a license renewal fee on or before July 31. Failure to renew the license shall provide grounds for suspension of the license. The license may be reinstated at the discretion of the Board, after payment of the regular renewal fee plus a delinquent fee. However, a person who fails to renew his license within the five years after its expiration may not renew it, but may apply for and obtain a new license if he meets the requirements of this Chapter.

**SUBCHAPTER V—REFUSAL SUSPENSION AND
REVOCATION****§ 3618. Conditions for suspension and revocation**

(a) The Board may refuse to issue a license, or may suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct may include:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.

(2) Being guilty of unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board.

(3) Violating any lawful order, or regulation rendered or adopted by the Board.

(4) Violating any provisions of this Act.

(b) The Board shall deny an application for, or suspend or revoke, or impose probationary conditions upon, a license as ordered by the Board in any decision made after a hearing as provided in this Act. One year from the date of revocation of a license under this Subchapter application may be made to the Board for reinstatement. The Board shall have discretion to accept or reject an application for reinstatement and may require an examination for such reinstatement.

§ 3619. Hearings

(a) The Board, or any aggrieved person, may prefer charges of fraud, deceit, gross negligence, or misconduct against anyone licensed to practice speech pathology or audiology in this State. Such charges shall be in writing and shall be filed with the Secretary of the Board. The Board shall have the right to investigate complaints. Findings resulting from the Board's investigation may constitute sufficient reason to hold a hearing.

(b) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred, unless the Chairman of the Board grants an extension of one month for the date of such hearing.

(c) The time and place for such hearing shall be fixed by the Board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of the licensee at least 30 days before the date fixed for the hearing. At such hearing, the accused licensee shall have the right to appear personally and to be represented by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If, after such a hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke or suspend his license or take such other action as the Board deems appropriate.

§ 3620. Appeals

Any person who feels aggrieved by any action of the Board in denying, revoking, suspending, or failing to reissue his license may appeal therefrom to the Superior Court of the county in which such person resides or if he is a nonresident, the Superior Court of any county in the State. The decision of the Board shall be prima facie correct, and the burden of proof shall be on the applicant to show the Board acted contrary to law, fraudulently, arbitrarily, or capriciously. The appellant shall be heard on the records and proceedings of the Board, which shall be certified to the Court by the Board within 15 days after service on the Board of a notice of appeal.

§ 3621. Jurisdiction

The Courts of Common Pleas or the Magistrates Courts of the State of Delaware shall have jurisdiction over offenses committed under this Act.

§ 3622. Penalties

Whoever violates the provisions of this Act shall upon conviction thereof, be fined not more than \$500 and/or be imprisoned for not more than ninety (90) days.

§ 3623. Severability clause

It is declared to be the legislative intent that if any section, subchapter or sentence, clause or provision of this Act is held invalid, the remainder of this Act shall not be affected, and to this end the provisions of this Chapter are severable.

Approved July 12, 1973.

CHAPTER 207

FORMERLY: HOUSE BILL NO. 414
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 1, SUBCHAPTER II, TITLE
8 OF THE DELAWARE CODE RELATING TO THE
POWERS OF CORPORATIONS CONDUCTING A LAW
SCHOOL IN DELAWARE TO GRANT ACADEMIC LAW
DEGREES.**

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 Section 125, Chapter 1, Subchapter II, Title 8 of the Delaware Code, by adding a second paragraph to read as follows:

Notwithstanding the foregoing provisions, any corporation conducting a law school which has its principal place of operation in Delaware and which intends to meet the standards of approval of the American Bar Association may, after it has been in actual operation for not less than one year, file a statement to that effect with the Chief Justice of the Supreme Court, the Chancellor, the Presiding Judge of the Superior Court, the Attorney General, the State Superintendent of Public Instruction, the President of the Delaware State Bar Association, and the Chairman of the Delaware Board of Bar Examiners. Such statement of intent shall be accompanied by a detailed appendix setting forth the progress which said law school has made in the past towards meeting American Bar Association standards for approval, and listing any deficiencies in meeting said standards. If prior to filing said statement, or any subsequent statement, the said law school has been inspected by an American Bar Association examiner, a copy of the report of the examiner shall be annexed to such statement. A law school which seeks the benefit of this section shall thereafter file, once a year, a further statement describing the progress toward meeting standards for approval since the filing of the previous statement. A law school which

complies with these provisions by filing the aforesaid statement shall be deemed to have temporary approval from the State of Delaware and shall be entitled to amend its certificate of incorporation to authorize the granting of law degrees, unless a majority of the individuals or officials enumerated above shall, within 30 days from the filing of any such report, notify the Attorney General of their objections to granting or continuance of temporary approval. Such objections shall state specifically the grounds therefor, and shall also be served upon the corporation. Within 30 days thereafter, the Attorney General shall file a petition in the Court of Chancery to vacate or suspend such temporary approval, which petition shall include the objections and specifications filed with the Attorney General. If the Court finds any material fact in the aforesaid statements is intentionally false, or that the said law school is not attempting, in good faith, to meet the standards of the American Bar Association for approval, or is not making reasonable progress toward meeting the standards, the Court may vacate or suspend such approval until further progress towards meeting the standards is shown. Upon approval of said law school by the American Bar Association, said temporary approval shall become final.

Approved July 13, 1973.

CHAPTER 208

**FORMERLY: HOUSE SUBSTITUTE NO. 1
TO
HOUSE BILL NO. 416
AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 2, 3, 4 AND 5**

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE BY ADDING A CHAPTER 73 THERETO RELATING TO SECURITIES; PROHIBITING FRAUDULENT PRACTICES IN RELATION THERETO; REQUIRING REGISTRATION IN CONNECTION WITH THE OFFER, SALE AND TRADING OF CERTAIN SECURITIES OFFERED IN DELAWARE; REQUIRING REGISTRATION OF BROKER-DEALERS, INVESTMENT ADVISERS AND AGENTS; AND APPROPRIATING FUNDS TO THE ATTORNEY GENERAL; AND TO AMEND CHAPTER 61, TITLE 29, DELAWARE CODE.

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

Section 1. Title 6, Delaware Code, is hereby amended by adding a new Chapter thereto to be designated as Chapter 73 to read as follows:

CHAPTER 73. SECURITIES ACT**§ 7301. Short title**

This Chapter shall be known and may be cited as the "Delaware Securities Act."

§ 7302. Definitions

(1) When used in this Chapter, unless the context otherwise requires:

(a) "Attorney General" means the Attorney General of the State of Delaware or his duly appointed deputy.

(b) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of Securities. "Agent" does not include an individual who represents an issuer in effecting transactions in a security exempted by §7309 (a), (1), (2), (3), (10), or (11), effecting transactions exempted by §7309 (b), or effecting transactions with existing employees, partners, or directors of the issuer if no commission or remuneration is paid or given directly or indirectly for soliciting any person in this State, or individual who represents an issuer or a member of a bona fide agricultural cooperative whose securities are exempt from registration under §7309(a) (12). A partner, officer, or director of a broker-dealer or issuer, or a person occupying similar status or performing similar functions, is an agent only if he otherwise comes within this definition.

(c) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (1) an agent, (2) an issuer, (3) a bank, savings institution, or trust company, or (4) a person who has no place of business in this State if he effects transactions in this State exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, or (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, (5) an issuer or an individual who represents an issuer or a member of such issuer provided said issuer is exempt from registration under §7309 (a) (12).

(d) "Commissioner" means the Securities Commissioner, the principal executive officer of the Division of Securities designated in §7325 of this Chapter.

(e) "Fraud", "deceit", and "defraud" are not limited to common-law deceit.

(f) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in purchasing or

selling securities, or who, for compensation and as part of a regular business, issues or promulgates analysis or reports concerning securities. "Investment adviser" does not include:

- (1) a bank, savings institution, or trust company;
- (2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession;
- (3) a broker-dealer whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them;
- (4) A publisher or any bona fide newspaper, news magazine, or business or financial publication of general, regular and paid circulation;
- (5) a person whose advise, analyses, or reports relate only to securities exempted by §7309(a) (1);
- (6) a person who has no place of business in this State if his only clients in this State are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees; or
- (7) such other persons not within the intent of this paragraph as the Commissioner may by rule or order designate.
- (g) "Issuer" means any person who issues or proposes to issue any security.
- (h) "Non-issuer" means not directly or indirectly for the benefit of the issuer.
- (i) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.
- (j) "Promoter" includes:

(1) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes the initia-

tive in founding and organizing the business or enterprise of an issuer.

(2) Any person who, in connection with the founding or organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

(k) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) A purported gift of assessable stock is considered to involve an offer and sale.

(4) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(5) The terms defined in this subsection do not include any bona fide pledge or loan; any stock dividend whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; any act incident to a vote by stockholders or approval pursuant to §228 of Title 8 without a meeting, pursuant to the certificate of incorporation or the provisions of this title, on a merger, consolidation, reclassification of securities, dissolution, or sale of corporate assets in consideration of the issuance

of securities, dissolution, or sale of corporate assets in consideration of the issuances of securities of another corporation; or any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash.

(1) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" mean the Federal Statutes of those names as amended before or after the effective date of this Act.

(m) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; pre-organization certificate or subscription; transferable share; investment contract, including pyramid promotion which includes any plan or operation for the sale or distribution of property, services, or any other thing of value wherein a person for a consideration is offered an opportunity to obtain a benefit which is based in whole or in part on the inducement, by himself or by others, of additional persons to purchase the same or a similar opportunity; voting-trust certificate; certificate of deposit for a security; certificate of interest of participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or in payments out of production under such a title or lease; options on commodities; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate, for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

(n) "State" means any state, territory, or possession of the United States, the District of Columbia, and Puerto Rico.

(2) Principles of definition

(a) In this chapter when the word "means" is employed in defining a word or term, the definition is limited to the meaning given.

(b) In this chapter when the word "includes" is employed in defining a word or term, the definition is not limited to the meaning given, but in appropriate cases the word or term may be defined in any way not inconsistent with the definition given.

(c) If a word used in this chapter is not defined herein, it has its commonly accepted meaning, and may be defined as appropriate under §7325 (b).

§ 7303. Sales and purchases

It is unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly:

- (1) to employ any device, scheme, or artifice to defraud,
- (2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or
- (3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

§ 7304. Registration of securities required

It is unlawful for any person to offer or sell any security in this State unless 1) it is registered under this Act, or 2) the security or transaction is exempted under §7309.

§ 7305. Registration of securities by coordination

(a) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be registered by coordination.

(b) A registration statement under this section shall contain the following information and be accompanied by the following documents in addition to the information specified in §7307 (c) and the consent to service of process required by §7327, and a filing fee of \$100.

(1) three copies of the latest form of prospectus filed under the Securities Act of 1933;

(2) if the Commissioner by rule or otherwise requires, a copy of the articles of incorporation and bylaws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(3) if the Commissioner requests, any other information, or copies of other documents, filed under the Securities Act of 1933; and

(4) an undertaking to forward all future amendments to the federal prospectus, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, which ever first occurs.

(c) A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied:

(1) no stop order is in effect and no proceeding is pending under §7308;

(2) the registration statement has been on file with the commissioner for at least ten days; and

(3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions is then on file and the offering is made within those limitations. The registrant shall promptly notify the Commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices and other matters dependent upon the offering price. Upon failure to receive the

required notification post-effective amendment with the respect to the price amendment, the Commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this subsection, if he promptly notifies the registrant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements of this subsection as to notice and post-effective amendment, the stop order is void as of the time of its entry.

The Commissioner may by rule or otherwise waive either or both of the conditions specified in subsections (c) (2) and (c) (3) of this section. If the federal registration statement becomes effective before all the conditions in this subsection are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied.

(d) Any security for which the documents required by any regulation adopted by the Securities and Exchange Commission under sections 3(b) or 3(c) of the Securities Act of 1933 have been filed with said commission in connection with the same offering may be registered by coordination upon compliance with subsections (b) and (c) of this section in such manner as the Commissioner by rule or order may prescribe. For purposes of this subsection, the terms "federal registration statement" and "federal prospectus" shall include the documents (including the offering circular, if any) which may be filed with the Securities and Exchange Commission pursuant to any such regulation.

§ 7306. Registration of securities by qualification

(a) Any security may be registered by qualification.

(b) A registration statement under this section shall contain the following information and be accompanied by the following documents in addition to the information specified in §7307(b) and the consent to service of process required by §7327;

(1) the name of the issuer, its address, and form of organization; the State and date of its organization; the general character and location of its business; a description of its physical

properties and equipment; and a statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(2) with respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: his name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him as of a specified date within thirty days of the filing; the amount of the securities covered by the filing to which he has indicated his intention to subscribe; and a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past three years or proposed to be effected;

(3) with respect to persons covered by subsection (b) (2): the remuneration paid during the past twelve months and estimated to be paid during the next twelve months, directly or indirectly, by the issuer (together with all predecessors, parents, subsidiaries and affiliates) to all those persons in the aggregate;

(4) with respect to any person owning of record, or beneficially ten percent or more of the outstanding shares of any class or equity security of the issuer: the information specified in subsection (b) (2) other than his occupation;

(5) with respect to every promoter if the issuer was organized within the past three years: the information specified in subsection (b) (2), any amount paid to him within that period or intended to be paid to him, and the consideration for any such payment;

(6) with respect to any person on whose behalf any part of the offering is to be made in a non-issuer distribution or in a distribution in which only part of the securities are being distributed by the issuer: his name and address; the amount of securities of the issuer held by him as of the date of the filing; a description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past three years or proposed to be effected; and a statement of his reasons for making the offering;

(7) the capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding

or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities;

(8) the kind and amount of securities to be offered; the proposed offering price or the method by which it is to be computed; any variation therefrom at which any proportion of the offering is to be made to any person or class or persons other than the underwriters with a specification of any such person or class; the basis upon which the offering is to be made if otherwise than for cash; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, contracts, or anything else of value to accrue to the underwriters or finders in connection with the offering) or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts; the estimated amounts of other selling expenses, including legal, engineering, and accounting charges; the name and address of every underwriter and every recipient of a finder's fee; a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined, and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter;

(9) the estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stating the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of any persons who have received commissions in connection with the acquisition, and the amounts of any such commissions and any other expense in connection with the acquisition (including the cost of borrowing money to finance the acquisition);

(10) a description of any stock options or other security options outstanding or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in subsection (b) (2), (4), (5), (6), or (8) and by any person who holds or will hold ten percent or more in the aggregate of any such options;

(11) the dates of, parties to, and general effect concisely stated of, every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the past two years, together with a copy of every such contract; and a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities);

(12) three copies of the prospectus required by subsection (d) of this section, together with a copy of any other prospectus, pamphlet, circular, form letter, advertisement, or other sales literature intended as of the effective date to be used in connection with offering;

(13) a specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and bylaws, or their substantial equivalents, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered;

(14) a signed or conformed copy of an opinion of counsel as to the legality of the security being registered (with an English translation if it is in a foreign language), which shall state whether the security when sold will be legally issued, fully paid, and non-assessable, and if a debt security, a binding obligation of the issuer;

(15) the written consent of any accountant, engineer, appraiser, or other person whose profession gives authority to a statement made by him, if any such person is named as having prepared or certified the report or evaluation (other than a public and official document or statement) which is used in connection with the registration statement;

(16) a balance sheet of the issuer as of a date within the last quarter prior to the filing of the registration statement; a profit and loss statement and analysis of surplus for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and predecessor's existence of less than three years; and, if any part of the proceeds of the offering is to be applied to the purchase of any business, the same financial statements which would be required of that business for the registrant;

(17) such additional information as the Commissioner requires by rule, regulation, or order.

(c) A registration statement under this section becomes effective when the Commissioner so orders.

(d) As a condition of registration under this section, a prospectus containing any designated part of the information specified in subsection (b) shall be sent or given to each person to whom an offer is made before or concurrently with:

(1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any other writer or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution,

(2) the confirmation of any sale made by or for the account of any such person,

(3) payment pursuant to any such sale, or

(4) delivery of the security pursuant to any such sale, whichever first occurs; provided, however, that subsection (d) (1) may be satisfied by the use of a preliminary prospectus, so designated and bearing such legend as the Commissioner may prescribe, if a final prospectus is sent or given to each recipient of the preliminary prospectus before or concurrently with which ever event in subsection (d) (2), (3) and (4) first occurs.

(e) Every person filing a registration statement under this section shall pay a filing fee as provided by rule or regulation by the Commissioner but in no case shall the fee be less than \$100

or more than \$1,000. In addition, the Commissioner may by rule, regulation or order require such other reasonable fees as he deems necessary.

§ 7307. Provisions applicable to registration of securities generally

(a) A registration statement may be filed by the issuer, and the other person on whose behalf the offering is to be made, or a registered broker-dealer.

(b) Every registration statement shall specify the amount of securities to be offered in this State; the states in which a registration statement or similar document in connection with the offering has been or is to be filed; and any adverse order, judgement, or decree entered in connection with the offering by the regulatory authorities in each state or by any court or the Securities and Exchange Commission.

(c) The Commissioner may by rule or otherwise permit the omission of any item of information or document from any registration statement.

(d) Every registration statement is effective for any period during which the security is being offered or distributed in a nonexempted transaction by or for the account of the issuer or other person on whose behalf the offering is being made or by any underwriter or broker-dealer who is still offering part of an unsold allotment or subscription taken by him as a participant in the distribution, except during the time a stop order is in effect under §7308. The registration statement may be withdrawn only in the discretion of the Commissioner.

(e) So long as a registration statement is effective, the Commissioner may by rule or order require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.

(f) A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act

of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the Commissioner so orders. Every person filing such an amendment shall pay a filing fee, in accordance with §7306 (e), with respect to the additional securities proposed to be offered.

(g) The Commissioner may require by rule, regulation or order any issuer of securities registered under this chapter or those offered pursuant to §7309 to file periodic reports with the Commissioner, and to provide them to holders of those securities.

§ 7308. Stop orders

(a) The Commissioner may issue a stop order prohibiting the offering and sale of a security, or the Commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement, if he finds that the order is in the public interest and that:

(1) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, or any amendment under §7307(f) as of its effective date, or any report under §7307(e) is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) any provision of this Act or any rule, order, or condition lawfully imposed under this Act has been violated, in connection with the offering, by (i) the person filing the registration statement, (ii) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (iii) any underwriter;

(3) the security registered or sought to be registered is the subject of an administrative stop order or similar order or permit or temporary injunction of any court of competent jurisdiction entered under any federal or state act applicable to the offering; but the Commissioner may not institute the proceeding against an effective registration statement under this subsection

more than one year from the date of the order or injunction relied on, and he may not enter an order under this subsection on the basis of an order or injunction entered under any other state act unless that order or injunction is based on facts which would currently constitute a ground for stop order under this section;

(4) the issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(5) the offering has worked or tended to work a fraud upon purchasers or would so operate;

(6) the offering has been or would be made with unreasonable amounts of underwriters' and sellers, discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;

(7) the applicant or registrant has failed to pay the proper filing fee; but the Commissioner shall vacate any such order when the deficiency has been corrected;

(8) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by §7305 (b) (4);

(b) The Commissioner may not institute a stop-order proceeding against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective unless the proceeding is instituted within the next thirty (30) days.

(c) The Commissioner may by order summarily postpone or suspend the effectiveness of the registration statement pending final determination of any proceeding under this section. Upon the entry of the order, the Commissioner shall promptly notify each person specified in subsection (d) that it has been entered and of the reasons therefor and that within fifteen (15) days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Commissioner, the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to each person specified in subsection

(d), may modify or vacate the order or extend it until final determination.

(d) No stop order may be entered under any part of this section, except the first sentence of subsection (c), without appropriate prior notice to the applicant making the filing, the issuer, and the person on whose behalf the securities are to be or have been offered, opportunity for hearing, and written findings of fact and conclusions of law.

(e) The Commissioner may vacate or modify a stop-order if he finds that the conditions which prompted entry have changed or that it is otherwise in the public interest to do so.

§ 7309. Exemptions

(a) The following securities are exempted from §7304 and §7312:

(1) any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporation or other instrumentality of one or more of the foregoing, or any certificate of deposit for any of the foregoing;

(2) any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of any state;

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan association organized and supervised under the laws of any state and authorized to do business in this state;

(5) any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state and authorized to do business in this state;

(6) any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state;

(7) any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is subject to the jurisdiction of the Interstate Commerce Commission; a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; regulated in respect of its rates and charges by a governmental authority of the United States or any state; or regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Pacific Coast Stock Exchange, the Midwest Stock Exchange, or the Philadelphia-Baltimore-Washington Stock Exchange or any other Exchange which the Commissioner deems to have substantially the same standards for listing as required by the above mentioned Exchanges; any other security of the same issuer which is of senior or substantially equally rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce, local industrial development corporation, or trade or professional association;

(10) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of

days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) any investment contract issued after the effective date of this act in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if the Commissioner is notified in writing thirty (30) days before the inception of the plan, or, with respect to plans which are in effect on the effective date of this Act, within sixty days, thereafter (or within thirty days before they are reopened if they are closed on the effective date of this Act).

(12) any security issued by a bona fide agricultural cooperative operating in this state that is organized under Chapter 85 of Title 3 of this Code or as a foreign cooperative association organized under the law of another state that has been duly qualified to transact business in this State.

(b) The following transactions are exempted from §7304 and §7312;

(1) any isolated non-issuer transaction, whether effected through a broker-dealer or not;

(2) any non-issuer distribution of an outstanding security if a recognized securities manual contains the names of the issuers, officers and directors, a balance sheet of the issuer as of the date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or the security has fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security, and if the Commissioner has not by rule, regulation, or order removed such security from the operation of this exemption;

(3) any non-issuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the Commissioner may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(6) any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) any transaction pursuant to an offer directed by the offerer to not more than twenty-five persons [other than those designated in paragraph (8)] in this State during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this State, if the seller reasonably believes that all the buyers in this State, other than those designated in paragraph (8), are purchasing for investment; but the Commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of offerings permitted, or waive the condition relating to their investment intent;

(10) any offer or sale of a preorganization certificate or subscription if no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, the number of subscribers does not exceed ten, and no payment is made by any subscriber;

(11) any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of the convertible securities, non-transferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or the issuer first files a notice specifying the terms of the offer and the Commissioner does not by order disallow the exemption within the next five full business days;

(12) any offer (but not a sale) of a security for which a registration statement has been filed under this act if no stop-order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending, and if the offerer complies with §7306(d) ;

(13) any offer or sale of a security by or through a registered broker-dealer if such offer or sale is not directly or indirectly for the benefit of the issuer or a person who is known or should reasonably be known to such broker-dealer to be the record or beneficial owner of ten percent or more of the outstanding voting securities of the issuer; the security is not part of an unsold allotment or subscription taken by a participant in a distribution directly or indirectly for the benefit of the issuer or a person who is known or should reasonably be known by such broker-dealer to be the record or beneficial owner of ten percent or more of the outstanding voting securities of the issuer; and no administrative stop-order or similar order or permanent or temporary injunction of any court of competent jurisdiction is in effect under this subtitle or under any federal or state act against the offering or sale of the security or any security of the same class.

(c) The Commissioner may by order deny or revoke any exemption specified in subsection (a) (9) or (11) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the Commissioner may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order the Com-

missioner shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for a hearing. If no hearing is requested and none is ordered by the Commissioner, the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated §7304 or §7312 by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

(d) In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

§ 7310. Misleading filings

It is unlawful for any person to make or cause to be made, in any document filed with the Commissioner or in any proceeding under this act, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect.

§ 7311. Unlawful representations concerning registration or exemption

(a) Neither the fact that an application for registration under this chapter, or a registration statement under this act, has been filed nor the fact that a person or security is effectively registered constitutes a finding by the Commissioner that any document filed under this act is true, complete, and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the Commissioner has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction.

(b) It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with subsection (a).

§ 7312. Filing of sales and advertising literature

The Commissioner may by rule or order require the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, including clients or prospective clients of an investment adviser, unless the security or transaction is exempted by §7309.

For purposes of this chapter "sales literature" and "advertising communication" include any pamphlet, circular, form letter, advertisement, or printed advertising communication, films, film strips, television and radio presentations, tape and cassette recordings and any other public lecture addressed or intended for distribution to and/or delivered to prospective investors including clients or prospective clients of an agent or broker-dealer; provided, however, that "sales literature" and "advertising communication" shall not include:

(1) any prospectus used in conjunction with an offer and/or sale of securities;

(2) any individual letters sent to a prospective investor where the issuer has filed a registration statement with the Commissioner relating to the offer and/or sale of securities to which the letter relates; provided, however, that the letter must be accompanied by a copy of the prospectus;

(3) "tombstone advertisements";

(4) dividend notices, proxy statements and reports to shareholders, the content of which does not pertain to a current offering and/or sale of securities of the issuer;

(5) literature disseminated in connection with the distribution of securities of an investment company registered under Section 8 of the Investment Company Act of 1940;

(6) literature relating to any securities, offer and/or sale of securities, to which is applicable one or more of the exemptions from registration contained within §7309 of this chapter;

(7) written or printed material relating to an offer and/or sale of securities pursuant to: (i) a qualified employee stock, or stock option plans; or (ii) a merger, consolidation, exchange offer, reclassification of securities or sale of corporate assets in consideration of the issuance of securities of another issuer.

(8) written or printed material which is otherwise required to be filed under the registration provision of this chapter.

§ 7313. Registration of broker-dealers, investment advisers and agents required

(a) It is unlawful for any person to transact business in this State as a broker-dealer, investment adviser, or agent unless he is registered under this act.

(b) It is unlawful for any broker-dealer, investment adviser or issuer to employ an agent unless the agent is registered. When an agent terminates a connection with a broker-dealer, investment adviser or issuer, or terminates those activities which make him an agent, the agent as well as the broker-dealer, investment adviser or issuer shall promptly notify the Commissioner.

(c) Unless sooner terminated under other provisions of this chapter, all registrations of broker-dealers, investment advisers and agents shall expire on September 30 of each year; however, prior to September 30, 1973, no broker-dealer, investment adviser or agent will be required to register unless the Commissioner requires such registration by rule, regulation or order.

(d) Every registration of an agent expires when the agent terminates his connection with a broker-dealer or investment adviser registered under this chapter or with an issuer. When such a person who is currently registered as an agent under this chapter begins a connection with another broker-dealer, investment adviser or issuer, he shall file an application for initial registration as provided in §7314(a) and shall pay the filing fee prescribed by §7314(b). Unless the Commissioner takes action under §7316 hereof to deny or suspend such registration, the said agent registration shall become effective thirty days after receipt of the application by the Commissioner and shall continue in effect until it expires under the provisions of subsection (c) hereof, or under the provisions of this subsection, which ever would earlier occur. The Commissioner shall be empowered to

waive the thirty day period or any portion thereof at his discretion.

§ 7314. Registration procedure for broker-dealers, investment advisers and agents

(a) (1) A broker-dealer, investment adviser or agent may obtain an initial registration by filing with the Commissioner an application together with a consent to service of process pursuant to §7327. The application shall contain whatever information the Commissioner by rule or regulation requires concerning such matters as (i) the applicant's form and place of organization; (ii) the applicant's proposed method of doing business; (iii) the qualifications and business history of the applicant and, in the case of a broker-dealer or investment adviser, any partner, officer, director or any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; (iv) any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony and (v) the applicant's financial condition and history. The Commissioner at his discretion may publish an announcement of the applicants for registration in such newspapers as he determines. If no denial order is in effect and no proceeding is pending under §7316, registration becomes effective at noon of the thirtieth day after an application is filed. The Commissioner may by rule or order specify an earlier effective date and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment.

(2) A broker-dealer or investment adviser may obtain a renewal registration by filing with the Commissioner an application containing whatever information the Commissioner by rule requires to keep current the information contained in the application for initial registration. A broker-dealer, investment adviser or issuer may obtain a renewal registration for the agents associated with it by filing with the Commissioner an application containing the names of the agents associated with it and a certification that, to the best knowledge, information and belief of such broker-dealer, investment adviser or issuer, there has been no change in the information contained in such agents' applications for registration then currently in effect, or if there

has been any such change, specifying the same. Every application for renewal registration shall become effective on the date it is received by the Commissioner or upon the expiration of the previous registration which ever date is later.

(b) Every applicant for initial or renewal registration as a broker-dealer or investment adviser shall pay a filing fee of \$150. Every applicant for initial or renewal registration as an agent shall pay a filing fee of \$25 except that a partner, officer or director of a broker-dealer or investment adviser applying for initial or renewal registration as an agent or such broker-dealer or investment advisor shall pay a filing fee of \$20. The maximum initial or renewal registration filing fee payable with the application of any broker-dealer or investment advisor and its agents shall be \$750, regardless of the number of agents affiliated with such broker-dealer or investment adviser. In addition, each agent application received at a time other than the initial or renewal registration filed by a broker-dealer or investment adviser will require a filing fee of \$25.

(c) A registered broker-dealer or investment adviser may file an application or registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year. There shall be no filing fee.

(d) Any broker-dealer registered in this state shall have and maintain a net capital of not less than \$25,000, and no such broker-dealer (other than one who deals exclusively in securities exempt under §7309(a)(1) or §7309(a)(2) of this Chapter) shall permit his aggregate indebtedness to all persons to exceed two thousand percentum of his net capital. The terms "aggregate indebtedness" and "net capital" shall be defined by rule of the Commissioner.

(e) The Commissioner may by rule require registered broker-dealers, investment advisers and agents to post surety bonds in amounts up to \$25,000, conditioned that the registrant will comply with the provisions of this chapter and the rules, regulations, and orders issued pursuant thereto. Such bond may be so drawn to cover the original registration and any renewals thereof. Any appropriate deposit of cash or security shall be accepted in lieu of any such bond in the discretion of the Commissioner. Every bond shall provide that no suit may be maintained to enforce any liability thereon unless brought within two

years after the contract of sale or other act upon which such suit is based and shall also provide that the liability of the surety on each such bond to all persons aggrieved shall in no event exceed in the aggregate the penal sum thereof. Every such bond shall also contain a provision authorizing the surety thereon to cancel it upon thirty (30) days written notice to the registrant and to the Commissioner.

(f) The requirements of subsection (a) and (b) shall be satisfied:

(1) if the broker-dealer or investment adviser is a member or member firm of the New York Stock Exchange, by filing with the Commissioner copies of the required applications for membership, partners, officers, directors, agents and representatives, where applicable, required to be filed with the New York Stock Exchange;

(2) if the broker-dealer or investment adviser is a member of member firm of the American Stock Exchange, but not a member or member firm of the New York Stock Exchange, by filing with the Commissioner copies of the required applications for membership, partners, officers, directors, agents and representatives, where applicable, required to be filed with the American Stock Exchange;

(3) if the broker-dealer or investment adviser is a member or member firm of the National Association of Securities Dealers, but not a member firm of either the New York or American Stock Exchanges, by filing with the Commissioner copies of the required applications for membership, partners, officers, directors, agents and representatives, where applicable, required to be filed with the National Association of Securities Dealers;

(g) Broker-dealers or investment advisers filing as required under §7314(f) shall be registered, together with their agents, upon such filing being received by the Commissioner and upon the payment of a fee of \$2 per page of such filing, the total fee not to exceed \$10.

§ 7315. Post-registration provisions for broker-dealers, investment advisers, and agents

(a) Every registered broker-dealer or investment adviser shall make and keep such accounts, correspondence, memoranda,

papers, books, and other records as the Commissioner by rule prescribes. All records so required shall be preserved for three years unless the Commissioner by rule prescribes otherwise for particular types of records.

(b) Every registered broker-dealer or investment adviser shall file such financial reports as the Commissioner by rule prescribes.

(c) If the information contained in any document filed with the Commissioner is or becomes inaccurate or incomplete in any material respect, the registrant shall promptly file a correcting amendment unless notification of the correction has been given under §7313(b).

(d) All the records referred to in subsection (a) are subject at any time or from time to time to such reasonable periodic, special, or other examinations by the Commissioner or his representatives, within or without this state, as the Commissioner deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplication of examinations, the Commissioner, in so far as he deems it practicable in administering this section, may cooperate with the securities administrators of other states, the Security and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.

(e) Broker-dealers or investment advisers filing under §7314 (f) shall be deemed to have complied with subsections (a), (b) and (c) of this section if they have complied with similar requirements of the New York Stock Exchange, the American Stock Exchange or the National Association of Securities Dealers where applicable.

§ 7316. Denial, revocation, suspension, cancellation and withdrawal of registration of broker-dealers, investment advisers and agents

(a) The Commissioner may by order deny, suspend, or revoke any registration if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, direc-

tor, or any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser:

(1) has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) has willfully violated or willfully failed to comply with any provision of this chapter;

(3) has been convicted of a felony, infamous crime, or other crime involving moral turpitude;

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) is the subject of an order of the Commissioner denying, suspending, revoking registration as a broker-dealer, investment adviser or agent;

(6) is the subject of an order entered within the past five years by the securities administrator of any other state or by the Securities and Exchange Commission denying or revoking registration as a broker-dealer, investment adviser or agent, or the substantial equivalent of those terms as defined in this chapter or is suspended or expelled from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934 either by action of a national securities exchange or national securities association, the effect of which action has not been stayed by appeal or otherwise, or by order of Securities and Exchange Commission, or is the subject of a United States Post Office fraud order; but (i) the Commissioner may not institute a revocation or suspension proceeding under subsection (a) (6) more than one year from the date of the order or action relied on, and (ii) he may not enter an order under subsection (a) (6) on the basis of an order under another state act unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) has engaged in dishonest or unethical practices;

(8) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the Commissioner may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser; or

(9) is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in subsection (b);

(10) has failed reasonably to supervise his agents if he is a broker-dealer; or

(11) has failed to pay the proper filing fee; but the Commissioner may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected.

The Commissioner may not institute a suspension or revocation proceeding on the basis of fact or transaction known to him when registration became effective unless the proceeding is instituted within the next thirty days.

(b) The following provisions govern the application of §7316 (a) (9):

(1) The Commissioner may not enter an order against a broker-dealer or an investment adviser on the basis of the lack of qualification of any person other than the broker-dealer or investment adviser himself if he is an individual or an agent of the broker-dealer or investment adviser.

(2) The Commissioner may not enter an order solely on the basis of lack of experience if the applicant or registrant is qualified by training in or knowledge of securities, or both.

(3) The Commissioner shall consider that an agent who will work under the supervision of a registered broker-dealer or investment adviser need not have the same qualifications as a broker-dealer or investment adviser.

(4) The Commissioner may by rule provide for an examination, which may be written or oral or both, to be taken by any class of or all applicants.

(c) The Commissioner may by order summarily postpone or suspend registration pending final determination of any proceeding under this section. Upon the entry of an order, the Commissioner shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an agent, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for a hearing. If no hearing is requested and none is ordered by the Commissioner, the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination.

(d) If the Commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, investment adviser or agent, or is subject to an adjudication of mental incompetence or to the control of the committee, conservator, or guardian, or cannot be located after reasonable search, the Commissioner may by order cancel the registration or application.

(e) Withdrawal from registration as a broker-dealer, investment adviser or agent becomes effective thirty days after receipt of an application to withdraw or within such shorter period of time as the Commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or impose conditions upon the withdrawal is instituted within thirty days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the Commissioner by order determines. If no proceeding is pending or instituted a withdrawal automatically becomes effective, but the Commissioner may nevertheless institute a revocation or suspension proceeding under §7316(a) (2) within one year after withdrawal became effective and enter a revocation or suspension as of the last date on which registration was effective.

(f) No order may be entered under any part of this section except the first sentence of subsection (c), without appropriate prior notice to the applicant or registrant (as well as the em-

ployer or prospective employer if the applicant or registrant is an agent), opportunity for a hearing, and written findings of fact and conclusions of law.

(g) The Commissioner shall, upon notice and hearing as further defined by subsection (c) of this section, have the right to fine any broker-dealer, investment adviser or agent in an amount not to exceed \$1,000 for each and every violation of this act.

§ 7317. Advisory activities

(a) It is unlawful for an investment adviser as defined in this Chapter to employ any device, scheme or artifice to defraud another person, or to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon another person.

(b) It is unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract unless it provides in writing:

(1) that the investment adviser shall not be compensated on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

(2) that no assignment of a contract may be made by the investment adviser without the consent of the other party to the contract; and

(3) that the investment adviser, if a partnership, shall notify the other party to the contract of any change in the membership or the partnership within a reasonable time after the change.

Subsection (b) (1) does not prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates or taken as of a definite date. "Assignment", as used in subsection (b) (2), includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but if the investment advisor is a partnership, no assignment of an investment advisory contract is considered to result from the

death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after admission, will be only a minority of the members and will have only a minority interest in the business.

(c) It is unlawful for any investment adviser to take or have custody of any securities or funds of a client if:

(1) the Commissioner by rule prohibits custody; or

(2) in the absence of rule, the investment adviser fails to notify the Commissioner that he has or may have custody.

§ 7318. Trading markets

(a) It is unlawful for any broker-dealer, investment adviser or agent to effect transactions in, trade, or quote any securities unless such security is covered by regulations under the Securities and Exchange Act of 1934 or unless the filing provisions of this Chapter have been complied with in regard to such security.

(b) The Commissioner is empowered to suspend trading in any security for a period of ten days in the public interest.

§ 7319. Investigations and subpoenas

(a) The Commissioner in his discretion may make such public or private investigations within or outside of this State as he deems necessary to determine whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, may require or permit any person to file a statement in writing, under oath or otherwise as the Commissioner determines, as to all the facts and circumstances concerning the matter to be investigated, and may publish information concerning any violation of this chapter or any rule or order hereunder.

(b) For the purpose of any investigation or proceeding under this chapter, the Commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda,

agreements, or other documents or records which the Commissioner deems relevant or material to the inquiry.

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Court of Chancery, upon application by the Commissioner, may issue to the person an order requiring him to appear before the Court of Chancery or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(d) No person is excused from attending and testifying or from producing any document or record before the Commissioner, or in obedience to the subpoena of the Commissioner or any officer designated by him or in any proceeding instituted by the Commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

§ 7320. Injunctions

Whenever it appears to the Commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may in his discretion bring an action in the Court of Chancery to temporarily restrain or to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order hereunder. The Commissioner may also seek, and the Court of Chancery shall upon proper showing grant, such other ancillary relief as is in the public interest including the appointment of a receiver, temporary receiver, conservator, obtaining of an accounting, orders of rescission, orders of restitution, or other relief as may be appropriate in the public interest. The Court shall not require the Commissioner to post a bond.

§ 7321. Escrow of funds

Whenever the Commissioner shall deem it necessary in the public interest he may require that the proceeds of sale of the securities of an issuer be held intact until such proceeds aggregate a fixed amount and that such proceeds be held intact under an appropriate agreement of escrow with a bank or trust company approved by the Commissioner.

§ 7322. Criminal penalties

(a) Any person who willfully violates any provision of this chapter shall upon conviction be fined not more than \$10,000 or imprisoned not more than three years, or both; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation. The Superior Court shall have exclusive jurisdiction of any violations of this chapter.

(b) Nothing in this chapter limits the power of the state to punish any person for any conduct which otherwise constitutes a crime by statute.

§ 7323. Civil liabilities

(a) Any person who:

(1) offers or sells a security in violation of §7313 or §7304 or any order under §7308, or

(2) offers, sells or purchases a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statement made, in the light of the circumstances under which they are made, not misleading (the buyer or seller not knowing of the untruth or omission), and who does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the untruth or omission, is liable to the person buying or selling the security from or to him, who may sue either at law or in equity to recover the consideration paid for the security, together with the interest at the legal rate from the date of payment costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security.

(b) Every person who directly or indirectly controls a seller or buyer liable under subsection (a), every partner, officer, or director of such a seller or buyer, every person occupying a similar status or performing similar functions, every employee of such seller or buyer who materially aids in the sale, and every broker-dealer or agent who materially aides in the sale or purchase are also liable jointly and severally with and to the same extent as the seller or buyer, unless the non-seller or non-buyer who is so liable sustains the burden of proof that he did not know, and in exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(c) Any tender specified in this section may be made at any time before entry of judgment.

(d) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(e) No person may sue under this section more than two years after the contract of sale. No person may sue under this section if the buyer received a written offer, before suit and at a time when he owned the security, or if a seller received a written offer before suit, to refund the consideration paid together with interest at the legal rate from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or if the buyer received such an offer before suit and at a time when he did not own the security unless he rejected the offer in writing within thirty days of its receipt.

(f) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation may base any suit on the contract.

(g) Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(h) The rights and remedies provided by this chapter are in addition to any other rights or remedies that may exist at law or in equity.

§ 7324. Judicial review

(a) Any person aggrieved by a stop order, or an order under §7316 of this chapter of the Commissioner may obtain a review of the order in the Court of Chancery by filing in court, within sixty days after the entry of the order, a written complaint praying that the order be modified or set aside in whole or in part. A copy of the complaint shall be forthwith served upon the Commissioner and thereupon the Commissioner shall certify and file within twenty days in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. The findings of the Commissioner as to the facts, if supported by competent, material and substantial evidence, are conclusive. If within twenty days of the filing by the Commissioner, as provided above, either party applies to the court for leave to adduce additional material evidence, and shows to the satisfaction of the court that there were reasonable grounds for failure to adduce the evidence in the hearing before the Commissioner, the court may order the additional evidence to be taken before the Commissioner and to be adduced upon the hearing in such manner and upon such conditions as the court considers proper.

(b) The commencement of proceedings under subsection (a) does not, unless specifically ordered by the court, operate as a stay of the Commissioner's order.

§7325. Administration of act and rules and regulations

(a) This act shall be administered by the Attorney General who may designate a Deputy Attorney General to act as Securities Commissioner to be the principal executive officer of a Division of Securities of the Department of Justice to act for him administering this act. The Securities Commissioner shall have the qualifications of and his salary shall be fixed as that of a Deputy Attorney General.

(b) The Commissioner may from time to time make, amend and rescind rules, regulations, forms and orders to carry out and define the provisions of this act.

(c) The Commissioner shall publish such rules, regulations, forms and orders as such rules specify.

§ 7326. Administrative files

(a) A document is filed when it is received by the Commissioner.

(b) The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the Commissioner prescribes.

(c) It is unlawful for the Commissioner or any of his employees to use for personal benefit any information which is filed with or obtained by the Commissioner and which is not made public. No provision of this act authorizes the Commissioner or any of his employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this act except as provided in (b) above.

(d) No provision of this act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the Commissioner or any of his employees.

§ 7327. Service of process

Every applicant for registration under this act and every issuer which proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the Commissioner, in such form as he by rule prescribes, an irrevocable consent appointing the Commissioner or his successor in office to be his attorney to receive service of any lawful process in any non-criminal suit, action, or proceeding against him or his successor, executor or administrator which arises under this act or any rules or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration need not file another. Service may be made by leaving a copy of

the process in the office of the Commissioner, but it is not effective unless 1) the plaintiff, who may be the Commissioner, in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last address on file with the Commissioner, and 2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

When any person, including any non-resident of this state, engages in conduct prohibited or made actionable by this act or any rule or order hereunder, and he has not filed a consent to service of process under this section and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the Commissioner or his successor in office to be his attorney to receive process of any lawful process in any non-criminal suit, action or proceeding against him or his successor, executor or administrator which grows out of that conduct in which is brought under this act or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made in the same manner as stated above.

§ 7328. Liability of Attorney General

In no case shall the Attorney General or the Commissioner, or any person designated by them, in the administration of this chapter incur any official or personal liability by instituting an injunction or any judicial proceeding, or administrative order or proceeding.

§ 7329. Severability of provisions

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

Section 2. The sum of \$45,000 is hereby appropriated to the Office of the Attorney General for the fiscal year ending June 30, 1974, for the administration of this act.

Section 3. Amend §6102 of Title 29 of the Delaware Code, by adding a new subsection (f) to read as follows:

(f) All monies collected pursuant to Chapter 73 of Title 6 of the Delaware Code shall be part of the general fund. The Attorney General after June 30, 1974, shall specifically include in his annual operational budget the salaries, including, but not limited to, the salary of the Deputy Attorney General, appointed Securities Commissioner, and other expenses of administering the provisions of Chapter 73 of Title 6 of the Delaware Code.

Section 4. This act shall take effect on July 1, 1973.

Approved July 13, 1973.

CHAPTER 209

FORMERLY: HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 155
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

AN ACT TO AMEND PART II, TITLE 16 OF THE DELAWARE CODE RELATING TO REGULATION OF HEARING AID DEALERS.

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

Section 1. Amend Part II, Title 16 of the Delaware Code, by adding thereto a new Chapter, designated as Chapter 20, which shall read as follows:

CHAPTER 20. LICENSING OF HEARING AID DEALERS

§ 2001. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

(a) "Business Resident" mean a person who lives in the State or does business in the State with the intention of doing business regularly from a permanently established commercial location which may be within or without the State.

(b) "Certificate of license" includes a temporary permit;

(c) "Council" means the Advisory Council to the Division of Public Health on hearing aids;

(d) "Hearing Aid" means any instrument or device designed as aiding or compensating for defective human hearing and any parts, attachments or accessories of such an instrument or device, exclusive of batteries and cords;

(e) "Practice of Fitting Hearing Aids" and "Dealing in Hearing Aids" means:

1. the evaluation or measurement of the power or range of human hearing by means of an audiometer or any other means devised for the purpose of fitting hearing aids or for industrial screening purposes, but which testing shall in no way include medical or audiologic diagnosis.

2. the selection, adaption and distribution or sale of hearing aids;

3. the instruction and counseling pertaining thereto;

4. the use of an otoscope or ear-light to evaluate feasibility of and use in earmolds and earmold impressions;

(f) "Practitioner" means a person who practices the fitting of hearing aids;

(g) "Licensee" means a person who holds a license issued pursuant to this Chapter;

(h) "Unethical Conduct" means:

1. the obtaining of any fee or the making of any sale by fraud or misrepresentation;

2. employing directly or indirectly any suspended or unlicensed person to perform any work covered by this Act;

3. permitting another to use one's license or temporary permit;

4. using, or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful;

5. advertising a particular model, type or kind of hearing aid for sale on particular terms when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing that advertised model, type or kind of hearing aid, or from purchasing on the advertised terms where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind from that advertised, or on different terms from those advertised;

6. representing that a hearing aid is guaranteed without clearly disclosing the identity of the guarantor, the nature and extent of the guarantee and any conditions or limitations;

7. representing that the services or advice of a person licensed to practice medicine will be used or made available in the practice of fitting hearing aids when that is not true, or using the word "doctor", "clinic", "audiologist", "hearing aid audiologist" or other like words, abbreviations or symbols which tend to connote the medical or audiology profession when such is not accurate;

8. making any medical analysis, medical prediction or other medical statement about the cause or future course of a hearing impairment, or about the effect of a hearing aid on a hearing impairment, either in general terms or with reference to an individual person; except that the licensee shall be able to counsel and instruct the hearing aid user in the use of a hearing aid;

9. selling a hearing aid to a person who has not been given a test utilizing appropriate established procedure and instrumentation in the fitting of hearing aids, other than a sale made pursuant to the recommendation of a medical doctor or audiologist or the sale of a replacement hearing aid;

10. directly or indirectly paying or offering to pay any sum of money or any other thing of value to a person who advises others in a professional capacity as consideration for influencing the purchase of hearing aids or services from the practitioner;

11. directly or indirectly accepting or soliciting any sum of money or any other thing of value from any person who advises others in a professional capacity as consideration for the practitioner referring customers to such person;

12. fitting and selling a hearing aid to any individual whenever any of the following conditions are found to exist either from observation by the licensee or on the basis of information furnished by the prospective hearing aid user without first giving the individual a written statement that his best interest would be served if he would consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then with a duly licensed physician:

- (1) Visible congenital or traumatic deformity of the ear
- (2) History of or active drainage from the ear within the previous 90 days
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days
- (4) Acute or chronic dizziness
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days
- (6) Significant air-born gap when generally acceptable standards have been established by the Advisory Council.

The provisions of this subsection shall not apply if the fitting and sale of a replacement hearing aid which has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written statement required by this subsection shall be retained by the licensee. A person who, after receiving the written statement required by this subsection elects to purchase a hearing aid shall sign a receipt acknowledging receipt of such statement, and the receipt shall be kept with the other papers retained by the licensee. Nothing required by this subsection shall be construed to mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

13. Selling a hearing aid by an individual licensed under this chapter, to a person 17 years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by both a board-certified physician specializing in otolaryngology and by a certified audiologist. A replacement of an identical hearing aid within two years shall be an exception to this requirement.

§2002. Certificate of license required

(a) No person shall engage in the practice of fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who engages in the practice of fitting hearing aids unless he holds a current, unsuspended, unrevoked license issued by the Division of Public Health as provided in this Chapter, or unless he holds a current, unsuspended, unrevoked temporary permit issued pursuant to Section 2008 (b) of this

Act. The license or temporary permit required by this Section shall be kept conspicuously posted in his office or place of business at all times.

(b) Nothing in this Act prohibits a person from engaging in the practice of fitting hearing aids at retail without a license if all the practitioners employed by such person hold licenses; however, no such unlicensed person shall be permitted to fit hearing aids. Those persons shall file annually with the Division of Public Health a list of license holders which it employs directly or indirectly. Those persons shall also be subject to any rules and regulations issued by the Division of Public Health pursuant to this chapter.

§2003. Receipts

A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

- (a) The date of consummation of the sale
- (b) The address of the principal place of business of the licensee
- (c) Specifications as to the make, serial number, and model number of the hearing aid or aids sold
- (d) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact
- (e) The number of the licensee's license
- (f) The terms of any guarantee or express warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids
- (g) Such receipt shall bear, or have attached to it in no smaller type than the largest used in the body copy portion, the following: "The purchaser has been advised at the outset of his relationship with the hearing aid dealer that any examination or representation made by a licensed hearing aid dealer in connection with the practice of fitting this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this State and therefore must not be regarded as medical opinion or professional advice."

§2004. Persons and practices not affected

(a) This Chapter does not apply to a person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a government, charitable, public or private institution or by a non-profit organization which is primarily supported by voluntary contributions, so long as such persons or institutions do not engage in the sale of hearing aids.

(b) This Chapter shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice by the Division of Public Health from treating the ear or fitting hearing aids.

(c) This chapter shall not be construed to prevent any person who is an audiologist from testing hearing or fitting hearing aids as long as he is not engaged in the sale of hearing aids.

§2005. Qualifications for licensing fee

An applicant for license shall pay a fee of One Hundred Dollars (\$100.00) and present proof that:

1. he is a business resident of this State;
2. he has an education equivalent to a four-year course in a standard high school and has continuously and principally engaged in the practice of fitting hearing aids during at least two of three years immediately prior to his application; or currently holds a temporary permit as provided in Section 2009
3. he is free from contagious or infectious diseases
4. he is of good moral character
5. he is 18 years of age or older

§2006. Examination

(a) An applicant for license who fulfills the requirements of Section 2005 shall appear at a time and place set by the Advisory Council to be examined to determine whether he is qualified to engage in the practice of fitting hearing aids.

Act. The license or temporary permit required by this Section shall be kept conspicuously posted in his office or place of business at all times.

(b) Nothing in this Act prohibits a person from engaging in the practice of fitting hearing aids at retail without a license if all the practitioners employed by such person hold licenses; however, no such unlicensed person shall be permitted to fit hearing aids. Those persons shall file annually with the Division of Public Health a list of license holders which it employs directly or indirectly. Those persons shall also be subject to any rules and regulations issued by the Division of Public Health pursuant to this chapter.

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A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

- (a) The date of consummation of the sale
- (b) The address of the principal place of business of the licensee
- (c) Specifications as to the make, serial number, and model number of the hearing aid or aids sold
- (d) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact
- (e) The number of the licensee's license
- (f) The terms of any guarantee or express warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids
- (g) Such receipt shall bear, or have attached to it in no smaller type than the largest used in the body copy portion, the following: "The purchaser has been advised at the outset of his relationship with the hearing aid dealer that any examination or representation made by a licensed hearing aid dealer in connection with the practice of fitting this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this State and therefore must not be regarded as medical opinion or professional advice."

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(a) This Chapter does not apply to a person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a government, charitable, public or private institution or by a non-profit organization which is primarily supported by voluntary contributions, so long as such persons or institutions do not engage in the sale of hearing aids.

(b) This Chapter shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice by the Division of Public Health from treating the ear or fitting hearing aids.

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1. he is a business resident of this State;
2. he has an education equivalent to a four-year course in a standard high school and has continuously and principally engaged in the practice of fitting hearing aids during at least two of three years immediately prior to his application; or currently holds a temporary permit as provided in Section 2009
3. he is free from contagious or infectious diseases
4. he is of good moral character
5. he is 18 years of age or older

§2006. Examination

(a) An applicant for license who fulfills the requirements of Section 2005 shall appear at a time and place set by the Advisory Council to be examined to determine whether he is qualified to engage in the practice of fitting hearing aids.

(b) The Advisory Council shall hold or make available at least two examinations each year and additional examinations as necessary.

§ 2007. Scope of examination

The examination provided in Section 2006 shall consist of :

(a) testing pertaining to the fitting of hearing aids, including the basic physics of sound, the human hearing mechanism (including the science of hearing the causes and rehabilitation of abnormal hearing and hearing disorders) and the structure and function of hearing aids;

(b) tests of proficiency in the following techniques as they pertain to the fitting of hearing aids;

(1) pure tone audiometry, including air conduction testing and bone conduction testing;

(2) live voice or recorded speech audiometry including speech reception, threshold testing and speech discrimination testing;

(3) effective masking;

(4) recording and evaluation of audiogram and speech audiometry to determine hearing aid candidacy;

(5) selection and adaptation of hearing aids and testing of hearing aids;

(6) taking earmold impressions and the use of an otoscope or ear-light;

(7) evidence of knowledge regarding the medical and rehabilitation facilities for children and adults that are available in the area served which are concerned with hearing impairment.

§2008. Registration and issuance of license; fees

(a) Upon payment of the licensing fee, the Division of Public Health shall issue each applicant who satisfactorily passes the examination a certificate of license. The license shall be effective for one (1) year.

(b) Whenever the Advisory Council determines that another State or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this Chapter for the prac-

tice of fitting hearing aids, and that the other State or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this Chapter are qualified to conduct the practice of fitting of hearing aids, the Division of Public Health may issue a license to applicants therefor who hold current unsuspended and unrevoked certificates or licenses to conduct the practice of fitting hearing aids in the other State or jurisdiction. No applicant for a license pursuant to this Section shall be required to submit to or undergo any examination, investigation or other procedure, other than the payment of fees, pursuant to Sections 2005, 2006 and 2007 of this Act. An applicant for a license shall agree to submit to the personal jurisdiction of the court of this State upon issuance of the license.

(c) The Division of Public Health shall issue, for a period of six (6) months immediately following the effective date of this Act, a license to any applicant without examination provided applicant:

1. Is a business resident of this State
2. Has been continuously and principally engaged in the practice of fitting hearing aids in this state at least two of the three years immediately prior to his application.
3. Is free from contagious or infectious diseases
4. Is of good moral character
5. Is 18 years of age or older

§2009. Temporary permit

(a) A person who has not previously applied to take the examination provided in Section 2006 may file an application with the Division of Public Health for a temporary permit if he:

1. Has an education equivalent to a four year course in a standard high school
2. Is free from contagious or infectious diseases
3. Is of good moral character
4. Is 18 years of age or older

(b) Upon receiving an application as provided under this Section and accompanied by a fee of Fifty Dollars (\$50.00), the Division of Public Health shall issue a temporary permit which shall entitle the applicant to engage in the fitting and sale of hearing aids for a period of one year.

(c) No temporary permit shall be issued unless a person holding a valid hearing aid dealer's license consents, on a form provided by the Division of Public Health, to be responsible for the supervision and training of the applicant and maintain adequate personal contact with the applicant.

(d) A person who holds a temporary permit under this Section must successfully pass the licensing examination within one year from date of issuance; a temporary permit may not be renewed.

(e) The Division of Public Health shall issue a temporary permit, for use without supervision of a licensed hearing aid dealer, to an applicant entering into a hearing aid dealership as sole owner, principal of a firm or as a member-manager of a corporation if he fulfills the requirements regarding age, character, education and health as set forth in Sections 2005 and 2006, and has been principally engaged in the practice of fitting and dealing in hearing aids for a period of at least one year within a period of three years immediately prior to his application.

§2010. Renewal

A person who conducts the practice of fitting hearing aids shall annually pay to the Division of Public Health a fee of Fifty Dollars (\$50.00) for a renewal of his license. A thirty-day grace period shall be allowed after expiration of a license during which a license may be renewed on payment of an additional fee of Twenty-Five Dollars (\$25.00) to the Division of Public Health.

§2011. Grounds for suspension or revocation of license or temporary permit

Upon the recommendation of the Advisory Council, any person licensed under this Chapter may have his license revoked or suspended for a fixed period by the Division of Public Health for any of the following causes:

1. Conviction for an offense involving unethical conduct or otherwise directly indicating unfair or unjust treatment to customers. The record of conviction or a copy certified by the Clerk or the Judge of the Court where conviction occurred shall constitute conclusive evidence of conviction.

2. Obtaining a license or temporary permit by fraud or deceit practiced upon the Division of Public Health.

3. Unethical conduct or gross incompetence in the fitting of hearing aids.

4. Practicing the fitting of hearing aids while knowingly suffering from a contagious or infectious disease.

5. False advertising of professional methods or professional superiority.

6. Practicing the fitting of hearing aids under a false name or alias with fraudulent intent.

7. Any other violation of the provisions of this Chapter or the rules and regulations issued pursuant hereto by the Division of Public Health to Advisory Council.

§2012. Prohibited acts and practices

No person shall:

(a) sell, barter or offer to sell or barter a license or temporary permit;

(b) purchase or procure by barter a license or temporary permit with intent to use it as evidence of the holder's qualification to practice the fitting of hearing aids;

(c) alter materially a license or temporary permit with fraudulent intent;

(d) use or attempt to use as valid a license or temporary permit which is known to be purchased, fraudulently obtained, counterfeited or materially altered;

(e) knowingly make a false material statement in the application for renewal of license or temporary permit.

§2013. Powers and duties of the Division of Public Health

The Division of Public Health shall:

(a) authorize all disbursements necessary to carry out the provisions of this Chapter;

(b) register persons who are qualified to engage in the practice of fitting hearing aids upon approval of the Advisory Council;

(c) issue licenses and temporary permits;

(d) revoke or suspend licenses or temporary permits under Section 2011 and institute proceedings under Section 2017, but only upon recommendation of the Advisory Council;

(e) keep a register which includes the names and places of business of persons licensed and issued temporary permits under this Chapter;

(f) purchase and maintain or rent audiometric equipment and facilities necessary for the examination of applicants for registration.

§2014. Advisory Council on Hearing Aids

(a) There is established an Advisory Council on hearing aids in the Division of Public Health.

(b) The Council shall consist of five (5) members appointed by the Governor for a term of three years. Three members shall be licensed hearing aid practitioners, one member shall be a person licensed to practice medicine in the State who holds a certificate of qualification from the American Board of Otolaryngology, or certified by the American Osteopathic Board of Otolaryngology, one member shall have at least four years of paid work experience in audiology. Initial appointments shall be: one member for a term of one year, two members for a term of two years, two members for a term of three years. Terms shall expire on the appropriate date of each year. Vacancies shall be filed for the remainder of any unexpired term in the same manner as the original appointment. No member of the Council shall be an elected or appointed official of the State Government.

(c) A Chairman shall be elected from the membership of the Council to serve for a term of one year.

(d) The Council shall meet at least once a year and the Chairman may call additional meetings as necessary.

(e) Members of the Council shall be compensated for actual and necessary expenses incurred in the performance of their duties as members of the Council.

(f) Council shall have the power to employ at a reasonable rate, a person, qualified and competent to inspect and check calibration of audiologic testing equipment and facilities of persons who practice the fitting of hearing aids.

(g) Council shall have the power to perform the duties as provided in Section 2015.

(h) The Council shall not consist of more than a bare majority representation of one major political party over the other major political party.

(i) All expenses incurred by the Council in the administration of this Act shall be paid on prescribed reimbursement vouchers when approved by the Council; however, such expenses shall not exceed the appropriations authorized by the General Assembly.

§2015. Duties of the Council

The Council shall:

(a) Prepare examinations for applicants and establish standards for inspection of equipment and facilities of practitioners; provided, however, the examination for applicants shall not be prepared in such a manner that college training is required in order to pass the examination. Nothing in the examination shall imply that the applicant shall possess the degree of medical competence normally expected of a physician;

(b) evaluate applications, administer examinations and conduct investigations of equipment and facilities of practitioners, and make recommendations to the Division of Public Health with respect to those matters;

(c) develop and promote a standardized educational procedure for all who wish to become licensed practitioners;

(d) investigate alleged irregularities in practice of fitting hearing aids, including alleged violations of this Chapter, and make recommendations to the Division of Public Health with respect to them;

(e) keep a record of all proceedings under this Chapter;

(f) report annually to the Division of Public Health on all its official acts during the preceding year;

(g) determine as needed if other states have equal or higher qualifications for licensing with reference to Section 2008 (b).

§2016. Disposition of receipts

All moneys received from receipts of fees charged for applications and renewals shall be forwarded to the State Treasurer to be deposited in the General Fund.

§2017. Penalties and remedies

(a) Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor and fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than ninety (90) days, or both.

(b) The Division of Public Health may enforce any provision of this Chapter by injunction or by any other appropriate proceeding. No proceeding shall be barred by any proceeding had or pending pursuant to subsection (a) of this Section or by the imposition of any fine or term of imprisonment pursuant thereto.

§2018. Complaints

Any person wishing to make a complaint against a licensee under this Chapter shall reduce the same to writing and file this complaint to the Council within one year from the date of the action upon which the complaint is based. If the Council determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this Chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint.

The order and copy of the complaint shall be served upon the licensee at least twenty (20) days before the date set for hearing, either personally or by registered mail sent to licensee's last known address. Continuances or adjournment of hearing date shall be made if for good cause. At the hearing the licensee complained against may be represented by counsel. The licensee complained against and the Council shall have the right to take depositions in advance of hearing and after service of the complaint and either may compel the attendance of witnesses by subpoenas issued by the Council under its seal. Either party taking depositions shall give at least five (5) days' written notice to the other party of the time and place of such depositions, and the other party shall have the right to attend (with counsel if desired) and cross-examine. Appeals from suspension or revocation shall be made to the Superior Court having jurisdiction where the alleged offense took place.

§2019. Jurisdiction

The Superior Court of the State of Delaware shall have exclusive original jurisdiction of any violation of this Chapter punishable under the provisions of Section 2017 (a).

§2020. Home Solicitation Sales Act applicable

The provisions of Chapter 44, Title 6, Delaware Code, the Home Solicitation Sales Act, shall be applicable to the sale of hearing aids in the State of Delaware to the extent that such sales otherwise fit within the purview of that act.

Approved July 14, 1973.

CHAPTER 210

FORMERLY SENATE BILL NO. 211

AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE, RELATING TO THE PROTECTION OF WILD-LIFE.

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

Section 1. Amend Section 108 of Chapter 1, Title 7, Delaware Code, by adding thereto a new subsection (f) to read as follows:

(f) (1) No person shall hunt, chase or pursue with the intent to kill, trap, take or have in possession any deer (living or dead), except those deer taken during the open season and during lawful hours in each county.

(2) All evidence including weapons, ammunition, lights, communication systems and/or instrumentalities not including motor vehicles used in violation of this subsection may be seized and retained as evidence.

(3) Whoever is convicted of a violation of this subsection shall be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, or imprisoned for not more than sixty (60) days or both. Whoever is found guilty of any subsequent offense occurring within two years of such previous offense shall be fined not less than five hundred (\$500.00) dollars, nor more than one thousand (\$1,000.00) dollars or imprisoned for not less than six (6) months or both. Anyone found guilty of this offense shall be required to turn in any valid hunting license and shall be denied the privilege of hunting in the State for a period of five (5) years, commencing with the date of conviction. Justices of the Peace shall have jurisdiction of offenses hereunder.

(4) Title to any weapons, lights, communication systems and/or instrumentalities, not including motor vehicles, seized from anyone apprehended for violation of any subsequent offense

as described in paragraph (3) of this subsection (f), upon conviction of the said violation and upon petition by the Department and by order of the Court, shall vest in the State of Delaware. Said weapons, lights, communication systems and/or instrumentalities, not including motor vehicles shall be disposed of by public auction. Costs of the auction will be taken from proceeds of the auction; and balance shall revert to the General Fund of the State of Delaware.

Section 2. Amend Section 108 (e) of Title 7, Delaware Code, by striking the words "out of season" as they appear in the second sentence thereof and substitute in lieu thereof the words "in season".

Section 3. If any subsection, sentence, phrase or word of this Section shall be declared unconstitutional under the constitution of the State of Delaware, or of the United States or by a State or Federal Court of competent jurisdiction, the remainder of this Section shall be unimpaired and shall continue in full force and effect, and proceedings thereunder shall not be affected.

July 17, 1973.

CHAPTER 211

FORMERLY: SENATE BILL NO. 65

AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO PENSION BENEFITS FOR EMPLOYEES OF THE CONCESSION STANDS OPERATED BY THE BUREAU FOR THE VISUALLY IMPAIRED.

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

Section 1. Amend Title 29, Delaware Code, by adding at the end of §5501 a new subsection to be designated as subsection (f) to read as follows:

Any other provisions of this Chapter notwithstanding, the blind and sighted employees of the concession stands which are operated by and under the control of the Bureau for the Visually Impaired, if otherwise qualified under this Chapter and regardless of the source from which their respective salaries were heretofore paid, shall be considered in covered employment under this chapter and the time from which their period of service shall be deemed to have commenced shall be the time they began their respective service starting in 1948.

Approved July 17, 1973.

CHAPTER 212

FORMERLY: SENATE SUBSTITUTE NO. 1
TO
SENATE BILL NO. 218
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLES 7 AND 29, DELAWARE CODE, TO ESTABLISH A SYSTEM OF PERMITS FOR ANY ACTIVITY POTENTIALLY RESULTING IN ENVIRONMENTAL DEGRADATION, TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO GRANT OR DENY A PERMIT FOR ANY SUCH ACTIVITY, TO CLARIFY AND STRENGTHEN THE ENFORCEMENT POWERS OF THE DIVISION OF ENVIRONMENTAL CONTROL, TO INCREASE THE PENALTIES FOR VIOLATION OF DULY ADOPTED ENVIRONMENTAL LAW, TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO OBTAIN INJUNCTIVE RELIEF, TO GRANT LICENSING POWER, AND TO ESTABLISH AN ENVIRONMENTAL APPEALS BOARD.

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

Section 1, Title 7, Delaware Code, is amended by renumbering Chapter 64 as Chapter 61, and striking Chapters 60, 61, 62, and 63 thereof, and, inserting in lieu thereof a new Chapter 60 to read as follows:

CHAPTER 60

DIVISION OF ENVIRONMENTAL CONTROL
SUBCHAPTER I
GENERAL PROVISIONS

§6001. Findings, policy and purpose

(a) *Findings.* The General Assembly hereby makes the following findings concerning the development, utilization, and

control of the land, water, underwater and air resources of the State:

(1) The development, utilization, and control of the land, water, underwater and air resources of the State are vital to the people in order to assure adequate supplies for domestic, industrial, power, agricultural, recreational and other beneficial uses.

(2) The development and utilization of the land, water, underwater and air resources must be regulated to ensure that the land, water, underwater and air resources of the State are employed for beneficial uses and not wasted.

(3) The regulation of the development and utilization of the land, water, underwater and air resources of the State is essential to protect beneficial uses and to assure adequate resources for the future.

(4) The land, water, underwater and air resources of the State must be protected and conserved to assure continued availability for public recreational purposes and for the conservation of wildlife and aquatic life.

(5) The land, water, underwater and air resources of the State must be protected from pollution in the interest of the health and safety of the public.

(6) The land, water, underwater and air resources of the State can best be utilized, conserved, and protected if utilization thereof is restricted to beneficial uses and controlled by a State agency responsible for proper development and utilization of the land, water, underwater and air resources of the State.

(7) Planning for the development and utilization of the land, water, underwater, and air resources is essential in view of population growth and the expanding economic activity within the State.

(b) *Policy.* In view of the rapid growth of population, agriculture, industry, and other economic activities, the land, water and air resources of the State must be protected, conserved, and controlled to assure their reasonable and beneficial use in the interest of the people of the State. Therefore, it is the policy of this State that:

(1) The development, utilization, and control of all the land, water, underwater and air resources shall be directed to make the maximum contribution to the public benefit, and

(2) The State, in the exercise of its sovereign power, acting through the Department should control the development and use of the land, water, underwater and air resources of the State so as to effectuate full utilization, conservation, and protection of the water and air resources of the State.

(c) *Purpose.* It is the purpose of this Chapter to effectuate State policy by providing for:

(1) A program for the management of the land, water, underwater and air resources of the State so directed as to make the maximum contribution to the interests of the people of this State;

(2) A program for the control of pollution of the land, water, underwater and air resources of the State to protect the public health, safety and welfare;

(3) A program for the protection and conservation of the land, water, underwater and air resources of the State, for public recreational purposes, and for the conservation of wildlife and aquatic life;

(4) A program for conducting and fostering research and development in order to encourage maximum utilization of the land, water, underwater and air resources of the State;

(5) A program for cooperating with federal, interstate, state, local governmental agencies and utilities in the development and utilization of land, water, underwater and air resources.

(6) A program for improved solid waste storage, collection, transportation, processing and disposal by providing that such activities may henceforth be conducted only in an environmentally acceptable manner pursuant to a permit obtained from the Department.

§6002. Definitions

The following words and phrases shall have the meaning ascribed to them in this Chapter unless the context clearly indicates otherwise:

"Activity" means construction, or operation, or use of any facility, property, or device.

"Air Contaminant" means particulate matter, dust, fumes, gas, mist, smoke, or vapor or any combination thereof, exclusive of uncombined water.

"Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interferes with the enjoyment of life and property within the jurisdiction of this State, excluding all aspects of employer-employee relationships as to health and safety hazards.

"Board" means the Environmental Appeals Board.

"Department" means the Department of Natural Resources and Environmental Control.

"Garbage" shall mean any putrescible solid and semi-solid animal and/or vegetable wastes resulting from the production, handling, preparation, cooking, serving or consumption of food or food materials.

"Ground Water" means any water naturally found under the surface of the earth.

"Hazardous Waste" means any element or compound which when discharged in any quantity on land or into air or into or upon waters and including ground water, presents an imminent and substantial danger to public health or welfare, aquatic organisms, including but not limited to, fish, shellfish, terrestrial life, shorelines, and beaches.

"Industrial Waste" means any water-borne liquid, gaseous, solid, or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business, or from the development of any agricultural or natural resource.

"Liquid Waste" means any industrial waste or sewage or other wastes or any combination thereof which may potentially alter the chemical, physical, biological integrity of water from its natural state.

"Liquid Waste Hauler" means any person who engages in the removal of liquid wastes from septic tanks, cesspools, seepage pits, holding tanks or other such devices and conveys such liquid waste to a location removed from the point of acceptance.

"Liquid Waste Treatment Plant Operator" means any person who has direct responsibility for the operation of a liquid waste treatment plant.

"Oil" means oil of any kind and in any form, including but not limited to, petroleum products, sludge, oil refuse, oil mixed with other wastes and all other liquid hydrocarbons regardless of specific gravity.

"Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime cinders, ashes, offal, oil, tar, dye-stuffs, acids, chemicals, and all discarded substances other than sewage or industrial wastes.

"Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, commission, political subdivision or duly established legal entity.

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

"Refuse" means any putrescible or non-putrescible solid waste, except human excreta, but including garbage, rubbish, ashes, street cleanings, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction wastes resulting from the operation of a contractor.

"Rubbish" means any non-putrescible solid waste, excluding ashes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery, and other waste materials.

"Secretary" means the Secretary of the Department of Natural Resources and Environmental Control or his duly authorized designee.

"Sewage" means water-carried human or animal wastes from septic tanks, water closets, residences, building, industrial establishments, or other places, together with such ground water infiltration, subsurface water, admixtures of industrial wastes or other wastes as may be present.

"Solid Waste" means any garbage, refuse or rubbish or any combination thereof with insufficient liquid content to be free flowing.

"Surface Water" means water occurring generally on the surface of the earth.

"Variance" means a permitted deviation from an established rule or regulation, or plan, or standard or procedure.

"Water Facility" means any reservoir, dam, waterway obstruction or well, or appurtenances needed for withdrawal, treatment, storage and supply of water.

"Water Pollution" means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

"Water Well Contractor" means any person engaged in the business of contracting for the construction of water wells and/or installation of pumping equipment in or for wells.

SUBCHAPTER II

POWERS AND DUTIES OF THE SECRETARY AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

§6003. Permit requirements

(a) No person shall, without first having obtained a permit from the Secretary, undertake any activity:

(i) in a way which may cause or contribute to the discharge of an air contaminant; or

(ii) in a way which may cause or contribute to discharge of a pollutant into any surface or ground water; or

(iii) in a way which may cause or contribute to withdrawal of ground water or surface water or both; or

(iv) in a way which may cause or contribute to the collection, transportation, storage, processing or disposal of solid wastes; or

(v) to construct, maintain or operate a pipeline system including any appurtenances such as a storage tank or pump station; or

(vi) to construct any water facility; or

(vii) to plan or construct any highway corridor which may cause or contribute to the discharge of an air contaminant or discharge of pollutants into any surface or ground water.

(b) No person shall, without first having obtained a permit from the Secretary, construct, install, replace, modify or use any equipment or device or other article.

(i) which may cause or contribute to the discharge of an air contaminant; or

(ii) which may cause or contribute to the discharge of a pollutant into any surface or ground water; or

(iii) which is intended to prevent or control the emission of air contaminants into the atmosphere or pollutants into surface or ground waters; or

(iv) which is intended to withdraw ground water or surface water for treatment and supply; or

(v) for disposal of solid waste.

(c) The Secretary shall grant or deny a permit required by subsections (a) or (b) of this section in accordance with duly promulgated regulations and no permit may be granted unless the county or municipality having jurisdiction has first approved the activity by zoning procedures provided by law.

(d) A county which requests authority to administer a system for granting or denying a septic tank permit, and which satisfies the Secretary that it has the capability, including but

not limited to regulations and enforcement authority, may be authorized by the Secretary, for a term stated, to administer such a system for him within that county. In the event of such authorization, an applicant for a septic tank permit in that county shall not be bound by subsections (a) and (b) of this section.

(e) The Secretary may, after public hearings, publish a list of activities which do not require a permit.

§6004. Permit applications

(a) Any person desiring to obtain a permit required by §6003 of this Chapter or a variance shall submit an application therefor in such form and accompanied by such plans, specifications, and other information as required by applicable statute or regulation.

(b) Upon receipt of an application in proper form (except an application concerning (i) a source of water or a sewerage system for three or fewer families or (ii) open burning, on which the Secretary may act without public notification), the Secretary shall advertise in a newspaper of general circulation in the county in which the activity is proposed and in a daily newspaper of general circulation throughout the State (i) the fact that the application has been received, (ii) a brief description of the nature of the application, and (iii) the place at which a copy of the application may be inspected. The Secretary may not hold a public hearing on the application unless he receives, within a reasonable time stated in the advertisement, a public hearing request which he deems meritorious. Such notice shall also be sent by mail to any person who has requested such notification from the Department by providing the name and mailing address. The reasonable time stated shall be fifteen (15) days, unless federal law requires a longer time, in which case the longer time shall be stated. A public hearing request shall be deemed meritorious if it exhibits a familiarity with the application and a reasoned statement of the permit's probable impact.

§6005. Violations, enforcement, and civil penalties

(a) The Secretary shall enforce the provisions of this Chapter.

(b) Whoever violates any provision of this Chapter or any rule or regulation duly promulgated thereunder, or any condition of a permit issued pursuant to §6003, or any order of the Secretary, shall be punishable as follows:

(i) If the violation has been completed, by a civil penalty of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) for each completed violation. The Superior Court shall have jurisdiction of the violation. If the violation has been completed and there is a substantial likelihood that it will reoccur, the Secretary may also seek a permanent or preliminary injunction or temporary restraining order in the Court of Chancery.

(ii) If the violation is continuing, the Secretary may seek a monetary penalty as provided in subsection (i) hereof. If the violation is continuing or is threatening to begin, the Secretary may also seek a temporary restraining order or permanent injunction in the Court of Chancery. In his discretion, the Secretary may endeavor by conciliation to obtain compliance with all requirements of this Chapter. Conciliation shall be giving written notice to the responsible party (A) specifying the complaint, (B) proposing a reasonable time for its correction, (C) advising that a hearing on the complaint may be had if requested by a date stated in the notice, and (D) notifying that a proposed correction date will be ordered unless a hearing is requested. If no hearing is requested on or before the date stated in the notice, the Secretary may order that the correction be fully implemented by the proposed date or may, on his own initiative, convene a hearing, in which the Secretary shall publicly hear and consider any relevant submission from the responsible party as provided in §6006.

§6006. Public hearings

Any public hearing held by the Secretary or the Board concerning any regulation, permit application, alleged violation, or variance request shall be conducted as follows:

(a) For any hearing on an application or an alleged violation or variance request, notification shall be served upon the applicant or alleged violator as summonses are served or by registered or certified mail not less than twenty (20) days before the time of said hearing. Not less than twenty (20) days notice

shall also be published in a newspaper of general circulation in the county in which the activity is proposed or the alleged violation has occurred and in a daily newspaper of general circulation throughout the State.

(b) For a hearing on a regulation or plan proposed for adoption, notification shall be published in a newspaper of general circulation in each county and in a newspaper of general circulation in the State. Such notification shall include (i) a brief description of the regulation or plan, (ii) time and place of hearing and (iii) time and place where copies of the proposed regulation may be obtained and a copy of the plan is available for public scrutiny. Such notice shall also be sent to any persons who have requested such notification from the Department by providing the name and mailing address.

(c) The permit applicant or the alleged violator may appear personally or by counsel at the hearing and produce any competent evidence in his behalf. The Secretary or the Board or its duly authorized designee may administer oaths, examine witnesses, and issue, in the name of the Department, or the Board, notices of hearings or subpoenae requiring the testimony of witnesses and production of books, records or other documents relevant to any matter involved in such hearing; and subpoenae shall also be issued at the request of the applicant or alleged violator. 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, or the Chairman of the Board, to issue an order requiring such person to appear and testify or produce evidence as the case may require.

(d) A verbatim transcript of testimony at the hearing shall be prepared and shall, along with the exhibits and other documents introduced by the Secretary or other party, constitute the record. The Secretary or the Board or its duly authorized designee shall make findings of fact based on the record. The Secretary or the Board shall then enter an order that will best further the purpose of this Chapter, and the order shall include reasons. The Secretary shall promptly give written notice to the persons affected by such order.

(e) Fees: The Secretary may establish a fee schedule for applications and hearings, and may collect from the applicant

or from a violator finally adjudged guilty, the necessary expenses of the Department for conducting the hearing, or a reasonable fee for processing an application, or both.

§6007. Environmental Appeals Board created; composition; quorum

(a) There is hereby created an Environmental Appeals Board which shall consist of seven (7) Delaware residents, appointed by the Governor with the advice and consent of the Senate. The Chairman shall be appointed by the Governor and serve at his pleasure. Each county shall be represented by two (2) members. Registered members of either major political party shall not exceed the other major political party by more than one. The terms of the original members shall be as follows; two (2) members shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. When the term of each original member expires, the term of each member appointed thereafter shall be three (3) year terms.

(b) Vacancies in Board membership shall be filled by the Governor for the remainder of the unexpired term.

(c) A simple majority of the Board shall constitute a quorum. A simple majority of the Board shall be required for overriding the decision of the Secretary. If the Board fails to act on any appeal within ninety (90) days following the receipt of the appeal, the decision of the Secretary shall be considered as affirmed by the Board.

(d) Any member of the Board with a personal or private interest in a matter in question shall disqualify himself from any consideration of that matter.

(e) Each Board member shall be compensated for such reasonable expenses as travel and meals for each meeting and hearing attended.

§6008. Appeal

(a) Any person whose interest is substantially affected by any action of the Secretary may appeal to the Environmental Appeals Board within twenty (20) days after the Secretary has announced the decision. The Board may affirm, modify or reverse the decision of the Secretary.

(b) Whenever a decision of the Secretary concerning a permit is appealed, the Board shall hold a public hearing in accordance with §6006.

(c) If the Secretary is overruled by the Board, then the Board shall state its reasons.

(d) No decision of the Board shall be valid unless signed by a minimum of five (5) members.

(e) There shall be no appeal of a decision by the Secretary to deny a permit on any matter involving State-owned land including subaqueous lands.

§6009. Appeal from Board's decision

(a) Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the State, may appeal to the Superior Court in and for the county in which the activity in question is wholly or principally located by filing a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Any such appeal shall be perfected within thirty (30) days of the decision of the Board.

(b) The Court may affirm, reverse or modify the Board's decision. The Board's findings of fact shall not be set aside unless the Court determines that the record contains no substantial evidence that would reasonably support the findings. If the Court finds that additional evidence should be taken, the Court may remand the case to the Board for completion of the record.

(c) No appeal shall operate to stay automatically any action, but upon application, and for good cause, the Secretary or the Superior Court may stay the action pending disposition of the appeal.

(d) This section shall take effect immediately upon its enactment. Any stay in a then pending appeal under the provisions of Chapter 60, Title 7 of the Delaware Code, as existed prior to the effective date of this Chapter shall terminate thirty (30) days after the effective date of this Chapter unless:

(i) a party to the appeal shall have made an application for continuance of the stay to the Secretary or the Superior Court prior to the expiration of such thirty (30) day period, and

(ii) the Secretary or the Superior Court shall grant a stay in accordance with subsection (c) of this section.

§6010. Duties, rules, regulations and plans

(a) The Secretary may adopt, amend, modify, or repeal rules or regulations, or plans, after public hearing, to effectuate the policy and purposes of this Chapter.

(b) The Secretary shall formulate, amend, adopt and implement, after a public hearing, a statewide comprehensive water plan for the immediate and long-range development and use of the water resources of the State.

(c) The Secretary may formulate, amend, adopt and implement, after public hearing, a statewide air resources management plan to achieve the purpose of this Chapter and comply with applicable Federal laws and regulations. Any implementation plan in effect at the time of enactment of this Chapter shall continue to be in effect unless amended or repealed by the Secretary.

(d) The Secretary may formulate, amend, adopt and implement, after public hearing, a statewide water pollution management plan to achieve the purposes of this Chapter and comply with applicable Federal laws and regulations. Any implementation plan in effect at the time of the enactment of this Chapter shall continue to be in effect unless amended or repealed by the Secretary.

(e) The Secretary shall formulate, amend, develop and implement, after public hearing, a comprehensive solid waste management plan for the State.

(f) The Secretary:

(i) shall approve the allocation and use of water in the State on the basis of equitable apportionment;

(ii) shall approve all new plans and designs of all impounding water facilities by any state, county, municipal, public or private water user within the State; and

(iii) may require reports from all Delaware water users as to a description of their water facilities, and past and present records of water use.

§6011. Variance

(a) The Secretary may, upon application of a person (except an application concerning (i) a source of water or a sewerage facility for three or fewer families or (ii) open burning, on which the Secretary may act without public notification), grant a variance to that person from any rule or regulation promulgated pursuant to this Chapter after following the notice and hearing procedure set forth in §6004.

(b) The variance may be granted if the Secretary finds that:

(i) good faith efforts have been made to comply with the provisions of this Chapter;

(ii) the person applying is unable to comply with the provisions of this Chapter because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time or the financial cost of compliance by using available technology is disproportionately high with respect to the benefits which continued operation would bestow on the lives, health, safety and welfare of the occupants of this State and the effects of the variance would not substantially and adversely affect the policy and purposes of this Chapter;

(iii) any available alternative operating procedure or interim control measures are being or will be used to reduce the impact of such source on the lives, health, safety, and/or welfare of the occupants of this State; and

(iv) the continued operation of such source is necessary to national security or to the lives, health, safety or welfare of the occupants of this State.

(c) The Secretary shall publish his decision (except a decision involving (i) a source of water or a sewerage facility for three or fewer families or (ii) open burning) and the nature of the variance, if granted, and the conditions under which it was granted. The effective date of such variance shall be at least

thirty (30) days after the publication of the decision, unless the only persons entitled to an appeal pursuant to the §6008 of this Chapter are the Department and the applicant, in which case the variance may be effective immediately upon publication.

(d) Any party may appeal a decision of the Secretary on a variance request to the Environmental Appeals Board under §6008 of this Chapter within fifteen (15) days after the Secretary publishes his decision.

(e) No variance can be in effect longer than one (1) year but may be renewed after another hearing pursuant to this section.

(f) The granting of a variance shall not in any way limit any right to proceed against the holder for any violation of provisions of this Chapter, or any rule or regulation promulgated thereunder, if and when a violation of any part of the granted variance occurs.

§6012. Temporary emergency variances

(a) Notwithstanding the provisions of §6011 of this Chapter, the Secretary may grant a variance to any rules or regulations promulgated pursuant to the provisions of this Chapter, for a period not to exceed thirty (30) days. The request for a temporary emergency variance shall be submitted in writing, setting forth the reasons for the request.

(b) A temporary emergency variance may be granted only after a finding of fact by the Secretary that:

(i) Severe hardship would be caused by the time period involved in obtaining variances pursuant to §6011 of this Chapter.

(ii) The emergency was of such an unforeseeable nature so as to preclude, because of time limitations, an application under §6011 of this Chapter.

(iii) The conditions set forth in subsections (c) (i), (c) (ii), (c) (iii) and (c) (iv) of §6011 of this Chapter are satisfied.

(c) Temporary emergency variances granted pursuant to this section may not be extended more than once.

(d) The granting of any temporary emergency variance shall be published within five (5) days of the granting of said variance.

§6013. Criminal penalties

(a) Any person who wilfully or negligently (i) violates §6003 of this Title or violates any condition or limitation included in a permit issued pursuant to §6003 of this Title or (ii) violates any requirements of a statute or regulation respecting monitoring, recording, and reporting of a pollutant or air contaminant discharge; or (iii) violates a pretreatment standard or toxic effluent standard with respect to introductions of pollutants into publicly owned treatment works shall be punished by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than twenty-five thousand dollars (\$25,000) for each day of such violation.

(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Chapter, or under any permit, rule regulation or order issued under this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Chapter, shall upon conviction, be punished by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment for not more than six (6) months, or both.

(c) The Superior Court shall have jurisdiction of offenses under this Section.

§6014. Public access to information

(a) Any records, reports, or information obtained pursuant to this Chapter and any permits, permit applications, and related documentation shall be available to the public for inspection and copying; *provided* that upon a showing satisfactory to the Secretary by any person that such records, reports, permits, permit applications, documentation, or information, or any part thereof (other than effluent data) would, if made public, divulge methods of processes entitled to protection as trade secrets of

such person, the Secretary shall consider, treat, and protect such record, report, or information, or part thereof, as confidential; *provided further, however;*

(i) that any such record, report or information accorded confidential treatment may be disclosed or transmitted to other officers, employees, or authorized representatives of this State or of the United States concerned with carrying out this Chapter or when relevant in any proceeding to effectuate the purpose of this Chapter, and

(ii) that any contaminant of water pollutant emissions may be made available to the public as reported and as correlated with any applicable emission standards or limitations.

§6015. Interference with Department personnel

It shall be a misdemeanor for any person to obstruct, hinder, delay or interfere with, by force or otherwise, the performance by Department personnel of any duty under the provisions of this Chapter, or any rule or regulation or order or permit or decision promulgated or issued thereunder.

§6016. Departmental investigations, witness oaths, and attendance

In furtherance of the policy and purposes of this Chapter, the Secretary may make or cause to be made any investigation or study which is in his opinion, necessary for the purpose of enforcing the provisions of this Chapter. For such purposes the investigative officer designated by the Secretary may subpoena witnesses and the production of documents and compel their testimony. Testimony received at a Departmental investigation shall be under oath and open to the public. Findings of these investigations or studies shall be made public.

§6017. Sealing noncomplying equipment

(a) The Department may seal, after consultation with the Attorney General, any source required to have a permit which is installed, altered, used or operated without such a permit or which is in violation of a cease and desist order.

(b) If the equipment is sealed, no person shall tamper with or remove the seal from any equipment so sealed. Violation of this provision shall make the violator upon conviction liable to punishment as provided in §6005 of this Chapter.

(c) A seal may be removed from equipment only upon receipt of written authorization from the Department. The Department shall order removal of the seal after the reason(s) which caused the sealing has been corrected.

§6018. Cease and desist order

The Secretary shall have the power to issue an order to any person violating any rule, regulation or order or permit condition or provision of this Chapter to cease and desist from such violation. Provided, that any cease and desist order issued pursuant to this section shall expire (1) after thirty (30) days of its issuance, or (2) upon withdrawal of said order by the Secretary, or (3) when the order is suspended by an injunction which ever occurs first.

§6019. Voluntary compliance

Nothing in this Chapter shall prevent the Department from making efforts to obtain voluntary compliance by way of warning, notice or other educational means; this section does not, however, require that such voluntary methods be used before proceeding by way of compulsory enforcement.

§6020. Liberal construction

This Chapter, being necessary for the welfare of the State and its inhabitants, shall be liberally construed in order to preserve the land, air and water resources of the State.

§6021. Federal aid; other funds

The Department may cooperate with and receive monies from the Federal government, any State or local government or any industry or other source. Such monies received are appropriated and made available for the study and preservation of land, water and air resources.

§6022. Temporary limits and procedures for hazardous operations

Where no rule or regulation has been promulgated which sets specific limits for the use, emission or discharge, or operating procedure for hazardous operations, the Secretary may set temporary limits or operating procedure, provided that the temporary limits or orders shall not be effective for more than six (6) months unless adopted into permanent rules and regulations within that period. The affected parties shall be given a hearing before the Department within thirty (30) days, if requested, on any action taken under this Section.

§6023. Licensing of water well contractors, septic tank installers, liquid waste treatment plant operators and solid or liquid waste haulers

(a) No person shall:

(i) engage in the drilling, boring, coring, driving, digging, construction, installation, removal, or repair of a water well or water test well, or

(ii) install or operate pumping equipment in or for a water well or water test well, except as, or under the supervision of, a licensed Water Well Contractor.

(b) No person shall engage in the construction, repair, installation, or replacement of a septic tank system or any part thereof except as or under the supervision of a licensed Septic Tank Installer.

(c) No person shall operate any liquid waste treatment system without a duly licensed Liquid Waste Treatment Plant Operator.

(d) No person shall haul, convey, or transport any solid or liquid waste in any container without a license issued by the Department.

(e) Any person requiring a license for any activity specified in §6017 (a), (b), (c) and (d) shall file an application with the Secretary in such form and accompanied by such information as the Secretary may require by regulation.

(f) The Secretary shall have exclusive power to grant or deny a Water Well Contractor's license, or Liquid Waste Treatment Plant Operator's license or Solid or Liquid Waste Hauler's license and may adopt, amend, modify or repeal regulations setting forth requirements, including an acceptable performance on an examination, for obtaining and retaining any such license.

§6024. Right of entry

The Secretary, or his duly authorized designee, in regulating water pollution, air pollution, solid waste disposal, or any other matter over which he has jurisdiction pursuant to this Chapter, may enter, at reasonable times, upon any private or public property for the purpose of determining whether a violation exists of a statute or regulation enforceable by him, upon given verbal notice, and after presenting official identification to the owner, occupant, custodian or agent of said property.

§6025. Solid waste

(a) The Secretary shall have exclusive authority to effectuate the purposes of this Chapter concerning solid waste, set forth in §6001 (c) (6) notwithstanding any authority heretofore conferred upon or exercised by any other State agency, but any regulations heretofore duly adopted by any other State agency shall remain in effect and be enforceable by the Secretary unless repealed, amended or modified by the Secretary.

(b) No person shall dispose or discharge solid waste anywhere in the State including any surface or ground water, except (i) through municipal and private solid waste collection systems which have received a permit from the Department or (ii) in solid waste disposal facilities which have received a permit from the Department or (iii) in containers specially provided for solid waste collection by any state or municipal agency or private or public group, organization, agency or company which has received a permit from the Department.

(c) Any person charged with violation of §6019 (b), upon conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation and there shall be no suspension of the fine. Each day of continued violation or part thereof shall be considered as a sepa-

rate offense. The Court shall, in addition to levying the fine, order the person convicted to remove or cause to be removed any improperly disposed solid waste.

§6026. License fees

(a) The Secretary may establish fees for granting any license to any water well contractor, septic tank installer, solid or liquid waste hauler, and liquid waste treatment plant operator.

(b) The Secretary may establish fees for conveyance of oil and hazardous substance through pipeline after holding public hearings on such a fee schedule.

(c) Any fee collected under this subsection is hereby appropriated to the Department to carry out the purposes of this Chapter.

§6027. Change of authority

The word "Secretary" shall be substituted whenever the words "Water and Air Resources Commission" or "Commission" appears in Delaware Code and any authority vested in the "Water and Air Resources Commission" or "Commission" is hereby delegated to the Secretary without qualification.

§6028. Report of a discharge of a pollutant or an air contaminant

Any person who causes or contributes to the discharge of an air contaminant into air or a pollutant into surface water, ground water or on land, or disposal of solid wastes, either in excess of any condition specified in any permit duly issued by the Department or in the absence of a permit shall report such an incident to the Department. Any such person who fails to report such discharge shall, upon conviction, be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or imprisoned for six (6) months, or both.

§6029. Limitations on scope of chapter

The provisions of this Chapter shall not apply to or change the existing law in respect to:

(a) The landowner's right to place a dam across a gully on his property or across a stream that originates on his property where provision is made for continued established average minimum flow occurring for seven (7) consecutive days within the lowest flow year of record; or

(b) The right to build and maintain a dam or construct a pond and divert water from any stream on any stream having a minimum flow of not more than one-half million gallons of water per day, and utilize up to three hundred sixty (360) acre inches of the impounded water per year so long as such action does not affect the established average minimum flow in the stream below the dam at any time; or

(c) Ponds not larger than 60,000 square feet constructed for purposes of conservation, recreation, propagation, and protection of fish and wildlife, watering of stock, or fire protection.

§6030. Approval of water use

No increase in the amount of water used shall be made by a user without prior approval of the Department.

§6031. Inconsistent laws superseded; all other laws unimpaired

Any law or regulation inconsistent with any provision of this Chapter is hereby superseded to the extent of the inconsistency.

§6032. Savings

Any rule, regulation or order in effect at the time of the enactment of this Chapter shall continue to be in effect unless the Secretary repeals or amends the regulation.

§6033. Severability

If any provision of this part or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this part shall not be affected thereby.

Section 2. Amend §8014 (c) of Chapter 80, Title 29, Delaware Code, by striking said section in its entirety and inserting in lieu thereof new subsections (c), (d), (e), (f), and (g) to read as follows:

(c) The existing Council on Environmental Control shall continue to serve on the Council for the period of their unexpired term. The Council shall be composed of seven (7) members. The Governor shall appoint new members. The terms of the new members shall be staggered. The first two appointees shall serve for a term of one (1) year, the next two (2) appointees shall serve for a term of two (2) years and the next three (3) appointees shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.

(d) No more than four (4) of the newly appointed members shall be affiliated with the same political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incidental 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 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.

Approved July 17, 1973.

CHAPTER 213

FORMERLY: SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 217
AS AMENDED BY
SENATE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 7, DELAWARE CODE, BY ADDING A NEW CHAPTER TO BE DESIGNATED AS CHAPTER 66 TO ALLOW THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO REGULATE THE USE OF DELAWARE'S WETLANDS AND THEIR UPLAND BORDER TO PROVIDE PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF AND TO PROVIDE AN APPROPRIATION THERETO.

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

Section 1. Title 7, Delaware Code, is hereby amended by a new chapter thereto to be designated as Chapter 66 to read as follows:

CHAPTER 66
WETLANDS

§6601. Short title

This Act shall be known and may be cited as *The Wetlands Act*.

§6602. Purpose

It is declared that must of the wetlands of this State have been lost or despoiled by unregulated dredging, dumping, filling and like activities and that the remaining wetlands of this State are in jeopardy of being lost or despoiled by these and other activities; that such loss or despoliation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliation will destroy such

wetlands as habitats for plants and animals of significant economic and ecological value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or despoliation will, in most cases, disturb the natural ability of wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. It is hereby determined that the coastal areas of Delaware are the most critical areas for the present and future quality of life in the State and that the preservation of the coastal wetlands is crucial to the protection of the natural environment of these coastal areas. Therefore, it is declared to be the public policy of this State to preserve and protect the productive public and private wetlands and to prevent their despoliation and destruction consistent with the historic right of private ownership of lands.

§6603. Definitions

"Activity" means any dredging, draining, filling, bulkheading, construction of any kind, including but not limited to, construction of a pier, jetty, breakwater, boat ramp, or mining, drilling or excavation.

"Authorized Activity" includes any activity allowed after receipt of a permit from the Department.

"Board" means the Wetlands Appeals Board.

"Department" means the Department of Natural Resources and Environmental Control.

"Person" means any individual, group of individuals, contractor, supplier, installer, user, owner, partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, administrative agency, public or quasi-public corporation or body, or any other legal entity, or its legal representative, agent or assignee.

"Pre-Existing Use" means any use of land, or water, or subaqueous lands, or of a structure or any combination of these which was lawfully in existence prior to and in active use on the

date of enactment of this Chapter, or any temporary or seasonal use in active use for ten (10) consecutive weeks within the last twelve (12) months previous to enactment of this Chapter.

"Secretary" means the Secretary of the Department of Natural Resources and Environmental Control.

"Wetlands" shall mean those lands above the mean low water elevation including any bank, marsh, swamp, meadow, flat or other low land subject to tidal action in the State of Delaware along the Delaware Bay and Delaware River, Indian River Bay, Rehoboth Bay, Little and Big Assawoman Bays, the coastal inland waterways, or along any inlet, estuary or tributary waterway or any portion thereof, including those areas which are now or in this century have been connected to tidal waters, whose surface is at or below an elevation of two feet above local mean high water, and upon which may grow or is capable of growing any but not necessarily all of the following plants:

Eelgrass (*Zostera marina*), Wedgeon Grass (*Ruppia maritima*), Sago Pondweed (*Potamogeton pectinatus*), Saltmarsh cordgrass (*Spartina Alterniflora*), Saltmarsh Grass (*Spartina cynosuroides*), Saltmarsh Hay (*Spartina Patens*), Spike Grass (*Distichlis spicata*), Black Grass (*Juncus gerardii*), Switch Grass (*Panicum virgatum*), Three Square Rush (*Scirpus americanus*), Sea Lavendar (*Limonium carolinianum*), Seaside Goldenrod (*Solidago sempervirens*), Sea Blite (*Suaeda maritima*), Sea Blite (*Suaeda linearis*), Perennial Glasswort (*Salicornia virginica*), Dwarf Glasswort (*Salicornia bigelovii*), Samphire (*Salicornia europaea*), Marsh Aster (*Aster tenuifolius*), Saltmarsh Fleabane (*Pluchea purpurascens* var. *succulenta*), Mock Bishop's Weed (*Ptilimnium capillaceum*), Seaside Plantain (*Plantage oliganthos*), Orach (*Atriplex patula* var. *hastata*), March Elder (*Iva frutescens* var. *oraria*), Goundsel Bush (*Baccharis halmifolia*), Bladder Wrack (*Fucus vesiculosus*), Swamp Rose Mallow, Seaside Hollyhock or Marsh Mallow (*Hibiscus palustris*), Torrey Rush (*Scirpus torreyi*), Narrow-leaved Cattail (*Typha angustifolia*), and Broad-leaved Cattail (*T. latifolia*) and those lands not currently used for agricultural purposes containing four hundred (400) acres or more of contiguous non-tidal swamp, bog, muck, or marsh exclusive of narrow stream valleys where fresh water stands most, if not all, of the time due to high water table, which contribute significantly to ground

water recharge, and which would require intensive artificial drainage using equipment such as pumping stations, drain fields or ditches for the production of agricultural crops.

§6601. Permit required

(a) Any activity in the wetlands requires a permit from the Department except the activity or activities exempted by this Chapter and no permit may be granted unless the county or municipality having jurisdiction has first approved the activity in question by zoning procedures provided by law.

(b) The Secretary shall consider the following factors prior to issuance of any permit: (1) Environmental Impact, including but not limited to, likely destruction of wetlands and flora and fauna; impact of the site preparation on tidal ebb and flow and the otherwise normal drainage of the area in question, especially as it relates to flood control; impact of the site preparation and proposed activity on land erosion; effect of site preparation and proposed activity on the quality and quantity of tidal waters, surface, ground and subsurface water resources and other resources. (2) Aesthetic effect, such as the impact on scenic beauty of the surrounding area. (3) The number and type of public and private supporting facilities required and the impact of such facilities on all factors listed in this subsection. (4) Effect on neighboring land uses, including but not limited to, public access to tidal waters, recreational areas and effect on adjacent residential and agricultural areas. (5) State, county and municipal comprehensive plans for the development and/or conservation of their areas of jurisdiction. (6) Economic effect, including the number of jobs created and the income which will be generated by the wages and salaries of the jobs in relation to the amount of land required, and the amount of tax revenues potentially accruing to the state, county and local governments.

(c) The Secretary may require a bond in an amount and with surety and conditions sufficient to secure compliance with the conditions and limitations, if any, set forth in the permit. The particular amount and the particular conditions of the bond required shall be consistent with and in furtherance of the purposes of this Act. The Secretary shall state for the record, the basis for the bonding requirements imposed with each permit granted. In the event of a breach of any condition of any such

bond, the Attorney General may institute an action in Superior Court upon such bond and prosecute the same to judgment and execution.

§6605. Pre-existing use

Any expansion or extension of a pre-existing use requires a permit and no permit may be granted under this Chapter unless the County or municipality having jurisdiction has first approved the use in question by zoning procedures provided by law.

§6606. Exemptions

Any of the following activities are exempt from permit requirements: mosquito control activities authorized by the Department, construction of directional aids to navigation, duck blinds, foot bridges, the placing of boundary stakes, wildlife nesting structures, grazing of domestic animals, haying, hunting, fishing and trapping.

§6607. Procedures, regulations and application fees

(a) The Secretary shall administer this Chapter.

(b) The Secretary shall inventory, as promptly as he is able, all wetlands within the State and prepare suitable maps. Such maps shall be filed with the Secretary of State and made available for public inspection at the offices of the Department. On completion of a wetlands boundary map for an area, the Secretary shall propose that wetlands within the area be designated as such in accordance with the map. Wetlands designation on the maps shall be conclusive for the purpose of this Chapter upon adoption by the Secretary, subject to the outcome of any appeals taken under this Section. After such designation, the two foot elevation above local mean high water specified in §6603 of this Chapter shall not apply to any land outside the designated area.

(c) The Secretary shall adopt a wetlands designation or any other regulation only after holding a public hearing in accordance with §6609.

(d) The Secretary shall, in furtherance of the purpose of this Chapter, adopt regulations

(i) setting forth procedures, including provision for fees, which shall govern the processing of permit applications and the conduct of hearings;

(ii) elaborating standards consistent with Section 6604 by which each permit application will be reviewed and acted upon;

(iii) controlling or prohibiting activities on lands designated or proposed for designation as wetlands, which regulations may vary from area to area according to the ecological value of the subject wetlands and the threat to the health and welfare of the people of this State which their alteration would pose.

§6608. Permit applications

(a) Any person desiring to obtain a permit required by §6604 of this Chapter shall submit an application in such form and accompanied by such plans, specifications and other information as required by applicable regulations.

(b) Upon receipt of an application in proper form, the Secretary shall advertise in a daily newspaper of statewide circulation and in a newspaper of general circulation in the County in which the activity is proposed (i) the fact that the application has been received and (ii) a brief description of the nature of the application. The Secretary may hold a public hearing with respect to any application if it is deemed to be in the best public interest. The Secretary shall hold a public hearing if he receives a written meritorious objection within twenty (20) days of advertisement. A public hearing request shall be deemed meritorious if it exhibits a familiarity with the application and a reasoned statement of the permit's probable impact.

§6609. Public hearings

Any public hearing held by the Secretary or the Board concerning a regulation, permit applications or alleged violation or appeal shall be conducted as follows:

(a) Notification shall be served upon the applicant, alleged violator, or appellant as summonses are served by registered or certified mail not less than twenty (20) days before the time of said hearing. Not less than twenty (20) days notice shall also be

published in a daily newspaper of general circulation throughout the state and a newspaper of general circulation in the county in which the activity is proposed. Such notice shall also be sent by mail simultaneously to persons who have listed their names and addresses with the Secretary to be notified. Such notice shall also be sent by mail simultaneously to all adjoining property owners. Notice shall outline the area concerned, activity involved, and the location where the application for a permit or other pertinent material is available for inspection.

(b) The permit applicant, alleged violator, or appellant may appear personally or by counsel at the hearing and produce any competent evidence in his behalf. The Secretary or his duly authorized designee or the Board or its duly authorized designee may administer oaths, examine witnesses and issue, in the name of the Department or the Board, notices of hearings or subpoenae requiring the testimony of witnesses and the production of books, records, or other documents relevant to any matter involved in such a hearing; and subpoenae shall also be issued at the request of the applicant or alleged violator. 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 or the Chairman of the Board, to issue an order requiring such person to appear and testify or produce evidence as the case may require.

(c) A verbatim transcript of testimony at the hearing shall be prepared and shall, along with the exhibits and other documents introduced by the Secretary or other party, constitute the record. The Secretary or his duly authorized designee or the Board or its duly authorized designee shall make findings of fact based on the record. The Secretary or the Board shall then enter such order as will best further the purpose of this Chapter, and shall state reasons. The Secretary or the Board shall promptly give written notice to the persons affected by such order.

§6610. Wetlands Appeals Board created; composition, quorum; conflict of interest

(a) There is hereby created a Wetlands Appeals Board which shall consist of seven (7) voting Delaware residents, appointed by the Governor with the advice and consent of the Senate. The Chairman shall be appointed by the Governor and

serve at his pleasure. Of the remaining six (6), one (1) shall be engaged in farming, one (1) shall be engaged in a recreational activity, one (1) shall be engaged in contracting and/or developing land and one (1) shall be engaged in conservation efforts. Of those six members, two (2) members shall also represent each of the three counties. The term of two (2) appointed members shall be for one (1) year, two (2) for two years and two (2) for three (3) years. Thereafter, all regular members shall be appointed for three (3) year terms. Registered members of either major political party shall not exceed registered members of the other major political party by more than one (1). The members shall have broad based interest in the well-being of the total environment and the economic welfare of the State.

(b) Vacancies in Board membership shall be filled by the Governor for the remainder of the unexpired term.

(c) A simple majority of the Board shall constitute a quorum. A simple majority of the Board shall be required for overriding the decision of the Secretary.

(d) Any member of the Board with a personal or private interest in a matter in question shall disqualify himself from any consideration of that matter.

(e) Each Board member shall be compensated for such reasonable expense as travel and meals for each meeting and hearing attended.

§6611. Appeal

(a) Any person whose interest is substantially affected by any action of the Secretary may appeal to the Wetlands Appeals Board within twenty (20) days after the Secretary has announced the decision. The Board may affirm or reverse the decision of the Secretary.

(b) Whenever a decision of the Secretary concerning a permit is appealed, the Board shall hold a public hearing in accordance with §6609.

(c) If the Secretary is overruled by the Board, then the Board shall state its reasons.

(d) Any decision of the Board shall be signed by a minimum of five (5) members.

(e) There shall be no appeal against the Secretary's denial of a use of any State-owned land.

(f) If the Board fails to act on any appeal within ninety (90) days following receipt of the appeal, the decision of the Secretary shall be taken to have been affirmed for purposes of this Act.

§6612. Appeal from Board's decision

(a) Any person or persons, jointly or severally affected by any decision or non-decision of the Board, or any taxpayer, or any officer, department, board or bureau of the State, may appeal to the Superior Court in and for the county in which the use in question is wholly or principally located by filing a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Any such appeal shall be perfected within thirty (30) days of the decision of the Board.

(b) The Court may affirm, reverse or modify the Board's decision. The Board's findings of fact shall not be set aside unless the Court determines that the record contains no substantial evidence that would reasonably support the findings. If the Court finds that additional evidence should be taken, the Court may remand the cause to the Board for completion of the record.

§6613. Taking without just compensation

If the Superior Court finds that the action appealed from constitutes a taking without just compensation, it shall invalidate the order and grant appropriate relief, unless the Secretary at this stage, consents to the reversal or modification of his decision. However, the Secretary may, through negotiation or condemnation proceedings under 10 Del. C., Chapter 61, acquire the fee simple or any lesser interest, including but not limited to, a perpetual negative easement or other interest which assures that the affected land shall not thereafter be altered, dredged, dumped upon, filled or otherwise altered subject to any reasonable reservations to the land owner as the Secretary may have stipulated to prior to assessment of damages. A decision of the Superior Court that the action appealed from constitutes a taking

without just compensation shall not become effective for two (2) years of the date of decision and shall not become effective at all if within that period the Secretary has initiated action to acquire fee simple or any lesser interest in the wetlands in question. A finding of the Superior Court that the denial of a permit or the restrictions imposed by a granted permit constitutes a taking without just compensation shall not affect any land other than that of the petitioning land owner. If the Secretary has not initiated action to acquire fee simple or any lesser interest in the wetlands in question within two (2) years from the date of a final court ruling, the permit must be granted as applied.

§6614. Cease and desist orders

The Secretary shall have the power to issue an order to any person violating any rule, regulation or order or permit condition or provision of this Chapter to cease and desist from such violation. Provided, that any cease and desist order issued pursuant to this Section shall expire (1) after thirty (30) days of its issuance, or (2) upon withdrawal of said order by the Secretary, or (3) when the order is suspended by an injunction, whichever occurs first.

§6615. Injunction

Action for injunctive relief may be brought by the Secretary to prevent a violation of this Act or a permit condition. The Court of Chancery may, at its discretion, require bond in the appropriate amount.

§6616. Right of entry

The Secretary or his duly authorized designee, in regulating any activity over which he has jurisdiction pursuant to this Chapter, may enter, at reasonable times, upon any private or public property for the purpose of determining whether a violation exists of a statute or regulation enforceable by him, upon giving written notice, and after presenting official identification to the owner, occupant, custodian or agent of said property.

§6617. Penalties

(a) Any person who violates any rule, regulation, order, permit condition or provision of this Chapter shall be fined not

less than five hundred (\$500) dollars or more than ten thousand (\$10,000) dollars for each offense. Continuance of an activity prohibited by this Chapter during any part of a day shall constitute a separate offense. Any person found guilty of violating any cease and desist order of the Secretary shall be fined for each offense, starting from the date of receipt of the order. The Superior Court shall have jurisdiction of offenses under this part.

(b) In addition to any fines imposed under subsection (a), a person who effects or permits any activity in wetlands in violation of this Chapter may be liable to the State for the cost of restoration of the affected wetland to its condition prior to such violation insofar as that is technically feasible. The Attorney General of the State, upon complaint of the Secretary, shall institute a civil action to recover such damages.

§6618. Inconsistent laws superseded; all other laws unimpaired

All laws or ordinances inconsistent with any provision of this Chapter are hereby superseded to the extent of the inconsistency. Provided, that present and future zoning powers of all counties and municipalities, to the extent that said powers are not inconsistent with this Chapter, shall not hereby be impaired; and provided that a permit granted under this Chapter shall not authorize an activity in contravention of county or municipal zoning regulations.

§6619. Liberal construction

This Chapter, being necessary for the welfare of the State and its inhabitants, shall be liberally construed in order to preserve the wetlands of the State.

§6620. Federal Aid; other funds

The Department may cooperate with and receive monies from the Federal government, state or local government or any industry or other source. Such monies received are appropriated and made available for the study and preservation of the wetlands.

§6621. Severability

If any provision of this Chapter or the application of any provision of this Chapter to any person or circumstance, is held

invalid, the application of such provision to other persons or circumstances and the remainder of this Chapter shall not be affected thereby.

§6622. Appropriations

(a) A sum of one hundred thousand dollars (\$100,000) is hereby appropriated to the Department to perform the requirements of §6607 (b), which include surveying for disputed wetland boundaries, staff processing and clerical help.

(b) A sum of two thousand dollars (\$2,000) is hereby appropriated to the Department to pay the expenses of the Board members.

(c) A sum of thirty-five thousand dollars (\$35,000) is hereby appropriated to the Department to carry out the provisions of this Chapter.

Approved July 17, 1973.

CHAPTER 214

FORMERLY: HOUSE BILL NO. 415
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND PART II, TITLE 6 OF THE DELAWARE CODE BY ADDING A NEW CHAPTER 26 TO BE KNOWN AS THE "UNFAIR CIGARETTE SALES ACT" AND PROHIBITING CERTAIN PRACTICES RELATING TO THE RETAIL AND WHOLESALE SALE OF CIGARETTES AND PROVIDING PENALTIES THEREFOR.

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

Section 1. Amend Part II of Title 6 of the Delaware Code, by adding thereto a new Chapter 26, to be known as the "Unfair Cigarette Sales Act", to read as follows:

CHAPTER 26. UNFAIR CIGARETTE SALES ACT

§ 2601. Sale at less than cost

No retailer or wholesaler, with intent to injure a competitor or competitors, or with intent to destroy or substantially lessen competition, shall sell at retail or wholesale cigarettes at less than cost of the retailer or wholesaler, as the case may be, and no retailer shall purchase from a wholesaler, cigarettes at less than cost of the wholesaler, either directly or indirectly by any means or device whatever, including but not limited to offering or accepting or inducing or attempting to induce a rebate in price or a concession of any kind in connection with the sale or purchase of cigarettes.

§2602. Definitions

For the purposes of this chapter, the following definitions shall apply:

(a) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether

or not such tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material except tobacco. Cigarettes shall not be construed to include cigars.

(b) "Retailer" means any person who purchases or receives stamped tobacco products from any source whatsoever for the proposed sale to the ultimate consumer.

(c) "Wholesaler" means any person who regularly sells tobacco products within this State to others who buy for the purpose of resale.

(d) "Vending machine operator" means any person who places one or more vending machines, owned, leased or operated by him, at locations where cigarettes are sold therefrom. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine, if he does not own or lease the machine and if his sole remuneration therefrom is a flat rental fee or a commission based upon the number or value of tobacco products sold from the machine or a combination of both.

(e) "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 Chapter 83 of Title 29.

(f) "Sell" in addition to its usual meaning includes advertise, offer to sell, offer for sale, barter, exchange, transfer, gift and distribution.

(g) "Sell cigarettes at retail", "sale of cigarettes at retail" or 'retail sale of cigarettes' and similar expressions include any sale whereby cigarettes are sold for a valuable consideration (including exchange or barter and sales through vending machines) made in the ordinary course of trade or the usual conduct of the seller's business to a consumer.

(h) "Sell cigarettes at wholesale", "wholesale sales of cigarettes", "sales of cigarettes at wholesale", and similar expressions include any sale whereby cigarettes are sold for a valuable consideration, in the ordinary course of trade or in the usual conduct of the seller's business to a retailer (other than a vending machine operator) for the bona fide purpose of resale to a

consumer, and include any such transfer of cigarettes on consignment or otherwise where title is retained by the seller as security for the payment of the purchase price.

(i) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler as the case may be or the replacement cost of cigarettes to the retailer or wholesaler (i.e., the cost for which cigarettes could have been bought by the wholesaler or retailer at any time within 30 days prior to the date of sale by the wholesaler or retailer if bought in the same quantity as the last purchase made by him), whichever is lower, plus in-freight charges not otherwise included in invoice or replacement cost, less all trade discounts and the usual and customary 2 per cent cash discount, plus the full face value of any cigarette taxes payable on cigarettes sold.

(j) "Cost of the wholesaler" means the basic cost of cigarettes to the wholesaler plus a mark-up to cover the cost of doing business by the wholesaler including cartage to the retailer. In the absence of satisfactory proof of a lesser cost of doing business by any wholesaler, his cost of doing business shall be presumed to be five percent of the basic cost of cigarettes to him. Any fractional part of a cent, amounting to one-tenth of a cent or more, in the cost of the wholesaler per carton of ten packages shall be rounded off to the next higher cent.

(k) "Cost of the retailer" means the basic cost of cigarettes to the retailer, which shall include 'cost of the wholesaler' as defined in subsection (j) above, plus a mark-up to cover the cost of doing business by the retailer. In the absence of satisfactory proof of a lesser cost of doing business by any retailer, the cost of doing business by the retailer shall be presumed to be 8 per cent of the basic cost of cigarettes to the retailer. Any fractional part of a cent per carton of ten packages amounting to one-tenth of a cent or more in the cost to the retailer as aforesaid shall be rounded off to the next higher cent.

(l) "Consumer" means any person who has possession of tobacco products for any purpose other than transportation or sale.

§2603. Special cost provisions

(a) *Mark-up on sales at wholesale on cash and carry basis—*
In any sale of cigarettes at wholesale on a cash and carry

basis (i.e., where cigarettes are not delivered unless the full price thereof is received by the seller at or before delivery and where the purchaser performs or pays for the cartage of the cigarettes to the purchaser's place of business), the presumptive wholesale mark-up of five per cent provided in Section 2602 (j) of this Chapter may be reduced by two cents for each carton containing 200 cigarettes.

(b) Seller at both retail and wholesale—

Any person who is engaged in the business of making sales both at retail and at wholesale is a retailer as herein defined as to the retail portion of his business, and a wholesaler as to the wholesale portion.

(c) Retail or vending machine operator receiving wholesaler's discounts—

Any vending machine operator, as herein defined, and any retailer who purchases cigarettes at prices ordinarily invoiced to a wholesaler and receives the wholesaler's discounts thereon, shall first add to his basic cost of cigarettes the five per cent mark-up to cover the cost of doing business as a wholesaler, and then, on the resultant sum, the retail mark-up of eight per cent as herein provided, in the absence of proof of a lower aggregate cost of doing business by such retailer or vending machine operator, as the case may be; provided, however, that if the discount received by such retailer or vending machine operator shall be less than that ordinarily allowed to wholesalers, then the wholesaler's mark-up of five per cent above provided for may be reduced by the difference between the discount ordinarily allowed to wholesalers and the discount received by such retailer or vending machine operator.

(d) Sales by wholesalers to other wholesalers and vending machine operators—

When one wholesaler sells cigarettes to any other wholesaler or vending machine operator, as herein defined, the former shall not be required to include in his selling price to the latter 'cost of the wholesaler', as provided by Section 2602 (j) of this Chapter, but said seller must include in said selling price 'basic cost of cigarettes' as defined in Section 2602 (i) of this Chapter plus a charge of one per cent thereon, in the absence of satisfactory proof of a lesser cost for the rendition of such service by the

seller, and the latter wholesaler, upon resale to a retailer, shall be deemed to be the wholesaler governed by the provisions of Section 2602 (j) of this Chapter.

§2601. Combination sales and concessions

It shall be a violation of this Chapter for any wholesaler or retailer, with the purpose or intent specified in Section 2601 of this Chapter:

(a) To sell cigarettes in combination with any other item or items of merchandise where any such other item is given free of charge or sold at a price which is below the cost of such item to the seller.

(b) To sell cigarettes in combination with any other item or items of merchandise where the total sale price for all the items included in the sale is less than the sum of the cost of cigarettes to the retailer or wholesaler, as the case may be, as herein defined, plus the cost to the wholesaler or retailer, as the case may be, of all other items included in the sale, including items given free of charge in connection with the sale.

(c) To give cigarettes free of charge, except in the case of specially packaged manufacturers' samples which are designated on the package as not to be sold.

(d) To make any rebate, advertising allowance, or any other concession by any means or device whatever in connection with the sale of cigarettes, whereby the cigarettes are in effect sold below cost as herein defined, except that any reduction in cost to the seller resulting from any payment or compensation given by manufacturers of cigarettes on a uniform and nondiscriminatory basis for promotional services, and any coupons issued and ultimately redeemed by the manufacturer on the same basis, may be passed on to the purchaser without violating this Chapter.

§2605. Exceptions

(a) Clearance sales, liquidation sales, etc.—The provisions of this Chapter shall not apply to sales at retail or sales at wholesale:

(1) Where cigarettes are imperfect, damaged or being discontinued if advertised and marked as such, and the quantity

accurately, clearly and conspicuously stated in all advertising of such sale and in signs conspicuously posted where the sale takes place.

(2) Where cigarettes are sold upon the complete and final liquidation of the seller's business.

(3) Where cigarettes are sold under the order, direction or supervision of a court.

(4) Where cigarettes are sold by a retailer or wholesaler at a price fixed in good faith to meet the competition of another retailer, or of another wholesaler who is rendering the same type of service (i.e., 'cash and carry' or 'service') as the seller, and provided that the competitor's price which seller desires to meet is itself lawful and not in violation of the provisions of this Chapter. The price of cigarettes sold under paragraphs (1) - (3) inclusive of this subsection shall not be deemed the price of a competitor under this paragraph.

(b) Calculating basic cost.—In calculating the basic cost of any wholesaler or retailer of cigarettes purchased at any sale under paragraphs (1) - (4) inclusive of subsection (a) of this section or at any other sale outside the ordinary channels of trade, invoice cost shall not be used but there shall be used instead the replacement cost of the cigarettes as defined in Section 2602 (i) of this Chapter based upon the quantity last purchased by the seller through the ordinary channels of trade.

§2606. Evidence

(a) Prima facie evidence of intent.—In any action or proceeding pursuant to this Chapter, including proceedings before the Secretary relating to licenses, proof of a sale of cigarettes or any other item or items in combination or in connection with cigarettes at less than cost to the seller as defined and specified in this Chapter, shall be prima facie evidence of intent to injure a competitor or competitors and/or of intent to destroy or substantially lessen competition.

(b) Evidence bearing on cost.—In determining cost to the retailer or cost to the wholesaler, as the case may be, the Secretary or any Court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under the provisions of this Chapter pur-

chased cigarettes with respect to the sale of which complaint is made at a fictitious price or upon terms or in such a manner or under such invoices as to conceal the true costs, discounts or terms of purchase and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary, and prevailing terms and discounts in connection with other sales of a similar nature in the trade area.

§2607. Remedies

(a) Injunction; action for damages.—Upon complaint of the Secretary or of any person affected, the Court of Chancery shall have jurisdiction to enjoin any retailer or wholesaler from the commission of any act prohibited by this Chapter, and to award damages and costs. Such action shall be brought in the Court of Chancery of the county in which the alleged unlawful practice has been or is to be partially or completely performed.

(b) Suspension or revocation of license.—Upon violation of this Chapter by any retailer or wholesaler, the Secretary shall suspend or revoke the special cigarette vendor's license of such offender required by Section 5313 of Title 30 of this Code.

(c) Whoever violates the provisions of this Chapter shall be fined not more than \$1,000 for the first offense and not more than \$5,000 for each subsequent offense. The Superior Court shall have jurisdiction of such offenses.

§2608. Administration and enforcement

It shall be the duty of the Secretary to enforce this chapter. He shall, within the limitations of available appropriations, and in accordance with the laws of this State, employ and fix the duties and compensation of such inspectors and other personnel necessary to carry out the provisions of this chapter. He shall make such reasonable rules and regulations as may be necessary to effectuate and enforce the policies of this chapter.

§2609. Severability

If any part or provision of this Chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the particular provision or application

directly involved in the controversy in which such judgment is rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons or circumstances."

Approved July 17, 1973.

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If any part or provision of this Chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the particular provision or application

directly involved in the controversy in which such judgment is rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons or circumstances."

Approved July 17, 1973.

CHAPTER 215

FORMERLY: SENATE BILL NO. 265

AN ACT TO AMEND CHAPTER 5, SUBCHAPTER I, TITLE 9 OF THE DELAWARE CODE, RELATING TO SUB-URBAN COMMUNITIES IMPROVEMENTS WITH REGARD TO STREETS

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

Section 1. Amend §506 Subchapter I, Chapter 5, Title 9 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section which shall read as follows:

§506. Highway Department data

Immediately after the determination by the Levy Court or County Council that the community in question meets the requirements for a suburban community specified in §501 (i) of this Title, the Levy Court or County Council shall notify the Division of Highways of the State Department of Highways and Transportation of its determination. Upon receipt of such notice, the Division of Highways shall proceed to have surveys, plans, specifications and estimates of the cost of the improvement or improvements prepared. If the streets in question have been laid out or dedicated prior to January 1, 1971 the Division shall not require the right-of-way for such roads to be greater than thirty feet in width, unless a greater width has been set aside or dedicated in the original plan or map of such community.

In the preparation of surveys and plans the Division of Highways shall confer with the Regional Planning Commission or Department of Planning of the county in which the suburban community is situated, if the county has a Regional Planning Commission or Department of Planning.

Section 2. Amend §518, Subchapter I, Chapter 5, Title 9 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

§518. Rights-of-way; acquisition of; limitations on

(a) In the event that street rights-of-way are inadequate or where street rights-of-way are in question, the Division of Highways of the State Department of Highways and Transportation may acquire the rights-of-way necessary for the suburban community construction project. In every respect, the acquisition of such necessary street rights-of-way shall follow the then current practice of the Division of Highways of the State Department of Highways and Transportation in acquiring rights-of-way for contracts.

(b) In the event of notification by the Levy Court or County Council pursuant to §506 of this subchapter the Division shall determine whether the streets in question have been laid out or dedicated prior to January 1, 1971. The Division shall not require the right-of-way for streets laid out or dedicated prior to January 1, 1971 to be greater than thirty feet in width, unless a greater width has been set aside or dedicated in the original plan or map of such community.

Approved July 17, 1973.

CHAPTER 216

FORMERLY: HOUSE BILL NO. 444
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 29 AND 30, DELAWARE CODE, RELATING TO THE TRANSFER OF THE POWERS, DUTIES AND FUNCTIONS OF THE MOTOR FUEL TAX AND THE MOTOR CARRIER FUEL PURCHASE LAW FROM THE DEPARTMENT OF FINANCE TO THE DEPARTMENT OF PUBLIC SAFETY.

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

Section 1. Amend subsection (1), Section 8307, Chapter 83, Title 30 of the Delaware Code, by striking the words "Chapters 51 and" as the same appear in paragraph (B), and substituting the words "and Chapter" in lieu thereof.

Section 2. Amend Chapter 51, Title 30 of the Delaware Code, by striking the words "Department of Finance" wherever they appear in said chapter, and substituting the words "Department of Public Safety" in lieu thereof.

Section 3. Amend Chapter 51, Title 30 of the Delaware Code, by striking the words "Secretary of Finance" wherever they appear in said chapter, and substituting the words "Secretary of Public Safety" in lieu thereof.

Section 4. Amend Chapter 52, Title 30 of the Delaware Code, by striking the words "Department of Finance" wherever the same appear in said chapter, and substituting the words "Department of Public Safety" in lieu thereof.

Section 5. Amend Chapter 52, Title 30 of the Delaware Code, by striking the words "Secretary of Finance" wherever the same appear in said chapter, and substituting the words "Secretary of Public Safety" in lieu thereof.

Section 6. The powers, duties and functions assigned to and exercised by the Department of Finance in relation to the Motor Fuel Tax Law as set forth in Chapter 51, Title 30 of the Delaware Code, are hereby removed and such powers, duties and functions are transferred to and shall be exercised by the Department of Public Safety.

All funds, books, records, papers, maps, charts, plans and other materials, including but not limited to any equipment in the possession of any agency of this State and used in connection with the Motor Fuel Tax Law shall, within thirty days from the effective date of this Act, be delivered into the custody of the Department of Public Safety. All full-time positions and part-time positions required for administration of the Motor Fuel Tax Law shall be transferred to the Department of Public Safety.

Section 7. The powers, duties and functions assigned to and exercised by the Department of Finance in relation to the Motor Carriers' Fuel Purchase Act, as set forth in Chapter 52, Title 30 of the Delaware Code, are hereby removed and such powers, duties and functions are transferred and shall be exercised by the Department of Public Safety.

All funds, books, records, papers, maps, charts, plans and other materials, including but not limited to any equipment in the possession of any agency of this State and used in connection with the Motor Carriers' Fuel Purchase Act shall within thirty days from the effective date of this Act, be delivered into the custody of the Department of Public Safety. All full-time positions and part-time positions required for administration of the Motor Carriers' Fuel Purchase Act shall be transferred to the Department of Public Safety.

Approved July 17, 1978.

CHAPTER 217

FORMERLY: SENATE BILL NO. 258

AN ACT AUTHORIZING THE TRANSFER OF LOCAL FUNDS PREVIOUSLY APPROVED FOR PURCHASE OF GAUGER MIDDLE SCHOOL SITE TO BE EXPENDED FOR THE REPAYMENT TO THE ADVANCED LAND ACQUISITION FUND FOR THE PURCHASE OF THE GLASGOW HIGH SCHOOL SITE.

WHEREAS, the residents of the Newark School District approved funds for purchase of a school site; and

WHEREAS, the purchase of that said site costs less than the estimated cost; and

WHEREAS, the Newark School District contributed 40% of the total cost of the above purchase; and

WHEREAS, the construction is nearly complete on the new Glasgow High School.

NOW, THEREFORE,

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

Section 1. The Newark School District is hereby permitted to transfer \$44,000.00 from their local Debt Service Account, previously approved for the purchase of the Gauger Middle School site, to the Land Acquisition Fund, thereby enabling repayment to the Advanced Land Acquisition Fund for the purchase of the Glasgow site.

Approved July 18, 1973.

CHAPTER 218

**FORMERLY: HOUSE BILL NO. 550
AS AMENDED BY
HOUSE AMENDMENT NO. 1**

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

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

Section 1. Amend Section 5110, Title 30, Delaware Code, by striking the figure "8" as the same appears in the first line of said section, and inserting in lieu thereof the figure "9".

Section 2. This rate of tax shall become effective on August 1, 1973 and shall terminate on June 30, 1974. On July 1, 1974 the rate of tax shall revert to 8 cents per gallon.

Approved July 19, 1973.

CHAPTER 219

FORMERLY: SENATE BILL NO. 160

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 17 AS THAT CHAPTER RELATES TO UNITS OF PUPILS WHEN THE PUPILS ARE PARTIALLY DEAF OR HARD OF HEARING.

WHEREAS, a recent professionally conducted evaluation at the Margaret S. Sterck School for Hearing Impaired, Delaware's only school for the Deaf located in the Newark School District, indicated the need for upgrading in the funding level for that school as it reaches for accredited status; and

WHEREAS, the State of Delaware has historically demonstrated the desire to provide adequate education for each of its children regardless of any particular handicap,

NOW THEREFORE,

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

Section 1. Amend Delaware Code, Title 14, §1703 in the second full paragraph of that section where these words are found ". . . classes for the partially deaf or hard of hearing, 1 unit for 8 children." by striking from that paragraph the figure "8" and substituting in lieu thereof the figure "6".

Section 2. In order to carry out the provisions of this act during the fiscal year ending June 30, 1974 an amount of \$78,300 is appropriated to the Educational Contingency Fund for the funding of the program herein described including employee benefits.

Section 3. The effective date of this act shall be July 1, 1973.

Approved July 23, 1973.

CHAPTER 220

FORMERLY: SENATE BILL NO. 161

AN ACT TO AMEND DELAWARE CODE, TITLE 14, RELATING TO EDUCATION BY PROVIDING FOR THE EDUCATION OF PRE-SCHOOL CHILDREN WHOSE HEARING IS IMPAIRED.

WHEREAS, an infant or very young child whose hearing is impaired needs special assistance to learn the words which are essential to speech, to personal relationships, and to formal education; and

WHEREAS, successful programs for the teaching of these children and their parents have been conducted throughout the United States and at the Margaret S. Sterck School for Hearing Impaired in the Newark School District; and

WHEREAS, the State of Delaware has not until this time made provisions through educational appropriations for the education of these infants and their parents,

NOW THEREFORE,

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

Section 1. Amend Delaware Code, Title 14, §1703 by adding to that section a new paragraph as follows:

"In the case of children at the pre-kindergarten ages who are partially deaf or hard of hearing programs of instruction may be prepared, according to rules and regulations of the State Board of Education as authorized in §203 of this Title, that will provide special education and training for these children and their parents. The minimum age described in §3101 of this Title shall not be applicable to children served under this section. 'Unit' or 'Unit of pupils' shall mean six children per unit. Units so established shall be based upon statewide needs and the program shall be an integral part of the Margaret S. Sterck School

for Hearing Impaired. Time spent with each child each week may approximate the time devoted to kindergarten programs.

Section 2. In order to carry out the provisions of this Act including salaries, employee benefits and necessary employee travel during the fiscal year ending June 30, 1974 there is appropriated to the Educational Contingency Fund for assignment by the State Board of Education an amount of \$51,000.

Section 3. The effective date of this Act shall be July 1, 1973.

Approved July 23, 1973.

CHAPTER 221

FORMERLY: SENATE BILL NO. 267
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE STATE BOARD OF EDUCATION FOR THE
PURPOSE OF PURCHASING, INSTALLING AND
EQUIPPING ONE PORTABLE CLASSROOM UNIT
ALONG WITH OTHER EQUIPMENT FOR THE WOOD-
BRIDGE SCHOOL DISTRICT.**

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

Section 1. The sum of \$5,000 is hereby appropriated to the State Board of Education for the purpose of purchasing, installing and equipping one portable classroom unit along with other equipment for the Woodbridge School District.

Section 2. The Woodbridge School District shall pay rent to the State Board of Education at the appropriate rate while the portable classroom unit and other associated equipment are used for the purpose intended by the said Woodbridge School District. When the Woodbridge School District no longer requires the use of the said portable classroom unit 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. This act shall be known as a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Section 4. Any funds hereby appropriated which remain unexpended on June 30, 1974, shall revert to the General Fund of the State.

Approved July 23, 1973.

CHAPTER 222

FORMERLY: SENATE BILL NO. 393
AS AMENDED BY
SENATE AMENDMENT NO. 1

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, 1974, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS", BEING SENATE BILL NO. 392, AS AMENDED BY SENATE AMENDMENT NO. 1, OF THE 127TH GENERAL ASSEMBLY AND ALSO KNOWN AS THE 1974 BUDGET APPROPRIATION BILL.

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

Section 1. Senate Bill No. 392, as amended by Senate Amendment No. 1, of the 127th General Assembly and entitled "An Act Making Appropriations For The Expense Of The State Government For The Fiscal Year Ending June 30, 1974, And to Amend Certain Pertinent Statutory Provisions", and also known as the 1974 Budget Appropriation Bill, is amended: by striking certain figures in their entirety as they appear and substituting certain figures in lieu thereof; by adding new lines and figures; and by striking certain lines and figures in their entirety in said Senate Bill No. 392, as amended by Senate Amendment No. 1, as hereinafter prescribed:

<u>Item/Description</u>	<u>From</u>		<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(01-00-000) LEGISLATIVE				
(01-08-002) Office of Controller General				
Sal. & Wages of Emp.	(7) \$ 62,889	(7)	\$ 70,193	\$ (7,304)
FICA—Employer's Share	4,159		4,431	(272)
Pensions	10,277		11,175	(898)
(02-00-000) JUDICIARY				
(02-03-000) Superior Court				
Sal. & Wages of Emp.	(74) 668,179	(74)	669,035	(856)
FICA—Employer's Share	43,699		43,749	(50)
Pensions	82,185		82,292	(107)
(02-08-002) New Castle County Family Court				
Sal. & Wages of Emp.	(87) 627,789	(87)	641,742	(13,953)
FICA—Employer's Share	40,675		41,491	(816)
Pensions	79,864		81,580	(1,716)
(02-08-004) Sussex County Family Court				
Sal. & Wages of Emp.	(22) 176,020	(22)	172,497	3,523
FICA—Employer's Share	10,794		10,587	207
Pensions	23,836		23,403	433

<i>Item/Description</i>	<i>From</i>	<i>To</i>	<i>Amt. of Decrease or (Increase)</i>
(02-17-000) Administrative Office of the Courts			
Sal. of Dep. Admin.	20,000	23,000	(3,000)
Sal. & Wages of Emp. (8)	49,620	51,945	(2,325)
FICA—Employer's Share	5,571	5,707	(136)
Pensions—All Others	15,409	16,064	(655)
(10-00-000) EXECUTIVE OFFICE OF THE GOVERNOR			
(10-02-001) Budget Office			
Fuel Oil & Gasoline Increase	—0—	510,000	(510,000)
(10-02-006) Budget Commission			
Accrued Vac. & Sick Leave	40,000	250,000	(210,000)
Unemp. Compensation	25,000	145,000	(120,000)
(10-04-000) Office of Personnel			
Sal. of Director	19,000	22,000	(3,000)
Pensions	26,818	27,187	(369)
(15-00-000) LEGAL			
(15-01-000) Department of Justice			
Sal. of Deputies	391,000	427,150	(36,150)
Sal. of State Solicitor	21,000	22,500	(1,500)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
Sal. of State Prosecutor	21,000	22,500	(1,500)
FICA—Employer's Share	40,803	42,804	(2,001)
Pensions	90,182	95,151	(4,969)
(15-02-000) Public Defender			
Sal. of Asst. Pub. Def. (5)	92,000	140,000	(48,000)
FICA—Employer's Share	9,055	11,723	(2,668)
Pensions	25,572	31,476	(5,904)
(15-03-000) Board of Parole			
Sal. & Wages of Emp.	26,986	26,986	—0—
(20-00-000) DEPARTMENT OF STATE			
(20-05-002) Franchise Tax Section			
Cont. Services	7,000	17,000	(10,000)
(25-00-000) DEPARTMENT OF FINANCE			
(25-05-000) Division of Accounting			
Sal. of Director	18,500	20,500	(2,000)
Pensions	27,927	28,173	(246)
(25-07-013) Debt Service			
State Obligations—Interest	641,229	1,016,229	(375,000)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES			
(30-05-000) Division of Maintenance and Communications			
Sal. & Wages of Emp.	(100.5)	651,961	(18,064)
Sal.—Overtime		10,214	616
FICA—Employer's Share		40,953	(1,021)
Pensions		85,277	(2,146)
Cont. Services			
Pony Express	—0—	22,000	(22,000)
Other Cont. Services	479,075	461,786	17,289
Supplies and Materials	51,000	50,134	866
(30-06-000) Division of Purchasing			
Sal. of Director		17,500	4,000
Sal. & Wages of Emp.	(26.5)	185,965	23,563
Sal.—Overtime		16,185	4,000
FICA—Employer's Share		12,619	1,572
Pensions		24,311	3,882
Cont. Services		18,170	3,000
Supplies and Materials		16,400	2,000

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES			
(35-07-004) Division of Aging			
Sal. of Director	—0—	16,000	(16,000)
(15.5) Sal. & Wages of Emp.	41,020	26,720	14,300
Pensions	5,046	5,255	(209)
Cont. Services	3,280	2,371	909
Capital Outlay	1,675	675	1,000
(35-07-005) Food Stamp Program			
Sal. & Wages of Emp.	—0—	127,063	(127,063)
FICA—Employer's Share	—0—	7,435	(7,435)
Pensions	—0—	15,630	(15,630)
Health Insurance	—0—	1,360	(1,360)
Personal Services	—0—	500	(500)
Travel	—0—	500	(500)
Cont. Services			
Central Data Proc. Svc.	—0—	60,000	(60,000)
Other Cont. Services	—0—	80,450	(80,450)
Supplies & Materials	—0—	3,500	(3,500)
Capital Outlay	—0—	8,200	(8,200)
TOTAL—Food Stamp Program	—0—	304,638	—

<i>Item/Description</i>	<i>From</i>		<i>To</i>	<i>Amt. of Decrease or (Increase)</i>
(35-09-000) Division of Drug Abuse				
Cont. Services	215,000		—0—	215,000
Crittenton Home (Adult Basic Ed.) .	—0—		5,000	(5,000)
Other Cont. Services	—0—		210,000	(210,000)
(35-13-000) Juvenile Corrections				
(35-13-002) Ferris School for Boys				
Sal. & Wages of Emp. (88.5)	576,336	(91.5)	606,253	(29,917)
Sal.—Overtime	20,000		33,000	(13,000)
FICA—Employer's Share	34,257		36,768	(2,511)
Pensions	73,864		79,143	(5,279)
Drugs	4,000		5,050	(1,050)
(35-13-003) Woods Haven-Kruse School for Girls				
Sal. & Wages of Emp. (54)	392,729	(58)	430,212	(37,483)
Sal.—Overtime	14,000		15,527	(1,527)
FICA—Employer's Share	23,717		26,554	(2,837)
Pensions	50,295		55,094	(4,799)
Drugs	4,000		5,900	(1,900)
(35-13-004) Bridge House Detention Center				
Sal. & Wages of Emp. (18)	141,192	(19)	154,554	(13,362)
Sal.—Overtime	8,200		12,000	(3,800)

<i>Item./Description</i>	<i>From</i>		<i>To</i>	<i>Amt. of Decrease or (Increase)</i>
FICA—Employer's Share	9,193		10,387	(1,194)
Pensions	18,744		20,855	(2,111)
Drugs	300		1,700	(1,400)
(35-13-005) Stevenson House Detention Center				
Sal. & Wages of Emp. (18)	150,916	(18)	155,503	(4,587)
FICA—Employer's Share	9,288		9,556	(268)
Pensions	19,916		20,480	(564)
(35-13-006) Delaware Youth Center				
Sal. & Wages of Emp. (29)	211,311	(35)	257,199	(45,888)
Sal.—Overtime	11,000		14,000	(3,000)
Sal.—Haz. Duty & Shift Diff.	17,000		27,129	(10,129)
FICA—Employer's Share	13,793		17,920	(4,127)
Pensions	20,435		36,694	(16,259)
Personal Services	10,000		11,900	(1,900)
(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL				
(40-01-000) Office of the Secretary				
Sal. & Wages of Emp. (9)	111,161	(5)	66,572	44,589
FICA—Employer's Share	7,170		4,562	2,608
Pensions	16,625		11,141	5,484

<i>Item/Description</i>	<i>From</i>	<i>To</i>	<i>Amt. of Decrease or (Increase)</i>
(40-02-000) Office of Administration			
Sal. & Wages of Emp.	(16)	147,467	(3,073)
FICA—Employer's Share		8,626	(180)
Pensions		18,138	(378)
(40-06-002) Parks			
Sal. & Wages of Emp.	(42)	369,267	(7,791)
FICA—Employer's Share		21,601	(456)
Pensions		45,420	(958)
Capital Outlay		25,470	9,000
(40-06-004) Recreation			
Sal. & Wages of Emp.	(2)	23,876	(12,096)
FICA—Employer's Share		1,396	(667)
Pensions		2,937	(1,488)
(40-07-002) Drainage			
Sal. & Wages of Emp.	(5)	50,599	(9,404)
FICA—Employer's Share		2,960	(550)
Pensions		6,624	(1,157)
Tax Ditches—Sussex Co.		20,000	(1,250)

<u>Item/Description</u>	<u>From</u>		<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(40-08-002) Air Resources				
Sal. & Wages of Emp.	(7)	70,877	(9)	96,430
FICA—Employer's Share		4,147		5,641
Pensions		8,718		11,861
(40-08-003) Water Resources				
Sal. & Wages of Emp.	(11)	139,679	(13)	161,036
FICA—Employer's Share		8,172		9,420
Pensions		17,181		19,807
(40-08-004) Technical Services				
Sal. & Wages of Emp.	(12)	142,736	(13)	153,156
FICA—Employer's Share		8,350		8,959
Pensions		17,557		18,838
(45-00-000) DEPARTMENT OF PUBLIC SAFETY				
(45-01-000) Office of Secretary				
Sal. & Wages of Emp.	(2)	17,067	(1)	8,167
FICA—Employer's Share		1,665		1,145
Pensions		5,051		3,956
Travel		100		—0—
				100

<u>Item/Description</u>	<u>From</u>		<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(45-05-000) Division of Administration and Intergovernmental Services				
(45-05-001) Office of Administration				
Salary of Director	14,500		15,500	(1,000)
Sal. & Wages of Emp. (7)	79,439	(5)	57,269	22,170
FICA—Employer's Share	4,971		4,017	954
Pensions	12,031		9,304	2,727
Capital Outlay	500		—0—	500
(45-05-002) Communications Section				
Sal. & Wages of Emp. (15)	158,013	(18)	176,661	(18,648)
FICA—Employer's Share	8,680		9,679	(999)
Pensions	19,500		21,601	(2,101)
(45-06-000) Division of State Police				
Sal. of Uniformed Division	4,688,237	(429)	4,656,482	31,755
Sal. & Wages of Emp. (83)	587,803	(103)	719,649	(131,846)
Salaries—Overtime	288,000		100,000	188,000
FICA—Employer's Share	35,986		43,216	(7,230)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
Pensions—Uniformed Division	1,109,634	1,109,000	634
Pension—All Others	73,315	88,517	(15,202)
Contractual Services	413,350	423,350	(10,000)
Supplies & Materials	364,525	427,225	(62,700)
Cap. Out.Vehic. & Rel. Equip.	351,150	402,800	(51,650)
(45-07-000) Division of Motor Vehicles			
Sal. & Wages of Emp.	(187)	1,331,608	(39,874)
FICA—Employer's Share	76,580	78,912	(2,332)
Pensions	163,410	166,248	(2,838)
Travel	1,000	500	500
Supplies & Materials			
Tags, Stickers and Numerals	167,000	155,000	12,000
Other Supplies & Materials	27,000	48,000	(21,000)
Capital Outlay	4,800	7,500	(2,700)
(45-08-000) Division of Emergency Planning and Operations			
Capital Outlay	5,000	3,000	2,000

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT			
(50-01-000) Office of the Secretary			
Sal. & Wages of Emp.	(8.25)	61,051	(4,986)
FICA—Employer's Share		12,463	(805)
Pensions		14,347	(1,692)
Health Insurance		2,684	(475)
Travel	600	1,600	(1,000)
Contractual Services	4,600	5,600	(1,000)
Supplies & Materials	1,900	2,360	(460)
Foster Grandparent Program			
Sal. & Wages of Emp.	(3.12)	31,596	(8,774)
(50-06-000) Office of Human Relations			
Salary of Director		18,000	(2,000)
Sal. & Wages of Emp.	(9)	80,747	(5,248)
FICA—Employer's Share		5,338	(307)
Pensions		11,900	(646)
Travel		5,000	(1,500)
Supplies & Materials	1,700	2,500	(800)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(50-08-000) Division of Economic Development			
Travel	5,000	6,000	(1,000)
Miss America Pageant Grant	—0—	1,000	(1,000)
(50-09-000) Division of Housing			
Salary of Director	—0—	25,830	(25,830)
Sal. & Wages of Emp.	—0—	39,523	(39,523)
FICA—Employer's Share	—0—	2,979	(2,979)
Pensions	—0—	7,813	(7,813)
Health Insurance	—0—	510	(510)
Personal Services	—0—	5,000	(5,000)
Travel	—0—	2,000	(2,000)
Contractual Services	—0—	7,000	(7,000)
Supplies and Materials	—0—	3,000	(3,000)
Capital Outlay	—0—	500	(500)
Sub-Total	—0—	94,155	—
(50-10-000) Division of Libraries			
Contractual Services	23,200	27,895	(4,695)
Supplies and Materials	13,950	24,614	(10,664)
Capital Outlay	12,130	20,000	(7,870)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(50-11-000) Division of Consumer Affairs			
Sal. & Wages of Emp.	(4) 33,182	(7) 54,498	(21,316)
FICA—Employer's Share	2,608	3,855	(1,247)
Pensions	6,049	8,671	(2,622)
Health Insurance	425	623	(198)
Supplies and Materials	1,500	2,500	(1,000)
DEPARTMENT OF LABOR			
(60-05-000) Division of Employment Services			
Operations	—	24,000	(24,000)
(60-07-002) Labor & Industrial Affairs			
Sal. & Wages of Emp.	(19) 162,731	(19) 169,231	(6,500)
FICA	10,187	10,567	(380)
Pensions	22,558	23,358	(800)
Travel	1,400	4,640	(3,240)
Contractual Services	15,300	33,075	(17,775)
Supplies & Materials	1,550	4,400	(2,850)
Capital Outlay	3,000	11,450	(8,450)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(60-07-004) Industrial Accident Board			
Personal Services	17,500	21,000	(3,500)
(60-08-000) Vocational Rehabilitation			
Personnel Commission Processing Cost	—	300	(300)
(65-00-000) DEPARTMENT OF AGRICULTURE			
(65-04-000) Division of Production and Promotion			
Salary of Director	14,000	17,000	(3,000)
Pensions	9,847	10,216	(369)
(70-00-000) DEPARTMENT OF ELECTIONS			
(70-04-000) Sussex County Department of Elections			
Salaries—Casual and Seasonal	1,500	3,500	(2,000)
Contractual Services	8,500	6,500	2,000
(90-00-000) HIGHER EDUCATION			
(90-01-001) University of Delaware			
Operations	16,000,000	16,200,000	(200,000)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(90-02-000) Delaware Institute of Medical Education and Research			
Operations	2,200,000	2,150,000	50,000
(95-00-000) PUBLIC EDUCATION			
(95-01-001) Administration			
Supervisors	(52)	(54)	—
State Funds	373,753	412,005	(38,252)
Specialists	(4)	(5)	—
State Funds	—0—	14,585	(14,585)
Clerical	(50)	(52)	—
State Funds	274,602	283,718	(9,116)
FICA—Employer's Share	70,026	72,560	(2,534)
Pensions	229,970	237,590	(7,620)
(95-01-002) Services to School Districts and Others			
FICA—Employer's Share	230,982	243,460	(12,478)
Pensions	483,194	509,428	(26,236)
Division III—Equalization Funds	3,515,600	—0—	3,515,600
Regular Formula	—0—	3,500,000	(3,500,000)
Special Formula	—0—	300,000	(300,000)

<u>Item/Description</u>	<u>From</u>	<u>To</u>	<u>Amt. of Decrease or (Increase)</u>
(95-01-003) Educational Contingency			
Growth and Upgrading			
Division III—Equalization Funds . . .	—0—	74,113	(74,113)
Occupational—Vocational (HB 509) . .	—0—	536,000	(536,000)
FICA—Employer's Share	112,625	135,877	(23,252)
Pensions	237,027	285,864	(48,837)
Health Insurance	3,000	5,000	(2,000)
Sterck School (SB 160)	—0—	78,300	(78,300)
Sterck School (SB 161)	—0—	51,000	(51,000)

Section 2. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by striking paragraph (j) of Section 10 in its entirety as it appears in said Bill and substituting in lieu thereof a new paragraph (j) reading as follows:

"(j) The Department of Public Instruction Staff shall be reduced by one (1) position at the Supervisor level in the area of teacher education and by three (3) positions at the Clerical level."

Section 3. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by adding a new paragraph (k) to Section 10 of said Bill reading as follows:

"(k) Equalization Funds—Regular Formula shall be distributed to the school districts according to Title 14, Section 1707 as of June 1, 1973. Equalization Funds—Special Formula shall be distributed to those school districts whose index is less than 100 by multiplying the number of indexed points below 100 times the number of units certified for the district, times an amount per unit authorized for this purpose. 'Amount authorized' means the total number of dollars per unit so authorized from State funds without any additional amount being contributed by the school district, and 'index' means the percent of the school district ability to the 'state average ability', as defined in Section 1707, Title 14, Delaware Code. However, no reorganized district shall in any fiscal year receive less Division III funds than received in the previous fiscal year, such guarantee to be provided for from the Educational Contingency Fund."

Section 4. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by adding the following sentence to paragraph (e) of Section 13 of said Bill reading as follows:

"This paragraph shall become effective January 1, 1974."

Section 5. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by striking Section 22 in its entirety as it appears in said Bill and substituting in lieu thereof a new Section 22 reading as follows:

"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 Department having personnel covered

by the Classification Plan, and as paid by such Departments to the State Personnel Commission in proportion to the number of classified positions in such department on July 1, 1973. Any Department employing classified, temporary and/or seasonal 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 6. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by striking Section 39 in its entirety as it appears in said Bill and substituting in lieu thereof a new Section 39 reading as follows:

"Section 39. Total budgetary appropriations for salaries and wages of employees in "Classified Service," as defined in Section 5903, Chapter 29, Delaware Code, for the fiscal year ending June 30, 1974, or any statutory provisions notwithstanding, no classified employee of any Department or Agency of the State of Delaware listed on pages 2 through line 24 on page 56 of this Act shall receive an increase in his salary or wage in excess of 5% of his salary or wage prevailing as of June 30, 1973, during the fiscal year ending June 30, 1974, unless competitively promoted to fill an existing vacancy not created by "up-grading" or "re-allocation," and provided further that in the case of individual line item salaries delineated in this Act the salaries paid during the fiscal year ending June 30, 1974, shall not exceed the amounts therein prescribed."

Section 7. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by striking the following in their entirety as they appear in Section 38 (b) of said Bill:

<i>State Agency</i>	<i>From</i>	<i>To</i>	<i>Amt. Reduced</i>
"(20-00-000) Department of State ..	\$ 1,575,347	\$ 1,525,347	\$ 50,000"
"(35-00-000) Department of Health and Social Services	67,963,573	65,963,573	2,000,000"

and substituting in lieu thereof the following:

<i>State Agency</i>	<i>From</i>	<i>To</i>	<i>Amt. Reduced</i>
"(35-00-000) Department of Health and Social Services	67,963,573	65,686,573	2,277,000"

and further amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by recomputing the subtotals and totals of Section 38 as changed by this Section.

Section 8. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by adding a new paragraph (c) to Section 35 of said Bill reading as follows:

"(c) The sum total of amounts appropriated for Health Insurance shall be reduced by the amount of \$173,000. This reduction shall be listed as a line item entitled, "REDUCTION IN HEALTH INSURANCE PREMIUMS", and shall immediately precede the line item entitled, "GRAND TOTAL — AGENCIES AND EDUCATION", listed at the end of Section of this Act. The grand total amount shall reflect this \$173,000 reduction in the total aggregate appropriation for Health Insurance Premiums for the fiscal year ending June 30, 1974."

Section 9. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by adding a new Section 40 (a) and (b) to said Bill reading as follows:

"Section 40. (a) Section 2505, Chapter 25 of Delaware Code, Title 29, is hereby amended by adding thereto a new subsection (i) to read as follows:

"(i) The Attorney General may appoint from the practicing members of the Bar of this State lawyers in addition to those authorized by appropriations to the Department to be his Deputy Attorneys General and Special Deputy Attorneys General, to be compensated from Federal funds and funds other than those funds appropriated to the State Department of Justice, to have such powers, duties and responsibilities as designated by the Attorney General, provided, however, that the tenure provisions of Section 2511 of this Chapter shall not apply to such Deputy Attorneys General and Special Deputy Attorneys General, and provided further that the State shall not be obligated to continue their employment when or in the event such Federal funds or such other funds are no longer available to pay their salaries."

"(b) Section 2506, Chapter 25 of Delaware Code, Title 29, is hereby amended by adding thereto a new subsection (h) to read as follows:

"(h) The salaries of Deputy Attorneys General and Special Deputy Attorneys General appointed pursuant to Section 2505 (i) of this Chapter shall be not more than those salaries authorized to be paid to Deputy Attorneys General and Special Deputy Attorneys General who are compensated from funds appropriated to the State Department of Justice."

Section 10. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by adding to Section 7 of said Bill a new sentence reading as follows:

"The rules and regulations adopted by the State Board of Education concerning the transportation of pupils in non-public, non-profit elementary and secondary schools in this State for the fiscal year beginning July 1, 1972 and ending June 30, 1973 shall remain in effect and be applicable without modification for the fiscal year beginning July 1, 1973 and ending June 30, 1974 notwithstanding any laws of the State to the contrary."

Section 11. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by adding a new Section 41 to said Bill reading as follows:

"Section 41. With respect to Division of Transportation, the three (3) Highway Engineer positions currently being paid from Special Funds, shall continue to be assigned to the Transit Planning Program until further directed by the General Assembly."

Section 12. Amend Senate Bill No. 392, as amended by Senate Amendment No. 1, by renumbering sections in consecutive order and by recomputing all subtotals and totals in Section 1 of said Bill to reflect all changes made by this Act.

Approved July 24, 1973.

CHAPTER 223

FORMERLY: HOUSE BILL NO. 541
AS AMENDED BY
HOUSE AMENDMENTS 2, 6, 8, 11 AND 12

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 AND TO BORROW MONEY TO BE USED FOR THE LOCAL SHARE OF SCHOOL CONSTRUCTION PROGRAMS AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE STATE BOARD OF EDUCATION ON BEHALF OF LOCAL SCHOOL DISTRICTS.

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 8 hereof the sum of \$78,238,200 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 8, Section 9, Section 10, and Section 11 of this Act.

Section 2. There is appropriated to the State Board of Education for school construction purposes in the School Districts hereinafter set forth in Section 12 of this Act the sum of \$1,628,600 constituting the sum total of local shares of school construction programs herein authorized for the financing of which such School Districts have not issued local school bonds.

Section 3. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in Section 8, Section 9 and Section 11 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 except for that maintenance as outlined in Section 17 of this Act.

Section 4. None of the monies appropriated by this Act shall be expended before July 1, 1973. None of the monies appropriated by this Act shall be expended after June 30, 1976, on any of the individual projects authorized in the 1974 Annual Capital Projects Schedule unless such projects have progressed into any or all of the following phases prior to July 1, 1976: Initial Engineering, Planning, Procurement, Construction.

Section 5. The said sum of \$78,238,200 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 1974".

Section 6. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for the interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any 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 7. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly for the fiscal year next following the effective date of this Act and for each subsequent fiscal year or biennium, shall contain under the Debt Service item provisions for the payment of interest and principal maturities of the bonds (or notes which are not to be funded by

the issuance of bonds) issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Section 8. The monies appropriated herein, or so much thereof as is necessary to carry out the purposes of this Act, shall be expended by the following State agencies or their successors in the following amounts:

(a) Department of Administrative Services	\$	18,000
(b) Budget Office		
School Districts	\$743,400	
Other State Agencies	256,600	1,000,000
(c) Department of Health and Social Services	4,830,000	
(d) Department of Highways and Transportation ..	26,440,000	
(e) National Guard	361,000	
(f) Department of Natural Resources and Environmental Control	6,360,000	
(g) State Board of Education	18,482,200	
(h) Department of Public Safety	671,000	
(i) Department of State	60,000	
(j) Delaware State College	3,150,000	
(k) Delaware Technical and Community College ...	9,100,000	
(l) University of Delaware	7,766,000	
GRAND TOTAL	\$78,238,200	

Section 9. The sum of \$26,440,000 appropriated by Section 8(d) of this Act to the Department of Highways and Transportation for Highway construction and related construction purposes, shall be allocated by the Department of Highways and Transportation to the following Capital Improvement Programs:

(a) Corridor Program	\$11,100,000
(b) Non-Corridor Route Improvements Program ..	4,000,000
(c) Highway and Railway Crossing Safety Improve- ments	150,000

(d) TOPICS Program	100,000
(e) Intersection Improvements Program	75,000
(f) Traffic Signal Improvements Program	200,000
(g) Small Bridge Replacement and Repair	500,000
(h) Dirt Road Program	1,000,000
(i) Resurfacing Secondary Roads	800,000
(j) Suburban Streets Reconstruction Program	1,000,000
(k) Advance Planning and Engineering Program ..	300,000
(l) Suburban Drainage Program	500,000
(m) Transit Improvements Program	382,000
(n) Miscellaneous Projects	2,933,000
(o) Engineering and Contingencies	1,000,000
(p) Advance Right-of-Way Acquisition and P.E. ...	500,000
(q) Long Life Heavy Equipment	1,000,000
TOTAL	<u>\$26,440,000</u>

Section 10. The monies allocated in Section 9 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 9 of this Act and termed (o) Engineering and Contingencies shall be accounted for by project. No monies allocated in Section 9 shall be used to finance the rehabilitation and resurfacing of roads by the "tar-and-chip" method. No new non-corridor projects will be considered until the previous year's priority list of non-corridor projects has been considered, completed or bids awarded.

Section 11. The sum of \$18,482,200 appropriated by Section 8(g) 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 tabulations of maximum totals and shares, or in the proportions represented by said maximum totals and shares:

<i>Name of School District</i>	<i>Local Share</i>	<i>State Share</i>	<i>Total Cost</i>
(a) Wilmington			
Elementary School (Design) ...\$	250,000	\$ 250,000	\$ 500,000
Stubbs Cafeteria Renovations ..	40,000	60,000	100,000

Bayard Playground	95,000	142,500	237,500
Howard Career Center	—0—	975,000	975,000
P.S. du Pont High School			
(Planning of renovations ..	—0—	85,000	85,000
Sub-total	\$ 385,000	\$ 1,512,500	\$ 1,897,500
(b) New Castle-Gunning Bedford			
Manor Park Heating Plant	\$ 90,000	\$ 135,000	\$ 225,000
(c) Newark			
Glasgow Vo-Tech High School ..	—0—	\$ 8,000,000	\$ 8,000,000
Renovations — Central Jr. High,			
Christiana-Salem Elementary, Lea-			
sure Elementary, Newark High			
School, District Storage	98,000	147,000	245,000
Ogletown Jr. High School	420,000	629,000	1,049,000
Sterck School — Design	—0—	45,000	45,000
Sub-total	\$ 518,000	\$ 8,821,000	\$ 9,339,000
(d) Alfred I. du Pont			
C. W. Bush School—Trainables ..	\$ —0—	\$ 100,000	\$ 100,000
(e) Alexis I. du Pont			
Middle School Renovations	\$ 150,000	\$ 225,000	\$ 375,000
(f) Kent Vo-Tech High School			
New Campus Construction	\$ —0—	\$ 4,600,000	\$ 4,600,000
Kitchen and Cafeteria	—0—	39,000	39,000
Parking, lights, curbing	—0—	83,000	83,000
Sub-total	\$ —0—	\$ 4,722,000	\$ 4,722,000
(g) Appoquinimink			
Renovation Middletown			
High School—Planning	\$ —0—	\$ 45,000	\$ 45,000
(h) Caesar Rodney			
Administrative Office	\$ 28,000	\$ 41,000	\$ 69,000
(i) Indian River			
High School—Planning & Design \$	—0—	\$ 215,000	\$ 215,000
(j) State Board of Education			
Minor Capital Improvements ...	\$ 932,600	\$ 1,532,700	\$ 2,465,300
School Building Maintenance ...	—0—	733,000	733,000
Sub-total	\$ 932,600	\$ 2,265,700	\$ 3,198,300
(k) Capital			
Construction & Equipping of			
Therapy Addition to Kent County			
Orthopedic Facility for the			
William Henry Middle School ...	\$ —0—	\$ 400,000	\$ 400,000
GRAND TOTAL	\$ 2,103,600	\$18,482,200	\$20,585,800

Section 12. (a) The sum of \$1,628,600 appropriated by Section 2 of this Act may be used for the costs of the purposes for which such local shares were authorized in the respective amounts allocated to each School District as follows:

<i>NAME OF SCHOOL DISTRICT</i>	<i>AMOUNT</i>
(a) Newark	
Renovations—Central Jr. High, Christiana-Salem Elementary, Leasure Elementary, Newark High School, District Storage	\$ 98,000
Ogletown Jr. High School	420,000
(b) Alexis I. du Pont	
Middle School Renovations	150,000
(c) Caesar Rodney	
Administrative Office	28,000
(d) State Board of Education	
Minor Capital Improvements	932,600
TOTAL	<u><u>\$1,628,600</u></u>

(b) The said sum of \$1,628,600 or so much as may be necessary for carrying out the purposes of Section 2 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 but shall not be within any debt or other limitation of the State within the meaning of Subchapter II, Chapter 74, Title 29, Delaware Code.

(c) Any funds borrowed pursuant to Section 2 of this Act and remaining unexpended after the completion of the programs authorized by this Act and any funds borrowed for a school district 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 for that school district and appropriated against their 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 build-

ing 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 13. The sums of money appropriated and allocated for school construction purposes pursuant to Section 8 and Section 11 of this Act shall be expended in accordance with the provisions of this Act, and Chapter 75, Title 29, Delaware Code.

Section 14. No money appropriated and allocated by this Act for school construction purposes pursuant to Section 11 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 15. (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 11 hereof as shall be necessary to provide for the customary audit function, but in no event, shall such allocation exceed one-half percent 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 11 hereof as shall be necessary to provide for the customary supervision (construction inspection services), but in no event shall such allocation exceed one percent of such total cost.

(c) In contracting for the supervision (construction inspection services) as prescribed in Section 15(b) hereinabove, the State Board of Education shall give first preference to an ex-

perienced Delaware organization, able to, and offering to provide quality service on a "non-profit, at cost" basis, and in so contracting it shall not be subject to the bidding laws as prescribed by Chapter 69, Title 29, Delaware Code. If no such organization is able to or is willing to offer to perform such specialized service on such "non-profit, at cost" basis, then the State Board of Education may contract for such services with profit making organizations on a bid basis as prescribed by Chapter 69, Title 29, Delaware Code.

Section 16. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the programs authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because a project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements.

Section 17. (a) The sum of \$1,532,700 appropriated by Section 11(j) of this Act to the State Board of Education for minor capital improvements to school buildings, or so much thereof as shall be necessary to carry out the purposes of this Act, shall be paid by the State Board of Education to the local districts in the following amounts:

<i>Name of School District</i>	<i>Local Share</i>	<i>Maximum State Share</i>	<i>Maximum Total Cost</i>
Alexis I. du Pont	\$ 13,200	\$ 19,900	\$ 33,100
Alfred I. du Pont	14,200	21,300	35,500
Appoquinimink	21,600	32,500	54,100
Claymont	19,100	28,600	47,700
Conrad Area	55,200	82,900	138,100
De La Warr	29,400	44,100	73,500
John G. Leach	—0—	34,000	34,000
Marshallton-McKean	11,600	17,500	29,100
Mount Pleasant	8,400	12,600	21,000
New Castle-Gunning Bedford	100,200	150,200	250,400
Newark	299,200	448,700	747,900
Stanton	24,600	36,800	61,400
Wilmington	44,900	67,400	112,300
Caesar Rodney	13,200	19,900	33,100
Capital	63,300	95,000	158,300
Lake Forest	11,300	17,000	28,300
Milford	14,200	21,300	35,500

Smyrna	37,800	56,700	94,500
Cape Henlopen	8,700	13,100	21,800
Delmar	2,000	3,000	5,000
Indian River	16,500	24,700	41,200
Laurel	19,100	28,600	47,700
Seaford	24,200	36,400	60,600
Woodbridge	7,100	10,700	17,800
State Board of Education	32,300	48,500	80,800
Kent Vocational	—0—	6,600	6,600
Sussex Vocational	—0—	12,000	12,000
<i>Vocational Equipment</i>			
Appoquinimink	2,900	4,400	7,300
Claymont	5,000	7,500	12,500
Delmar	400	600	1,000
Indian River	1,000	1,600	2,600
Kent County Vo-Tech	—0—	67,600	67,600
Milford	5,900	8,800	14,700
New Castle-Gunning Bedford	4,000	6,000	10,000
Newark	9,900	14,900	24,800
Sussex County Vo-Tech	—0—	13,000	13,000
Wilmington	12,200	18,300	30,500
TOTAL	\$ 932,600	\$1,532,700	\$2,465,300

(b) The State Board shall in no case pay more toward the completion of the minor capital improvements and repairs for each school district as herein contemplated, than the total amounts designated as "Maximum State Share", nor less than sixty percent of the final actual total costs when such total costs are less than the "Maximum Total Cost" herein designated. As is customary in the case of 100% State supported schools, 100% of the funds herein contemplated for such schools, shall be wholly provided by the State.

(c) The State Board shall establish criteria for the types of minor capital improvements which it will approve under this section. The State Board shall pay local districts only for the actual expenses of repairs and replacements of a capital nature which shall include but not be limited to the rebuilding or major repair of roofs, floors, heating systems, painting, electrical, and plumbing or water systems and facilities. The State Board shall in any case, pay only 60 percent of the total costs of such minor capital improvements.

(d) Before any minor capital improvements or repairs of a capital nature authorized by this section are undertaken by

any school district, the school district shall send a request to the State Board of Education which request shall itemize the improvements or repairs needed and show the estimated cost of each item. The State Board, using the criteria established pursuant to subsection (c) of this section, shall decide as to the right of payment to the local school district and show the estimated cost of each item.

(e) In order to determine the right of payment to the school district under this section, the State Board, or its designated representative, shall:

(i) inspect the building or buildings to determine that the minor capital improvements requested by the school district are needed and are in accordance with the criteria established pursuant to subsection (c) of this section;

(ii) provide necessary help to the school district for letting of bids on the repairs or replacements meeting the aforesaid criteria;

(iii) inspect the improvements upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality; and

(iv) pay the State's share of the cost of the improvements or repairs made by the school district in accordance with the provisions of this section after the improvements or repairs are accepted as meeting all specifications as to workmanship and materials.

(f) The State Board of Education shall, if and when the criteria established in this section are met, pay the school district for the school building improvement, except that the amount paid to each school district shall not be in excess of 60 percent of the total cost.

(g) Any school district may levy and collect a tax to pay their 40 percent share of the cost of the minor capital improvements authorized by this section. Such taxes shall be collected by local taxation within the school district according to the provisions set forth in Chapter 19, Title 14, of the Delaware Code.

(h) Any school district, as an alternate to the levy and collection of a tax to pay its 40 percent share as provided in (g) above, may authorize the issuance of bonds to pay its 40 percent share of the cost of the minor capital improvements authorized by this section, pursuant to Chapter 21, Title 14, Delaware Code. In the event that such share is to be raised by the alternate method herein permitted, the provisions of Section 7507, Chapter 75, Title 29, Delaware Code, shall apply.

(i) The provisions of Chapter 75, Title 29, Delaware Code, shall not apply to the minor capital improvements authorized by this section except for the applicability of Section 7507 of said Chapter as provided in (h) above.

Section 18. The sum of \$733,000 appropriated by Section 11(j) of this Act to the State Board of Education for "School Building Maintenance", shall be allocated to the school districts 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: \$9 for each year since the date of pupil occupancy of the building up to a maximum of 30 such years multiplied by the full number of units of 25 pupils in the building on a full-time basis as of September 30, 1972.

(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, painting; it shall not be used for the purchase of routine janitorial supplies, upkeep of grounds nor the repair of any equipment not a basic part of the building.

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

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

Section 19. No funds 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. In addition, no land purchase in excess of \$50,000 shall be contracted by the Department of Natural Resources and Environmental Control, without prior approval of the General Assembly; provided, however, that the Department of Natural Resources and Environmental Control shall not be prohibited from conducting studies, surveys or other contractual arrangements that would normally precede land acquisition procedures.

Section 20. 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 1974 Annual Capital Projects Schedule as prepared by the State Planning Office and approved by the Governor, and as further amended hereby.

Section 21. (a) The \$1,000,000 appropriated by this Act to the State Budget Office shall be disbursed in accordance with regulations established by the Budget Director, who shall in no event approve expenditures of such funds for any project which in his judgment will have a life expectancy of less than ten (10) years.

(b) Of the \$1,000,000 appropriated by this Act to the Budget Office, \$743,400 will be allocated to school districts on the basis of \$105 per Division II unit as of September 30, 1972, computed as follows:

Alexis I. du Pont	\$ 16,485
Alfred I. du Pont	56,805
Appoquinimink	14,280
Claymont	20,370
Conrad Area	36,225
De La Warr	24,780
Marshallton-McKean	22,785
Mount Pleasant	29,610
New Castle-Gunning Bedford	49,140
New Castle Vo-Tech	18,375
Newark	82,425
Stanton	32,235
Wilmington	80,745

Caesar Rodney	32,550
Capital	33,495
Kent County Vo-Tech	13,650
Lake Forest	18,480
Milford	21,840
Smyrna	15,855
Cape Henlopen	19,320
Delmar	5,145
Indian River	33,495
Laurel	12,180
Seaford	19,005
Sussex County Vo-Tech	11,340
Woodbridge	11,130
Howard T. Ennis, Sr. Trainable	2,100
Meadowood Trainable	1,995
John G. Leach	945
Bush School for Trainables	1,995
Sterck School for Hearing Impaired	1,680
John S. Charlton School for Trainables.....	1,680
Wallace Wallin Trainable	1,260
TOTAL	<u>\$743,400</u>

Section 22. The Budget Director shall examine each project for which monies appropriated in this Act are earmarked and shall estimate to the best of his ability the useful life expectancy of each. No monies appropriated and allocated in this Act shall be used for any construction or maintenance which is deemed by the Budget Director to have a useful life expectancy of less than ten (10) years, except for State Board of Education approved painting projects.

Section 23. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1979, except as provided in Chapter 75, Title 29, Delaware Code.

Section 24. All State departments and agencies shall submit all architectural, structural, electrical, and mechanical plans, specifications and cost estimates during the design and development phases and prior to bid to the State Architect. The State Architect shall be responsible for reviewing and approving these

plans prior to bid advertisement and no construction contracts (except Highway construction contracts) shall be executed without the prior approval of the State Architect.

Section 25. The local share of \$90,000 herein authorized under Section 11(b) for the Manor Park Elementary School heating system in the New Castle-Gunning Bedford School District may be provided from the Local School District's Debt Service account by transfer therefrom to the project herein contemplated.

Section 26. No bonds or notes, shall be issued or sold, or monies borrowed on behalf of this State, pursuant to this Act, without the full guarantee to the buyer that the State of Delaware is an equal opportunity employer.

Section 27. This Act may be known, styled or referred to as the "Annual Capital Improvements Act of 1974".

1974 ANNUAL CAPITAL PROJECTS SCHEDULE To Be Financed Through General Obligation Bonds

HOUSE BILL NO. 541

AS AMENDED

by

HOUSE AMENDMENTS 2, 6, 8, 11, and 12

Administrative Services	\$ 18,000
Health and Social Services	4,830,000
Natural Resources and Environmental Control	6,360,000
Public Safety	671,000
State	60,000
Highways and Transportation	26,440,000
State Board of Education	18,482,200
National Guard	361,000
University of Delaware	7,766,000
Delaware Technical and Community College	9,100,000
Delaware State College	3,150,000
Budget Office	1,000,000
TOTAL CAPITAL BUDGET	<u>\$78,238,200</u>

1974 ANNUAL CAPITAL PROJECTS SCHEDULE

<i>Agency and Project Identification</i>	<i>State Share</i>	<i>Total</i>
DEPARTMENT OF ADMINISTRATIVE SERVICES		
Reimburse Advanced Land Acquisition		
Fund	\$ 3,000	
Minor Capital Improvements	15,000	
		<hr/>
		\$ 18,000
DEPARTMENT OF HEALTH AND SOCIAL SERVICES		
Home and Hospital Construction —		
Stage 3	\$1,725,000	
Home and Hospital Design—Stage 4-7	500,000	
Governor Bacon Health Center—Tilton		
Building	300,000	
Delaware State Hospital—Biggs Build- ing renovations	1,000,000	
Forensic Sciences Laboratory—Phase 2	975,000	
Hospital for the Mentally Retarded—		
Medical Center Roof and Flooring ..	75,000	
Governor Bacon Health Center—Water		
Supply System Rehabilitation	165,000	
Juvenile Corrections — Miscellaneous		
Repairs	40,000	
Hospital for the Mentally Retarded —		
Electrical Distribution	50,000	
		<hr/>
		\$4,830,000
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL		
Sewer Construction Program	\$5,000,000	
Park Development	500,000	
Fishing Piers and Parking	75,000	
Water Control and Boat Ramps and		
Parking	200,000	
Fish Hatchery Restoration	35,000	
Oyster Shell Planting	50,000	
Beach Erosion Control	500,000	
		<hr/>
		\$6,860,000

<i>Agency and Project Identification</i>	<i>State Share</i>	<i>Total</i>
DEPARTMENT OF PUBLIC SAFETY		
Troop 3—Dover	\$ 650,000	
New Castle Inspection Lanes—Driving Course	21,000	
		<hr/>
		\$ 671,000
DEPARTMENT OF STATE		
Island Field Site	\$ 50,000	
Sussex County Court House	10,000	
		<hr/>
		\$ 60,000
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION		
Corridor Program	\$11,100,000	
Non-Corridor Route Improvements Program	4,000,000	
Highway & Railway Crossing Safety Improvements	150,000	
TOPICS Program	100,000	
Intersection Improvements Program	75,000	
Traffic Signal Improvements Pro- gram	200,000	
Small Bridge Replacement and Re- pairs	500,000	
Dirt Road Program	1,000,000	
Suburban Streets Reconstruction Program	1,000,000	
Engineering and Contingencies	1,000,000	
Advance Planning & Engineering Program	300,000	
Suburban Drainage Program	500,000	
Transit Improvements Program ...	382,000	
Long Life Heavy Equipment	1,000,000	
Resurfacing Secondary Roads	800,000	
Advanced Right-of-Way Acquisition and P. E.	500,000	

<i>Agency and Project Identification</i>	<i>State Share</i>	<i>Total</i>
MISCELLANEOUS PROJECTS		
Drainage & Improvements—University & Yale Avenues Wilmington Manor Gardens	100,000	
New Castle County Moores Lane Project from New Castle Avenue to Landers Lane	800,000	
Drainage in Sussex County—Columbia Avenue	300,000	
U.S. 13 Imp. — State Rd. to R.R. Bridge	600,000	
South du Pont Road—R.O.W. Acquisition	750,000	
Completion of the Port Mahon Stabilization and Erosion Protection Project	200,000	
Drainage & Improvements — Claymont & Hollyoak St. (Est.)	923,000	
Drainage & Improvements — New Castle County, Penn Ave.	100,000	
Upper Marsh Road—1 block between Naamans & Zebley	60,000	
		\$26,440,000

DEPARTMENT OF PUBLIC INSTRUCTION

<i>Name of District and Project</i>	<i>Local Share</i>	<i>State Share</i>	<i>Total Cost</i>
WILMINGTON			
Elementary School (Design)	\$ 250,000	\$ 250,000	\$ 500,000
Stubbs Cafeteria Renovations	40,000	60,000	100,000
Bayard Middle School Recreation Facilities	95,000	142,500	237,500
Howard Career Center	—0—	975,000	975,000
P.S. du Pont High School (Planning of renovations)	—0—	85,000	85,000
Subtotal	\$ 385,000	\$ 1,512,500	\$ 1,897,500

<i>Name of District and Project</i>	<i>Local Share</i>	<i>State Share</i>	<i>Total Cost</i>
NEW CASTLE-GUNNING BEDFORD			
Manor Park—Heating Plant	\$ 90,000	\$ 135,000	\$ 225,000
NEWARK			
Glasgow Vocational-Technical High School	\$ —0—	\$ 8,000,000	\$ 8,000,000
Renovations — Central Jr. High, Christiana - Salem Elementary, Leasure Elementary, Newark High School, District Storage ..	98,000	147,000	245,000
Ogletown Jr. High School	420,000	629,000	1,049,000
Sterck School—Design	—0—	45,000	45,000
Subtotal	\$ 518,000	\$ 8,821,000	\$ 9,339,000
ALFRED I. DU PONT			
C. W. Bush School—Trainables ...	\$ —0—	\$ 100,000	\$ 100,000
ALEXIS I. DU PONT			
Middle School Renovations	\$ 150,000	\$ 225,000	\$ 375,000
KENT VO-TECH HIGH SCHOOL			
New Campus Construction	\$ —0—	\$ 4,600,000	\$ 4,600,000
Kitchen and Cafeteria	—0—	39,000	39,000
Parking, Lights, Curbing	—0—	83,000	83,000
Subtotal	\$ —0—	\$ 4,722,000	\$ 4,722,000
APPOQUINIMINK			
Renovation Middletown High School — Planning	\$ —0—	\$ 45,000	\$ 45,000
CAESAR RODNEY			
Administrative Office	\$ 28,000	\$ 41,000	\$ 69,000
INDIAN RIVER			
High School—Planning & Design ..	\$ —0—	\$ 215,000	\$ 215,000
STATE BOARD OF EDUCATION			
Minor Capital Improvements	\$ 932,600	\$ 1,532,700	\$ 2,465,300
School Building Maintenance	—0—	733,000	733,000
Subtotal	\$ 932,600	\$ 2,265,700	\$ 3,198,300
CAPITAL			
Construction & Equipping of Therapy Addition to Kent County Orthopedic Facility for the William Henry Middle School	\$ —0—	\$ 400,000	\$ 400,000
GRAND TOTAL	\$ 2,103,600	\$18,482,200	\$20,585,800

<i>Agency and Project Identification</i>	<i>State Share</i>	<i>Total</i>
NATIONAL GUARD		
Two-Unit Armory	\$ 261,000	
Minor Capital Improvements	100,000	
		<hr/>
		\$ 361,000
UNIVERSITY OF DELAWARE		
Classroom and Office Building	\$6,516,000	
Physical Plant Operations Building ...	1,250,000	
		<hr/>
		\$7,766,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE		
Stanton Campus	\$5,600,000	
Kent County Campus	3,500,000	
		<hr/>
		\$9,100,000
DELAWARE STATE COLLEGE		
New Library	\$2,850,000	
Humanities-Teacher-Education Center		
Equipment	200,000	
Internal Roads, Parking and Walkways	100,000	
		<hr/>
		\$3,150,000
BUDGET OFFICE		
Capital Outlay		\$1,000,000
State Agencies	\$ 256,600	
<i>School Districts</i>		
Alexis I. du Pont	16,485	
Alfred I. du Pont	56,805	
Appoquinimink	14,280	
Claymont	20,370	
Conrad Area	24,780	
Conrad Area	36,225	
DeLaWarr	24,780	
Marshallton-McKean	22,785	
Mount Pleasant	29,610	
New Castle-Gunning Bedford	49,140	

<i>Agency and Project Identification</i>	<i>State Share</i>	<i>Total</i>
New Castle Vo-Tech	18,375	
Newark	82,425	
Stanton	32,235	
Wilmington	80,745	
Caesar Rodney	32,550	
Capital	33,495	
Kent County Vo-Tech	13,650	
Lake Forest	18,480	
Milford	21,840	
Smyrna	15,855	
Cape Henlopen	19,320	
Delmar	5,145	
Indian River	33,495	
Laurel	12,180	
Seaford	19,005	
Sussex County Vo-Tech	11,340	
Woodbridge	11,130	
Howard T. Ennis, Sr. Trainable ..	2,100	
Meadowood Trainable	1,995	
John G. Leach	945	
Bush School for Trainables	1,995	
Sterck School for Hearing Im- paired	1,680	
John S. Charlton School for Train- ables	1,680	
Wallace Wallin Trainable	1,260	
	<hr/>	
	\$ 743,400	

Approved July 27, 1973.

CHAPTER 224

FORMERLY: HOUSE BILL NO. 551

AN ACT PROVIDING SUPPLEMENTARY APPROPRIATIONS TO CERTAIN STATE AGENCIES AND TO THE DELAWARE LOTTERY STUDY COMMITTEE FOR OPERATIONAL EXPENSES.

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

Section 1. There is hereby appropriated to the state agencies listed below supplementary appropriations as hereinafter prescribed for operational expenses for fiscal year ending June 30, 1974:

(01-00-000) LEGISLATIVE*(01-08-000) Legislative Council**(01-08-001) Office of Director*

Contingency — Lottery Study	\$	150,000
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(15-00-000) LEGAL*(15-02-000) Public Defender*

Salaries of Assistant Public Defenders	\$	10,000
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(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES

*(30-08-000) Division of Business & Occupational Regulation**(30-08-001) Office of Director*

Salaries and Wages of Employees.. (7)	43,959
F.I.C.A. — Employer's Share	3,320
Pensions	7,129
Travel	18,500
Contractual Services	25,000
Supplies and Materials	2,200
Capital Outlay	2,300

TOTAL — Office of Director	\$	102,408
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(35-00-000) DEPARTMENT OF HEALTH & SOCIAL SERVICES

(35-01-000) Office of the Secretary

Salaries and Wages of Employees .. (1)	15,000
F.I.C.A. — Employer's Share	667
Pensions	1,845

TOTAL — Office of the Secretary \$ 17,512

(35-05-000) Division of Public Health

(35-05-002) Community Health

(35-05-019) Rat Control Program

Salaries and Wages of Employees .. (6)	39,258
F.I.C.A. — Employer's Share	2,296
Pensions	4,828
Health Insurance	680
Travel	500
Contractual Services	2,000
Supplies and Materials	5,000

TOTAL — Rat Control Program \$ 54,562

(35-13-000) Juvenile Corrections

(35-13-008) After Care

Salaries and Wages of Employees .. (3)	42,199
F.I.C.A. — Employer's Share	2,043
Pensions	4,853

TOTAL — After Care \$ 49,095

(40-00-000) DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL

(40-06-000) Division of Parks, Recreation and Forestry

(40-06-003) Forestry and Fire Protection

Salaries and Wages of Employees .. (2)	19,391
F.I.C.A. — Employer's Share	1,134
Pensions	2,385

TOTAL — Forestry and Fire Protection \$ 22,910

(55-00-000) DEPARTMENT OF HIGHWAYS AND TRANSPORTATION**(55-05-000) *Division of Highways*****(55-06-000) *Division of Transportation***

Contingency — DART \$ 142,000

(95-00-000) PUBLIC EDUCATION**(95-01-000) *State Board of Education and State Board
for Vocational Education*****(95-01-003) *Educational Contingency***

TOTAL \$ 630,722

Section 2. (a) With respect to the \$150,000 supplementary appropriation to (01-08-000) Legislative Council, the Ad Hoc Committee to Study the Feasibility of Permitting Lotteries, created by House Concurrent Resolution 1 of the 127th General Assembly, is hereby continued and established under the name "Delaware Lottery Study Committee".

(b) Such Committee shall have the following duties and responsibilities:

(i) Study in depth all types of lottery systems for the purpose of recommending a specific proposal to the Governor and the General Assembly at the earliest practical date, but no later than January 22, 1974; and

(ii) Draft, based upon its study, detailed legislation in final form to establish a state-controlled lottery system for Delaware to be presented to the General Assembly.

(c) The Committee is empowered to request bids from consultants relative to its work, said bids to be accepted by its designated representative which shall be a person or agency with permanent authority to contract for services, and to award a consulting contract to be executed by its representative.

Section 3. This Act is a supplementary appropriation and the monies appropriated herein shall be paid by the State Treasurer out of monies of the General Fund of the State of Delaware not otherwise appropriated. Any funds hereby appropriated that remain unexpended on June 30, 1974, shall revert to the General Fund of the State of Delaware.

Approved August 7, 1973.

CHAPTER 225**FORMERLY SENATE BILL NO. 397
AS AMENDED BY
SENATE AMENDMENT NOS. 1 & 2**

AN ACT TO AMEND CHAPTER 31, PART II, TITLE 20, OF THE DELAWARE CODE, BY ADDING THERETO A NEW SECTION PROVIDING THE GOVERNOR CERTAIN AUTHORITY AND EMERGENCY POWERS TO IMPLEMENT NECESSARY PROGRAMS TO MITIGATE THE ENERGY CRISIS IN THE STATE, PROVIDING FOR REVIEW OF ORDERS AND REGULATIONS ISSUED BY THE GOVERNOR BY A COMMITTEE OF THE GENERAL ASSEMBLY, AND RELATING TO THE GOVERNOR'S POWER TO IMPLEMENT FEDERAL ENERGY PROGRAMS.

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

Section 1. Amend Chapter 31, Part II, Title 20, Delaware Code, by adding thereto a new Section 3130 to read as follows:

§ 3130. Emergency powers of Governor during energy crisis

(A) "State of Emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3125 of this title.

(B) As used in Section 3125 of this title, "Disaster" or "Emergency" also refers to a situation where the health, safety, or welfare of the citizens of this state are threatened by reason of an actual or impending acute shortage in useable energy resources.

(C) Upon reasonable determination by the Governor that such a disaster or emergency exists the Governor may proclaim a state of emergency and in connection therewith issue orders, rules, and regulations which may by way of example rather than limitation, contain provisions:

(1) for the establishment and implementation of programs, controls, standards, priorities and quotas for the allocation, conservation and consumption of available energy reserves;

(2) for the suspension and modification of existing standards and requirements affecting or affected by the use of energy resources, including those relating to air quality controls which are within the authority of the state to suspend or to modify;

(3) affecting the type and composition of various energy resources;

(4) affecting the production and distribution of energy reserves;

(5) affecting the hours and days which public buildings and commercial and industrial establishments may be or are required to remain open or closed; and

(6) for the establishment and implementation of regional programs and agreements for the purposes of coordinating the energy resource programs and actions of the state with those of the Federal Government and of other states and localities.

(D) Nothing in this section shall:

(1) authorize the creation of any new permanent personnel positions;

(2) be construed to authorize the establishment of:

(a) oil refineries,

(b) deep water ports,

(c) off-shore drilling facilities, or

(d) other similar major capital facilities.

(E) Orders, rules, and regulations promulgated by the Governor pursuant to the powers granted herein shall first be presented to a bipartisan Joint Legislative Committee for approval or veto whichever shall prevail. The Committee shall consist of eight members, four from the Senate appointed by the President Pro Tem, two from each political party; and four from the House of Representatives appointed by the Speaker of the House, two from each political party. In the event the Committee fails to take action within five days of the submission to it of orders, rules, and regulations, the orders, rules and regulations shall become effective as promulgated by the Governor.

(F) In the event of an emergency in which it is not feasible to secure the approval of the Committee, an order, rule, or regulation shall become effective immediately, and shall be immediately communicated to the Chairman of the Committee and be subject to reversal or modification by the full Committee when convened. All records of orders, rules, and regulations issued by the Governor and Committee meetings shall be public record.

(G) In addition to the specific emergency powers contained in this section, the General Assembly recognizes and confirms the Governor's power to exercise fully the authority necessary to implement the Federal Mandatory Allocation Program for Middle Distillate Fuels, as set forth in Chapter XIII, of Title 32A, Code of Federal Regulations, as well as any succeeding federal programs, laws, orders, rules, or regulations related to the allocation, conservation, or consumption of energy resources.

Section 2. The provisions of this Act shall be liberally construed in order to effectively carry out its purposes in the interest of the public health, welfare, safety, and economy of this state.

Section 3. It is declared to be the legislative intent that, if any subsection, sentence, clause, or provision of this Act is held invalid, the remainder of the Act shall not be affected.

Section 4. This Act shall be effective upon the signature of the Governor and shall expire January 31, 1974.

Approved November 20, 1973.

CHAPTER 226

FORMERLY HOUSE BILL NO. 571

AN ACT AUTHORIZING THE EMPLOYMENT OF A RECOGNIZED FIRM OF BUSINESS CONSULTANTS TO ANALYZE THE OPERATIONS, PROCEDURES AND SYSTEMS OF THE DIVISION OF REVENUE OF THE DEPARTMENT OF FINANCE WITH THE VIEW TOWARDS ITS REORGANIZATION AND ESTABLISHMENT OF A MODERN, EFFECTIVE AND EFFICIENT OPERATION, THE EMPLOYMENT OF AN INDEPENDENT FIRM OF ACCOUNTANTS TO AUDIT THE DIVISION OF REVENUE BEGINNING WITH THE FISCAL YEAR ENDING JUNE 30, 1970, TO IDENTIFY RECOVERABLE DELINQUENT, UNPAID OR UNDISCLOSED TAXES, ESTABLISHING A LEGISLATIVE ADVISORY COMMITTEE, AND PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF THE GOVERNOR TO IMPLEMENT THE PROVISIONS OF THIS ACT.

WHEREAS, Senate Bill No. 390 of the 127th General Assembly, appearing as Chapter 141, Volume 59, Laws of Delaware, established the Delaware Tax Study Committee to evaluate the inequities in the State's existing tax structure, to propose reforms thereto, and to investigate other revenue sources; and

WHEREAS, the Delaware Tax Study Committee, composed of eminent and dedicated Delawareans entered upon and timely completed their charge with dedication and responsibility and submitted to the Governor and the General Assembly an interim report on October 15, 1973, and a final report on October 29, 1973; and

WHEREAS, the Delaware Tax Study Committee spent many hours in the Division of Revenue analyzing its systems, procedures and operations and concluded that the Division was in a state of "monumental disorganization", its records were a "state of utter confusion", its computer operation had "deteri-

orated into a massive foul-up which has never been corrected" and reported that millions of taxes may remain to be collected; and,

WHEREAS, as a result of its conclusions, the Delaware Tax Study Committee unanimously and strongly recommended to the Governor and the General Assembly that an "independent firm of auditors be immediately retained to promptly audit the Division of Revenue beginning with the fiscal year ending June 30, 1970" and concurrently urged that a "recognized firm of business consultants be retained to promptly analyze the monumental disorganization present in the Division of Revenue and its computer services, with the goal of reorganizing the Division and its procedures and setting up a modern, effective and efficient operation" and reestablish taxpayer "confidence in the integrity and management of the tax collecting agency."

WHEREAS, Senate Bill No. 390 of the 127th General Assembly, appearing as Chapter 141, Volume 59, Laws of Delaware, required the convening of a Special Session of the General Assembly by the President Pro Tempore and the Speaker of the House on or about October 30, 1973 to review the findings and recommendations of the Delaware Tax Study Committee and that Special Session has been convened today, November 27, 1973,

NOW, THEREFORE,

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

Section 1. The sum of six hundred and sixty thousand dollars (\$660,000) is hereby appropriated to the Office of the Governor for the purpose of carrying out the recommendation of the Delaware Tax Study Committee in retaining an independent firm of accountants to conduct a preliminary or spot audit of the Division of Revenue of the Department of Finance beginning with the fiscal year ending June 30, 1970, to determine the extent of delinquent, unpaid and undisclosed taxes so that the Governor can advise the General Assembly on whether a full scale audit is warranted, and retaining a recognized firm of

business consultants to analyze the Division of Revenue with the goal toward its reorganization and establishment of a modern, effective and efficient operation similar, insofar as is possible, to that of the Internal Revenue Service of the Federal Government.

Section 2. The Governor, with the cooperation, assistance and advice of the Secretary of Finance and the independent auditors and business consultants, shall determine, within the limitations of the appropriation made herein, the order, priority, scope and extent of the spot audit and reorganization of the Division of Revenue.

Section 3. In the performance of the reorganization and spot audit, the consultants retained by the Governor shall have access to all records, documents, and papers, including all tax returns, in the possession, custody, or subject to the control of the Division of Revenue. Consultants, their agents and employees shall be subject to the provisions of Section 1241, Subchapter XI, Title 30, Delaware Code.

Section 4. The consulting firm or firms shall submit status reports to the Governor and to the members of the 127th General Assembly on the completion of each phase of the reorganization and spot audit of the Division of Revenue.

Section 5. There is hereby established a committee to provide advice and recommendations to the Governor from time to time as reports are forthcoming from the consulting and accounting firms. Following completion of the first phase of the reorganization of the Division of Revenue, all contracts for every subsequent phase shall be subject to committee approval. The Committee shall consist of five (5) members, two from the Senate appointed by the President Pro Tempore, one from each party; and two from the House of Representatives, appointed by the Speaker of the House, one from each party. The fifth member shall be the Secretary of Finance, who shall serve as chairman.

Section 6. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out

of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 7. Any money appropriated herein which is unexpended or unencumbered shall revert to the General Fund on June 30, 1975.

Approved November 29, 1973.

CHAPTER 227

FORMERLY SENATE BILL NO. 404

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE LEGISLATIVE COUNCIL OF DELAWARE FOR EQUIPMENT AND MATERIALS REQUIRED FOR THE RENOVATION OF THE PRINT SHOP IN LEGISLATIVE HALL.

WHEREAS, the members of the Legislative Council staff who work in the Print Shop for the General Assembly are operating under adverse conditions in that the Shop has poor lighting and acoustics; and

WHEREAS, these problems are causing the employees to suffer from eye and ear strain, manifested in recent trips to the doctor by head printer, Norman Donovan; and

WHEREAS, the members of the Legislative Council, once apprised of the seriousness of the situation moved that monetary investigations to remedy the situation be made by the Department of Administrative Services; and

WHEREAS, the cost of remedial sound and lighting equipment was estimated by the Department of Administrative Services to approximate \$974.40, labor to be performed by the Department of Administrative Services; and

WHEREAS, the members of Legislative Council, at its November, 1973, meeting decided it was mandatory these necessary improvements be made at the earliest possible date.

NOW, THEREFORE:

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

Section 1. The sum of \$974.40 is hereby appropriated to the Legislative Council (01-08-001) for equipment and materials required for the renovation of the Print Shop in Legislative Hall.

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 moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved December 4, 1973.

CHAPTER 228

FORMERLY SENATE BILL NO. 420

AN ACT TO AMEND SECTION 504, CHAPTER 5, TITLE 31, RELATING TO CATEGORIES OF ASSISTANCE TO PROVIDE FOR STATE PARTICIPATION IN THE SUPPLEMENTARY SECURITY INCOME PROGRAM ESTABLISHED BY TITLE XVI OF THE SOCIAL SECURITY ACT OR OTHER SIMILAR PROGRAMS.

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

Section 1. Amend Section 504 of Chapter 5, Title 31, Delaware Code, by adding a new subdivision (6) to read as follows: "(6) Supplementary Security Income Program (Title XVI Social Security Act)

(a) the Secretary of the Department of Health and Social Services, in order to carry out the purposes of this Title, is empowered to enter into agreements on behalf of this State with the Secretary of Health, Education and Welfare, or other appropriate federal officials, under the Supplementary Security Income Program established by Title XVI of the Social Security Act, as amended, or under any other federal welfare or public assistance programs hereafter established, which are not contrary to or in conflict with the purposes of this Title.

(b) Notwithstanding any other provision of law, the Secretary of the Department of Health and Social Services is empowered to transfer funds, within the limits of appropriation by the General Assembly, to the Secretary of Health, Education and Welfare, or other appropriate federal official, pursuant to any agreement referred to in paragraph (a) of this subdivision (6), or pursuant to any other federal welfare or public assistance programs hereafter established, which are not contrary to or in conflict with the purposes of this Title."

Approved December 4, 1973.

CHAPTER 229**FORMERLY HOUSE BILL NO. 321
AS AMENDED BY
HOUSE AMENDMENT NO. 2****AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE
CODE, TO EXEMPT VOLUNTEER FIRE COMPANIES
FROM THE REALTY TRANSFER TAX.**

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

Section 1. Section 5401 (a), Chapter 54, Title 30, relating to definition of "document," is amended by adding a new paragraph (18) to read as follows:

"(18) Any conveyance to or from a Volunteer Fire Company, organized under the laws of this State; provided, however, that only that portion of the tax which is attributable to and payable by the Volunteer Fire Company under Section 5402 of this Chapter shall be exempt."

Approved December 5, 1973.

CHAPTER 230

FORMERLY SENATE BILL NO. 175

**AN ACT TO AMEND SUBCHAPTER I, CHAPTER 5, TITLE
7 OF THE DELAWARE CODE PERTAINING TO HUNT-
ING, TRAPPING AND FISHING LICENSES.**

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

Section 1. Amend §509 (3), Title 7 of the Delaware Code, by inserting the words "liberated game" between the words "shoot" and "only" as they appear in subsection (3) of said section.

Approved January 22, 1974.

CHAPTER 231

FORMERLY SENATE BILL NO. 198

**AN ACT TO AMEND CHAPTER 10, PART I, TITLE 14 OF
THE DELAWARE CODE RELATING TO SCHOOL
BOARD ELECTIONS AND PROVIDING FOR THE
SHOWING OF IDENTIFICATION BY VOTERS.**

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

Section 1. Amend §1078, Chapter 10, Part I, Title 14 of the Delaware Code, by adding to said section a new paragraph, which shall read as follows:

"For the purpose of determining whether a person offering to vote at a school board election is in fact the person he claims to be and is qualified to vote, an election official shall be entitled to ask any person offering to vote to produce reasonable identification of himself."

Approved January 22, 1974.

CHAPTER 232

FORMERLY HOUSE BILL NO. 474

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF PUBLIC INSTRUCTION TO ENABLE A TEACHER TO RECEIVE A PORTION OF SALARY PREVIOUSLY EARNED.

WHEREAS, one of the standards upon which the payment of teacher is based is the attaining of the "plus 30" status (a bachelor's degree plus 30 graduate credits) ; and

WHEREAS, Raymond B. Higgins, a teacher in the Stanton School District, did not receive pay due to him from the State of Delaware for his "plus 30" status; and

WHEREAS, due to inadequate bookkeeping procedures, Mr. Higgins was entitled to "plus 30" compensation for the period of July 1, 1971, through June 30, 1972.

NOW, THEREFORE:

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

Section. 1. The sum of six hundred seventy-seven dollars (\$677.00) is hereby appropriated to the Department of Public Instruction, which funds shall be used to compensate Raymond B. Higgins for money which is due and owing to him from the State.

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 moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved January 22, 1974.

CHAPTER 233**FORMERLY HOUSE BILL NO. 574****AN ACT TO AMEND AN ACT CREATING A NEW CHAPTER 6, TITLE 31, DELAWARE CODE, TO INITIATE THE STATE OF DELAWARE'S COMPLIANCE WITH THE FEDERAL FOOD STAMP PROGRAM.**

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

Section 1. Amend §603, Chapter 6, Part 1, Title 31 of the Delaware Code, by striking subsection D in its entirety, and substituting in lieu thereof the following:

"D. Provide for issuance of food stamps after certification of applicants. Such methods and/or places of issuance may include United States postal service, county offices or branches of the Department of Health and Social Services, and any bank in the State of Delaware."

Approved January 22, 1974.

CHAPTER 234

FORMERLY HOUSE BILL NO. 569

AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC BEVERAGE OFFENSES CONCERNING MINORS.

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. Amend §904, Chapter 9, Title 4 of the Delaware Code, by striking subsection (g) of said section, and substituting in lieu thereof the following:

“(g) Nothing in this section shall prevent the employment of a person, eighteen years of age or older, in a tavern, taproom or restaurant serving alcoholic liquors, provided that such person shall not be engaged in the sale or service of alcoholic liquors.”

Approved January 24, 1974.

CHAPTER 235

**FORMERLY SENATE BILL NO. 138
AS AMENDED BY
SENATE AMENDMENT NOS. 1, 3 & 4
AND
HOUSE AMENDMENT NO. 1**

**AN ACT ARRANGING FOR THE REINTERMENT OF
JOHN COLLINS, A FORMER GOVERNOR OF THE
STATE OF DELAWARE, AND CERTAIN MEMBERS
OF HIS FAMILY, AND PROVIDING A SUPPLEMEN-
TAL APPROPRIATION THEREFOR.**

WHEREAS, it is right and proper that patriots and devoted public servants, namely former Governors of the State of Delaware, should be especially honored and the remembrance of their good deeds preserved for the encouragement of public service in future generations; and

WHEREAS, the bodies of former Governor John Collins (1821-1822), his wife Jane, the daughter of former Governor David Hall (1802-1805), and their son Theophilus (1808-1857) lie in a plot near Coverdale Crossroads, practically lost from sight and memory; and

WHEREAS, Governor Collins' grave is and has been for some time neglected, being open to the elements and falling into decay; and

WHEREAS, such conditions should be deplored by all loyal Delawareans; and

WHEREAS, these state of affairs especially sadden Governor Collins' only known descendant, Miss Mary Catherine Collins of Laurel; and

WHEREAS, legislative precedent has been established in such cases with the reinterment and monument erection for Governor Caesar Rodney (1778-1781) in 1887 and the reinterments

of Governors George Truitt (1808-1811) in 1903, Daniel Rogers (1797-1799) and Joseph Haslet (1811-1814; 1823-1823) in 1917 and

WHEREAS, the State of Delaware should not be derelict in her duty to those who have served her faithfully.

NOW, THEREFORE,

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

Section 1. A joint committee consisting of Sherman W. Tribbitt, Governor representing the State; J. Donald Isaacs, representing the Senate; John F. Kirk, representing the House; and Senator Thurman Adams, Jr., representing the senatorial district in which Governor Collins is to be reinterred, be and are hereby appointed to arrange for the repair of the Collins family graves at Collins Millpond, that an appropriate marker be erected along Route 18 denoting the nearby graves of the Collins family, that an appropriate stone be erected in the Collins family plot, Laurel Hill Cemetery, Laurel, Delaware, to the memory of Delaware's 22nd Governor and indicating the actual location of the Governor's grave at Collins Millpond, Sussex County, Delaware.

Section 2. The sum of \$1,000 is hereby appropriated to the Department of State, Division of Archives and Cultural Affairs for the purpose of carrying out this Act.

Section 3. Funds appropriated herein shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 4. This is a Supplementary Appropriation Act, and funds appropriated herein which remain unexpended on June 30, 1974, shall revert to the General Fund.

Approved January 24, 1974.

CHAPTER 236

FORMERLY HOUSE BILL NO. 529
AS AMENDED BY
SENATE AMENDMENTS NO. 1 AND 2

**AN ACT TO AMEND 58 LAWS OF DELAWARE, CHAPTER
497, RELATING TO THE DEFINITION OF OBSCENITY.**

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. 58 Laws of Delaware, Chapter 497, is hereby amended by striking §1364 thereof in its entirety and substituting in lieu thereof a new §1364 to read as follows:

§1364. Definition of obscene

Material is obscene if (1) the average person applying contemporary community standards would find the material, taken as a whole, appeals to the prurient interests; and (2) the material depicts or describes:

(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or

(b) Patently offensive representations or descriptions of masturbation, excretory functions, and/or lewd exhibitions of the genitals; and

(3) the work taken as a whole lacks serious literary, artistic, political or scientific value.

Section 2. Section 1365 (a) (1), 58 Laws of Delaware, Chapter 497, is hereby amended by striking the phrase “, and is substantially without redeeming social value for minors.” as it appears at the end of said subsection, and substituting in lieu thereof a “.”.

Section 3. This Bill shall become effective on the thirtieth (30th) day following signature by the Governor.

Approved January 28, 1974.

CHAPTER 237

FORMERLY SENATE BILL NO. 454

AN ACT TO AMEND CHAPTER 250, VOLUME 56, LAWS OF DELAWARE, RELATING TO VETERANS' MILITARY PAY ACT NO. III; AND PROVIDING FOR AN EXTENSION OF THE PERIOD WHEN CLAIMS AND PAYMENTS MAY BE MADE UNDER THE ACT.

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. Amend Section 5, Chapter 250, Volume 56, Laws of Delaware, by striking subsection (b) in its entirety.

Section 2. Amend Chapter 250, Volume 56, Laws of Delaware, by adding thereto a new section, to be designated as Section 17, which new section shall read as follows:

"Section 17. No payments authorized by this Act shall be made after June 30, 1974."

Approved January 28, 1974

CHAPTER 238

FORMERLY SENATE BILL NO. 241
AS AMENDED BY
SENATE AMENDMENT NO. 3

**AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE
CODE, RELATING TO THE COUNCIL ON SHELL FISH-
ERIES.**

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. Amend subsection (c) of §8006, Chapter 80, Title 29, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

“(c) The Council on Shell Fisheries shall be composed of seven (7) members who shall be appointed by the Governor. The Council shall be composed of the following members:

- One (1) person engaged in commercial lobstering,
- One (1) person engaged in commercial crabbing,
- One (1) person engaged in commercial oystering,
- One (1) person engaged in commercial clamming,
- One (1) person knowledgeable in marine fisheries,
- One (1) person representing recreational shell fishing,
- One (1) person, the Chairman, to serve at the pleasure of 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 two (2) shall serve for a term of three (3) years. Thereafter, all new appointees shall serve for a term of three (3) years.”

FURTHER AMEND Senate Bill No. 241 by adding thereto a new Section to be designated as Section 2 to read as follows:

Section 2. Upon signature of the Governor, the existing Shell Fisheries Advisory Council as presently constituted is hereby abolished.

Approved January 28, 1974.

CHAPTER 239

FORMERLY SENATE BILL NO. 447

**AN ACT TO AMEND VOLUME 59, LAWS OF DELAWARE,
CHAPTER 225, BY EXTENDING ITS EXPIRATION
DATE AND CONFERRING JURISDICTION OVER
MOTOR VEHICLE VIOLATIONS UPON THE JUSTICES
OF THE PEACE.**

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

Section 1. Volume 59, Laws of Delaware, Chapter 225, is amended by adding new subsections "(H), (I), and (J)" to section 1 thereof to read as follow:

"(H) The provisions of Section 3129 of this title shall not be applicable to any state of emergency proclaimed by the Governor pursuant to the provisions of this section.

(I) All action, orders, rules and regulations promulgated by the Governor pursuant to the powers granted herein shall be reasonably calculated to effectively avoid, control, minimize, alleviate or eliminate the adverse effects of the disaster or emergency.

(J) Justices of the Peace shall have jurisdiction over violations of orders, rules and regulations issued pursuant hereto and affecting Title 21 of the Delaware Code Annotated."

Section 2. Volume 59, Laws of Delaware, Chapter 225, is amended by striking Section 4 in its entirety and substituting in lieu thereof a new Section 4 to read as follows:

"Section 4. This Act along with all orders, rules and regulations promulgated pursuant to this Act, shall expire April 30, 1974. Any order, rule or regulation previously issued by the Governor pursuant to this Act, whether by Executive Order or Proclamation, is not affected or modified hereby and shall remain in full force and effect."

Approved January 30, 1974.

CHAPTER 240

FORMERLY SENATE BILL NO. 461

**AN ACT PROVIDING FOR THE PAYMENT OF REVENUE
REFUNDS FOR THE TAXABLE YEAR BEGINNING
ON OR AFTER JANUARY 1, 1973, AND PROVIDING
A SUPPLEMENTAL APPROPRIATION THEREFOR.**

WHEREAS, Senate Joint Resolution No. 36, enacted by the General Assembly at the First Special Session of 1973, directed the State of Delaware, acting through the Secretary of Finance or any other person, not to process any revenue refunds covering the tax year beginning on or after January 1, 1973, until the General Assembly enacted an additional revenue measure to provide funds for the payment of such refunds; and

WHEREAS, although such additional revenue measure has not yet been enacted, it is unfair to the people of Delaware to withhold revenue refunds any longer and it is desirable that such refunds be processed forthwith.

NOW, THEREFORE:

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

Section 1. Senate Joint Resolution No. 36, 127th General Assembly, First Special Session, which prohibits payments of revenue refunds for the taxable year beginning on or after January 1, 1973, is hereby repealed, and the Secretary of Finance or other authorized person is hereby directed to process and issue such revenue refunds.

Section 2. The amount of 17½ million dollars (\$17,500,000) is hereby appropriated to the Department of Finance (25-00-000) from the General Fund of the State of Delaware for revenue refunds for the tax year beginning on or after January 1, 1973, which are processed and issued between January 1, 1974, and June 30, 1974. The funds hereby appropriated are to be used only for the purposes specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1974.

Approved February 1, 1974.

CHAPTER 241

**FORMERLY SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 303
AS AMENDED BY
HOUSE AMENDMENT NO. 1**

**AN ACT TO AMEND TITLE 5A OF THE DELAWARE CODE
RELATING TO THE UNIFORM COMMERCIAL CODE
BY AMENDING §9-404 THEREOF, RELATING TO TER-
MINATION STATEMENTS.**

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

Section 1. Amend §9-404, subsection (1), Title 5A, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof the following:

"(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must send the debtor a termination statement, stating that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number in the termination statement. A termination statement signed by a person other than the secured party of record must include, or be accompanied by, the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The fee for filing and indexing such an assignment or statement thereof shall be five dollars (\$5.00). If the affected secured party fails to send such a termination statement within 30 days after payment in full of the secured obligation, the secured party shall pay a default fee of fifty dollars (\$50.00) to the Secretary of State, and in addition shall reimburse the debtor for any loss caused to the debtor for such failure."

Approved February 4, 1974.

CHAPTER 242

FORMERLY HOUSE BILL NO. 342

AN ACT TO AMEND CHAPTER 70, TITLE 29, DELAWARE CODE, RELATING TO SALE OF STATE OWNED MATERIEL.

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

Section 1. Section 7002, Chapter 70, Title 29 of the Delaware Code, is amended by adding a new subparagraph (e) at the end thereof to read as follows:

"(e) The term 'excess' as used in this section shall not apply to used materiel which is being replaced in kind. In the event an agency determines to replace materiel, the agency may 'trade-in' such materiel on similar materiel or it may sell such materiel and credit the receipt in accordance with the provisions of Section 6102 (c) of this title. If the materiel to be sold has an estimated value in excess of \$100 it shall be sold by public auction or pursuant to competitive bids in accordance with regulations promulgated by the Department of Finance. The sale shall be conducted for the agency by the Department of Administrative Services upon written request of the agency."

Approved February 5, 1974.

CHAPTER 243**FORMERLY HOUSE BILL NO. 566****AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE OPERATIONS OF THE MOTOR FUEL TAX DIVISION.**

WHEREAS, the 127th General Assembly with the passage of House Bill No. 444 as amended by House Amendment No. 1, transferred all powers, duties and functions formerly vested in the Department of Finance, Division of Revenue for Motor Fuel Tax and Motor Carrier Fuel Purchase Law to the Department of Public Safety; and

WHEREAS, Executive Order Number Twenty-one of October 11, 1973 created a new Motor Fuel Tax Division with the Department of Public Safety; and

WHEREAS, the Division is currently staffed with only four people, including the Director; and

WHEREAS, the Division has the responsibility and potential of producing approximately twenty-eight (28) million dollars in General Fund Revenue for the Fiscal Year ending June 30, 1974; and

WHEREAS, there is insufficient personnel and funds to effectively carry out its statutory responsibilities.

NOW, THEREFORE,

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

Section 1. The sum of \$40,343 is hereby appropriated to the Department of Public Safety, Motor Fuel Tax Division for salaries and operational costs for the fiscal year ending June 30, 1974, to be allocated as follows:

(45-04-000) Motor Fuel Tax Division

Salaries of Employees (7)	\$27,375
FICA	1,601
Pension Costs	3,367
Travel	1,000
Contractual Services	2,000
Supplies and Materials	5,000
TOTAL	<u>\$40,348</u>

Section 2. This Act shall be considered a supplementary appropriation and the sum appropriated shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any such funds which remain unexpended as of June 30, 1974, shall revert to the General Fund of the State.

Approved February 5, 1974.

CHAPTER 244**FORMERLY HOUSE BILL NO. 575****AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DIVISION OF EMERGENCY PLANNING AND
OPERATIONS FOR CONTRACTUAL SERVICES.**

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

Section 1. The sum of \$10,500 is appropriated to the Division of Emergency Planning and Operations (45-08-000) for contractual services for the period beginning December 1, 1973 and ending June 30, 1974.

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

Section 3. Any money appropriated herein and unexpended shall revert to the General Fund on June 30, 1974.

Approved February 5, 1974.

CHAPTER 245

FORMERLY HOUSE BILL NO. 639

**PROVIDING A SUPPLEMENTAL APPROPRIATION TO
THE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL.**

WHEREAS, water management including drainage and control of run-off is a major problem throughout the State of Delaware; and

WHEREAS, programs have been devised by the State of Delaware for the solution of problems affecting groups of land-owners by forming tax ditches in rural areas and public ditches in primarily urban areas; and

WHEREAS, the Department has secured financial and technical assistance for such groups through Federal programs of the U.S. Department of Agriculture; and

WHEREAS, the programs are being delayed by the lack of funds for enlargement, replacement and protection of highway crossings affected by channel improvements; and

WHEREAS, a supplementary appropriation will permit the execution of contracts for projects of long standing during fiscal year 1974 that will provide extensive relief from poor drainage and flooding.

NOW, THEREFORE:

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

Section 1. The sum of \$30,000 is hereby appropriated to the Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation to be used for the purpose of accelerating the enlargement, replacement and protection of highway crossings affected by channel improvement projects of the Division.

Section 2. This Act shall be known as a supplementary appropriation for fiscal year 1974 and the funds appropriated herein 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 appropriated herein remaining unexpended on June 30, 1974, shall revert to the General Fund of the State of Delaware.

Approved February 5, 1974.

CHAPTER 246

FORMERLY HOUSE BILL NO. 587

AN ACT TO AMEND TITLE 9 DELAWARE CODE RELATING TO VALUATION AND ASSESSMENT OF PROPERTY.

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

Section 1. Section 8312, Paragraph (a), Title 9, Chapter 83, relating to appeals and corrections upon completion of annual assessment is amended by deleting the second sentence of said paragraph and add a new sentence to read as follows:

"Any person desiring to make an appeal shall prior to March 15 file written notice with the Board on such forms as the Board may prescribe and make available upon request, setting forth the assessment or assessments appealed from, the name and address to which the Board shall mail notice of the time and place of hearing, and such other information as the Board may require."

Approved February 5, 1974.

CHAPTER 247

**FORMERLY HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 13
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AND
SENATE AMENDMENTS NO. 2 AND 3**

**AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF
THE DELAWARE CODE PERTAINING TO ESCAPE
AND OTHER OFFENSES RELATING TO CUSTODY.**

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

Section 1. Amend Subpart E, Subchapter 6, Chapter 5, Title 11, Delaware Code, by adding thereto a new Section designated as § 1254 to read as follows:

“§ 1254. Assault in a detention facility

(a) Any person who, being confined in a detention facility, intentionally causes physical injury to a guard, other state employee of a detention facility acting in the lawful performance of his duties, or other person confined in a detention facility shall be guilty of a Class C felony.

Notwithstanding the provisions of Chapter 45 of this Title, any person convicted for a violation of this section shall be imprisoned for a mandatory minimum period of two (2) years which shall commence upon final judgment of conviction. Such sentence shall not be suspended nor shall the defendant be eligible for parole or probation.

(b) Any person who, being confined in a detention facility, intentionally causes serious physical injury to a guard, other state employee of a detention facility acting in the lawful performance of his duties, or other person confined in a detention facility shall be guilty of a Class B felony.

Notwithstanding the provisions of Chapter 45 of this Title, any person convicted for a violation of this section shall be im-

prisoned for a mandatory minimum period of three (3) years which shall commence upon final judgment of conviction. Such sentence shall not be suspended nor shall the defendant be eligible for parole or probation.

(c) The execution and operation of the sentence for any other crime causing such original confinement shall, upon the commencement of the sentence for a violation of this section, be placed in suspension, to be continued only after completion of the sentence for the violation of this section."

Approved February 5, 1974.

CHAPTER 248

FORMERLY HOUSE BILL NO. 348

**AN ACT RELATING TO EDUCATION OF THE CITIZENS
OF DELAWARE BY MAKING AN APPROPRIATION
TO WHYY, INC. ENGAGED IN EDUCATING THE PEOP-
LE OF THIS STATE.**

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

Section 1. The sum of \$100,000 is appropriated to 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, 1974, 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 February 5, 1974.

CHAPTER 249

FORMERLY HOUSE BILL NO. 421

AN ACT TO AMEND VOLUME 23, LAWS OF DELAWARE, CHAPTER 92, AS AMENDED, RELATING TO THE COMPOSITION OF THE WILMINGTON SCHOOL TAX COMMISSION, THE SCHOOL TAX RATE AND THE POWERS AND DUTIES OF THE BOARD OF PUBLIC EDUCATION IN WILMINGTON.

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

Section 1. Amend Volume 23, Laws of Delaware, Chapter 92, Section 9, as amended by Volume 58, Laws of Delaware, Chapter 271, by striking the second paragraph in its entirety.

Section 2. Amend Volume 23, Laws of Delaware, Chapter 92, Section 11, as amended by Volume 57, Laws of Delaware, Chapter 367, by striking the words "the President of the Board of Public Education in Wilmington, and two (2) City Councilmen, not of the same political party, to be appointed by the Mayor." at the end of the first paragraph, and substituting in lieu thereof the words "and three (3) City Councilmen, not more than two (2) of whom shall be of the same political party, to be appointed by the Mayor.", and by striking the word and figure "two (2)" and substituting in lieu thereof the word and figure "three (3)" in the first sentence of the second paragraph.

Section 3. Amend Volume 23, Laws of Delaware, Chapter 92, Section 11, as amended by Volume 58, Laws of Delaware, Chapter 271, by adding the following sentence at the end of the third paragraph:

"Council may, however, decrease the school tax rate set by the Wilmington School Tax Commission."

Section 4. Amend Volume 23, Laws of Delaware, Chapter 92, Section 11, as amended by Volume 57, Laws of Delaware,

Chapter 367 and Volume 58, Laws of Delaware, Chapter 271, by adding the following:

"The Board shall, on or before January 15 of each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before the Wilmington School Tax Commission on or before January 15. The estimates shall be supplied in the form prescribed by the Wilmington School Tax Commission. At the time of presenting to the Wilmington School Tax Commission said estimates of revenue and expenses, the Board shall in addition thereto include the amount necessary to be paid for interest on bonds in the following fiscal year, and also, when necessary, the amount required in that year for the retirement of bonds. The said Board, early in June in each year, after the City Council shall have made appropriation for the use of the public schools for the following fiscal year as herein provided, shall make the apportionment and appropriations for their expenditures for that year, based as nearly as may be, upon the estimates made by them in December previous, and such apportionment and appropriations shall be specified and arranged under the heads or items designated in said estimates. The Board shall have no power or authority except when specially authorized by act of the General Assembly to borrow money or contract or create any debt or liability except ordinary debts and liabilities incurred in executing the duties imposed on them by law, to be paid out of the said appropriation made by City Council and the receipts of the year for the time then current. No money shall be paid from the treasury of the Board unless the same shall have been appropriated as aforesaid.

All fiscal information supplied to the Wilmington School Tax Commission shall be made available to the Council in addition to any further information that the Council shall request.

Approved February 5, 1974.

CHAPTER 250

FORMERLY HOUSE BILL NO. 466
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 24, DELAWARE
CODE, RELATING TO THE PRACTICE OF OPTOM-
ETRY.

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

Section 1. Amend Title 24, Chapter 21, Delaware Code, by striking the words "prescribing and application" as they appear in Section 2101 (a) (3) thereof and substituting in lieu thereof the words "prescribing and/or application".

Section 2. Amend Title 24, Chapter 21, Delaware Code, by adding to the end of Section 2101 (c) a new sentence to read as follows:

"Individuals entitled to such services shall have freedom to choose between any optometrist and any physician skilled in diseases of the eye."

Section 3. Amend Title 24, Chapter 21, Delaware Code, by striking the words "one from each county" as they appear in line 3 of Section 2102 (b) thereof and substituting in lieu thereof the words "provided that not more than two members of the Board shall be from the same county".

Section 4. Amend Title 24, Chapter 21, Delaware Code, by striking the words "one year" as they appear in line 6 of Section 2107 thereof and substituting in lieu thereof the words "two years."

Section 5. Amend Title 24, Chapter 21, Delaware Code, by adding after the word "revoke" as it appears in line 1 of Section 2113 (a) thereof the words "or suspend".

Section 6. Amend Title 24, Chapter 21, Delaware Code, by adding after the word "conduct" as it appears in Section 2113 (a) (6) thereof the words "as defined by the Board".

Section 7. Amend Title 24, Chapter 21, Delaware Code, by striking Section 2113 (a) (7) in its entirety and adding a new Section 2113 (a) (7) to read as follows:

"(7) Where any person is found guilty by the Board of:

(A) advertising, of any nature, content, means, method, or technique (except that allowed herein or by Board Rule) and carried by way of newspaper, radio, TV, telephone book, directory, poster, circular or window display of frames, mountings, machinery, lenses, contact lenses, spectacles, or carried by any other media; or any other advertising not in keeping with accepted professional standards as defined by the State Board, including but not limited to advertising of fees or prices of services or materials, advertising free services of any nature, advertising of the practice of optometry or any art, skill, knowledge, method of treatment or practice pertaining thereto; or advertising ophthalmic materials in any way; or advertising to perform any optometric services or to provide glasses, spectacles, lenses, contact lenses, frames, or prisms, or other material or service, or advertising of credit terms or installments or anything of similar import to the foregoing. An optometrist may use professional signs, telephone book listings, professional cards, appointment cards, and may announce the opening or moving of his office, if these conform to specification contained herein and/or to Board Rule; or

(B) having on his professional sign, anything other than name, address, office hours, the title of optometrist and specialty; provided, however, that he may also use the words 'eyes examined', 'examination of the eyes', 'hours for eye examination', or 'vision specialist'; or

(C) practicing in a merchandising store; or

(D) practicing in an office not exclusively devoted to the practice of optometry or other health care profession, where material or merchandise are displayed pertaining to a business or commercial undertaking not bearing any relation to the practice

of optometry or other health care profession; or practicing in a store or office which does not conform to that used by the majority of professional men in the area; or

(E) displaying a neon sign, decal eye, or eyeglasses whether painted, neon, decal or any other sign either in the form of eyes, eyeglasses, frames, or eyeglasses whether lighted or not; or

(F) having listed in the classified section of the telephone book or similar directory, under the general heading of Optometrist anything other than name, address, office hours, telephone number, specialty and the words 'if no answer, call'. A registered optometrist may not list himself in a classified directory under any other heading than that of 'Optometrist'. Bold face type or any other words shall not be permitted. No optometrist shall cause or permit himself to be listed in a telephone directory under any name other than the name in which he is registered with the Board as holder of a valid, unrevoked license to practice in this State. No optometrist shall cause or permit any listing of any inactive, retired, removed or deceased optometrist or any other ocular practitioner, except that for a period of not more than 2 years from the date of succession to the practice of another optometrist, an optometrist may use a telephone listing of such an optometrist together with the words 'succeeded by', 'succeeding', or 'successor to'; or

(G) violating a Board Rule or Regulation duly promulgated by the Board hereunder or any provision of this chapter; or

(H) announcing the opening or moving of his office in any regularly published newspaper for more than 6 insertions. The opening or moving announcement shall contain only pertinent information as to the name of the optometrist, the location of the office, the office hours, specialty and the reason for the announcement. The size of the announcement shall be limited to 2" by 2" columns and the print should not be gaudy or unusually large; or

(I) the continuance of an optometrist in the employ of or acting as an assistant to any person, firm, corporation, either directly or indirectly, after he has knowledge that such person, firm, or corporation is violating the Laws of Delaware concerning the practice of optometry; or

(J) any conduct which is of a character likely to deceive or defraud the public; or

(K) soliciting in person or through an agent or agents for the purpose of selling ophthalmic materials or optometric services or employing what are known as 'chasers', 'steerers', or 'solicitors' to obtain business, unless in conjunction with a vision service plan approved by the Board; or

(L) the display of the name and title of the licensee or other information in lettering larger than four inches in height for street level offices, or larger than six inches in height for offices above street level and in no event shall be more than three such displays and illumination of said name and title except during office hours; or

(M) no optometrist shall cause or permit the use of his name, profession or professional title by or in conjunction with any association, company, corporation, or nonlicensed person, in any advertising of any manner, unless in conjunction with a vision service plan approved by the Board; or

(N) practicing for, or in conjunction with, either directly or indirectly, a corporation or company, except that allowed under the Professional Corporation Act of 1970, Chapter 6, Title 8, of the Delaware Code."

Section 8. Amend Title 24, Chapter 21, Delaware Code, by striking Section 2113 (b) in its entirety and substituting in lieu thereof the following:

"(b) When charges are preferred, the Board, or a majority thereof, shall have the powers of a court of record sitting in the county in which its meeting shall be held, to issue subpoenas and to compel the attendance and testimony of witnesses. A time and place for the hearing of the charges shall be fixed by the Board as soon as convenient and a copy of the charges, together with a notice of the time and place when they will be heard and determined shall be served upon the accused or his counsel at least twenty days before the date actually fixed for his hearing. The accused shall be entitled to the subpoena of the Board for his witnesses. Where personal service or service upon counsel cannot be effected and such fact is certified on oath, the Board shall cause to be published for at least three times, at least twenty

days prior to the hearing in a newspaper in the locale in which the optometrist was last known to practice, a notice to the effect that at a definite time and place a hearing will be held for the purpose of hearing charges against the optometrist upon an application to revoke his certificate. At the hearing the accused shall have the right to cross examine the witnesses against him and to produce witnesses in his defense and to appear personally or by counsel. The Board shall reduce its findings to writing to be signed by all the members who have heard the charges. If the Board unanimously finds that the charge or any of them are sustained, it may thereupon, in its discretion, revoke or suspend the certificate of registration. No person shall practice optometry after his certificate of registration shall have been revoked or suspended in accordance with the provisions of the chapter.

All rulings of the Board in refusing to issue or refusing to renew or suspending or revoking any certificate of registration shall be conclusive and binding unless the party in interest shall within sixty days of the ruling apply for a review by certiorari or proceeding in the nature thereof to a court of competent jurisdiction and said court is hereby authorized and empowered to review and correct the action of the Board, and the Board shall forthwith carry out the judgment of the court on such reviews. Such review may be applied for according to the practice of such court and the Board, if ordered so to do, shall transmit to the court all documents and papers on file in the matter together with a transcript of the evidence, the findings, and the rulings, and all matters pertaining to the same."

Section 9. Amend Title 24, Chapter 21, Delaware Code, by striking Section 2113 (c) in its entirety and substituting in lieu thereof a new Section 2113 (c) to read as follows:

"(c) Any person whose certificate has been revoked or suspended may, after the expiration of ninety days, apply to have the same regranted to him upon satisfactory showing that the disqualification has ceased."

Section 10. Amend Title 24, Chapter 21, Delaware Code by adding to the end of Section 2115 the following paragraph:

"All optometrists shall inform the State Board within 30 days after establishing or moving a main or branch office of the

current address of the office. All main or branch office addresses maintained by an optometrist in this State shall be on file with the Secretary of the Board."

Section 11. Amend Title 24, Chapter 21, Delaware Code, by striking the words "in the city of Wilmington", as they appear in Section 2103 (a) thereof.

Section 12. Amend Title 24, Chapter 21, Delaware Code, by adding to the end of Section 2112 the following:

"In addition to the other provisions of this section, each Delaware registered optometrist shall be required to attend in each 2 year period a total of 12 hours of optometric or other scientific educational lectures, symposiums or courses, approved by the Board. The full 12 hours may be taken in one year or may be spread over the entire 2 year period. Each Delaware registered optometrist shall be required to furnish to the Secretary of the Board satisfactory evidence that he has completed such a postgraduate educational requirement each second year. This requirement shall take effect with the 1975 registration renewal and be required in each odd year thereafter. The Board shall publish guide lines as to acceptable postgraduate study and shall keep the guide lines current.

The Secretary of the Board shall notify in writing each Delaware registered optometrist, at least 30 days prior to the date that his renewal is due, of this educational requirement.

In the event that any registered optometrist shall fail to meet such educational requirement, his registration shall be revoked except when proven hardship makes compliance impossible; provided further that the Board shall reinstate such registration upon presentation of satisfactory evidence of postgraduate study of a standard approved by the Board and upon payment of all fees due; further provided that this educational requirement shall not apply to those Delaware registered optometrists who are not in active practice in this State."

Section 13. Amend Title 24, Chapter 21, Delaware Code, by striking the word "and" following the semicolon at the end of each sentence as it appears in Section 2101 (a) (1) and

Section 2101 (a) (2) and substituting in lieu thereof the words "and/or".

Section 14. Amend Title 24, Chapter 21, Delaware Code, by striking Section 2117 in its entirety and substituting in lieu thereof the following:

"§2117.

Nothing in this chapter shall be construed to prevent the sale and/or application of spectacles in the ordinary course of trade, provided no part of this chapter is violated by this exemption.

Those persons having the degree of Doctor of Medicine or Doctor of Osteopathy and licensed to practice medicine and surgery in this state under Chapter 17, Title 24 of the Delaware Code, shall be exempt from the provisions of this chapter."

Approved February 5, 1974.

CHAPTER 251

FORMERLY HOUSE BILL NO. 433

AN ACT ESTABLISHING A NEW CHARTER FOR THE
"TOWN OF MIDDLETOWN."

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

Section 1. Amend Chapter 249, Volume 56, Laws of Delaware by striking the same in its entirety and substituting in lieu thereof the following :

MUNICIPAL CORPORATE NAME AND GENERAL
POWERS THEREOF

Section 1-a. The municipal corporation of the State of Delaware, now known as "The Mayor and Council of Middletown," shall hereafter be known as the "Town of Middletown," sometimes referred to herein as the "Town" and the inhabitants thereof within the corporate limits as defined in Section 3 of this Act or subsequently altered by annexation procedures shall, under the name of the "Town of Middletown," continue to be a municipal body politic and corporate in perpetuity and under such name may have and use a common seal and may sue and be sued.

b. The Town shall have all powers possible for a municipal corporation to have under the Constitution and laws of the State of Delaware as fully and completely as though they were specifically enumerated in this charter. The Town shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by enactment of this charter. The Town of Middletown, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed by, or enjoyed by the former corporation known as "The Mayor and Council of Middletown."

The Town may have and use a common seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gifts, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas or electrical system, or other municipal purposes, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware or restricted by this charter, the Town shall and may exercise all municipal powers, functions, rights, privileges and innumities of every name and nature whatsoever.

c. The powers of the Town under this charter shall be construed liberally; and the enumeration of specific powers by this charter shall not be held to be exclusive, or to restrict in any way, the general power stated in this section. All powers of the Town shall be exercised in the manner prescribed in this charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council.

INTERGOVERNMENTAL RELATIONS

Section 2. The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or agency thereof; and without limiting the foregoing, the Town shall have the power to transfer to New Castle County any local service function pursuant to the terms and provisions of Title 9, Chapter 11, Subchapter I, Delaware Code of 1953, as amended.

TERRITORIAL LIMITS

Section 3-a. The limits and bounds of the Town of Middletown are hereby established and declared to be as follows:

Beginning at a point in the center of the public road leading from the Town of Middletown to Summit Bridge known as Delaware Route No. 896 and the center of a stream known as Saw Mill Branch; thence from said point of Beginning along the center line of the aforesaid stream in an easterly direction ap-

proximately 2615 feet to a point, a corner for lands now or late of George Cooper; thence by the same in a northeasterly direction approximately 169 feet to a point in line of lands now or late of Oscar Goodland; thence by the same in a southeasterly direction approximately 1293 feet to the center of the aforesaid stream; thence by the center line of the aforesaid stream in an easterly direction approximately 1475 feet to a point, a corner for lands now or late of Russell F. Cleaver; thence by the centerline of the aforesaid stream in an easterly direction approximately 372 feet to a point, a corner for lands now or late of Thomas D. Whittington; thence by the same in a northeasterly direction approximately 1832 feet to the center of a stream known as Mill Branch; thence by the centerline of the aforesaid stream in an easterly direction approximately 2900 feet to the intersection of the aforesaid stream and Saw Mill Branch; thence by the centerline of Saw Mill Branch in a southwesterly direction approximately 1500 feet to a point, a corner of the lands now or late of Felix J. Rutowski; thence by the aforesaid lands (1) in a southerly direction approximately 376 feet, (2) in a southerly direction approximately 870 feet and (3) in a southwesterly direction approximately 693 feet to a point, a corner of lands now or late of Louis N. Pederson; thence by the aforesaid lands (1) in a westerly direction approximately 693 feet and (2) in a southwesterly direction approximately 495 feet to a point, a corner for lands now or late of Howard D. Ratledge; thence, in a southeasterly direction approximately 1492 feet to the centerline of East Main Street; thence along the centerline of East Main Street in a westerly direction approximately 3082 feet to a point, said point being an original corner for the Town of Middletown; thence along the original boundary line of the Town of Middletown in a southwesterly direction to a point, a corner of lands known as the Green Farm now or late of John Green; thence along the eastern boundary of the aforesaid lands in a southerly direction approximately 5000 feet to the center of the northerly branch of the Appoquinimink Creek; thence along the centerline of the aforesaid stream and the centerline of a stream known as Deep Creek in a westerly direction approximately 3600 feet to the centerline of Delaware Route No. 896, also known as Broad Street; thence along the centerline of the aforesaid Delaware Route No. 896 in a southerly direction approximately 713 feet to the centerline of Saint Annes Road;

thence along the centerline of the aforesaid road in a southwesterly direction approximately 1436 feet to a point where the aforesaid road curves; thence, continuing in the same southwesterly direction leaving the center of the aforesaid road a distance of approximately 120 feet to the easterly side of the right of way of the Delaware Branch of the Pennsylvania Railroad; thence, continuing in the same southwesterly direction crossing the right of way of the Delaware Branch of the Pennsylvania Railroad approximately 332 feet to a point in the center of Saint Annes Road; thence in a northwesterly direction an unknown distance to the northerly side of the aforesaid road; thence along the northerly side of the aforesaid road in a southwesterly direction approximately 206 feet to a point, a corner of the lands now or late of Henry J. Kwasnieski; thence by the aforesaid lands (1) in a northwesterly direction approximately 586 feet to a small stream, (2) in a southwesterly direction up said stream approximately 462 feet, (3) in a northwesterly direction approximately 1249 feet, (4) in a northerly direction approximately 952 feet, and (5) in a northeasterly direction 841 feet to a point in the marsh, a corner of lands now or late of Middletown Building Co.; thence by the line of lands now or late of the aforesaid Middletown Building Co., (1) in a northerly direction approximately 1799 feet to a point, (2) in an easterly direction approximately 63 feet to a point, and (3) in a northerly direction approximately 240 feet to a point, said point being on the original boundary line of the Town of Middletown; thence along the original boundary line as aforesaid in a northwesterly direction to a point, said point being an original boundary line of the Town of Middletown; thence along the original boundary line of the Town of Middletown in a northeasterly direction to a point, said point being in the center of the right of way for the Delaware Branch of the Pennsylvania Railroad; thence along the center of the aforesaid right of way in a northerly direction approximately 1190 feet to a point in the line of lands now or late of Globe Union, Inc., said line being the southerly property line of lands now or late of Globe Union, Inc.; thence by the same in an easterly direction approximately 1000 feet to a point in the centerline of said Delaware Route No. 896, also known as North Broad Street; thence along said centerline in a northerly direction approximately 2240 feet to the point and place of Beginning.

b. The Town of Middletown shall have the power to annex any additional territory contiguous to its present limits and bounds and extend and apply to such additional territory all laws, ordinances and resolutions in force within said Town, so far as they may be applicable.

c. Additional territory contiguous to the Town of Middletown may be annexed by any of the following methods:

(1) Upon presentation to Council of a petition signed by real estate owners of the contiguous territory, who own a majority of the assessed value of the land proposed for annexation, Council may, by ordinance, proceed to annex such territory. The petition shall have attached thereto a survey of the territory proposed to be annexed and shall contain a request as to the zoning classification to be applied to such territory, and in addition, shall contain a sworn affidavit signed by at least one of the petitioners stating that the petitioners seeking annexation own the majority of assessed value of real estate situate within the territory proposed for annexation as determined by the real estate assessed to each individual owner thereof on the assessment records of New Castle County.

(2) By ordinance duly passed by Council, the Town may annex lands which it wholly owns, without an election.

d. Prior to adoption by Council of an ordinance annexing contiguous territory, the request or recommendation as to zoning contained in the petition or resolution calling for annexation must first be processed in accordance with applicable laws and Town zoning ordinances. An ordinance providing for zoning of the territory shall be adopted at the same time as that providing for annexation by the Town.

STRUCTURE OF GOVERNMENT

Section 4. The Mayor and the Town Council shall constitute the legislative body of the Town of Middletown and together shall be designated the Council. All powers of the Town shall be vested in the Council, except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

TOWN COUNCIL

a. There shall be a Town Council of five members elected by the qualified voters of the Town at large. The number of Town Council may be increased from five members up to nine members by referendum, in accordance with the terms and provisions of Section 39 of this Charter.

b. Any qualified voter of the Town, who has not been convicted of a crime involving moral turpitude and who has resided in the Town for at least 30 days prior to filing written notice of his candidacy pursuant to Section 38-e, shall be eligible for the office of councilman.

c. The regular election of councilman shall be held on the first Monday in March of every year in the manner Provided in Section 38. At the first election under this charter three councilmen shall be elected; the two candidates receiving the greatest number of votes shall serve for terms of three years, and the candidate receiving the next greatest number of votes shall serve for a term of two years. The councilmen presently in office shall serve until their terms expire. Commencing at the next regular Town election under this charter and at all subsequent regular Town elections, councilmen equal in number to those whose terms expire shall be elected, each to serve for a three-year term.

THE MAYOR

Section 6-a. The Mayor shall be executive of the Town and shall be ex-officio a member of Council. He shall have the following powers and duties:

(1) He shall preside at meetings of the Council but shall have no vote unless the Town Council be equally divided;

(2) He shall execute on behalf of the Town, when authorized by Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed;

(3) He shall appoint all committees, and shall be a member, ex-officio, of the same;

(4) He shall countersign all orders, checks and warrants authorized by Council and calling for payment of Town monies;

(5) He shall have the power to administer oath and affirmation; and

(6) He shall have all and every power conferred, and perform the duties imposed upon him by this charter or the ordinances of the Town.

b. Any qualified voter of the Town, who has not been convicted of a crime involving moral turpitude, and who has resided in the Town for at least 30 days prior to filing written notice of his candidacy pursuant to Section 38-e, shall be eligible for the office of Mayor.

c. The Mayor shall be elected at the regular Town election every three years beginning in 1973 by the qualified voters of the Town for a term of three years to begin on the date of his election, but the incumbent Mayor shall continue until his successor has been elected and has taken office.

COMPENSATION AND EXPENSES OF MAYOR AND COUNCILMEN

Section 7. The Council may determine the annual salary of councilmen and the Mayor by ordinance, but no ordinance increasing the salary of councilmen and no ordinance increasing the salary of the Mayor shall become effective until the date of commencement of the terms of councilmen elected at the next regular election or until the date of commencement of the term of the Mayor next elected, provided that such election, in either case, follows the adoption of such ordinance by at least six months. Council shall not decrease the salary of the Mayor during his term of office. Councilmen and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

VACANCIES AND FORFEITURE OF OFFICE

Section 8-a. The office of a councilman or the office of the Mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

b. A councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the of-

fice prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

c. A vacancy in the Town Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Section 38. Notwithstanding the requirement of Section 13 that a quorum of the Council consists of four members, if at any time the membership of the Town Council is reduced to less than three, the remaining members of the Council may by majority action appoint additional members to raise the membership to three.

d. In the case of temporary service by a councilman as Mayor or as president pro tempore, such person shall not be deemed to have vacated or forfeited his office as elected councilman. The councilman serving as president pro tempore shall be counted in ascertaining a quorum of Council but shall not vote as Mayor.

e. The Mayor shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law or (2) violates any express prohibition of this charter, or (3) is convicted of a crime involving moral turpitude.

f. A vacancy in the office of Mayor shall be filled for the remainder of unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the Town Council by a majority vote of its members shall appoint one of its members to fill the vacancy until the person elected to serve the remainder of the unexpired term

takes office. If the Town Council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Section 38.

g. In the case of the temporary absence or inability to act of the Mayor, the Town Council shall appoint a president pro tempore from among its members to act in such temporary absence or inability of the Mayor.

JUDGE OF QUALIFICATIONS

Section 9. The Council shall be the judge of the election and qualifications of councilmen and the Mayor and of the grounds for forfeiture of their offices and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member of the Town Council or the Mayor charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the Superior Court of the State of Delaware.

TOWN CLERK

Section 10. The Council shall appoint an officer of the Town who shall have the title of Town clerk. The Town clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him by this charter or by the Council.

INVESTIGATIONS

Section 11. The Council may make investigations into the affairs of the Town and the conduct of any Town department, office or agency and for that purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by Council shall be guilty

of a misdemeanor and punishable by a fine of not more than \$25, or by imprisonment for not more than 30 days, or both.

INDEPENDENT AUDIT

Section 12. The Council shall provide for an independent annual audit of all Town 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 Town government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State of Delaware makes such an audit, the Council may accept it as satisfying the requirements of this section.

PROCEDURE

Section 13-a. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of three or more councilmen and, whenever practicable, upon no less than two hour's notice to each member. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own elected membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action shall not be taken by the Council until the matter is placed on the agenda.

b. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record, subject to inspection by residents of the Town.

c. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four of the members elected to the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may

compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 8, shall be valid or binding unless adopted by the affirmative vote of a majority of the persons present and entitled to vote.

ORDINANCES

Section 14-a. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the Town shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any Town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Section 23 with respect to taxes levied by the adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by a public utility of the Town;

(6) Authorize the borrowing of money, except as otherwise provided in Section 27;

(7) Convey or lease or authorize the conveyance or lease of any lands of the Town;

(8) Adopt with or without amendment ordinances proposed under the initiative power; and

(9) Amend or repeal any ordinance previously adopted, except as otherwise provided in Section 39 with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentences may be done either by ordinance or resolution.

b. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in

its title. The enacting clause shall be "The Town of Middletown hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the Town code shall set out in full the ordinance, section or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

c. An ordinance may be introduced by any elected councilman at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town clerk shall distribute a copy to each Council member, shall file a reasonable number of copies in the office of the Town clerk and such other public places as the Council may designate, and shall publish the proposed ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by Council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the precedures hereinbefore required in the case of a newly introduced ordinance.

d. Except as otherwise provided in this charter, every ordinance adopted by the Council shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

e. All ordinances adopted by Council shall be published by the clerk with a notice of adoption, as soon as practicable after adoption.

f. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the Town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

g. To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more

emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in subsection 24-b. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four members of Council shall be required for adoption. The ordinance shall become effective upon adoption or at such later time as it may specify. Immediately after its adoption, the ordinance shall be published and printed as prescribed for other ordinances. Every emergency ordinance except one made pursuant to subsection 24-b shall automatically stand repealed as of the sixty-first day following its adoption by Council, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. Any emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner as specified in this section for the adoption of emergency ordinances.

CODES OF TECHNICAL REGULATIONS

Section 15. The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of Section 14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the Town clerk pursuant to subsection 16-a.

Copies of any adopted code of technical regulations shall be made available by the Town clerk for distribution or for purchase at a reasonable price.

AUTHENTICATION, RECORDING, PRINTING AND CODIFICATION OF ORDINANCES AND RESOLUTIONS

Section 16-a. The Town clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all duly enacted ordinances and resolutions.

b. Within two years after the adoption of this charter and at least every five years thereafter, the Council shall provide for the preparation of a general codification of all Town ordinances and resolutions having the force and effect of law. The general codification shall be enacted by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Delaware and such codes of technical regulations as the Council may specify. This compilation shall be known and cited officially as the Middletown Code. Copies of the code shall be furnished to Town officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

c. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its enactment, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Middletown Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Delaware, or the codes of technical regulations and other rules and regulations included in the code.

TOWN MANAGER

Section 17-a. The Council shall appoint a Town Manager for an indefinite term and fix his compensation. The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the

Town or of the State of Delaware at the time of his appointment, but may reside outside the Town while in office only with the approval of the Council. No elected councilman or the Mayor shall, during the time for which elected, be appointed Town Manager.

b. The Council may remove the Manager from office in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.

(2) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days and not later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than five days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The Manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency.

c. By letter filed with the Town clerk the Manager shall designate, subject to approval of the Council, a qualified Town administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint some qualified person to serve until the Manager shall return or his disability shall cease.

d. The Town Manager shall be the chief administrative officer of the Town. He shall be responsible to the Council for

the administration of all Town affairs placed in his charge by or under this charter. He shall have the following powers and duties.

(1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all Town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this charter or by law.

(3) He shall attend all Council meetings and have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the Council.

(6) He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.

(7) He shall make such other reports as the Council may require concerning the operations of Town departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as he deems desirable.

(9) In conjunction with the Mayor, he shall sign all orders, checks and warrants authorized by Council and calling for payment of Town monies.

(10) He shall perform such other duties as are specified in this charter or may be required by the Council.

ADMINISTRATIVE DEPARTMENTS

Section 18-a. By ordinance, the Council may establish Town departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

b. All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. All appointments hereunder shall be subject to approval of Council. With the consent of Council, the Manager may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more of them.

PERSONNEL SYSTEM

Section 19-a. All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

b. There shall be a personnel director, appointed by the Manager and approved by Council, who shall administer the personnel system of the Town.

c. There shall be a personnel board consisting of three members appointed by the Council for terms of three years from among the qualified voters of the Town. Members of the board shall hold no other Town office. The personnel director shall provide necessary staff assistance for the personnel board.

d. The personnel director shall prepare personnel rules. The Manager shall refer such proposed rules to the personnel board which shall report to the Manager its recommendations thereon. When approved by the Manager, the rules shall be proposed to the Council, and thereafter, the Council may by ordi-

nance enact them with or without amendment. These rules shall provide for:

- (1) The classification of all Town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whatever warranted by changed circumstances;
- (2) A pay plan for all Town positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or position;
- (4) The policies and procedures regulating reduction in force and removal of employees;
- (5) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (6) The policies and procedures governing persons holding provisional appointments;
- (7) The policies and procedures governing relationships with employee organizations;
- (8) Policies regarding in-service training programs;
- (9) Grievance procedures, including procedures for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the Mayor with a copy to the aggrieved employee; and
- (10) Other practices and procedures necessary to the administration of the Town personnel system.

LEGAL OFFICER

Section 20. There shall be a legal officer of the Town, appointed by Council to serve at its pleasure, who shall serve as chief legal advisor to the Town Council, the Mayor and all Town departments, officers and agencies, shall represent the Town in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.

FISCAL YEAR

Section 21. The fiscal year of the Town shall begin on the first day of June and end on the last day of May.

SUBMISSION OF BUDGET AND CAPITAL PROGRAM

Section 22-a. On or before the first day of April of each year the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

b. The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Manager deems desirable.

c. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, including and indicating the proposed rate of tax on real estate and the amount of per-capita tax and shall show all proposed expenditures including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Town and the pro-

posed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The budget shall be balanced so that the total of proposed expenditures shall not exceed the total of estimated income.

d. The Manager shall prepare and submit to the Council a five-year capital program at least two months prior to the final date for submission of the budget.

e. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

COUNCIL ACTION ON BUDGET AND CAPITAL PROGRAM

Section 23-a. The Council shall publish in one or more newspapers of general circulation in the Town a general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than 10 days after such publication, for a public hearing on the budget.

b. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided

that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

c. The budget shall be adopted by the Council on or before the first day of the last month of the fiscal year currently ending. If the Council fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the tax on real estate and the per capita tax at the rate and in the amount therein proposed. If the budget has not been adopted by the above date, Council may thereafter separately levy said taxes at a rate and in an amount it deems appropriate.

d. The Council shall publish in one or more newspapers of general circulation in the Town the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time, place, not less than 10 days after such publication, for a public hearing on the capital program.

e. The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the first day of the last month of the current fiscal year.

f. The Council may, in its discretion, provide for a single public hearing on the budget and capital program.

g. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at a suitable place in the Town.

AMENDMENTS TO BUDGET AFTER ADOPTION

Section 24-a. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance

may make supplemental appropriations for the year up to the amount of such excesses.

b. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 14-g. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. No more than \$50,000 may be borrowed pursuant to the provisions of this subsection.

c. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

d. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Manager, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

e. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section, may be made effective immediately upon adoption.

LAPSE OF APPROPRIATIONS

Section 25. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

ADMINISTRATION OF BUDGET

Section 26-a. At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 24.

b. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the Town for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved as otherwise provided in this charter.

BORROWING OF MONEY AND ISSUANCE OF BONDS

Section 27-a. The Town of Middletown, under the restrictions hereinafter provided, may borrow for municipal purposes on the credit of the Town such sum or sums of money at such time or times as it may deem proper and issue bonds or other certificate or certificates of indebtedness for the payment of the same.

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

c. In those cases where the borrowing power is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the Town at a rate of interest equal to or less than the indebtedness thereby sought to be refunded, or in accordance with the provisions of Sections 24-b, 28 and 29, it shall not be necessary for a special election to be held to secure approval of such borrowing.

In all other instances the power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness shall be exercised in the following manner:

(1) The Council shall enact a resolution proposing that money be borrowed by the Town. The resolution shall plainly set forth: (a) the amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed, (b) the rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid, (c) the manner in which it is proposed to be secured, (d) the manner in which it is proposed that it shall be paid, or funded, or both, (e) a short and clear description of the purpose or purposes for which the money or monies shall be used, which shall include the estimated cost of carrying out the purpose or purposes, (f) a statement as to the aggregate of all municipal indebtedness in the event the borrowing is approved, and (g) a statement of the time and place for a public hearing upon the resolution.

(2) The Town clerk shall give notice of the time and place of the public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper

published in the Town at least one week before the time fixed for said hearing and by posting copies thereof in ten public places throughout the Town at least one week before the time fixed for said public hearing.

(3) At the time and place mentioned in the notice, the Council shall sit in public session and conduct a hearing upon the resolution.

(4) Immediately following the public hearing upon the resolution, the Council shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by Council, then a second resolution shall be enacted ordering and directing that a special election be held in the Town of Middletown not less than 30 days nor more than 60 days (as may be determined by Council) after the passage of the resolution authorizing the loan.

(5) The purpose of the special election shall be to vote for or against the proposed loan.

(6) The Town clerk shall give notice of the time and place for holding the special election to all the taxables of the Town by posting notices thereof in ten public places in said Town at least two weeks prior to the day fixed for the holding of such special election, and by publishing a copy of such notice in a newspaper of the Town at least ten days before the election. Such notice of the special election shall contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, except that information relating to the public hearing.

(7) The special election shall be conducted by Judges of Election who shall be appointed in the same manner, and shall have the same qualifications, as provided in this charter for the regular Town election.

(8) The ballot to be used at the special election shall be in substantially the following form: upon one-half of the ballot shall be printed the words "FOR THE PROPOSED BORROWING," and upon the other half of the ballot shall be printed the words "AGAINST THE PROPOSED BORROWING," and a box shall be provided after each and the voter instructed to place an "X" in the box provided after the choice for which he wishes to cast his vote.

(9) At such special election every person who would be entitled to vote at a regular Town election if held on that day shall be entitled to one vote.

(10) Immediately upon the closing of the polls the Judges of Election shall count the votes for and against the proposed borrowing and shall announce the result thereof, and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such certificate, in duplicate, to the Town clerk. One copy of the certificate shall be entered in the minutes of the next meeting of Council and the other copy thereof shall be filed with the papers of the Town. If a majority of the votes cast be "FOR THE PROPOSED BORROWING," the Council shall have the authority to borrow the sum or sums or money and issue the bonds or certificates of indebtedness therefor.

d. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity and provisions pertaining to registration shall be determined by the Council. The bonds shall be sold to the best and most responsible bidder therefor.

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

The Council shall provide, in its budget, for revenues sufficient to pay the interest and principal on the said bonds or certificates of indebtedness at the maturity or maturities therefor. The faith and credit of the Town of Middletown shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued hereunder, within the debt limitation prescribed hereinafter, when the same have been properly executed and delivered for value.

BORROWING FOR CURRENT EXPENSES

Section 28. Whenever the needs of the Town shall require more money than is, at the time, in the Town treasury from current receipts, the Council shall be authorized and empowered to

anticipate current revenue by borrowing such amounts as are needed. Provided, however, the amount of such indebtedness shall not at any time exceed the sum of \$50,000.00.

To exercise the power aforesaid, the Council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Council. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the debt of the Town when limitations upon indebtedness, as set forth elsewhere in this charter, are computed.

INTERIM BORROWING FOLLOWING BOND ELECTION

Section 29. Subsequent to any bond election conducted in accordance with the provisions of Section 27 at which a majority of the votes cast be "FOR THE PROPOSED BORROWING," the Council shall be authorized and empowered to anticipate the funds to be obtained by the sale of bonds or certificates of indebtedness by borrowing such amounts as may be needed. Provided, however, the amount or amounts borrowed hereunder shall not exceed the amount of money, or the amount of money not exceeding which, the Town has been authorized to borrow at the bond election; nor shall the rate or rates of interest exceed the rate of interest, or the rate of interest not exceeding which, the Town has been authorized to pay at the bond election.

To exercise the power aforesaid the Council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Council. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby. Such interim debt shall be considered as part of the debt of the Town when limitations upon indebtedness, as set forth elsewhere in this charter, are computed.

LIMITATION UPON INDEBTEDNESS

Section 30. Except as otherwise provided in this charter, the indebtedness of the Town of Middletown, for any and all purposes and at any one time, shall not exceed, in the aggregate,

fifteen per centum (15%) of the assessed value of all real property situate within the confines of the Town limits and subject to assessment for the purpose of levying the property tax as provided in Sections 31 and 32.

REVENUE AND SPECIAL ASSESSMENTS

Section 31-a. The Council shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, and shall have the power to levy and collect a per-capita tax.

b. The Council shall have the power to levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, rail lines or other constructions or erections of a like character erected within the limits of the Town, together with the wire or other appliances thereto or thereon attached. In case the owner or lessee of such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to all other remedies for the collection thereof, the Council shall have power and authority to cause the same to be removed.

c. The Council shall have the power and right to grant or refuse, and to tax and collect fees for licenses or permits for businesses of any description carried on within the limits of the Town, and to control their use of any property within the Town. The Council shall also have the power to grant franchises for such periods of time, upon such terms, restrictions, stipulations and conditions, and for such purposes and considerations as it shall deem wise and shall have the power to levy and collect franchise fees.

d. The Council shall have the power by ordinance to fix the rates for general utility services sold or operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

e. The Town of Middletown is authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for payment of all or any part of the cost

of the work, service or improvement out of the proceeds of such special assessments.

f. The Council may allow discounts for early payment of taxes, and impose penalties and forfeitures for tax delinquencies. The Council may also provide for the payment of special assessments, for whatever purpose levied, by installments.

BOARD OF ASSESSMENT

Section 32-a. There shall be a Board of Assessment of three members.

b. Any qualified voter of the Town, who has not been convicted of a crime involving moral turpitude, shall be eligible for the office of member of the Board of Assessment.

c. Council shall appoint the three members of the Board of Assessment. One such member shall be appointed for a term of three years, another member for a term of two years, and the third member for a term of one year. Upon expiration of the term of office of each member of the Board of Assessment, and yearly thereafter, Council shall appoint one member of the Board of Assessment to serve for a term of three years.

d. The office of a member of the Board of Assessment shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

e. A member of the Board of Assessment shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by laws, (2) violates any express prohibition of this charter, or (3) is convicted of a crime involving moral turpitude.

f. A vacancy in the office of member of the Board of Assessment shall be filled by Council appointing a qualified person to serve the remainder of the unexpired term.

g. The compensation to be received by members of the Board of Assessment for the performance of their duties shall be fixed by Council. Members of the Board of Assessment shall receive their actual and necessary expenses incurred in the performance of their duties of office.

h. It shall be the duty of the Board of Assessment to make, cause to be made or adopt an assessment of real estate and persons subject to taxation situated within the Town and to perform such other duties in reference thereto as may be prescribed by this charter or, from time to time, by Council.

ASSESSMENT OF TAXES

Section 33-a. The Board of Assessment shall, prior to March 15 of each year, either (1) make or have made a valuation and assessment of all real estate within the Town, or (2) adopt the assessment of real estate within the Town as contained in the assessment rolls for New Castle County. In making, causing to be made or adopting any such assessment, the rules and exemptions now, and hereinafter from time to time, applicable by law to the making of the New Castle County assessment of real properties shall be applicable insofar as consistent with the provisions of this charter. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be ascertained, it may be assessed to "Owner Unknown." A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any Town tax or other assessment based thereon.

b. The Board of Assessment shall also, prior to March 15 of each year, make a per-capita assessment of all citizens residing in the Town, above the age of eighteen years, including those not owning, as well as those owning, real estate within its limits.

c. The Board of Assessment, after making, causing to be made or adopting such annual assessments, shall, prior to March 15 of each year, deliver to the Council a list containing the names of all persons assessed and the amount of the assessment against each.

d. The annual assessment list shall be in such form as Council may, from time to time, by resolution direct; provided, the list shall distinguish the real and per-capita assessment of each person and be so arranged that the land, the improvements thereon, and the per-capita assessment shall appear separately.

In making its assessment, the Board of Assessment shall make its valuation accordingly.

e. The real estate of the several members of the Board of Assessment shall be assessed by the Council, except if the New Castle County assessment is adopted.

f. Immediately upon receiving the annual assessment list from the Board of Assessment, the Council shall cause full and complete duplicates or copies of the same to be hung up or otherwise made available at the Town offices, and such other places in the Town of Middletown as they may designate, there to remain for a period of not less than three days for public inspection and information. Except if the New Castle County assessment is adopted, appended to the list and also in five or more public places in said Town shall be posted notices advising all concerned that, on a certain day or days and at certain times designated there, the Council will hold a Court of Appeals to hear and determine appeals from said annual assessments, make corrections and add omissions. The decision of the Council, sitting as a Court of Appeals, shall be final and conclusive, and the Council shall revise and complete said assessment at such sitting. No councilman or the Mayor shall sit upon his own appeal, but the same shall be heard and determined by the other members of Council.

g. All the members of the Board of Assessment shall be present while the Council is sitting as a Court of Appeals and shall furnish the Council such information and answer such questions as the Council may require with respect to any assessment from which an appeal has been taken. The Council shall have authority to enforce their attendance by appropriate process.

LEVY OF TAXES

Section 34-a. The taxes on real estate and the per-capita taxes shall be levied by Council pursuant to Section 23.

b. Immediately after the taxes have been levied, the Council shall make or cause to be made, a full, true and correct annual tax list showing the amount of tax levied against all real estate and persons appropriate to be taxed hereunder. This list shall be known as the Annual Tax List of the Town of Middletown,

and shall be in addition to the assessment list. It shall contain information as to the rate of tax upon real estate.

c. The Council shall cause to be delivered to the Town Manager a duplicate of said annual tax list, and the Town Manager shall immediately proceed to collect the taxes.

COLLECTION OF TAXES

Section 35-a. It shall be the duty of the Town Manager and his authorized delegates to proceed forthwith to collect the taxes on the duplicate of said annual tax list.

b. The provisions of Title 25, Chapter 29, Delaware Code of 1953, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed by Council under the provisions of this charter.

c. From time to time, Council shall direct when and where the Town Manager and his authorized delegates shall sit for the purpose of receiving taxes. Notice of such time and place shall be posted in at least five (5) of the most public places in the Town of Middletown and shall be published in one or more newspapers of general circulation in the Town.

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

Section 36-a. The Town Manager may recover the amount of any tax, assessment or other charge in an action of debt before the Alderman of the Town of Middletown, or Justice of the Peace in New Castle County, or before the Court of Common Pleas of New Castle County or Superior Court of New Castle County; and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax, assessment or other charge assessed against the defendant and the time of assessing the same. The right of appeal shall be the same as in other civil actions. If judgment be rendered in favor of the Town Manager, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, not in excess of five percentum of the amount of taxes, assessments or other charges plus penalties and accrued interest, to be taxed by the Court in costs, and execution shall issue as in case of other judgments recovered.

b. At any time after the tax, assessment or other charge becomes due the Town, the Town Manager may notify, in writing, the person, firm or corporation by whom any taxable is employed that the tax, assessment or other charge of said employee is due and unpaid. The notice shall be signed by the Town Manager, shall contain the name of the taxable, the amount of the tax, assessment or other charge due with penalties and interest added, if any, and shall be accompanied by a copy of this subsection. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable the amount owing the Town, charge the same against him, and pay the same to the Town Manager within thirty (30) days. The Town Manager shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If the employer be notified as aforesaid and, having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax, assessment or other charge, together with penalties and interest thereon, if any, of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in an action of debt before the persons and courts specified in subsection a. This collection process shall be deemed in the nature of a garnishment proceeding.

c. In addition to all existing methods and authority for the collection of taxes or assessments due to the Town of Middletown, the following methods and authority are hereby established:

The Town of Middletown may file, or cause to be filed, a praecipe in the office of the Prothonotary of the Superior Court, in and for New Castle County, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, or if said persons are unknown, the words "Owner Unknown," and a copy of the bill or bills showing the amount of taxes or assessments due and the property against which the assessment was laid. The description of the property, as the same appears on the assessment rolls of New Castle County, shall be a sufficient identification and description of the property. Thereupon the Prothonotary shall make a record of the same on a Judgment Docket of the Superior Court against

the property mentioned or described in the praecipe, which record shall consist of the following:

(1) The name of the person in whose name the assessment was made, and if unknown, the words "Owner Unknown."

(2) The description of the property as the same shall appear upon the assessment rolls as aforesaid.

(3) The year or years for which the taxes or assessments are due and payable.

(4) The date of the filing of such praecipe.

(5) The amount of the judgment, the same being the amount set forth in the praecipe.

Thereafter upon a praecipe for monition filed in the office of the Prothonotary by the Town of Middletown through the Town Manager or the Town legal officer, a monition shall be issued by the Prothonotary to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien and the last-known name and address of the person or persons who are the owners of said property as reflected on the assessment rolls as aforesaid. A description of such property as the same shall appear on the assessment rolls as aforesaid shall be a sufficient description.

The monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessments stated herein is paid within 20 days after the date hereof or within such period of 20 days, evidence of the payment of taxes or assessments herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, the Town of Middletown may proceed to sell the property herein mentioned

or described for the purpose of collecting the judgment for the taxes or assessments herein stated.

Name of person in whose name property is assessed and person's last-known address	Description of Property	Year or Years	Amount of Judgment
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The monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for taxes or assessments is a lien, and the monition, or a copy thereof, shall be sent by registered or certified mail to the owner or owners thereof at his or their last-known address or addresses. The Sheriff shall make due and proper return of his proceeding under the monition to the Prothonotary, within 10 days after the posting of the monition and the mailing thereof.

Alias or pluries monition may issue upon like praecipe. The posting and mailing of such notice as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of 20 days next following the return of the Sheriff upon such monition, unless before the expiration of the 20 days the judgment and costs on the judgment shall be paid or evidence of the payment of such taxes or assessments evidenced by a receipted bill or duplicate thereof bearing date therefor prior to the filing of the lien for record in the office of the Prothonotary, upon praecipe filed by the Town of Middletown, through the Town Manager or the Town legal officer, a writ of venditioni exponas shall issue out of the office of the Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in the writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of venditioni exponas issued out of the Superior Court. The property shall be described in the writ under the description thereof as it appears on the assessment rolls as aforesaid, and by metes and bounds where obtainable, but nothing herein shall be construed to invalidate a writ or sale pursuant thereto containing only the description as it appears on said assessment

rolls or a writ bearing only a description by metes and bounds.

Said writ shall be substantially in the following form:

NEW CASTLE COUNTY)

) SS.

STATE OF DELAWARE)

TO THE SHERIFF OF NEW CASTLE COUNTY
GREETINGS

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the _____ day of _____, A.D. 19____, IT WAS COMMANDED that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, should mail said Monition or copy thereof to the owner of the said real estate at his last know address, and make a return to the said Superior Court within ten days after said posting and mailing. That on the _____ day of _____, A.D. 19____, you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the _____ day of _____, A.D. 19____, and a copy of the said Monition was mailed by certified or registered mail to _____, being the person known to be the owner of said real estate, at _____, being the last-known address of said owner, on the _____ day of _____, A.D. 19____.

We therefore now command you to expose to public sale, the real estate mentioned and described in said Monition as follows:

And that you should cause to be made as well a certain debt of _____ Dollars (\$) lawful money of the United States, which to the said Town of Middletown, a municipal corporation of the State of Delaware, is due and owing, as also the sum of _____ Dollars (\$) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said _____ was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday, the _____ day of _____,

next, to render to the said Town of Middletown, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable _____ at
Wilmington the _____ day of _____, A.D. 19 _____

Prothonotary

Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, or such "Unknown Owner," and/or all the right, title and interest of the person or persons who are the owners thereof, and likewise freed and discharged from any liens and encumbrances, dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate, in or to the real estate.

The Owner or such unknown owner of any such real estate sold pursuant to the provisions hereof or his legal representatives may redeem the same at any time within one year from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representatives, successors or assigns, shall refuse to receive the same, or do not reside or cannot be found within the Town of Middletown, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event the owner of said property or his legal representatives fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a petition to the Superior Court setting forth the appropriate facts in conformity with this subsection and pray that the Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying title to the property to the petitioner; and thereupon the Superior Court shall have power, after a hearing upon the petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in the petition. A description of the property as the same shall appear

upon the assessment rolls, as aforesaid, and a description by metes and bounds where obtainable shall be a sufficient description in any such deed.

If the owner of any real estate sold under an order of sale or his legal representative shall redeem the real estate, he may present to the Superior Court a petition setting forth that fact and thereupon the Superior Court, after hearing and determining the facts set forth in the petition, shall have power to cause to be entered upon the record of the judgment, under which the real estate was sold, a memorandum that the real estate described in the proceedings upon which the judgment was entered has been redeemed. Thereafter the owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the liens have been discharged or reduced by the application of the proceeds by the Sheriff from the sale.

Upon the return of the proceedings under a writ of venditioni exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

No proceedings shall be brought hereunder unless the tax or assessment sought to be collected shall at the time of the filing of the praecipe in the office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

Wherever the Superior Court is mentioned in this subsection, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done hereunder may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

The fees and costs to be taxed in all proceedings under this subsection where not otherwise provided for, shall be as follows: The following fees shall be charged by the Prothonotary:

Filing Praecipe	\$1.10
Issuing Monition and copies	3.00
Issuing Alias or Pluries, Monition and copy	3.00
Writ of Venditioni Exponas	2.25

Filing any Petition in Superior Court under this Subsection	1.00
Costs of paying money into Superior Court	1.00
Costs of paying money out of Superior Court for each check drawn	1.00
The following fees shall be charged by the Sheriff:	
Posting Monition or copy thereof	\$.75
Posting each Alias or Pluries Monition or copy thereof .....	.75
Mailing Monition or copy thereof	1.00
plus postage	

All other charges by the Prothonotary and the Sheriff which are not covered by this subsection shall be the same as are now provided by law. In addition, the Town of Middletown shall be entitled to receive a sum corresponding to fifteen per centum of the amount of the judgment for its services in preparing, or causing to be prepared, such papers as are necessary in the premises, which sum shall be a part of the costs to be charged the purchaser in connection with the sale of said real estate sold for taxes or assessments.

PLANNING

Section 37-a. There shall be a Planning Commission consisting of five members, to be appointed by the Mayor, subject to confirmation by the Town Council. The members shall be appointed for terms of such length and so arranged as are consistent with the laws of the State of Delaware. The commission shall elect annually, a chairman and a secretary from among its members, and may employ experts, clerical and other assistants.

b. The powers and duties of the Planning Commission shall be coextensive with, and correspond to, those provided by the laws of the State of Delaware for planning commissions of incorporated cities and towns.

c. To the extent permitted under the laws of the State of Delaware, the Town may enact, by ordinance, appropriate subdivision regulations to be administered and applied by the Planning Commission.

NOMINATIONS AND ELECTIONS

Section 38-a. The regular Town election shall be held on the first Monday in March in each year between the hours of 1:00 P.M. and 8:00 P.M.

b. At any such election every person, male or female, who shall have reached the age of eighteen years, who is a citizen of the United States, who shall have been a freeholder in the Town of Middletown for a period of at least 30 days immediately preceding such election, against whose property there shall be no due and unpaid taxes, assessed or charged against such property or properties during the fiscal year ending on June 30th preceding such election, and who has satisfied requirements for registration prescribed in this section shall be entitled to vote; and in the alternative, every person who shall have reached the age of eighteen years, who is a citizen of the United States, who shall have been a resident of the State of Delaware at least 30 days, and who shall have been a bona fide resident within the corporate limits of the Town of Middletown for at least 30 days immediately preceding such election, and who has satisfied requirements for registration prescribed in this section shall be entitled to vote at regular Town election.

c. The Council shall by ordinance provide for the registration of voters and may prescribe registration and voting places, provided there shall be at least three registration days per year, one not more than 21 days prior to the regular Town election. The hours of registration shall be as provided by ordinance and the ordinance may provide for permanent registration lists.

d. At least 10 days previous to the regular Town election, three qualified voters of the Town shall be appointed Judges of Election by Council. The Judges of Election shall conduct the election, shall decide on the legality of the votes offered and shall ascertain the results of the election. Upon the close of the election, the votes shall be read and counted, and the persons having the highest number of votes, subject to the provisions of subsection 1 shall be declared elected.

Immediately after the election, said Judges of Election shall enter in a book to be provided for that purpose, a minute of such election, containing the names of all persons who were candidates

for office, designating the office for which they were candidates and showing the number of votes received by each, and they shall subscribe to the same and deliver said book to the Council. Said book shall be evidence in any Court of Law or Equity. The Judges of Election shall also give to the persons so elected certificates of their election.

For the conduct of Town elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the Town shall enact by ordinance all regulations which it considers desirable, consistent with law and this charter.

e. Any qualified voter of the Town may, upon his own application, become a candidate for the Town Council or Mayor, upon filing with the Town clerk written notice of his candidacy not earlier than 90 days or later than 30 days before the election.

f. Within seven days after filing written notice of candidacy, the Town clerk shall notify the person whether or not he is qualified to become a candidate for the Town Council or Mayor. If a person is found unqualified, the Town clerk shall so advise him in writing with a statement certifying wherein he is unqualified. The Town clerk shall keep on file all written notices of candidacy and copies of replies thereto.

g. The full names of all candidates for membership in the Town Council and for the office of Mayor except those who have withdrawn within 21 days prior to the election, died or become ineligible, shall be printed on the official ballot without party designation or symbol. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence address shall be printed with their names on the ballot.

h. The names of the candidates shall be arranged in the alphabetical order of their surnames.

i. A candidate shall be entitled, upon written application to the Town clerk at least five days before the election, to appoint two persons to represent him as watchers and challengers at each polling place where voters may cast their ballots for him. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the general

election laws of the State of Delaware. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

j. Every voter shall be entitled to vote for as many candidates for the Town Council as there are members to be elected to the Council. Every voter shall be entitled to one vote for Mayor.

k. The candidate for Mayor receiving the highest number of votes shall be declared elected. Candidates for election as councilmen shall be declared elected pursuant to the provisions of Section 5.

1. Any ordinance or charter amendment to be voted on by the Town shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question shall appear, in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter may cast his vote.

m. If for any purpose relating to a general or Town election or to candidates or issues involved in such an election, any organization, group or person requests a list of qualified voters of the Town, the department, office or agency which has custody of that list shall either permit the organization, group or person to copy the voters' names and addresses from the list or furnish a copy of the list.

INITIATIVE AND REFERENDUM

Section 39-a. The qualified voters of the Town shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of Town officers or employees.

b. The qualified voters of the Town shall also have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

c. Any 10 qualified voters may commence initiative or referendum proceedings by filing with the Town clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

d. Initiative and referendum petitions must be signed by qualified voters of the Town equal in number to at least ten per centum (10%) of the total number of qualified voters registered to vote at the last regular Town election.

e. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

f. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

g. Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

h. Within 20 days after the petition is filed, the Town clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections e. and f. of this section, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection i. of this section within the time required, the clerk shall promptly present his certificate to the Council and the Certificate shall then be a final determination as to the sufficiency of the petition.

i. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

j. A final determination as to the sufficiency of a petition shall be subject to review by the Superior Court. A final determination of insufficiency, even if sustained upon Court review, shall not prejudice the filing of a new petition for the same purpose.

k. When a referendum petition is filed with the Town clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(1) There is a final determination of insufficiency of the petition, or

(2) The petitioners' committee withdraws the petition, or

(3) The Council repeals the ordinance, or

(4) Thirty days have elapsed after a vote of the Town on the ordinance.

1. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Section 14 or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the Town.

m. The vote of the Town on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

n. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the Town by filing with the Town clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

o. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the

same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

p. If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ALDERMAN

Section 40-a. The Mayor shall appoint, with the consent of Council, a person to the office of Alderman. The term of office of the Alderman shall be three years. He shall not be a member of Council.

b. The Alderman is hereby constituted a conservator of the peace within the Town and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within said Town so far as to arrest and hold for bail, or fine and imprisonment offenders. He shall also have jurisdiction and cognizance of all fines and penalties prescribed by this charter, ordinances enacted hereunder, or any law of the State of Delaware; of all neglects, omissions or defaults of any officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said Town or to execute or obey any law or ordinance thereof. Provided that in the case of a violation of an ordinance, he shall impose no penalty or fine in excess of that fixed by the ordinance and shall not commit to prison for a period longer than 30 days a person who is in default in the payment of a fine imposed for violation of a Town ordinance.

As Alderman, he shall also have jurisdiction in suits of a civil nature for the collection of taxes, assessments, and other charges due the Town, and all other matters which may be conferred upon him under the provisions of this charter.

It shall be the duty of the Alderman to keep a book of record, or docket, to be provided by the Council, in which all his official acts shall be entered, and he shall upon the expiration of his term of office, deliver to his successor all the books and papers pertaining to his office within 10 days after the appointment of his successor and shall pay over to the Town all moneys in his hands belonging to the Town within five days after

the expiration of his term; upon his neglect or failure to deliver to his successor in office within the time aforesaid all the books and papers belonging to his office or upon neglect or failure to pay over to the Town within the time aforesaid all moneys belonging to the Town, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 nor more than \$500.00.

c. The Alderman's compensation shall be such as may be set by ordinance duly enacted by Council; provided, however, that Council shall not change the amount of an Alderman's compensation or its manner of payment during the term of his office.

d. The Alderman shall be subject to removal from office at any time by a majority vote of Council.

e. All fines, forfeitures and taxes collected by the Alderman shall belong to the Town and its use. The Alderman at every regular meeting of Council shall report to it all fines and penalties imposed by him since the last meeting and pay to the Town all such fines, penalties and taxes received by him during such time and in default of making such report or paying such fines, penalties and taxes for a period of 20 days after such report should be made and such fines, penalties and taxes should be paid as aforesaid, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$20.00 nor more than \$50.00.

f. If any vacancy shall occur in the office of Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by Council at any meeting thereafter for the residue of the term.

POLICE DEPARTMENT

Section 41-a. There shall be a Police Department consisting of a Chief appointed pursuant to Section 18-b, and such number of subordinates as may be deemed wise.

b. The members of the Police Department shall preserve peace and order and shall compel obedience within the Town limits to the ordinances of the Town and the laws of the State, and they shall have such other duties as the Council shall from time to time prescribe.

c. Each member of the Police Department shall be vested with all the powers and authority of a Constable of New Castle County within the Town limits and within one mile outside said limits, and in case of pursuit of an offender his powers and authority shall be without territorial limitation.

ACQUISITION OF PROPERTY

Section 42. The Town of Middletown is hereby authorized and empowered, whenever it shall deem it necessary and expedient for any municipal purpose, to obtain and acquire property by purchase, gift, devise or lease within or without the boundaries of said Town and to obtain legal title to said property by appropriate conveyances. If the Town fails to reach an agreement with an owner or owners of real property, it shall have the power to take such real property by condemnation in the manner and according to the procedure as set forth in Title 10, Chapter 61, Delaware Code of 1953, as amended; provided, however, that the right of condemnation shall not extend to real property owned by the State of Delaware, New Castle County or any agency thereof, nor shall such right extend to real property situate without the boundaries of said Town.

BUSINESS OPERATIONS

Section 43-a. The Town of Middletown shall have the right to engage in any business or enterprise in which a person, firm or corporation might engage by virtue of a franchise, and shall have the right and power to acquire, own, maintain and operate, within or without the corporate limits of the Town, all real estate for municipal purposes for sites and rights or ways for public utility and general welfare purposes and for the location, erection, maintenance and operation thereon of municipal utility plants and public facilities.

b. In any case where the Council may deem it to be to the best interests of the people of the Town to acquire the properties of any privately owned utility or to grant franchises in accordance with Section 31-c within the present or future boundaries of the Town, the question shall be submitted to the qualified voters at a special election. The time and procedure for the election shall be determined by Council; provided, however, that a public hearing upon the question of acquisition shall be

held by Council not less than two weeks prior to the election and Council shall provide at least 30 days' notice of the public hearing and election. In acquiring said utility property, the Town shall respect the franchise rights of the owners and in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility properties by municipalities. The Council shall be authorized to negotiate the aforementioned purchase only after a majority of votes at the special election have been cast in favor of the acquisition.

EXTENSION OF UTILITY SERVICES OUTSIDE TOWN LIMITS

Section 44. The Town of Middletown shall have the right and power to furnish, or refuse to furnish, utilities from any Town system to places and properties outside the Town limits and shall have the right and power to distribute, or refuse to distribute, to users without the Town limits any utility services which have been contracted for and purchased by the Town, with the same full powers as though the subjects of such services had been initially reduced to usefulness, or provided by the facilities therefor, of the municipal corporation itself.

CONTROL OF STREETS AND OTHER PUBLIC WAYS

Section 45-a The Council shall have the power and authority to locate, lay out and open new streets and other public ways and to widen, alter, vacate or abandon streets or other public ways, or parts thereof, whenever it is deemed in the best interest of the Town.

b. The procedure in every case as aforesaid shall be as follows:

(1) The Council shall adopt a resolution favorable to the opening of a new street or other public way or to the widening, altering, vacating or abandoning of a street or other public way, or any part thereof, as the case may be. The resolution shall give a general description of the street or other public way to be opened, widened or altered, or of the street or other public way, or part thereof, to be vacated or abandoned, as the case may be. The resolution shall also state the day, hour and place where the Council will sit to hear objections and to award

just and reasonable compensation to anyone who will be deprived of his property by reason thereof.

(2) Copies of such resolution shall be posted in at least five public places in the Town and at least five days prior to the date fixed by Council for the hearings as aforesaid.

(3) At the time and place fixed in the resolution, the Council shall hear such residents of the Town or owners of the property affected as shall attend, and the Council shall at said hearing, or at a subsequent day as Council shall deem proper, adopt a resolution to proceed with or to abandon, as shall be deemed for the best interest of the Town, the opening of the street or other public way or the widening, altering, vacating or abandoning of the street or other public way, or part thereof, as the case may be, as contemplated in the prior resolution.

(4) In every case where the Council shall determine to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof pursuant to Section 42.

IMPROVEMENTS AND REPAIRS TO STREETS, OTHER PUBLIC WAYS, CURBS AND GUTTERS

Section 46-a. Whenever Council shall deem it advisable that any street, other public way, curb or gutter be paved, repaved, graveled, laid, reset or repaired, Council shall have the power to cause the same to be done with such materials and according to such specifications as it shall determine.

b. Before the exercise of said power in any particular instance, Council shall adopt a resolution stating that on a named day and at a named hour and place the Council will conduct a hearing to consider the questions of effecting the improvements or repairs in front of the properties of named owners and of assessing the cost thereof, in whole or in part, against the owners. The resolution shall be published in a newspaper of general circulation in the Town at least one week prior to the hearing and shall be mailed or delivered to the property owner or owners.

c. The Council shall hold a hearing in accordance with the resolution and there shall hear the aforesaid owners of property

and other residents of the Town on the questions referred to in the resolution.

d. Thereafter, Council shall decide whether or not to proceed with the improvements or repairs referred to in the resolution.

e. If the Council shall decide to proceed, it shall determine by resolution whether the whole or some specified portion of the cost of the improvements or repairs shall be assessed to and borne by the property owner or owners in front of whose property the improvements or repairs are to be affected; provided, however, that Council shall not decide to assess the cost against such property owner or owners if he or they owning a majority of the entire lineal frontage of property in front of which the improvements or repairs are proposed sign a written petition which is filed with the Council at or before the hearing prescribed in subsection c. If Council shall determine that the whole or a specified proportion of the costs aforesaid shall be assessed to and borne by said property owner or owners, then he or they shall be compelled to pay the same, the proportionate amount of the cost to be paid by the owner or owners of each parcel of property affected being determined according to that lineal frontage of the parcel in front of which the improvements or repairs are proposed to be effected.

f. When such improvements or repairs have been completed and the costs thereof ascertained, Council shall ascertain and propose by resolution that amount which the owner or owners of each parcel of property aforesaid shall pay and shall propose the time and manner for such payment. The resolution shall contain a complete list of all properties to be assessed, setting forth that number of lineal feet of each parcel of property in front of which the improvements or repairs were affected, the owner or owners thereof, and the amount proposed to be finally assessed against such parcel and the owner or owners thereof.

g. A copy of the resolution fixing the amounts to be assessed against the affected properties and the owner or owners thereof shall be posted in the Town office of the Town for one week for public inspection. An advertisement stating the fact of such posting and the time and place where Council shall sit to hear objections to the proposed assessment shall be published in two

successive issues of a newspaper of general circulation in the Town prior to the day fixed for hearing; and the hearing shall not be less than 10 days nor more than 20 days after the last publication of such advertisement. The hearing shall be in public, and Council shall hear and determine all objections to such proposed assessment as shall have been made by any party in interest in writing and filed with the Council at any time prior to the hour of such public hearing as fixed in the advertisement. The hearing may be adjourned from time to time until all objections have been heard and determined.

h. Upon determination of all objections, the Council shall by resolution finally determine the several amounts assessed against the affected properties and the owner or owners thereof and the time and manner for payment thereof.

i. Any assessment made hereunder shall be a lien upon the respective properties upon which any such assessment is levied and assessed as of the date of the final assessment resolution; and such lien shall have priority over all other liens, encumbrances or conveyances excepting only tax liens and prior assessments of like nature for public improvements.

j. Immediately after the final assessment resolution has been passed by Council, a duplicate thereof shall be delivered to the Town Manager, who shall immediately prepare statements of such assessments against each property so assessed, and shall mail, deliver or cause to be delivered to the person or persons whose names appear therein as the owner or owners of such property, or properties, respectively. Such statements of assessment shall contain or be accompanied by appropriate information in regard to the required time and manner of payment. The mailing of a statement to the last-known post office address of any person shall be a sufficient notice of such assessment.

k. The Town Manager or his duly authorized delegate shall forthwith proceed to collect the assessments, penalties and interest thereon, if any be due. If any owner shall refuse or neglect to pay any assessment or part thereof when due, the Town Manager shall proceed to collect the same in any of the manners provided for the collection of taxes, assessments and other charges due the Town as set forth in Section 36.

1. Assessments hereunder shall bear interest after such date as the Council may specify in the final assessment resolution.

m. The cost of improvements or repairs to any street or other public way, excepting a sidewalk, shall, if assessed to properties and owners hereunder, be assessed to properties and owners on both sides of such street or such other public way. The cost of improvements or repairs to gutters, curbs or sidewalks shall, if assessed to properties and owners hereunder, be assessed only to properties and owners abutting, adjacent to or directly fronting upon such gutters, curbs or sidewalks.

INSTALLATION AND CONNECTION OF SEWERS, MAINS, PIPES, LINES, WIRES AND OTHER CONVEYANCES

Section 47. The Council may cause any private property in the Town to be connected with sewers, mains, pipes, lines, wires and other conveyances for the passage and disposal of sewerage or the transmission and distribution of water, gas or electric current and may recover the costs of installing and connecting the same in the like proceedings as provided in Section 46 for improvements and repairs to streets, other public ways, curbs and gutters.

REFERRAL TO PLANNING COMMISSION

Section 48. The Council shall not enact any ordinance or resolution which shall in any manner affect any comprehensive development plan, official map or land subdivision plans or any ordinance or resolution which would authorize the acquisition or sale of real estate by the Town without first receiving the recommendation thereon of the Planning Commission.

LIMITATION OF ACTION FOR DAMAGES

Section 49. No action, suit, or proceedings shall be brought, commenced or maintained against the Town of Middletown for damages on account of physical injuries, death or injury to property by reason of the negligence of the said Town or any of its elected or appointed officials, departments, officers, agents, servants or employees, unless the person by or on behalf

of whom such claim or demand is asserted shall notify the Town Council in writing of the time, place, cause and character of the injuries sustained within 90 days thereof.

PERSONAL FINANCIAL INTEREST

Section 50. Any Town officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a Town officer or employee in the making of such sale or in the making or performance of such contract. Any Town officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by Council.

OTHER PROHIBITIONS

Section 51-a No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office because of race, sex, political or religious opinions or affiliations.

b. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

c. No person who seeks appointment or promotion with respect to any Town position or appointive Town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

d. No person shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive Town position.

e. No person who holds any compensated appointive Town position shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take part in the management, affairs or political campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

f. Any person who by himself or with others willfully violates any of the provisions of subsections a through d shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days, or both. Any person who by himself or with others willfully violates any of the provisions of subsection e shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than \$100. Any person convicted under this section shall be ineligible for a period of five years thereafter to hold any Town office or position, and, if an officer or employee of the Town, shall immediately forfeit his office or position.

SEVERABILITY

Section 52. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

PUBLIC ACT

Section 53. This Act shall be deemed and taken to be a Public Act of the State of Delaware.

TRANSITIONAL PROVISIONS

Section 54-a. The Mayor and Councilmen of Middletown presently in office shall continue in office until their successors are elected and qualify as provided for in this charter, but with

the rights, powers, duties and obligations as set forth in this charter.

b. Any person holding any non-elective office or employment under the Town of Middletown at the time this charter goes into effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceeding the adoption of this charter until removed or until the compensation is changed. Any person holding such office or employment at the time this charter goes into effect, who continues in a comparable position thereafter, shall not be subject to competitive tests as a condition of continuance but in all other respects shall be subject to the personnel system provided for in Section 19.

c. All ordinances, resolutions, orders, rules or regulations in force in the Town of Middletown at the time this charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Council otherwise provides by ordinance, notwithstanding any change in organization effected by this charter.

d. All rights, claims, actions, orders, contracts and legal and administrative proceedings at the time this charter takes effect, except as modified pursuant to the provisions of this charter, shall continue and in each case shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this charter.

EFFECTIVE DATE

Section 55-a This charter of the Town of Middletown or any section or provision thereof shall not take effect or be deemed to have changed or altered in any respect whatever any existing law or laws of the State of Delaware until it shall have been approved by the electors residing within the metes and bounds of the Town of Middletown as described in Section 3.

b. No later than 21 days following the approval of this Act by the Governor, the Mayor and Councilmen of Middletown now in office shall by resolution propose to the electors of the Town of Middletown the approval of this charter. The resolution as passed shall fix a time and place for a public hearing on the said resolution.

c. Notice of the time and place of the said public hearing shall be posted in at least ten public places within the Town at least two weeks prior to the date of the public hearing and shall be published in one or more newspapers of general circulation in the Town once a week for two successive weeks.

d. After the public hearing, a second resolution shall then be passed by the Mayor and Councilmen, as aforesaid, ordering a special election to be held not less than 30 days nor more than 60 days following the date of the public hearing for the purpose of voting for or against the approval of the charter.

e. Notice of the time and place of holding the special election shall be posted in at least ten public places within the Town at least two weeks prior to the date of the election and shall be published in one or more newspapers of general circulation in the Town once a week for two successive weeks.

f. The special election shall be held by an Election Board consisting of three citizens residing in the Town, not Councilmen or the Mayor, appointed by the Mayor and approved by Council.

g. At the special election, every citizen residing within the limits of the Town of Middletown as described in Section 3 who was eligible to vote at the last general municipal election shall be entitled to vote. In addition, every citizen who has become eligible to vote in a general municipal election since the time of the last such election shall be entitled to vote at the special election unless the fact of such eligibility occurs within less than 10 days prior to the special election. Each voter shall be entitled to one vote.

h. The polls for the said special election shall be open between the hours 8:00 a.m. and 7:30 p.m. on the day advertised.

i. The vote shall be by ballot on which is printed or written the following:

- ☐ FOR APPROVAL OF THE NEW CHARTER
- ☐ AGAINST APPROVAL OF THE NEW CHARTER

j. Any eligible voter who for any reason cannot appear to vote in person at the special election shall be permitted to cast an absentee ballot by mail. The Mayor and Council shall make

fair and adequate provision for the casting of such ballots, and notice thereof shall be included in the posted and published notice pursuant to subsection e.

k. If the majority of the votes cast at the special election shall be in favor of approval of this charter, the Election Board shall so certify and thereupon declare this charter to be in full force and effect. If less than the majority of votes cast at the special election shall be in favor of approval of this charter, the Election Board shall so certify and declare that this charter is rejected.

Approved February 5, 1974.

CHAPTER 252

FORMERLY SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 431

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO LEGISLATIVE COUNCIL FOR THE PURPOSE OF
IMPROVING LEGISLATIVE COUNCIL LIBRARY
SERVICES.

WHEREAS, the matter of legislative book distribution has been a perplexing one for Legislative Council members past and present; and

WHEREAS, the present Legislative Council has taken definitive steps to bring some semblance of order to the method of preparing, printing and distributing all legislative volumes in the State of Delaware; and

WHEREAS, the consolidation of the "book business" within the framework of the Legislative Council requires the additional staff personnel, including a full-time librarian and an assistant, plus additional supplies and materials.

NOW, THEREFORE:

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

Section 1. The sum of \$12,000 is hereby appropriated to Legislative Council for the purpose of improving Legislative Council library services to be utilized in the following manner:

Salaries:

1 Librarian III @ \$11,466 annum		
six months salary	\$5,733	
Part-time Assistant	1,560	
TOTAL - SALARIES		\$ 7,293

Other Employment Costs

F.I.C.A. \$7,293 @ 5.85%	428	
Pension \$5,733 @ 12.3%	72	
	<hr/>	
TOTAL - OTHER EM- PLOYMENT COSTS		500

Non-Salary Expenses

Contractual Service - Telephone	312	
Supplies & Materials - Miscellaneous	375	
Capital Outlay-shelves, typewriter, books, file cabinets	3,520	
	<hr/>	
TOTAL - NON-SALARY EXPENSES		4,207

GRAND TOTAL	<u>\$12,000.</u>
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Section 2. This Act is a supplementary appropriation act for the fiscal year ending on June 30, 1974, and all funds herein appropriated shall be paid by the State Treasurer from the General Fund of the State Treasury from moneys not otherwise appropriated.

Approved February 5, 1974.

CHAPTER 253

FORMERLY SENATE BILL NO. 434
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND TITLES 1, 10, 16 AND 29 OF THE
DELAWARE CODE RELATING TO THE DISTRIBUTION OF THE DELAWARE LAW BOOKS AND ABOLISHING ALL REFERENCES IN THE DELAWARE CODE RELATING TO "LEGISLATIVE REFERENCE BUREAU".**

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

Section 1. Amend §108, Title 1, Delaware Code, by adding thereto a new subsection 10 which shall read as follows:

"(10) One set of the Code and supplements or parts thereof as may be needed by the Commissioner of Elections, Budget Director, Office of Personnel, State Planning Office, Insurance Commissioner, Board of Parole, Delaware Agency to Reduce Crime, State Fire Marshal, U.S. Attorney, U.S. Congressman, two U.S. Senators and to such other departments, divisions, agencies and commissions which are either created by executive order from the Governor's Office or by an act of the General Assembly and can show a need to the Director of the Division of Purchasing for a set of the Delaware Code and supplements or parts thereof."

Section 2. Amend §1962(a) of Subchapter IV, Chapter 19, Title 10, Delaware Code, by striking the second sentence of said paragraph (a) beginning with the words, "He shall" and ending with the words "two copies each." and insert in lieu thereof a new sentence to read as follows:

"He shall also transmit one copy to each of the following: the Library of Congress, University of Delaware Library, Delaware State College Library, the Historical Society of Delaware, the Wilmington Institute Free Library, Legislative Council and to each public law library within this state, two copies each."

Section 3. Amend §2006, Chapter 20, Title 10, Delaware Code, by striking the words "Legislative Reference Bureau" as the same appears in the first sentence of said section and substitute in lieu thereof the words "Legislative Council".

Section 4. Amend §5111(j) of Chapter 51, Title 16, Delaware Code, by striking the words "Legislative Reference Bureau" as the same appears in said paragraph and substitute in lieu thereof the words "Legislative Council".

Section 5. Amend §707 of Chapter 7, Title 29, Delaware Code, by striking the words "Legislative Reference Bureau" wherever they appear in said section and substitute in lieu thereof the words "Legislative Council".

Section 6. Amend §708 of Chapter 7, Title 29, Delaware Code, by striking said section in its entirety.

Section 7. Amend §902 of Chapter 9, Title 29, Delaware Code, by striking the second sentence thereof beginning with the words "The original" and ending with the words "liability" and inserting in lieu thereof a new sentence to read as follows:

"The original of all bills and resolutions shall be produced in such a manner as approved by the Director of the Division of Historical and Cultural Affairs and the Director of Legislative Council or his designee for permanency and legibility."

Section 8. Amend §905(h) of Chapter 9, Title 29, Delaware Code, by striking said paragraph (h) in its entirety and substitute in lieu thereof a new paragraph (h) to read as follows:

"(h) The printing shall be done in accordance with contract made by the Director of Legislative Council or his designee and under the superintendence of the clerks of the respective houses. The Secretary of Senate and the Clerk of the House, as soon as their respective Journals have been printed and published, shall deliver the originals together with all communications, petitions and other related papers not otherwise provided for to the Director of Historical and Cultural Affairs for proper disposition thereof."

Section 9. Amend §907 of Chapter 9, Title 29, Delaware Code, by striking said section in its entirety and substitute in lieu thereof a new §907 to read as follows:

“§907. Printing, distribution and Session Laws; typographical errors

The Director of Legislative Council or his designee shall as soon as practical after the adjournment of the General Assembly have accurately printed in volume form with an index thereto printed copies of all bills, resolutions, proclamations and executive orders of the Governor, votes of a public nature, memorials and other legislative and executive papers which are deemed to be of permanent interest. The Director shall carefully preserve the originals in the Division of Historical and Cultural Affairs. The printing of the Session Laws shall be done under contract made by the Director of the Legislative Council or his designee and in accordance with the specifications furnished by him. In the preparation of such Session Laws for printing, the Director of Legislative Council or his designee in conjunction with the Delaware Code Revisors may correct obvious typographical errors but if there is any doubt as to whether a typographical error exists, the Director of Legislative Council or his designee and the Delaware Code Revisors shall print the law as enacted without correction.”

Section 10. Amend §908 of Chapter 9, Title 29, Delaware Code, by striking said section in its entirety and substitute a new §908 to read as follows:

“§908. Publication of Private Acts

The Director of Legislative Council or his designee shall exclude from the publication of the session laws of this State all acts of a private nature, unless such acts contain a provision directing their publication.”

Section 11. Amend §911 of Chapter 9, Title 29, Delaware Code, by striking said section in its entirety.

Section 12. Amend Chapter 11 of Title 29, Delaware Code, by redesignating all of the existing said Chapter 11 as Subchapter 1 and creating a new Subchapter 11 to read as follows:

"SUBCHAPTER 11. SESSION LAWS AND LEGISLATIVE JOURNALS

§1120. Custody of Session Laws and Legislative Journals

The Director of Legislative Council or his designee shall receive and exercise control over all inventory of session laws and legislative journals for sale and distribution as provided by law.

§1121. Sale of Session Laws and Legislative Journals

The Director of the Legislative Council or his designee shall make available for sale all inventories of session laws and legislative journals in the State for such sum not less than the cost for preparation. All sums received from the sale of books shall become a part of the General Fund of this State. Sale of the Delaware Code and the Delaware Code pocket parts shall be in accordance with §108 of Title 1, Delaware Code.

§1122. Distribution of Session Laws and Legislative Journals to State Agencies and Legislators

The Director of Legislative Council or his designee shall distribute gratis copies of the session laws and legislative journals in the inventory to such agencies and public officials of the State as show a need for them.

As soon as possible after publication, the Director shall distribute gratis, to each person who was a member of the General Assembly to which the books related a copy of the session laws enacted by that General Assembly and a copy of the journals of that session.

§1123. Free Distribution of Session Laws and Legislative Journals With Libraries

The Director of Legislative Council or his designee shall transmit a copy of the session laws and a copy of the Journal of each house as soon after the books are published as practical to each of the following: the Library of Congress, the Historical Society of Delaware, the Wilmington Institute Free Library and to public law libraries within the State, two copies each. No agency except a public law library shall be entitled to receive gratis more than one (1) copy of each book from the State, from whatever source received.

§1124. Exchanging Session Laws and Legislative Journals

The Director of Legislative Council or his designee in conjunction with the State Law Library in Kent County shall forward a copy of the session laws and the legislative journals published by or under the authority of the State of Delaware to each state, territory, or district of the United States, which exchanges its books with the State Law Library in Kent County and may exchange books with any province of Canada and foreign country that exchanges its books with the State Law Library in Kent County. In the event that any state, territory, district, province or country does not exchange session laws and legislative journals published by it or under its authority or does not exchange a book or set of books equivalent to sets of books published by the State of Delaware, then the Director may refuse to transmit to such state, territory, district, province or country such books of the State of Delaware as the Director of Legislative Council or his designee may also exchange books of the State for books of equal value received from other sources."

Section 13. Amend §1104 of Chapter 11, Title 29, Delaware Code, by adding thereto the following:

"(9) Prepared or cause to be prepared and drafted such bills, amendments, joint and concurrent resolutions, resolutions, memorials and revisions and substitutes thereto, which are proposed to be introduced into the General Assembly as may be requested by any member of the General Assembly and otherwise render assistance, aid, information, counsel and advise in the preparation and drafting of any such proposed legislation.

(10) Collect or call to be collected all available information relating to any matter which is the subject of proposed legislation by the General Assembly, to examine acts of any other state and to investigate all available sources of information.

(11) Answer any and all inquiries for bills, resolutions, committee reports and abstracts, excerpts or copies of laws of Delaware within the limits of available time and moneys and charging out-of-pocket expenses where such is determined appropriate for such abstracts, excerpts or copies.

(12) In general, act as a reference bureau for all matters relating or pertaining to legislative matters and subjects,

whether enacted by this State or any other state or whether proposed by this or other states, at the request of any member of the General Assembly."

Section 14. Amend §1101(b) of Chapter 11, Title 29, Delaware Code, by striking said paragraph (b) in its entirety.

Section 15. Amend Chapter 13, Title 29, Delaware Code, by striking said Chapter in its entirety.

Section 16. Amend §1501 of Chapter 15, Title 29, Delaware Code, by striking the words "the Director of the Legislative Reference Bureau" wherever they appear in said section and insert in lieu thereof "the Director of Legislative Council or his designee".

Section 17. Amend §1502 of Chapter 15, Title 29, Delaware Code, by striking the words "Legislative Reference Bureau" wherever they appear in said section and substitute in lieu thereof "Legislative Council".

Section 18. Amend §2504(b) of Chapter 25, Title 29, Delaware Code, by striking the second sentence thereof beginning with the words "The Legislative Reference Bureau" and ending with the words "Title 29" as the same appears in said paragraph (b).

Section 19. Amend §2504 of Chapter 25, Title 29, Delaware Code, by adding thereto a new subsection (i) to read as follows:

"(i) To draft or cause to be drafted such bills or amendments as may be requested by any State officer or any department, division, commission or other State agency and otherwise render assistance, aid, information, counsel and advise in the preparation and drafting of any such proposed legislation."

Section 20. The provisions of Section 9 of this Act shall not become effective until the commencement of the 128th General Assembly.

Approved February 5, 1974.

CHAPTER 254

**FORMERLY : SENATE BILL NO. 213
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 1**

**AN ACT TO AMEND TITLE 7, DELAWARE CODE, TO GIVE
THE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL THE POWER TO
EMINENT DOMAIN WHEN NECESSARY TO CARRY
OUT THE PURPOSES OF CHAPTER 68.**

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

Section 1. Chapter 68, Title 7, Delaware Code, is amended by adding a new Section 6810 to read as follows:

§6810. Eminent domain

(a) The Secretary may, through negotiation or condemnation proceedings under Chapter 61, Title 10, Delaware Code, acquire the fee simple or any lesser interests in the land whenever: two thirds or more of the property owners of property included in the project area along a private beach, as defined by the Department, have agreed to allow the Department to undertake any or all necessary works to protect, and enhance the beaches; and allow free public access to the beach; providing, however, that the agreeing property owners own at least two-thirds of the property included in the project area.

(b) The Secretary may include the costs of obtaining any such fee simple or lesser interests including but not limited to, attorney's fees, appraisal costs, surveying charges, title search, and land acquisition costs in the total project costs.

(c) The authority granted in this section shall be limited in application to those beaches on the shores of the Delaware Bay."

Approved February 5, 1974.

CHAPTER 255

FORMERLY: SENATE BILL NO. 293

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF FINANCE TO ENABLE CERTAIN EMPLOYEES TO RECEIVE PORTIONS OF SALARIES PREVIOUSLY EARNED.

WHEREAS, because of an error, Hazel D. Curtis, Elizabeth D. Elliott, and Helena S. Porter, employees of the Budget Director, did not receive their five percent (5%) merit increment upon being promoted on July 1, 1969; and

WHEREAS, this original error was compounded by merit increase on July 1, 1970, July 1, 1971, and July 1, 1972 and by general increases enacted effective January 1, 1971 and June 1, 1972; and

WHEREAS, the amount underpaid to the aforementioned employees is nine hundred eleven and 25/100 (\$911.25) dollars each or a total of two thousand seven hundred thirty-three and 75/100 (\$2,733.75) dollars; and

WHEREAS, the aforementioned employees were transferred to the Division of Accounting, Department of Finance on August 16, 1970.

NOW, THEREFORE,

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

Section 1. The sum of two thousand seven hundred thirty-three and 75/100 (\$2,733.75) dollars is hereby appropriated to the Department of Finance, which funds shall be used to reimburse Hazel D. Curtis, Elizabeth D. Elliott, and Helena S. Porter, employees of that Department, sums totally nine hundred eleven and 25/100 (\$911.25) dollars each which are due and owing to the employees.

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 herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved February 5, 1974.

CHAPTER 256

FORMERLY: SENATE BILL NO. 409
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF ADJUSTING THE FORMULA FOR REIMBURSEMENT TO THE SCHOOL BUS CONTRACTORS AND THE SCHOOL DISTRICTS FOR THE TRANSPORTATION OF PUBLIC SCHOOL PUPILS DURING THE FISCAL YEAR ENDING JUNE 30, 1974.

WHEREAS, the increasing costs of goods and services are seriously affecting the costs of transporting pupils to school; and

WHEREAS, the school bus contractors and the school districts that operate buses are having to pay increasing costs for the purchase of new buses, for financing, for gas, oil, tires, maintenance, and for storage, and are not now compensated for spare buses or the costs of vandalism; and

WHEREAS, the present transportation reimbursement formula used by the State Board of Education in calculating its request is based on estimates of cost prepared during the preceding year, as is the appropriation provided by the General Assembly in the FY 1974 budget, and is now inadequate to meet current transportation costs;

NOW, THEREFORE,

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

Section 1. The sum of Three Hundred Fifty Thousand Dollars (\$350,000) is hereby appropriated to the State Board of Education for the purpose of adjusting the following cost factors: bus allowance, allowance for financing, spare buses, allowance for vandalism, parking and storage, administrative allowance and operating adjustment.

Section 2. The State Board of Education is authorized to make adjustments in the transportation formula by taking into account increases in the various cost factors referred to herein, and including allowances for the cost of spare buses and the cost of vandalism; provided, however, that the total costs of such adjustments do not exceed the sum of \$350,000.

Section 3. This act shall be known as a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Section 4. The operating adjustment funds provided for by this bill shall also be applied to school bus contracts not covered by the transportation formula.

Section 5. Any funds hereby appropriated which remain unexpended on June 30, 1974, shall revert to the General Fund of the State.

Approved February 5, 1974.

CHAPTER 257

FORMERLY: HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 70
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AND

SENATE AMENDMENT NO. 2
AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE,
AND PROVIDING CIVIL REMEDIES FOR PUBLIC
NUISANCES AND ANNOYANCES CONSTITUTING
OBSCENITY AND LEWDNESS.

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

WHEREAS, while obscenity and pornography are nuisances and annoyances to individual members of the public, they also represent a threat to the very foundation of the public's health, safety and welfare; and

WHEREAS, it is the intention of this legislation to afford civil remedies to the public in addition to the criminal procedures already available.

NOW THEREFORE:

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

Section 1. Amend Title 10 of the Delaware Code, by adding thereto a new Chapter 72 which shall read as follows:

"CHAPTER 72. OBSCENITY AND LEWDNESS

§7201. Definitions

As used in this Chapter —

(a) 'Place' includes any building, structure, or place or any separate part or portion thereof or the ground itself;

(b) 'Person' includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee;

(c) 'Nuisance' means that which is defined and declared by statutes to be such and also means any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining any such place for any such purpose. The term 'lewdness' includes all manner of lewd sexual conduct or live exhibition and shall include, but is not limited to, any place, in or upon which obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition, films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and any place where obscene books, magazines or articles are the principal part of the stock in trade.

(d) Material is obscene if:

(1) The average person applying contemporary community standards would find that the material, taken as a whole, appeals to the prurient interest; and

(2) The material depicts or describes:

(A) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or

(B) patently offensive representations or descriptions of masturbation, excretory functions, and/or lewd exhibitions of the genitals; and

(3) The work taken as a whole lacks serious literary, artistic, political or scientific value.

§7202. Nuisance

Any person who uses, occupies, establishes, or conducts a nuisance, or aids or abets therein, and the owner, agent, or lessee of any interest in any such nuisance together with the persons employed in or in control of any such nuisance by any such owner, agent, or lessee is guilty of maintaining a nuisance shall be enjoined as provided in §7203 through §7206 inclusive, of this Chapter.

§7203. Abatement of nuisance; bond

Whenever a nuisance exists, the attorney general or the prosecuting attorney of the county in which such nuisance exists, or the chief executive or legal officer of a municipal corporation (within such county), may bring an action in equity in the name of the State, upon the relation of such attorney general, prosecuting attorney, or the municipal corporation, to abate such nuisance and to perpetually enjoin the person maintaining the same from further maintenance thereof.

§7204. Procedure in injunction action

The action provided in §7203 of this Chapter shall be brought in the Court of Chancery of the county in which the property is located. At the commencement of the action a verified complaint alleging the facts constituting the nuisance shall be filed in the Office of the Register in Chancery. After the filing of the complaint under this Chapter, application for a temporary injunction may be made to the Court of Chancery which shall grant a hearing thereon within ten days thereafter.

Where such application for a temporary injunction is made, the Court, on application of the complainant, may issue an *ex parte* restraining order, restraining the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where such nuisance is alleged to exist until the decision of the Court granting or refusing such temporary injunction and until the further order of the Court thereon. The restraining order may be served by handing to and leaving a copy of such order with any person in charge of such place or residing therein, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such place, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into Court an inventory of the personal property and contents situated in and used in conducting or maintaining such nuisance. Any violation of such restraining order is a contempt of court, and where such order is posted, mutilation or removal thereof, while the same remains in force, is a contempt of court, provided such posted order contains therein a notice to that effect.

A copy of the complaint, together with a notice of the time and place of the hearing of the application for a temporary injunction, shall be served upon the defendant at least five days before such hearing. If the hearing is then continued at the instance of any defendant, the temporary writ as prayed shall be granted as a matter of course. If upon hearing the allegations of the complaint are sustained to the satisfaction of the Court, the Court shall issue a temporary injunction without additional bond restraining the defendant and any other person from continuing the nuisance. If at the time of granting a temporary injunction, it further appears that the person owning, in control, or in charge of the nuisance so enjoined had received five days' notice of the hearing and unless such person shows to the satisfaction of the court or judge that the nuisance complained of is abated, or that such person proceeded forthwith to enforce his rights, the court or judge shall forthwith issue an order closing the place against its use for any purpose of lewdness, assignation, or prostitution until final decision is rendered on the application for a permanent injunction. Such order shall also continue in effect for such further period the restraining order above provided if already issued, or, if not so issued, shall include such an order restraining for such period the removal or interference with the personal property and contents, located therein. Such restraining order shall be served and the inventory of such property shall be made and filed as provided in this section. The owner of any real or personal property closed or restrained or to be closed or restrained may appear between the filing of the complaint and the hearing on the application for a permanent injunction and, upon payment of all costs incurred and upon the filing of a bond by the owner of the real property with sureties to be approved by the clerk in the full value of the property to be ascertained by the court, conditioned that such owner will immediately abate the nuisance and prevent the same from being established or kept until the decision of the court is rendered on the application for a permanent injunction, the Court, if satisfied of the good faith of the owner of the real property and of innocence on the part of any owner of the personal property of any knowledge of the use of such personal property as a nuisance and that, with reasonable care and diligence, such owner could not have known thereof, shall deliver such real or personal property, or both, to the respective owners

thereof, and discharge or refrain from issuing at the time of the hearing on the application for the temporary injunction any order closing such real property or restraining the removal or interference with such personal property. The release of any real or personal property, under this section, shall not release it from any judgment, lien, penalty, or liability to which it may be subjected.

7205. Precedence of action; evidence; costs

The Court shall have the final authority to decided precedence of the actions provided for in §7203 and §7204 of this Chapter over other matters pending before said Court but always using the basic principle that it is the Courts' responsibility to insure positive benefits to the most citizens by its actions. In such action, evidence of the general reputation of the place or an admission or finding of guilty of any person under the criminal laws against prostitution, lewdness, or assignation at any such place is admissible for the purpose of proving the existence of said nuisance and is *prima facie* evidence of such nuisance and of knowledge of and of acquiescence and participation therein on the part of the person charged with maintaining said nuisance. If the existence of the nuisance is established upon the trial, a judgment shall be entered which shall perpetually enjoin the defendant and any other person from further maintaining the nuisance at the place complained of and the defendant from maintaining such nuisance elsewhere.

§7206. Content of judgment and order

If the existence of a nuisance is admitted or established in an action as provided is §7206 through §7207, inclusive, of this Chapter, and Order of Abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance, and not already released under authority of the court as provided in §7204 of this Chapter, and shall direct the sale of such thereof as belong to the defendants notified or appearing, in the manner provided for the sale of chattels under execution. Such order shall also require the renewal for one year of any bond furnished by the owner of the real property, as provided in §7204 of this Chapter; or, if not so furnished, shall continue for one year any closing order issued

at the time of granting the temporary injunction; or, if no such closing order was then issued, shall include an order directing the effectual closing of the place against its use for any purpose, and keeping it closed for a period of one year unless sooner released. The owner of any place closed and not released under bond may then appear and obtain such release in the manner and upon fulfilling the requirements provided in §7204 of this Chapter. The release of the property under this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject. Owners of unsold personal property and contents so seized must appear and claim the same within ten days after such order of abatement is made and proved innocence, to the satisfaction of the court, of any knowledge of said use thereof and that with reasonable care and diligence they could not have known thereof. Every defendant in the action is presumed to have had knowledge of the general reputation of the place. If such innocence is established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as provided in this section. For removing and selling the personal property and contents, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the place and keeping it closed, a reasonable sum shall be allowed by the court.

§7207. Court shall punish offender for violation of injunction or order

In case of the violation of any injunction or closing order, granted under §7201 through §7210, inclusive, of this Chapter, or of a restraining order or the commission of any contempt of court in proceedings under such sections, the court may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination of the witnesses.

§7208. Lease void if building used for lewd purposes

If a tenant or occupant of a building or tenement, under a lawful title, uses such place for the purposes of lewdness, assignation, or prostitution, such use makes void the lease or other title under which he holds, at the option of the owner, and, without any act of the owner, causes the right of possession to revert

to vest in such owner, who may without process of law make immediate entry upon the premises.

§7209. Civil penalty

Obscene matter is contraband and there are no property rights therein. All monetary consideration received in exchange therefor, or as admission price to exhibitions thereof, and the subject matter itself, are the subject of forfeiture to the county government and are recoverable as damages in the county wherein such matter is sold or exhibited.

§7210. Immunity

The provisions of any criminal statutes with respect to the exhibition of, or the possession with the intent to exhibit, any obscene film shall not apply to a motion picture projectionist, usher or ticket taker acting within the scope of his employment, provided that such projectionist, usher, or ticket taker has no financial interest in the place wherein he is so employed. Such person shall be required to give testimony regarding such employment in all judicial proceedings brought under this Chapter when granted immunity by the Court. The procedure for determining granting of immunity shall be the same procedure used by the Superior Court in criminal actions pursuant to §3508 of Title 11 of the Delaware Code."

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of the Act which can be given effect without the invalid provision or application, and to that end each provision of this Act is declared to be severable.

Approved February 5, 1974.

CHAPTER 258

FORMERLY: HOUSE BILL NO. 525
AS AMENDED BY
SENATE AMENDMENTS NO. 1 AND 4

**AN ACT TO AMEND 58 DELAWARE LAWS, CHAPTER 497,
BEING THE NEW CRIMINAL CODE, BY INSERTING
A NEW SECTION RELATING TO OUTDOOR MOTION
PICTURE THEATRES WHICH EXHIBIT FILMS NOT
SUITABLE FOR MINORS OR HARMFUL TO MINORS.**

*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. Amend Section 1 of 58 Delaware Laws, Chapter 497, by adding a new §1366 thereto, to read as follows:

§1366. Outdoor Motion Picture Theatres

(a) Whoever being the owner or operator of an outdoor motion picture theatre exhibits or permits to be exhibited any film not suitable for minors or harmful to minors and which film can be viewed by such minors not in attendance at the said outdoor motion picture theatre shall be guilty of a Class A misdemeanor.

(b) Definitions as used in this section:

(1) 'Code and Rating Administration of the Motion Picture Association of America's' ratings are:

'G' — All ages admitted. General audiences.

'GP' — All ages admitted. Parental guidance suggested.

'R' — Restricted. Under 17 requires accompanying parent or adult guardian.

'X' — No one under 17 admitted.

(2) 'Film' means any motion picture film or series of films, whether full length or short subject, but does not include newsreels portraying actual current events or pictorial news of the day.

(3) 'Harmful to minors' means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sado-masochistic 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 taken as a whole the work lacks serious literary, artistic, political or scientific value for minors.

(4) 'Minor' means any person under the age of seventeen (17) years.

(5) 'Not suitable for minors' means any film, reel or view which has a rating of 'R' or 'X' according to the Code and Rating Administration of the Motion Picture Association of America.

(6) 'Nudity' means the showing of the human male or female genitals, public 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.

(7) '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.

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

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

10. 'Suitable for minors' means any film, reel or view which has a rating of 'G' or 'GP' according to the Code and Rating Administration of the Motion Picture Association of America."

Section 2. This Act shall become effective on the thirtieth (30th) day following signature by the Governor.

Approved February 5, 1974.

CHAPTER 259

FORMERLY: HOUSE BILL NO. 640

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO
BORROW MONEY TO BE USED FOR CAPITAL IM-
PROVEMENT AND EXPENDITURE IN THE NATURE
OF CAPITAL INVESTMENT AND TO ISSUE BONDS
AND NOTES THEREFOR AND APPROPRIATING THE
MONTY TO THE STATE BOARD OF EDUCATION**

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

Section 1. There is appropriated to the State Board of Education the sum of \$1,345,000 for construction of the Glasgow Vocational-Technical High School in Newark, or so much thereof as may be necessary for carrying out the purposes of this Act, which sum shall be in addition to the \$8,000,000 previously authorized and appropriated for said purpose.

Section 2. The funds appropriated by this Act may be used for the costs incidental to the uses set forth in 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.

Section 3. None of the monies appropriated by this Act shall be expended after June 30, 1976, unless the project has progressed into any or all of the following phases prior to July 1, 1976: Initial Engineering, Planning, Procurement, Construction.

Section 4. The said sum of \$1,345,000 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.

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 sums of money appropriated and allocated for school construction purposes pursuant to Section 1 of this Act shall be expended in accordance with the provisions of this Act, and Chapter 75, Title 29, Delaware Code.

Section 8. No money appropriated and allocated by this Act for school construction purposes pursuant to Section 1 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 9. (a) In compliance with §7526 of Title 29, Delaware Code, the State Board of Education shall allocate such portions of the total appropriation for the total cost of the school construction authorized by Section 1 hereof as shall be necessary to provide for the customary audit function, but in no event, shall such allocation exceed one-half percent of such total cost. The State Auditor of Accounts shall be responsible for arranging the audit function in accordance with §2906 and §2907 of Title 29, Delaware Code.

(b) In compliance with §7526 of Title 29, Delaware Code, the State Board of Education shall allocate such portions of the total appropriation for the total cost of school construction authorized by Section 1 hereof as shall be necessary to provide for the customary supervision (construction inspection services), but in no event shall such allocation exceed one percent of such total cost.

(c) In contracting for the supervision (construction inspection services) as prescribed in Section 9 (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 10. Any funds borrowed pursuant to this Act and remaining unexpended after the completion of the project authorized by this Act and any funds borrowed pursuant to this Act and remaining unexpended because the project authorized by this Act is not timely undertaken, shall be deposited in a special account and appropriated against future capital improvement bond requirements.

Section 11. No bonds or notes shall be issued or monies borrowed on behalf of this State, pursuant to this Act, after June 30, 1978, except as provided in Chapter 75, Title 29, Delaware Code.

Section 12. No bonds or notes shall be issued or sold, or monies borrowed on behalf of this State, pursuant to this Act, without the full guarantee to the buyer that the State of Delaware is an equal opportunity employer.

Section 13. This Act may be known, styled or referred to as the "Glasgow Vocational-Technical High School Construction Act".

Approved February 5, 1974.

CHAPTER 260

FORMERLY HOUSE BILL NO. 653

**AN ACT TO AMEND TITLE 9, PART IV, CHAPTERS 61
AND 70 OF THE DELAWARE CODE RELATING TO
THE COUNTY COUNCIL AND COUNTY ADMINISTRATORS OF SUSSEX COUNTY.**

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

Section 1. Title 9, Part IV, Chapter 61, Subchapter 11 of the Delaware Code, is amended by adding Section 6114 to read as follows:

§6114. Real or Immovable Property; acquisition, lease, rental or disposal of

(a) The County Council may acquire real or immovable property in such amounts as it may find necessary to fulfill the needs of the County.

(b) The County Council may enter into a lease or rental agreement with any public or private entity for any real or immovable property of the County.

(c) The County Council may dispose of any real or immovable property not needed by the County.

Section 2. Title 9, Part IV, Chapter 70, Section 7004 of the Delaware Code, is amended by adding subsections (c) (21) and (c) (22) to read as follows:

(21) acquire real or immovable property upon the recommendation of the office, department, board or commission to which appropriation has been made for such acquisition, and dispose of such property upon the recommendation of the office, department, board or commission when authorized by ordinance of the County Council.

(22) prepare and execute agreements for the lease and/or rental of real or immovable property upon the recommendation of the office, department, board or commission if approved by the County Administrator, the County Attorney, and with the direction of the County Council.

Approved March 5, 1974.

Chapter 261

FORMERLY HOUSE BILL NO. 654

**AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER
OF CERTAIN STATE REAL PROPERTY SITUATED IN
GEORGETOWN HUNDRED TO SUSSEX COUNTY**

WHEREAS, the State of Delaware purchased the lands of the existing Sussex County Airport and its accompanying navigation easements during the period from 1942 to 1944 for the use of Sussex County; and

WHEREAS, Sussex County has undertaken several airport and industrial park development projects at the Sussex County Airport to improve the overall transportation system and economic potential of Sussex County's residents and visitors; and

WHEREAS, Sussex County is desirous of using said lands and easements for airport and industrial park purposes; and

WHEREAS, the State of Delaware is desirous of transferring said lands and easements to Sussex County; and

WHEREAS, it is the intent of the General Assembly that said lands and easements are to be used by Sussex County primarily for airport and industrial park purposes;

NOW, THEREFORE:

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

Section 1. The transfer and conveyance of the following described State real property to Sussex County for the consideration of one dollar (\$1.00) subject to the conditions hereinafter recited is hereby specifically approved:

ALL those certain tracts, parcels or easements of land with the buildings thereon erected, being known as the "Sussex County Airport," situated in Georgetown Hundred, Sussex County and State of Delaware.

Section 2. The above described real property is to be transferred and conveyed to Sussex County upon the following conditions:

(1) That said real property shall not be used for residential purposes, and in the event that said real property shall be used for said purposes said property shall revert to the State of Delaware; and

(2) That said real property is to be used primarily for airport and industrial park purposes, and when said real property is no longer used primarily for airport and industrial park purposes said real property shall revert to the State of Delaware.

Section 3. The Governor and the Department of Administrative Services are authorized and empowered to execute and deliver to Sussex County a good and sufficient deed transferring and conveying the above described lands and easements to Sussex County subject to the above mentioned conditions.

Approved March 5, 1974.

CHAPTER 262

FORMERLY HOUSE BILL NO. 565

**AN ACT TO AMEND "AN ACT MAKING APPROPRIATIONS
FOR THE EXPENSE OF THE STATE GOVERNMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND
TO AMEND CERTAIN PERTINENT STATUTORY
PROVISIONS.**

WHEREAS, The State Personnel Office charges State agencies employing classified personnel from funds other than the General Fund, a pro rata share for each such employee which charges are paid from the agencies Special Funds; and

WHEREAS, the purpose of such charge and payment is to cover the salaries of 4.5 employees and certain supply and material costs; and

WHEREAS, it is desired to continue this practice.

NOW, THEREFORE,

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

Section 1. Section 22 of Chapter 142, Volume 59, Laws of Delaware, is amended by striking the last sentence of Section 22 and substituting in lieu thereof the following:

"Any Department employing classified personnel from funds other than the General Fund shall pay to the State Personnel Office such pro rata share for each such employee from its special funds and such payments shall be used by the State Personnel Office to supplement to this extent the General Fund appropriation provided in Section 1 of this Act."

Section 2. The effective date of this Act shall be upon signature of the Governor of the State of Delaware.

Approved March 13, 1974.

CHAPTER 263

FORMERLY HOUSE BILL NO. 559
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 59, TITLE 11 OF THE DELAWARE CODE RELATING TO JURISDICTION OF JUSTICES OF THE PEACE, BY ADDING MUNICIPALITIES TO THE GOVERNMENTS OVER WHICH JUSTICES OF THE PEACE SHALL HAVE JURISDICTION TO HEAR ALLEGED VIOLATIONS OF ORDINANCES, CODES AND REGULATIONS.

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 §5921, Chapter 59, Title 11 of the Delaware Code, by adding the words "and municipalities" after the word "counties" in the title, and by adding the words "and municipalities" after the word "counties" at the end of the first sentence of subsection (a).

Approved March 13, 1974.

CHAPTER 264

FORMERLY HOUSE BILL NO. 673

AN ACT TO AMEND CHAPTER 240, VOLUME 59, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF REVENUE REFUNDS FOR THE TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 1973 AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR" TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR PAYMENT OF REVENUE REFUNDS AND OF OTHER OBLIGATIONS HERETOFORE TREATED AS AUTOMATIC APPROPRIATIONS AND TO REQUIRE THE STATE TREASURER TO FILE REPORTS ON EXPENDITURES MADE PURSUANT TO SUCH APPROPRIATION.

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

Section 1. Amend Section 2 of Chapter 240, Volume 59, Laws of Delaware by striking said section in its entirety and substituting in lieu thereof the following:

"Section 2. The amount of 17½ million dollars (\$17,500,000) is hereby appropriated to the Department of Finance (25-00-000) from the General Fund of the State of Delaware for the following purposes:

- (a) payments of revenue refunds; and
- (b) payments of obligations authorized under provisions of the Delaware Code but not specifically appropriated in the fiscal 1974 General Budget Act or in any Supplemental Appropriation Act and which would have been treated as an automatic appropriation under the administrative system in effect prior to January 10, 1974.

The funds hereby appropriated are to be used only for the purposes specified and any unexpended funds shall revert to the General Fund of the State of Delaware on June 30, 1974."

Section 2. The State Treasurer shall, at least once each month through the period ending June 30, 1974, furnish to each

member of the General Assembly a report indicating by category each expenditure made from the appropriation authorized by this Act and the amount thereof.

Approved March 14, 1974.

CHAPTER 265

FORMERLY SENATE BILL NO. 229

AN ACT TO AMEND CHAPTER 35, TITLE 24 OF THE DELAWARE CODE, AND CHAPTER 380, VOLUME 58, LAWS OF DELAWARE, RELATING TO THE GENERAL REQUIREMENTS FOR THE LICENSING OF PSYCHOLOGISTS, AND INCREASING FUNDS PREVIOUSLY APPROPRIATED.

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. Amend §3507, Subchapter 11, Chapter 35, Title 24 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§3507. General requirements for licensing

Any applicant for the private practice of psychology shall submit evidence, verified by oath and satisfactory to the Board, that such person:

(a) Has been a resident of this State for ninety days; or, for a period of ninety days within this State, has been a student of psychology, a psychological intern, or has otherwise been preparing to become a professional psychologist; and

(b) Has received a Doctoral degree based in part upon a psychological dissertation and on a program of studies, the content of which was primarily psychological, from an accredited college or university having a graduate program in psychology, and who:

(1) has had, after receiving the Doctoral degree, at least two years of supervised experience in psychological work of a type satisfactory to the Board; or

(2) has had at least five years of supervised experience after receiving the Master's degree, provided that such person has the Doctoral degree;

(c) is competent in the practice of psychology, as shown by passing such examination, written or oral, or both, as the Board deems necessary; and

(d) Has not, within the preceding six months, failed an examination given by the Board or a comparable agency of another state.

Section 2. Amend Chapter 380, Volume 58, Laws of Delaware, by striking Section 2 of said Chapter in its entirety, and substituting in lieu thereof the following:

Section 2. The effective date of this Act shall be July 1, 1972, and a maximum of \$1,200 is hereby appropriated for the fiscal year ending June 30, 1974, from the General Fund, to cover the Board's per diem allowances hereinabove provided.

Approved March 18, 1974.

CHAPTER 266

FORMERLY HOUSE BILL NO. 454

**AN ACT TO AMEND CHAPTER 68, PART VI, TITLE 16 OF
THE DELAWARE CODE EXEMPTING NURSES FROM
CIVIL LIABILITY IN THE RENDERING OF EMERG-
ENCY CARE.**

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

Section 1. Amend Chapter 68, Part VI, Title 16 of the Delaware Code, by adding thereto a new section, to be designated as §6803, which new section shall read as follows:

§6803. Registered Nurses and Licensed Practical Nurses

Any Registered Nurse or any Licensed Practical Nurse, licensed as such by any state, who in good faith renders emergency care at the scene of any emergency or who undertakes to transport any victim thereof to the nearest medical facility shall not be liable for any civil damages as a result of any act or omission in rendering the emergency care; provided, however, such act or omission is not grossly negligent or intentionally designed to harm the victim.

Approved March 19, 1974.

CHAPTER 267

FORMERLY HOUSE BILL NO. 666

AN ACT TO AMEND TITLE 2, DELAWARE CODE, PROVIDING THE DIRECTOR OF THE DIVISION OF TRANSPORTATION WITH EXCLUSIVE AUTHORITY TO REGULATE THE SIZE, WEIGHT, LOAD AND PASSENGER OCCUPANCY OF BUSES OPERATED BY A LOCAL TRANSPORTATION AUTHORITY.

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

Section 1. Amend Section 1521 (a), Subchapter III, Chapter 15, Part II, Title 2, Delaware Code, by adding thereto a new subsection (16) to read as follows:

"(16) Exercise exclusive authority to promulgate rules and regulations relative to the size, weight, load and passenger occupancy of buses operated by any Local Transportation Authority in any county, city, incorporated municipality, town, or political subdivision of this State."

Section 2. Amend Section 1609, Subchapter I, Chapter 16, Part II, Title 2, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

§1609. Exemption from certain laws

The provisions of Parts V and VI of Title 29, Chapter 1 of Title 26, and Chapter 45 of Title 21, Delaware Code, shall not apply to a local Transportation Authority.

Approved March 19, 1974.

CHAPTER 268

FORMERLY HOUSE BILL NO. 317

AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO LEGAL HOLIDAYS, AND DESIGNATING NOVEMBER 11 AS VETERANS' DAY.

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

Section 1. Amend §501, Chapter 5, Title 1 of the Delaware Code, by striking the words "the fourth Monday in October, known as Veterans' Day;" as the same appear in the first paragraph of said section, and substituting the words "the eleventh day of November, known as Veterans' Day;" in lieu thereof.

Approved March 20, 1974.

CHAPTER 269

FORMERLY HOUSE BILL NO. 359
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 41, PART II, TITLE 11 OF
THE DELAWARE CODE RELATING TO THE COLLEC-
TION OF FINES AND COSTS, AND PROVIDING FOR
A WRITE-OFF OF FINES AND COSTS UNDER CER-
TAIN CONDITIONS.**

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

Section 1. Amend §4105, Chapter 41, Part II, Title 11 of the Delaware Code, by adding to the end of subsection (d) the following sentence:

The Court may, in its discretion, write off the fines and costs of any convicted person when the Court receives evidence that such person is deceased.

Approved March 23, 1974.

CHAPTER 270

FORMERLY HOUSE BILL NO. 392

**AN ACT TO AMEND CHAPTER 41, PART II, TITLE 11 OF
THE DELAWARE CODE RELATING TO FINES AND
OTHER PENALTIES; AND PROVIDING FOR THE
CANCELLATION OF FINES AND COSTS UNDER CER-
TAIN CIRCUMSTANCES.**

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

Section 1. Amend §4106, Chapter 41, Part II, Title 11 of the Delaware Code, by adding the following sentence at the end of subsection (b) :

"In the event a person serves the maximum sentence for contempt of court in accordance with the provisions of this subsection, the Court in its discretion may order that any fines and costs totaling less than one thousand dollars (\$1,000.00) shall be cancelled."

Approved March 28, 1974.

CHAPTER 271

FORMERLY HOUSE BILL NO. 441

**AN ACT TO AMEND TITLE 5 AND TITLE 12 OF THE
DELAWARE CODE RELATING TO HOLDING AND
STORAGE OF SECURITIES BY FIDUCIARIES AND
AGENTS.**

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

Section 1. Amend §915, Part II, Chapter 9, Title 5 of the Delaware Code, by striking the said section in its entirety.

Section 2. Amend §3301, Part IV, Chapter 33, Title 12 of the Delaware Code, by striking the said section and substituting in lieu thereof the following:

§3301. Application of chapter; definitions

(a) The provisions of this Chapter shall govern fiduciaries, as well as agents in certain instances, now or hereafter acting under governing instruments.

(b) The term "fiduciary" shall mean trustees, personal representatives, guardians and custodians under the Uniform Gifts to Minors Act and other fiduciaries.

(c) The term "agents" shall mean custodians (other than those acting under the Uniform Gifts to Minors Act), escrow agents, managing agents and other persons holding, other than in the capacity of a fiduciary as above defined, property belonging to another person whether that other person is a fiduciary or a non-fiduciary.

(d) The term "governing instrument" shall mean a will, agreement, court order or other instrument creating or defining the duties and powers of a fiduciary or agent.

(e) The terms "legal investment" or "authorized investment" or words of similar import, as used in any governing instruments, shall mean any investment which is permitted by the terms of section 3302 of this title.

(f) The term "clearing corporation" shall refer to a "clearing corporation" as defined in section 8-102 of title 5A.

Section 3. Amend §3303, Part IV, Chapter 33, Title 12 of the Delaware Code, by striking the said section and substituting in lieu thereof the following:

§3303. Effect of provisions of instrument

Nothing contained in this chapter shall be construed as authorizing any departure from, or variation of, the express terms or limitations set forth in any governing instrument.

Section 4. Amend Part IV, Chapter 33, Title 12 of the Delaware Code, by adding thereto a new section, designated as §3309, which new section shall read as follows:

§3309. Identification of securities

(a) Except as otherwise provided by the terms of the governing instrument, all securities in a fiduciary estate, whether held by the fiduciary or an agent for the fiduciary, shall be held in such manner that the fiduciary's name and the fiduciary capacity in which the securities are held are fully disclosed, except as provided hereafter in this section or in section 3311 of this title.

(b) A bank or trust company acting as fiduciary or as agent for a fiduciary or non-fiduciary may hold securities in the name of its nominee without disclosing the capacity in which they are held, provided the records maintained with respect to those securities disclose the capacity in which they are held and provided there is no written objection from either a co-fiduciary or the person for whom it is acting as agent.

Section 5. Amend Part IV, Chapter 33, Title 12 of the Delaware Code, by adding thereto a new section, designated as §3310, which new section shall read as follows:

§3310. Storage of securities

(a) Except as otherwise provided by the terms of the governing instrument, all securities in a fiduciary estate, whether

held by the fiduciary or an agent for the fiduciary, shall be stored separately from any other securities, except as provided hereafter in this section or in section 3311 of this title.

(b) A bank or trust company may store together securities of the same class of the same issuer held by it as fiduciary or as agent for a fiduciary or non-fiduciary (but not its own securities) and may combine the securities so stored together into one or more securities of the same class of the same issuer, provided the records maintained with respect to those securities disclose the capacity in which they are held and provided there is no written objection from either a co-fiduciary or the person for whom it is acting as agent.

Section 6. Amend Part IV, Chapter 33, Title 12 of the Delaware Code, by adding thereto a new section, designated as §3311, which new section shall read as follows:

§3311. Deposit of securities in clearing corporation

(a) Except as otherwise provided by the terms of the governing instrument, a bank or trust company may deposit in a clearing corporation securities held by it as fiduciary or as agent for a fiduciary or non-fiduciary provided the records maintained with respect to those securities by such bank or trust company disclose the capacity in which they are held and provided there is no written objection from either a co-fiduciary or the person for whom it is acting as agent.

(b) Securities deposited in a clearing corporation may be registered in the name of either the clearing corporation or its nominee without disclosing the capacity in which they are held.

(c) Securities deposited in a clearing corporation may be stored together with other securities of the same class of the same issuer also stored in the clearing corporation (but not the securities of the clearing corporation) and may be combined with such other securities into one or more securities of the same class of the same issuer.

Approved March 23, 1974.

CHAPTER 272**FORMERLY SENATE BILL NO. 237
AS AMENDED BY
HOUSE AMENDMENT NO. 1****AN ACT AMENDING TITLE 31, DELAWARE CODE, BY
ADDING A NEW CHAPTER TO BE DESIGNATED AS
CHAPTER 46 OF TITLE 31, DELAWARE CODE, RELAT-
ING TO SAFETY STANDARDS FOR CONSTRUCTION
AND SALE OF MOBILE HOMES.**

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

Section 1. Amend Title 31, Delaware Code, by adding a new Chapter to be designated as Chapter 46 to read as follows:

CHAPTER 46. MOBILE HOME SAFETY ACT**§4601. Short Title**

This Act shall be known and may be cited as the:

DELAWARE MOBILE HOME SAFETY ACT**§4602. Definitions**

Unless expressly stated otherwise the following words and terms when used in this Act are to be defined as follows: "Mobile Home" means a moveable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term shall include: (1) units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity, and (2) units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include units designed to be used for residential, commercial, educational or industrial purposes,

excluding, however, recreational vehicles, as defined in this Act; "Recreational Vehicle" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer and when factory equipped for the road, having a body width not exceeding 8 feet and a body length not exceeding 32 feet;

"Person" means a person, partnership, corporation, or other legal entity engaged in the business of selling, offering for sale or renting mobile homes;

"Manufacturer" means any person who manufactures mobile homes; "Department" means the Department of Community Affairs and Economic Development;

"Dealer" means any person, other than a manufacturer, as defined in this Act, who sells 3 or more mobile homes in any consecutive 12 month period; "Code" means the safety code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect at the time of the effective date of this Act. A copy of said Safety Code, including said revisions thereof is on file with the Department;

"Seal" means a device or insignia issued by the Department to be displayed on the exterior of the mobile home to evidence compliance with the Safety Code.

§4603. Requirement for compliance with Safety Code

(a) No person, as defined in §101 of this Chapter, shall sell, offer for sale or rent within this State, any mobile home manufactured after the effective date of this Act, unless such mobile home complies with the Safety Code and any revision thereof that may be adopted hereafter, by the Department as hereinafter provided.

(b) After July 1, 1974, no person shall manufacture for delivery within this State or deliver in this State any mobile home which does not comply with the Safety Code.

§4604. Requirement for seal

No person, as defined in §101 of this Chapter, shall sell, offer for sale or rent within this State any mobile home manu-

factured after July 1, 1974, not bearing a seal issued by the Department and a certification by the manufacturer or dealer that the mobile home complies with the Safety Code.

§4605. Issuance of seal

The Department shall issue seals to any manufacturer or dealer upon application supported by affidavit or such other evidence which the Department shall deem necessary to satisfy itself that the seals shall be affixed only to mobile homes which comply with the Safety Code.

§4606. Prohibition against alteration

No person shall make any alteration of any mobile home to which a Seal has been affixed if such alteration creates non-compliance with the Safety Code.

§4607. Reciprocity

If the Department finds that the standard for design, manufacture and inspection of mobile homes by statute and/or rules and regulations of another state or other government agency meets the objective and intent of this State's program and are enforced satisfactorily by such other states, government agencies or their agents, the Department may accept mobile homes which have been certified by such other states or governmental agencies if an appropriate state label is attached. The standard of other states shall not be deemed to be satisfactorily enforced unless such other state provides notification to the Department of approval, suspension and revocation of approval issued by the other states in a manner satisfactory to the Department. The Department shall void any agreement with another state if it is determined that the standards for the manufacture and inspection of such mobile homes of other states or other government agencies do not continue to meet the objectives and intents of this State's program and if the standards are not enforced to the satisfaction of the Department. Notice of such action by the Department shall be in writing with the reasons set forth therein. Voiding of an agreement between this State and another state shall be subject to review upon request of the other state. The Department will from time to time issue a list of states and/or government agencies with whom a reciprocal agreement is in effect.

In order to encourage reciprocity, the Department shall cooperate with similar authorities in other states, jurisdictions and with nationally recognized codes and standards organizations in developing acceptable uniform standards, methods and procedures for testing, evaluating, and inspecting mobile homes and otherwise encourage their production and acceptance.

Reciprocity shall be accomplished through bi-lateral agreements between this State and other states or governmental agencies.

§4608. Compliance with other requirements

(a) Neither this State, nor any political subdivision or agency thereof shall require a mobile home complying with this Act to comply with any additional building, plumbing, heating, or electrical requirements, except as provided in subsection (b) of this section.

(b) Nothing in this Chapter or in the rules and regulations adopted by the Department pursuant to this Chapter shall be construed to amend, repeal or supersede any local zoning ordinance, subdivision regulation or locally adopted land development code, regulation or ordinance.

§4609. Fees

The Department, by regulation, shall establish a schedule of fees sufficient to pay costs of the administration and enforcement of this Act.

§4610. Delegation of authority to department

(a) The Department is hereby charged with the administration and enforcement of this Act. The Department is authorized to: (1) promulgate such reasonable regulations as may be necessary to administer and enforce this Act, and (2) adopt any revisions of the Code as may be necessary to protect the health and safety of the public against dangers inherent in the use of substandard construction and unsafe plumbing, electrical and heating systems.

(b) At least 30 days before the adoption or promulgation of any regulations or any revision of the Code, pursuant to the authority vested in the Department by the preceding subsection

(a) of this Section, the Department shall mail to all State licensed dealers and manufacturers of mobile homes a notice which shall contain: (1) A copy of the proposed regulations or revisions thereon, if any; (2) A copy of the proposed revision of the Code, if any; and (3) The time and place that the Department will consider any objections, comments or suggestions pertaining to the proposed action described in the notice.

(c) After giving the notice required by subsection (b) of this section, the Department shall provide a hearing for interested persons to express their views on the proposed action, either orally or in writing as may be prescribed by the Department and specified in the notice.

(d) The Department is authorized to perform necessary inspection of manufacturing facilities and products to implement the provisions of this Act. If the Department appoints non-governmental inspectors or inspection agencies, the Department shall at all times exercise supervisory control over such inspectors or agencies to insure effective and uniform enforcement of the Code consistent with rules, regulations and interpretations promulgated by the Department.

(e) The issuance of sales may be suspended as to any manufacturer who is convicted under Section 102 of this Act of manufacturing products that do not conform to the Code and issuance of seals shall not be resumed until such manufacturer submits proof satisfactory to the Department that the conditions which caused the violation of the Code have been remedied.

(f) No person may interfere with, obstruct or hinder an authorized representative of the Department in the performance of its duties under this Act.

§4611. Repossession of seal; limitation of liability

The seal shall remain the property of the Department, and may be repossessed by the Department, if placed upon a mobile home which is in violation of the Safety Code. Compliance with the Safety Code is the responsibility of the manufacturer and neither the State nor the Department, shall be civilly or criminally liable for the issuance of any seal which is thereafter placed upon a nonconforming home.

§4612. Violations; penalties

(a) Any person violating any provision of this Act shall be subject to a fine of not less than \$100.00 not more than \$1,000.

§4613. Jurisdiction

Justice of the Peace Courts shall have original jurisdiction over all violations of this Chapter.

Approved March 25, 1974.

CHAPTER 273**FORMERLY HOUSE BILL NO. 111
AS AMENDED BY
SENATE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 79, PART VII, TITLE 29 OF
THE DELAWARE CODE RELATING TO PROFES-
SIONAL LICENSURE REGISTRATION.**

WHEREAS, it is in the best interest of the State of Delaware to distribute professional licensing dates throughout the year; and

WHEREAS, the present system has peak periods which unnecessarily complicate the administration of Professional licensure; and

WHEREAS, the administrative efficiency of the Office of Health Related Professional Licensing in the Division of Public Health could be substantially increased by the redistribution of licensing dates.

NOW, THEREFORE:

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

Section 1. Amend §7904, Chapter 79, Title 29, Delaware Code, by adding another paragraph under paragraph (d) to read as follows:

(1) That the Secretary of the Department of Health and Social Services shall establish specific dates for professional licensure registration, and shall provide for imposing such additional proportional fee as may be required by an extended period of licensure; provided, however, that the renewal of professional licensure registration shall be required at two-year intervals.

Approved March 25, 1974.

CHAPTER 274

FORMERLY HOUSE BILL NO. 402
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 23, PART I, TITLE 18 OF
THE DELAWARE CODE RELATING TO INSURANCE
TRADE PRACTICES, AND PROVIDING FOR THE
PROHIBITION OF UNFAIR AGE DISCRIMINATION IN
HEALTH INSURANCE, GROUP AND BLANKET
HEALTH INSURANCE, AND HEALTH SERVICE
CORPORATION CONTRACTS.**

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

Section 1. Amend Chapter 23, Part I, Title 18 of the Delaware Code, by adding thereto a new section, designated as §2327, which shall read as follows:

**§2327. Discrimination against individuals over 65 years of age
prohibited in Health Insurance, Group and Blanket
Health Insurance, and Health Service Corporation Con-
tracts**

(a) No person shall fail to make available to an insured continued coverage for hospital and medical-surgical expenses in health insurance, group and blanket health insurance, or health service corporation contracts due to such insured's attaining the age of 65.

(b) No person shall knowingly permit or offer to make or make any contract of health insurance, group or blanket health insurance, or health service corporation service agreement with an individual 65 years of age or older unless such contract provides benefits equivalent to the benefits available to insureds under the age of 65 covered by such insurance company; except that such contracts may allow for reductions in coverage to reflect benefits available under governmentally sponsored health care programs generally available to individuals over 65.

(c) Should any insurance company not have a contract available to insureds under the age of 65, the minimum benefits if any, available to insureds over 65 must include partial or full coverage of appropriate hospital and surgical-medical expenses as determined by the Commissioner taking into account the prevailing medical practice in the community and the coverage available under governmentally sponsored programs generally available to individuals over 65.

(d) The application of subsections (a), (b) and (c) of this §2327 shall not prohibit differential rates to be charged to any category of risk set forth in this section.

Approved March 25, 1974.

CHAPTER 275

FORMERLY SENATE BILL NO 221
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE
CODE, RELATING TO RULES AND REGULATIONS
CONCERNING FISHING IN DELAWARE RIVER AND
BAY.**

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

Section 1. Amend §936, Chapter 9, Title 7, Delaware Code, by striking same in its entirety and substituting in lieu thereof revised §936 which shall read as follows:

§936. Trout or weak fishing; violations and penalties; exceptions

No person shall catch, take, or attempt to catch and take, from the waters of the Delaware River or Bay, any trout (weakfish) with a net of any character except a shore or haul seine, the meshes of which shall be not less than two inches, stretched measure, or with a drifting gill net, the meshes of which shall not be less than two and three-quarter inches, stretch measure.

No person shall catch, take, or attempt to catch and take any trout (weakfish) from the waters aforesaid under ten inches in total length.

Whoever violates any of the provisions of this section shall be fined \$25 for the first offense and \$100 for each offense thereafter.

Any person holding a valid license who catches small trout by lawful net while fishing in a lawful manner may retain and use or sell such fish without violation of this section.

Approved March 25, 1974.

CHAPTER 276**FORMERLY HOUSE BILL NO. 247
AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 2, 3 AND 4 AND
SENATE AMENDMENT NO. 2****AN ACT TO AMEND SUBCHAPTER II, CHAPTER 1, TITLE
16 OF THE DELAWARE CODE RELATING TO THE
POWERS AND DUTIES OF THE DIVISION OF PHYS-
ICAL HEALTH, AND REQUIRING A LOCAL REFEREN-
DUM BEFORE THE FLUORIDATION OF A WATER
SUPPLY.**

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

Section 1. Amend Subchapter II, Chapter 1, Title 16 of the Delaware Code, by re-designating present §124 as new §125, and re-designating all subsequent sections accordingly.

Section 2. Amend Subchapter II, Chapter 1, Part I, Title 16 of the Delaware Code, by adding thereto a new §124, which shall read as follows:

§124. Fluoridation of a water supply

The Division of Physical Health shall not require any water supply to be fluoridated which has not been fluoridated before the effective date of this act until approval of such fluoridation is first obtained in the following manner by the users of such water supply:

(a) When the Division determines that it is in the best interest of the users of a given water supply that such supply shall be fluoridated, it shall notify the administrator, owner, or person who controls the water supply and the local government which it serves. Within sixty days from the receipt of such notice, the governing body of the majority of people involved shall conduct a referendum among the people served by the water supply to determine whether or not such fluoridation shall take place. Prior to any such referendum the Division shall conduct an

educational program in the community affected on the fluoridation process. The costs of the referendum shall be borne by the said governing body.

(b) Notice of the referendum shall be by the publication of a formal Notice embodying the notice received from the Division. Such notice shall be published at least three times in a newspaper of general circulation in the area served by the water supply, the last publication to be at least three days before the referendum. Such notice shall also include the time and place of voting for the various voting districts involved.

(c) Eligible voters at such referendum shall be any natural person who uses the water supply daily and who is eighteen years of age or older. Each such person shall be entitled to one vote.

(d) If the area serviced by the water supply has an established local government such government shall conduct the referendum. If two or more towns or municipalities are served by the water supply, the referendum shall be conducted simultaneously in each town or municipality by the governing body of that town or municipality. If the governing body is a county and not a town or municipality, the county shall be responsible for all costs of the referendum. The Department of Elections shall conduct the referendum. The referendum shall be by secret ballot and the choice for each voter shall be "For Fluoridation" and "Against Fluoridation". The water supply shall not be fluoridated if the majority of the ballots cast are against fluoridation.

(e) After a referendum is held, the matter shall be deemed to have been conclusively decided for a period of three years from the date of the referendum.

(f) The provisions of this Act shall apply to any municipality within this State that has held a referendum on the question of fluoridation within the last three years commencing from the date of the enactment of this Act. Those municipalities that have voted not to fluoridate shall not be required to do so, except as provided by this Act.

Approved March 26, 1974.

CHAPTER 277

FORMERLY HOUSE BILL NO. 665

**AN ACT TO AMEND CHAPTER 21, SUBCHAPTER II,
TITLE 21 DELAWARE CODE RELATING TO MOTOR
VEHICLE PLATES FOR ELECTIVE OR CONSTITU-
TIONAL OFFICIALS OF THE STATE AND FOR STATE
AND FEDERAL JUDGES.**

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

Section 1. Amend Section 2123, Chapter 21, Subchapter II, Title 21, Delaware Code, by striking said section in its entirety and inserting in lieu thereof a new section 2123 to read as follows:

**§2123. Number plates for elective or constitutional officers of
the State and for state and federal judges**

(a) Upon written application the Department shall furnish without charge, to any State elective or constitutional officer (excepting Justices of the Peace) including members of both branches of the General Assembly, to the members of the Judiciary (excluding Justices of the Peace and including the Judges of the United States District Court of Appeals for the Third Circuit, resident in Delaware), and to the Representatives and Senators of the State of Delaware in the Congress of the United States, a set of special plates for each motor vehicle owned by him and on which the required registration fee has been paid, but not to exceed two sets of plates for each individual which plates shall supersede, during his term of office and while such motor vehicle is owned by him, the regular number plates assigned to such motor vehicle, if at all times the necessary registration fee or fees have been paid for such motor vehicle.

(b) Each special plate furnished pursuant to this section shall have displayed thereon:

(1) the initials of the individual, except that the plates furnished to the Governor, Lieutenant Governor and Secretary

of State may display the numerals 1, 2 and 3 respectively in place of their initials;

- (2) a designation of his office;
- (3) the word "Delaware";
- (4) the words "The First State";
- (5) the "coat of arms" of the State of Delaware;
- (6) the expiration date of the license plate; and
- (7) blue letters on a gold background.

(c) It shall be lawful to display the state "Coat of Arms" on special plates furnished pursuant to this section, notwithstanding the provisions of Section 2306 of Title 29 of this Code, and the written consent of the Secretary of State for such use shall not be required.

Became law on March 26, 1974, without the approval of the Governor, and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 278

FORMERLY SENATE BILL NO. 371

AN ACT TO AMEND §1180 AND §1183, TITLE 12, DELAWARE CODE, TO INCLUDE WITHIN THE SCOPE OF CHAPTER 11, SUBCHAPTER III, UNCLAIMED FUNDS OF LIFE INSURANCE COMPANIES DOING BUSINESS IN THIS STATE WHERE ALL RIGHTS TO SUCH FUNDS HAVE BEEN ABANDONED OR OTHERWISE RELINQUISHED BY A CORPORATION OF THIS STATE, TO REQUIRE REPORTS OF SUCH FUNDS AND TO ADD A NEW SECTION TO PERMIT THE ESCHEAT OF FUNDS THAT HAVE NOT BEEN REPORTED.

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

Section 1. Section 1180, Chapter 11, Title 12, Delaware Code, as heretofore is designated subsection (a).

Section 2. Section 1180, Chapter 11, Title 12, Delaware Code, is amended by adding thereto a new subsection (b) to read as follows:

(b) This subchapter shall also apply to unclaimed funds, as defined in §1181 of this Title, of any life insurance company doing business in this state where the last person entitled to any such fund is or was a Delaware corporation and such corporation abandoned, disclaimed or otherwise relinquished all right, title and interest to such funds. This subchapter shall also apply where such corporation terminated or cancelled any life or endowment insurance policy or annuity contract, or permitted any life or endowment insurance policy or annuity contract to be terminated or cancelled, and such funds resulting from any policy or contract to which the corporation would otherwise have been entitled accrued or became due and payable after such cancellation or termination.

Section 3. Section 1183, Chapter 11, Title 12, Delaware Code, is amended by adding an additional sentence to subsection (b) as follows:

"For all unclaimed funds payable to corporations as provided in §1180 (b), notice shall be published in the county of the last known address of the Corporation's registered agent in the manner provided in this section.

Section 4. Chapter 11, Title 12, Delaware Code, is hereby amended by adding a new §1195 thereto to read as follows:

§1195. Effective failure to report

Nothing in this subchapter shall prevent the State Escheator from making claim to any fund, to which the State would otherwise be entitled, because it has not been reported in accordance with the provisions of this subchapter.

Approved March 27, 1974.

CHAPTER 279

FORMERLY SENATE BILL NO. 347
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO ALTER THE METHOD OF CAPITALIZATION
OF THE STATE SELF-INSURANCE FUND.**

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

Section 1. Section 6531, Subchapter III, Chapter 65, Title 18, Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof a new §6531 to read as follows:

§6531. Capitalization of the State Self-Insurance Fund

(a) The Fund shall be capitalized in the following manner:

(1) The Fund shall be capitalized in the amount of \$2,000,000. Each year the General Assembly shall appropriate to the Fund an amount equal to the claims and expenses paid out from the Fund for the prior year less the income derived from the investments of the Fund during the same period.

(2) In the event that payment of losses from the Fund exceeds \$2,000,000 during any fiscal year, the General Assembly shall give prompt consideration to the enactment of appropriate special funding legislation. Funds derived from such special funding legislation shall be deposited in the Fund and shall be utilized for the payment of such losses.

(b) In the event that the Committee shall elect to commercially procure insurance on risks which are self-insured, they may direct that the initial premium for such commercial policies covering such risk or risks shall be paid from the Fund.

Section 2. Section 6531 A, Subchapter III, Chapter 65, Title 18, Delaware Code, is hereby amended by striking the words "The gross premium allocation, provided for in §6531 of this Title shall be determined by the Committee", and substituting in lieu thereof the following:

The amount of the appropriation necessary to sustain the Fund at \$2,000,000 shall be computed by the Committee, under the formula provided in §6531 (a) (1) of this Title.

Section 3. Sections 6531 B and 6531 C, Subchapter III, Chapter 65, Title 18, Delaware Code, are hereby repealed.

Section 4. There is hereby appropriated to the Insurance Department (12-03-000) for the Self-Insurance Fund the sum of \$1,000,000. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the funds previously set aside in the Capital Investment Fund of the State Treasury under the provisions of §6531 C, Title 18, Delaware Code. This appropriation from the Capital Investment Fund shall be permanent in order to augment the capital funding of the Self-Insurance Fund and shall not revert.

Approved March 27, 1974.

CHAPTER 280

FORMERLY SENATE BILL NO. 414

**AN ACT TO GRANT APPROVAL TO THE DEPARTMENT
OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL TO PURCHASE A TRACT OF LAND ADJA-
CENT TO BLACKISTON WILDLIFE AREA, LOCATED
NEAR KENTON, KENT COUNTY, DELAWARE.**

WHEREAS, pursuant to the 1973-74 Capital Improvement Act, being Chapter 223, 59 Laws of Delaware, Section 19, the Department of Natural Resources and Environmental Control is prohibited from purchasing any land in excess of \$50,000 without prior approval by the General Assembly; and

WHEREAS, the Department of Natural Resources and Environmental Control has taken steps to purchase a tract of land, approximately 176 acres known as the Waters tract located adjacent to the Blackiston Wildlife area, near Kenton, Delaware; and

WHEREAS, two appraisals have been completed on the Waters tract of land at a cost of \$1,250 and a ninety day option which began on November 5, 1973 and terminates on February 5, 1974; and

WHEREAS, the total price for the so called Waters tract of land is \$101,250 or \$585 per acre; and

WHEREAS, a survey of the Waters tract has not been started to date, but is estimated to cost approximately \$2,992 or \$17 per acre.

NOW THEREFORE,

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

Section 1. The Department of Natural Resources and Environmental Control is hereby granted approval by the 127th General Assembly of the State of Delaware, pursuant to Chapter

223, 59 Laws of Delaware, Section 19 to purchase the Waters tract of land adjacent to the Blackiston Wildlife area, situated in Kent County, near Kenton, Delaware at the price herein stated.

Approved March 27, 1974.

CHAPTER 281

FORMERLY SENATE BILL NO. 366

AN ACT AMENDING CHAPTER 736, 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 THEREFORE 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. Chapter 736, Volume 57, Laws of Delaware, is hereby amended by adding a new section at the end thereof to read as follows:

Section 20. Any part of the sum appropriated to the Department of Health and Social Services pursuant to Section 7 (a) remaining unexpended after the completion of that project set forth in the 1971 Annual Capital Projects Schedule for the Hospital for the Mentally Retarded Cottages Design, may be used by the Department of Health and Social Services as follows:

A sum not to exceed \$102,000 for the furnishing of the Security Treatment and Reception-Medical Building plus parking, walks, fencing, and road work at Ferris School.

Contracts for these projects herein authorized may be initiated at any time prior to June 30, 1974.

Approved March 27, 1974.

CHAPTER 282

FORMERLY HOUSE BILL NO. 405
AS AMENDED BY
HOUSE AMENDMENT NO. 2 AND
SENATE AMENDMENTS NO. 1 AND 2

AN ACT TO AMEND CHAPTER 43, TITLE 9 OF THE DEL-
AWARE CODE RELATING TO KENT COUNTY EM-
PLOYEES' RETIREMENT BENEFITS.

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

Section 1. Amend §4302, Chapter 43, Title 9 of the Delaware Code, to read as follows:

§4302. Definitions

(a) "Covered employee" means an employee who receives a regular salary or wages wholly or in part directly or indirectly from Kent County; provided, however, that an employee shall not be considered in covered employment if he is a part-time or seasonal employee who is not regularly employed for more than 120 working days in any one calendar year.

(b) The following persons shall be considered "covered employees" notwithstanding other provisions of this section:

- (1) elected officials of Kent County;
- (2) Justices of the Peace and Constables, for time spent prior to March 31, 1965;
- (3) attorneys at law regularly employed by Kent County and paid a monthly or annual salary, provided that any compensation paid an attorney other than as salary shall not be counted in computing the benefits under this Chapter.

(c) A covered employee who shall have been employed by Kent County for at least six months shall be considered totally disabled if he is under the regular care of a licensed physician or Christian Science Practitioner and completely unable to engage in a regular occupation or employment during the first 24

months of a period of total disability. An employee shall be considered totally disabled after the first 24 months of a period of total disability if he is completely unable to engage in any and every gainful occupation or employment for which he is or becomes reasonably fitted by education, training or experience.

(d) "Vested portion of the pension" means that portion of the pension benefits provided for by this Chapter which a covered employee is entitled to receive pursuant to the provisions of §4321 of this Title.

(e) "Continuous employment" means service without interruption except allowable interruptions aggregating not more than five years.

(f) "Allowable interruptions" means interruptions arising from:

(1) disability as defined in this Chapter;

(2) leaves of absence granted to employees;

(3) leaves of absence for entering the Armed Services of the United States of America as provided in §4304 of this Title;

(4) involuntary severance of employment not due to any fault or neglect on the part of such employee; or

(5) voluntary severance of employment for a period not to exceed one year; but the employee shall not be considered a covered employee during any period of such interruption. The usual vacation allowed any employee of any department or agency shall not be considered an interruption from continuous employment.

Section 2. Amend §4303, Chapter 43, Title 9 of the Delaware Code, to read as follows:

§4303. Eligibility for retirement benefits; reduction because of other benefits

(a) A covered employee who shall have service with Kent County in continuous employment for at least three years shall be considered eligible for retirement benefits within the meaning of this Chapter, except as otherwise provided.

(b) Any employee who is eligible for retirement benefits under the provisions of this Chapter and who is or will be covered by any other state or county pension plan or statute shall have his retirement payments reduced by such amount as he receives from the other pension plan or statute.

Section 3. Amend §4305, Chapter 43, Title 9 of the Delaware Code, to read as follows:

§4305. Retirement age; early retirement; mandatory retirement

(a) Every covered employee who is eligible for retirement benefits under this Chapter may be retired after such employee attains the age of 65 years (or 60 years as hereinafter provided), and shall, after retirement and during the remainder of his life, receive the vested portion of the pension fixed by this Chapter, subject to such qualifications and reservations as are contained in this Chapter.

(b) A covered employee who is eligible for retirement benefits under this Chapter may select early retirement after serving in covered employment with Kent County for at least 15 years and attaining the age of 60 years. He shall, after such early retirement and during the remainder of his life, receive the vested portion of the pension provided by this Chapter.

(c) Nothing in this Chapter shall be construed to make mandatory the retirement of any employee who is not a "covered employee" as such term is defined in this Chapter or who is ineligible to receive a pension because he has not worked the required number of years, except as is specifically authorized in this Chapter to the contrary.

(d) Notwithstanding the other provisions of this section, a covered employee may continue active work by mutual consent on a year-to-year basis at the option of the department or agency by which they are employed. If an employee continues to be employed by Kent County beyond age 65, each such additional year shall be credited toward his retirement but no such credits shall be accumulated beyond age 70.

Section 4. Amend §4306, Chapter 43, Title 9 of the Delaware Code, to read as follows:

§4306. Retirement pension benefits

(a) The monthly pension payable shall be $1\frac{1}{2}$ percent of the average monthly salary of the highest three consecutive years of service with Kent County multiplied by the number of years which a covered employee shall have served in covered employment with Kent County or in similar employment with New Castle or Sussex Counties or the State of Delaware.

Section 5. Amend §4307, Chapter 43, Title 9 of the Delaware Code, to read as follows:

§4307. Disability

(a) A covered employee who shall become disabled while in covered employment and covered under Kent County Disability Insurance, shall be kept on the active payroll during the remainder of the calendar month in which such disability shall begin, and within the next ensuing six months.

(b) At the end of the sixth calendar month after becoming disabled, if the employee qualifies for Kent County Disability Insurance and receives benefits from such disability insurance, he shall be considered for retirement purposes a covered employee. Upon attaining age 65 the disabled employee will become eligible for retirement on pension in accordance with this Chapter.

Section 6. Amend §4308 (a), Chapter 43, Title 9 of the Delaware Code, by inserting the words "date of birth, date of hire" after the words "which shall contain the names, address" and before the words "and amounts for those employees" as those words appear therein.

Section 7. Amend Chapter 43, Title 9 of the Delaware Code, by adding thereto the following sections:

§4318. Funding

(a) The Levy Court shall establish a Pension Fund which shall be used only for the purpose of paying the benefits provided for under this Chapter.

(b) An actuary shall at least annually review the Pension Fund and shall report to the Levy Court whether any additional sums of money are needed to keep the Pension Fund actuarially sound so that sufficient funds will always be available to pay the benefits provided for under this Chapter.

(c) The Levy Court shall annually appropriate to the Pension Fund such sums as the actuary deems necessary to properly maintain the Fund.

§4319. Trustee

(a) The Levy Court may select a trustee to administer and invest the moneys in the Pension Fund who:

(1) may collect such sums as shall be paid to the trustee under the plan;

(2) shall pay benefits from a fund as directed by the Levy Court and shall be fully protected in doing so;

(3) shall keep account of all transactions which shall be opened to inspection and audited by persons designated by the Levy Court; and

(4) shall not be liable for any loss to the Fund or any act done or omitted by it unless due to its own negligence, willful misconduct or lack of good faith.

(b) The trustee acting as a prudent man shall in its discretion invest principal and accumulated income without restriction to legal investments and without distinction between principal and income. The trustee may hold investments in nominee or bearer.

(c) The Levy Court may amend or terminate its contract with a trustee provided that the amendments affecting the trustee shall require its consent and no termination or amendment shall divert any part of the Fund to any purpose other than the exclusive benefit of employees or their beneficiaries, and no amendment shall divest any vested benefit.

(d) The trustee shall be compensated in accordance with its schedule of rates in effect from time to time during the period in which its services are rendered and as agreed to by the Levy Court and the trustee.

(e) Within 90 days after each plan or upon its removal or resignation, the trustee shall file with the Levy Court an account of its administration of the Fund during such year or for the end of the preceding plan year to the date of removal or resignation. Neither the Levy Court nor any other person shall be entitled to any further accounting by trustee.

(f) The trustee may resign by written notice to the Levy Court which shall be effective 60 days after delivery. The trustee may be removed by the Levy Court by written notice to the trustee which shall be effective 60 days after delivery. On resignation or removal, trustee shall deliver the funds to its successor as soon as notified in writing by the Levy Court that a successor has been named provided that this shall not waive any liens the trustee may have upon the Fund for its compensation or expenses.

§4320. Voluntary contributions

(a) Any covered employee employed by Kent County may elect to make voluntary contributions not to exceed 10 percent of their annual salary.

(b) Each year that the employee desires to make voluntary contributions he shall enter into an agreement with the Treasurer of Kent County authorizing the withholding of the contributions. The Treasurer shall then contribute to the plan for such employee the amount set forth in the application.

(c) Upon 90 days' notice to the County Treasurer and trustee, a voluntary contribution participant may withdraw at the end of the plan year all of the lesser of the following portion of his Voluntary Benefit Account:

(1) the aggregate amount of his contributions but not including any earnings (including capital appreciation thereon; or

(2) the value of his Voluntary Benefit Account as determined by the trustee.

(d) In addition to the withdrawals permitted by this section, an employee may withdraw from his Voluntary Benefit Account the earnings on such contributions.

(e) A covered employee electing to withdraw his contributions shall not thereafter be permitted to make voluntary contributions for a period of one year.

(f) The notice required to be given to the County Treasurer and trustee shall be in writing and shall specify whether contributions or the total account including earnings shall be withdrawn. All voluntary contributions and earnings thereon shall be 100 percent vested in the employee. All withdrawal payments shall be made within 90 days after the end of the plan year.

§4321. Vested right to benefits

(a) A covered employee who shall have service with Kent County in continuous employment for at least three years shall have a vested right to the benefits provided under this Chapter when the sum of his age and years of continuous employment with Kent County equal at least 50.

(b) During the first 12 months that an employee has a vested right to benefits under this Chapter, his benefits under this Chapter shall be limited to 50 percent of the amount of payments he is otherwise eligible to receive. For each additional 12 months that an employee is in covered employment the benefits which he shall be eligible for shall increase by 10 percent up to a maximum of 100 percent.

(c) Once acquiring a vested right to benefits, an employee shall not lose his right to retirement benefits at age 60 or 65, as the case may be, by reason of leaving county employment except as provided in §4322 of this Title.

(d) The provisions of this section shall apply only to those employees who are employees of Kent County on or after May 1, 1973.

§4322. Forfeitures for cause

(a) In the event that a covered employee resigns or is discharged by the county because he has been guilty of committing a felony or causing the county to be placed in violation of the law, the Arbitration Commission of Levy Court shall have the power to terminate all rights of the employee and all persons claiming benefits through him under this Chapter.

§4323. Effect of amendments

If a covered employee who is employed at the time an amendment of this Chapter becomes effective would have received a greater benefit or been eligible for an earlier retirement, under the law in effect prior to the amendment, he shall be paid and retired under the earlier law, at his option.

Section 8. Amend §4309, Chapter 43, Title 9 of the Delaware Code, by adding thereto a new subsection which shall read as follows:

(c) A covered employee may, with the consent of the Levy Court of Kent County, elect in writing one of the following optional forms of retirement benefits:

- (1) a lump sum;
- (2) an annuity payable in equal monthly installments for life;
- (3) a joint and survivor annuity payable in equal monthly installments during the life of the employee and after his death to his spouse or other annuitants in monthly installments either in the same amount or lesser amount;
- (4) an annuity payable in equal monthly installments for the life of the participant and for a period of 10 years certain;
- (5) an annuity payable in equal monthly installments for the life of the participant and for a period of five years certain; or
- (6) any other form of benefit approved by the Levy Court. Should an employee fail to elect a form of settlement the employee shall receive an annuity payable in equal monthly installments for life.

Section 9. Amend §4310 (a), Chapter 43, Title 9 of the Delaware Code, by striking the words and figures "30 days" as they appear therein and inserting in lieu thereof the words and figures "90 days".

Section 10. Amend §4314, Chapter 43, Title 9 of the Delaware Code, by striking said subsection in its entirety.

Approved March 27, 1974.

CHAPTER 283

FORMERLY HOUSE BILL NO. 652

AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO INCREASE THE AMOUNT AUTHORIZED TO BE RAISED AS TAXES.

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

Section 1. Amend Subsection (A) of Section 27, Chapter 42, Volume 53, Laws of Delaware, as amended by striking the figure "300,000" as the same appears in the first sentence thereof and insert in lieu thereof the figure "500,000".

Approved March 27, 1974.

CHAPTER 284

**FORMERLY HOUSE BILL NO. 429
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AND
SENATE AMENDMENTS NO. 6 AND 7**

**AN ACT TO AMEND CHAPTER 5 AND CHAPTER 42, TITLE
11 OF THE DELAWARE CODE RELATING TO MURDER
IN THE FIRST DEGREE AND PUNISHMENT FOR
MURDER IN THE FIRST DEGREE.**

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

Section 1. Amend §636, Subchapter 11, Chapter 5, Title 11 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§636. Murder in the First Degree

A person is guilty of murder in the first degree when:

- (1) he intentionally causes the death of another person;
- (2) in the course of and in furtherance of the commission or attempted commission of a felony or immediate flight therefrom, he recklessly causes the death of another person;
- (3) he intentionally causes another person to commit suicide by force or duress;
- (4) he recklessly causes the death of a law enforcement officer, Corrections employee or fireman while such officer is in the lawful performance of his duties;
- (5) he causes the death of another person by the use of or detonation of any bomb or similar destructive device;
- (6) he, with criminal negligence, causes the death of another person in the course of and in furtherance of the commission or attempted commission of rape, kidnapping, arson in the first degree, robbery in the first degree, or immediate flight therefrom;

(7) he causes the death of another person in order to avoid or prevent the lawful arrest of any person, or in the course of and in furtherance of the commission or attempted commission of escape in the second degree or escape after conviction.

Murder in the first degree is a Class A felony and shall be punished as provided in §4209 of this Title.

Section 2. Amend §4209, Chapter 42, Title 11 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§4209. Method and punishment for First Degree Murder

(1) In any case in which a person is convicted of first degree murder the Court shall impose a sentence of death. If the penalty of death is determined to be unconstitutional the penalty for first degree murder shall be life imprisonment without benefit of parole.

(2) The imposition of a sentence of death shall be upon such terms and conditions as the Court may impose in its sentence, including the place, the number of witness and conditions of privacy. Punishment of death shall, in all cases, be inflicted by hanging by the neck, and the carrying out of such sentence may not be less than ten (10) days after the imposition of the sentence. The Court or the Governor may suspend the execution of the sentence until a later date to be specified, solely to permit completion of the process of judicial review of said conviction.

Section 3. All offenses committed and all prosecutions commenced under the provisions of this Act prior to the effective date of this Act shall remain punishable and shall be prosecuted as previously provided and this Act shall not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this Act.

Section 4. If any provision of this Act or the application thereof to any person or circumstance, including any one or more of the enumerated instances which constitute first degree murder is held unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any other pro-

vision or application of this Act, and to that end the provisions of this Act are declared to be severable.

Section 5. This Act shall become effective upon the signature of the Governor.

Approved March 29, 1974.

CHAPTER 285

FORMERLY HOUSE BILL NO. 560

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF REPLACING FUNDS BORROWED FROM THE GOVERNOR'S CONTINGENCY FUND FOR THE OFFICE OF HIGHWAY SAFETY.

WHEREAS, the Federal Highway Safety Act mandates the operation of an Office of Highway Safety in the State of Delaware, which is responsible to the Governor for administration and plans of highway safety programs; and

WHEREAS, the Office of Highway Safety requires a budget to carry out its functions, a minimum portion of which must be appropriated by this State; and

WHEREAS, the General Assembly did not appropriate any funds for the Office of Highway Safety in its budget for fiscal year 1974; and

WHEREAS, the consequences of the lack of such an appropriation would have been a loss to the State of approximately three million dollars in federal matching funds and benefits for highway safety and highway construction grants in fiscal year 1974; and

WHEREAS, the Governor took steps to avert these impending federal cutbacks by providing the funds for the continued operation of the Office of Highway Safety from the Governor's Contingency Fund.

NOW, THEREFORE:

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

Section 1. There is hereby appropriated to the Office of the Governor the sum of \$28,000 for the purpose of replacing

funds borrowed from the Governor's Contingency Fund and allotted to the Office of Highway Safety so that this Office could continue to function for the fiscal year ending June 30, 1974. These funds are being used for the purposes described below:

Salaries	\$27,753.88
Contract Services	150.00
Supplies and Materials	96.12
TOTAL	<u>\$28,000.00</u>

Section 2. This Act shall be known as a supplementary appropriation and shall be in addition to any funds heretofore appropriated and shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 3. Funds appropriated herein which remain unexpended on June 30, 1974, shall revert to the General Fund.

Approved March 29, 1974.

CHAPTER 286

FORMERLY SENATE BILL NO. 501

**AN ACT TO AMEND SUBCHAPTER III, CHAPTER 10,
TITLE 14 OF THE DELAWARE CODE RELATING TO
THE SCHOOL BOARD OF THE MILFORD SCHOOL
DISTRICT.**

WHEREAS, because of the size and geographical composition of Milford School District, it is believed that a more desirable representation of school board membership can best be provided by a School Board of eight (8) members rather than five (5) members as presently required.

NOW, THEREFORE:

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

Section 1. Amend Subchapter III, Chapter 10, Title 14 of the Delaware Code, by adding thereto a new section, designated as §1070 which new section shall read as follows:

§1070. School Board for Milford School District

Notwithstanding anything contained in this Chapter to the contrary, the School Board of the Milford School District shall be composed of eight (8) members. Four (4) members shall be elected at large from the reorganized Milford School District and one (1) board member shall be elected from each of the four areas 'A', 'B', 'C' and 'D' described in sub-paragraph (1).

(1) The Milford School District is hereby divided into four (4) areas as follows:

(a) AREA 'A'

Beginning at the intersection of Roads 396 and 395 proceed S.E. along the center of Road 396 to Route 14; East along the center of Route 14 to the intersection of Route 113; North along the center of Route 113 to the point where Route 113 intersects with Swan Creek; East along the center of Swan Creek to the

Mispillion River and thence along the center of the Mispillion River to the Delaware Bay. Thence follow the shore Line of Delaware Bay North to the Murderkill River; thence S.W. along the common boundary between the Milford and Lake Forest School Districts to the intersection of Roads 396 and 395.

(b) AREA 'B'

Beginning at the point where Road 594 intersects the boundary between Milford and Woodbridge School Districts, proceed N.E. along the center of Road 594 to the intersection of Road 42; North along the center of Road 42 to a point .2 miles south of Road 207; thence due East to the Herring Branch. Follow along Herring Branch to the point where it intersects with Route 113; thence north along the center of Route 113 to the intersection of Route 14; West along the center of Route 14 to Road 396; N.W. along the center of Road 396 to the Milford-Lake Forest School District boundary. Thence follow the existing common boundary South between the Milford-Lake Forest and Woodbridge School Districts to the point where Road 594 intersects the boundary between Milford and Woodbridge School Districts.

(c) AREA 'C'

Beginning at the point where the Mispillion River enters the Delaware Bay, proceed Westward along the center of the Mispillion River to Swan Creek; West along the center of Swan Creek to the point where it intersects with Route 113; South along the center of Route 113 to the point where Route 113 intersects Herring Branch (near Lincoln); proceed along the Branch N.E. to the Milford City Line; continue following the branch East and South to a point where the branch intersects Road 211; S.E. along the center of Road 211 to Road 207; N.E. along the center of Road 207 to Road 30; S.E. along the center of Road 30 to the N.E. corner of Cedar Creek Millpond; proceed east along the common boundary between the Milford and Cape Henlopen School Districts to the Delaware Bay; North along the Delaware Bay coastlines to the point where the Mispillion River enters the Bay.

(d) AREA 'D'

Beginning at the N.E. Corner of Cedar Creek Millpond proceed directly N.W. along the center of Road 30 to the point where

Roads 30 and 207 intersect; thence S.W. along the center of Road 207 to the point where Roads 207 and 211 intersect; thence N.W. along the center of Road 211 to a branch being the N.E. boundary of the James Deputy property; continue N.W. along this branch to the Milford City line; West along the city line to Herring Branch; follow Herring Branch S.W. to a point approximately .2 miles south of Road 207; thence follow a line directly West to Road 42; South along the center of Road 42 to Road 594; Southwest along the center of Road 594 to the present boundary of the reorganized Milford School District. Thence follow the existing common boundary between Milford and the Woodbridge, Indian River, and Cape Henlopen School Districts to the N.E. corner of Cedar Creek Millpond.

(2) School Board members shall be elected in the following manner:

(a) At the regular school election in 1974 the qualified electors in the school district shall choose one member who is a resident of AREA 'A' for a term of four (4) years.

(b) At the regular school election in 1974 the qualified electors in the school district shall choose one member who is a resident of AREA 'B' for a term of five (5) years.

(c) At the regular school election in 1974 the qualified electors in the school district shall choose one member who is a resident of AREA 'C' for a term of two (2) years.

(d) At the regular school election in 1974 the qualified electors in the school district shall choose one member who is a resident of AREA 'D' for a term of three (3) years. (e) 'At large' board members shall be chosen in accordance with the schedule contained in subsection (3). No 'at large' board members will be chosen at the regular school election in 1974. An 'at large' board member is any resident of Milford School District who meets other qualifications for school board membership as determined elsewhere in this chapter. Area Designation is not applicable to 'at large' board members.

(3) Beginning with the regular school election in 1975, school board members shall be elected in accordance with the following schedule:

<i>Election Year</i>	<i>Designated Area Seats</i>	<i>Term</i>	<i>At Large Seats</i>	<i>Term</i>
1975	None	—	One	5 yr.
1976	C	5 yr.	One	5 yr.
1977	D	5 yr.	One	5 yr.
1978	A	5 yr.	One	5 yr.
1979	B	5 yr.	None	—
1980	None	—	One	5 yr.
1981	C	5 yr.	One	5 yr.
1982	D	5 yr.	One	5 yr.
1983	A	5 yr.	One	5 yr.
1984	B	5 yr.	None	—

(4) Nominations for each candidate qualified to be a school board member shall provide a declaration of intention as whether the candidate is to serve at large, if elected, or if the candidate is to serve from his legal place of residence whether it be AREA A, B, C, or D, depending upon board members to be elected in a given year. Nominations in either case shall be by residents of the school district as provided elsewhere in this chapter. At the election, whether by voting machine or ballot, the names of all persons properly nominated shall be listed alphabetically in appropriate groupings by AREA and/or 'at large'. If in a given year when nominations may be made for members living in an area where a nomination may also be made for a member to serve 'at large', the member 'at large' living in the given area receiving the highest number of votes shall be declared duly elected to the position of school board member; if the same candidate should also have received the highest number of votes of all candidates nominated to serve 'at large' then the person receiving the second highest number of votes shall be declared duly elected to the position 'at large' in the school district.

(5) In all school board elections nominations may be made and board members chosen at the election of qualified electors of the entire school district thereof.

(6) Each school board member so elected shall have those qualifications prescribed by this Chapter and shall meet any other requirements provided in this section."

Approved April 2, 1974.

CHAPTER 287

FORMERLY HOUSE BILL NO. 584

AN ACT TO AMEND CHAPTER 41, TITLE 9, DELAWARE CODE BY GRANTING KENT COUNTY LEVY COURT AUTHORITY TO RECEIVE STATE OR FEDERAL FUNDS, TO ENTER INTO CONTRACTS RELATING THERETO, TO ENACT PROGRAMS AS A RESULT THEREOF, AND TO SPEND COUNTY FUNDS REQUIRED THEREBY.

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

Section 1. Amend Chapter 41, Title 9, Delaware Code, by adding thereto a new section to be designated as §4121 to read as follows:

§4121. State or Federal Aid and Programs

The Kent County Levy Court may receive moneys or grants from the State of Delaware or the United States of America and may enter into agreements or contracts with the State or the United States relating to such moneys or grants. The Kent County Levy Court is authorized to enact resolutions providing for programs and services for the purposes for which said Federal Funds are granted to the Kent County Levy Court and to spend out of County funds any share required as a condition of said grants.

Approved April 4, 1974.

CHAPTER 288

FORMERLY BILL NO. 764

AN ACT TO AMEND AN ACT ENTITLED: "AN ACT TO RE-INCORPORATE THE TOWN OF DELMAR," AS AMENDED, AND THE MANNER OF HOLDING ELECTIONS.

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. Amend the Charter of the Town of Delmar (Chapter 182, Volume 45, Laws of Delaware), as amended by Chapter 481, Volume 58, Laws of Delaware, by adding a new paragraph to subsection (B) of Section 6, which shall read as follows:

"When voting machines are used or to be used in an election and break down or otherwise become unusable, in whole or in part, a substitute machine from the Department of Elections may be used. If a substitute machine is not available, the Mayor shall declare the incomplete or attempted election null and void and shall; within one week, designate the date for a new election. Such new election shall be held not more than sixty days from the date of the election declared null and void. The incumbent in each office for which the attempted election was held shall remain in office until the election of a successor."

Section 2. Notwithstanding the provisions of this Act or any other statute, the Town of Delmar may, within sixty days from the enactment date of this Act, hold a re-election to substitute for any election since January 1974 which was attempted but not completed.

Approved April 4, 1974.

CHAPTER 289

FORMERLY SENATE BILL NO. 455

AN ACT TO AMEND CHAPTER 25, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF JUSTICE.

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

Section 1. Amend §2503, Chapter 25, Title 29 of the Delaware Code, by deleting the words "the Chief Deputy Attorney General, Deputy Attorneys General and Special Deputy Attorneys General" and inserting in lieu thereof the words "any person duly appointed by the Attorney General pursuant to the provisions of Section 2505 of this Chapter,".

Section 2. Amend §2505, §2506 and §2508, Chapter 25, Title 29 of the Delaware Code, by deleting the terms "deputy", "Deputies", and "deputy attorneys general" whenever such terms appear, except as the term "chief deputy attorney general" appears, and inserting in lieu thereof the term "assistant" or "assistants", as the case may be.

Section 3. Amend §2505 (d), Chapter 25, Title 29 of the Delaware Code, by deleting from said subsection the words "from the practicing members of the bar of this State, within the limits of the appropriations made to the State Department of Justice, lawyers resident in this State" and inserting in lieu thereof the words "within the limits of the appropriations made to the State Department of Justice, residents of this State, authorized by rule of the State Supreme Court to practice law in the courts of this State,".

Section 4. Amend §2505 (i), Chapter 25, Title 29 of the Delaware Code, by deleting from said subsection the phrase "from the practicing members of the bar of this State lawyers" and inserting in lieu thereof the words "residents of this State, authorized by rule of the State Supreme Court to practice law in this State, persons".

Section 5. Amend §2505 (f), Chapter 25, Title 29 of the Delaware Code, by placing a period (.) immediately after the word "serving" and striking the remainder of the subsection.

Section 6. Amend §2506, Chapter 25, Title 29 of the Delaware Code, by deleting "\$25,000" wherever it appears and inserting in lieu thereof "\$27,000", by deleting "\$24,000" wherever it appears and inserting in lieu thereof "\$26,000", and by deleting "\$22,500" wherever it appears and inserting in lieu thereof "\$25,000".

Section 7. Amend §2513, Chapter 25, Part III, Title 29 of the Delaware Code, by striking subsection (b) of said section, and substituting in lieu thereof the following:

"(b) The salary of the Chief State Detective and the State detectives shall be fixed by the Attorney General within the appropriations made to the State Department of Justice."

Approved April 8, 1974.

CHAPTER 290

FORMERLY SENATE BILL NO. 323

AN ACT AUTHORIZING THE GOVERNOR AND THE SECRETARY OF STATE TO CONVEY TO GARY W. LAWSON CERTAIN LANDS AND INTEREST IN LANDS OF THE STATE OF DELAWARE.

WHEREAS, by deed April 10, 1970, Gary Lawson acquired the interest in property located in Cedar Creek Hundred, Sussex County, Delaware, of Harry J. Swain, Jr. and Faith L. Swain, his wife, said deed being of record in the Office of the Recorder of Deeds, in and for Sussex County, in Deed Book 653 at page 115; and

WHEREAS, one of the predecessors in title of the said Gary Lawson was John J. O'Loghen, Ellen Francis O'Loghen and Mary V. O'Loghen, who acquired title to the property by deed of Hugh C. O'Neil and Elizabeth O'Neil, his wife, dated March 7, 1921, and of record in the Office of the Recorder of Deeds, in and for Sussex County, and Deed Book 227 at page 337; and

WHEREAS, Mary V. O'Loghen departed this life intestate in January, 1930, survived by two heirs, John J. O'Loghen and Ellen Francis O'Loghen, to whom her interest descended under the intestate laws of the State of Delaware. Letters of Administration were granted on the estate on May 13, 1947, and a Final Account passed on May 13, 1947; and

WHEREAS, John J. O'Loghen departed this life intestate on or about June 28, 1952, and the Petition for Letters of Administration indicates there were no heirs surviving the said John J. O'Loghen; and

WHEREAS, based on information available, the said Ellen Francis O'Loghen predeceased the said John J. O'Loghen; and

WHEREAS, the property of which John J. O'Loghen died seized may have escheated to the State of Delaware since there were no heirs surviving; and

WHEREAS, the said Gary Lawson has entered upon the premises relying upon the conveyance to him and has made valuable improvements upon the said premises by reason of which the value of said property has been substantially increased; and

WHEREAS, it would be an injustice for the State of Delaware to claim the premises now in the possession of Gary W. Lawson.

NOW, THEREFORE,

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

Section 1. The Governor and the Secretary of State of the State of Delaware are hereby authorized, empowered and directed to execute and deliver, in the name of and under the Great Seal of the State of Delaware, a deed quitclaim conveying to Gary W. Lawson, his heirs, executors, administrators and assigns, all of the right, title and interest of the State of Delaware in the following described tract of land:

All that certain lot, piece or parcel of land, situate, lying and being in Cedar Creek Hundred, Sussex County, Delaware, lying on the East side of the road from Clendaniel's Mill, being 170 feet by 340 feet, containing 1.3 acres of land, more or less, with all improvements thereon.

Section 2. The conveyance of the above described land shall be without consideration to the State of Delaware.

Approved April 8, 1974.

CHAPTER 291

FORMERLY HOUSE BILL NO. 514

**AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF
THE DELAWARE CODE RELATING TO THE UNIFORM
CONTROLLED SUBSTANCES ACT AND POSSESSION
OF A HYPODERMIC SYRINGE OR NEEDLE.**

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. Amend §4757, Chapter 47, Part IV, Title 16 of the Delaware Code, by adding, immediately after the last sentence of subsection (c), the following sentence:

“Any person convicted of unlawfully possessing an instrument described in subsection (a) of this section shall be fined not more than one hundred dollars (\$100.00), be imprisoned not more than one year, or both.”

Approved April 15, 1974.

CHAPTER 292**FORMERLY HOUSE BILL NO. 498
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 3****AN ACT TO AMEND TITLE 16, DELAWARE CODE, BY
ADDING A NEW PART IX PROVIDING FOR A DELA-
WARE HEALTH FACILITIES AUTHORITY.**

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

Section 1. Amend Title 16, Delaware Code, by adding thereto a new Part IX to read as follows:

**PART IX. DELAWARE HEALTH FACILITIES AU-
THORITY****CHAPTER 95. DELAWARE HEALTH FACILITIES AU-
THORITY****§9501. Declaration of Policy**

It is hereby declared that for the benefit of the people of the state, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions, it is essential that health care facilities within the state be provided with appropriate additional means to expand, enlarge and establish health care, hospital and other related facilities; and that it is the purpose of this act to provide a measure of assistance and an alternative method to enable facilities in the state to provide the facilities and structures which are sorely needed to accomplish the purposes of this act, all to the public benefit and good, to the extent and manner provided herein.

§9502. Short Title of Act

This act may be referred to and cited as the "Health Facilities Act."

§9503. Definitions

In this act, the following words and terms shall, unless the context otherwise requires, have the following meanings:

(a) "Authority," the Health Facilities Authority created by section four.

(b) "Project," in the case of a participating health care facility, a structure or structures suitable for use as a hospital, clinic, or other health care facility, laboratory, laundry, nurses' or interns' residence as a part of the health care facility, or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in such health care facility, doctors' office building, administration building, research facility, maintenance, storage or utility facility as a part of the health care facility and other structures or facilities related to any of the foregoing or required or useful for the operation of a health care facility, including parking and other facilities or structures essential or convenient for the orderly conduct of such health care facility, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular health care facility or structure in the manner for which its use is intended but shall not include such items as fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge; and "project" may include any combinations of one or more of the foregoing undertaken jointly by any participating facility with one or more other participating facilities.

(c) "Cost," as applied to a project or any portion thereof financed under the provisions of this act embraces all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights of way, air rights, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, esti-

mates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) "Bonds" or the words "revenue bonds" shall mean revenue bonds of the Authority issued under the provisions of this act, including revenue refunding bonds notwithstanding that the same may be secured by mortgage or by the full faith and credit or by any other lawfully pledged security of one or more participating facilities.

(e) "Facility," a nonprofit health care facility within the state licensed by the Delaware State Board of Health under the Authority of Section 122, Title 16, Delaware Code.

(f) "Participating facility," a facility which, pursuant to the provisions of this act, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this act.

§9504. Health Facilities Authority

(a) There is hereby created a body politic and corporate to be known as the "Delaware Health Facilities Authority," hereinafter in this act called the Authority. Said Authority is constituted a public instrumentality and the exercise by the Authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. Said Authority shall consist of seven members to be appointed by the Governor, one of which shall be a resident of the City of Wilmington, one a resident of New Castle County, one a resident of Kent County, one a resident of Sussex County and three members at-large, all of whom shall be residents of the State of Delaware. No more than four shall be members of the same political party. At least two of the members shall be trustees, directors, officers, or employees of a health care facility, at least one shall be a person having a favorable reputation for skill, knowledge and experience in the field of state and municipal finance, either as a partner, officer or employee of an investment banking firm

which originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio, and at least one shall be a person having a favorable reputation for skill, knowledge and experience in the building construction field. The members of the authority first appointed shall serve for terms expiring on June 30 in the years nineteen hundred and seventy-four, nineteen hundred and seventy-five, nineteen hundred and seventy-six, nineteen hundred and seventy-seven, nineteen hundred and seventy-eight, respectively, the term of each member to be designated by the Governor. A member of the Authority shall be eligible for re-appointment for one additional term. Upon the expiration of the term of any member his successor shall be appointed for a term of five years. The Governor shall fill any vacancy for the remainder of the unexpired term. Any member of the Authority may be removed by the Governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless such notice and hearing shall be expressly waived in writing. Each member of the Authority, before entering upon his duties, shall take an oath to administer the duties of his office faithfully and impartially, and such oath shall be on file in the office of the Secretary of State.

(b) The Authority shall annually elect one of its members as chairman and one as vice chairman. It may appoint an executive director, assistant executive director, treasurer, and secretary who shall not be members of the Authority, who shall serve at the pleasure of the Authority. They shall receive such compensation as shall be fixed by the Authority.

(c) The person designated by resolution of the Authority shall keep a record of the proceedings of the Authority and shall be Custodian of all books, documents and papers filed with the Authority, the minute book or journal of the Authority, and its official seal. Said person may cause copies to be made of all minutes and other records and documents of the Authority and may give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

(d) Three members of the Authority shall constitute a quorum. The affirmative vote of a majority of the members present at a meeting of the Authority having a quorum present shall be necessary for any action taken by the Authority. A vacancy in the membership of the Authority shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. Any action taken by the Authority under the provisions of this act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

(e) Before the issuance of any bonds or notes under the provisions of this act, the chairman, vice chairman, executive director and assistant executive director and any other member of the Authority authorized by resolution of the Authority to handle funds or sign checks of the Authority shall execute a surety bond in the penal sum of one-hundred thousand dollars, or in lieu thereof the chairman shall obtain a blanket position bond covering the executive director and every member and other employee of the Authority in the penal sum of one-hundred thousand dollars. Each such bond shall be conditioned upon the faithful performance of the duties of the principal or the members, executive director and other employees, as the case may be, shall be executed by a surety company authorized to transact business in the state as surety, shall be approved by the Attorney General and shall be filed in the office of the State Secretary. The cost of each such bond shall be paid by the Authority.

(f) The members of the Authority shall receive no compensation for the performance of their duties hereunder but each such member shall be paid his necessary expenses incurred while engaged in the performance of such duties.

Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of a participating facility or for a person having the required favorable reputation for skill, knowledge and experience in state and municipal finance or for a person having the required favorable reputation for skill, knowledge and experience in the building construction field to serve as a member of the Authority; provided, in each case to which provisions thereof are applicable, such trustee, director, officer or employee of such participating facility abstains from discussion,

deliberation, action and vote by the Authority in specific respect to any undertaking pursuant to this act in which such participating facility has an interest, or such person having the required favorable reputation for skill, knowledge and experience in state and municipal finance abstains from discussion, deliberation, action and vote by the Authority in specific respect to any sale, purchase or ownership of bonds of the Authority in which the investment banking firm or insurance company or bank of which such person is a partner, officer or employee has a past, current or future interest, or such person having the required favorable reputation for skill, knowledge and experience in the building construction field abstains from discussion, deliberation, action and vote by the Authority in specific respect to construction or acquisition of any project of the Authority in which any partnership, firm, joint venture, sole proprietorship or corporation of which such person is an owner, venturer, participant, partner, officer or employee who has a past, current or future interest.

§9505. General Grant of Powers

The purpose of the Authority shall be to assist health care facilities in the acquisition, construction, financing and refinancing of projects, and for this purpose the Authority is authorized and empowered:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places as it may designate;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to determine the location and character of any project to be financed under the provisions of this act, and to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any and all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating facility as its agent to determine

the location and character of a project undertaken by such participating facility under the provisions of this act and, as the agent of the Authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and, as the agent of the Authority, to enter into contracts for any and all of such purposes, including contracts for the management and operation of such project;

(f) to issue bonds, bond anticipation notes and other obligations of the Authority for any of its corporate purposes, and to fund or refund the same all as provided in this act;

(g) generally, to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association or corporation or other body public or private in respect thereof and to designate a participating facility as its agent to fix, revise, charge and collect such rates, rents, fees and charges and to make such contracts;

(h) to establish rules and regulations for the use of a project or any portion thereof and to designate a participating facility as its agent to establish rules and regulations for the use of a project in which such participating facility is participating;

(i) to employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(j) to receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and to receive and accept loans, grants, aid or contributions from any source of either money, property, labor or other things of value to be held, used and applied only for the purposes for which such loans, grants, aid and contributions are made;

(k) to mortgage any project and the site thereof for the benefit of the holders of bonds issued to finance such project;

(l) to make loans to any participating facility for the cost of a project in accordance with an agreement between the

Authority and one or more participating facilities; provided that no such loan shall exceed the total cost of the project as determined by such participating facility or facilities and approved by the Authority;

(m) to make loans to participating facilities to refund outstanding obligations, mortgages or advances issued, made or given by such participating facilities for the cost of the project;

(n) to charge to and equitably apportion among participating facilities its administrative costs and expenses reasonably incurred in the exercise of the powers and duties conferred by this act;

(o) to do all things necessary or convenient to carry out the purposes of this act.

In carrying out the purposes of this act, the Authority may undertake a joint project or projects for two or more participating facilities, and, thereupon, all other provisions of this act shall apply to and for the benefit of the Authority and the participants in such joint project or projects.

§9506. Source of Payment of Expenses

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the Authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this act.

§9507. Acquisition of Property

The Authority is authorized and empowered, directly or by and through a participating facility, as its agent, to acquire by purchase solely from funds provided under the Authority of this act, or by gift or devise, such lands, structures, property, real or personal, rights, rights-of-way, air rights, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the state as it may deem necessary or convenient for the acquisition, construction or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title

thereto in the name of the Authority, or in the name of one or more participating facilities as its agent.

§9508. Title to Projects

When the principal of and interest on bonds of the Authority issued to finance the cost of a particular project or projects for one or more participating facilities, including any refunding bonds issued to refund and refinance such bonds, have been fully paid and retired or when adequate provisions have been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the Authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating facility or facilities, all to the extent that title to such project or projects is not, at the time, vested in such participating facility or facilities.

§9509. Release of Collateral

When the principal of and interest on bonds of the Authority issued to finance the cost of a particular project or projects for a participating facility, including any refunding bonds issued to refund and refinance such bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the Authority shall promptly do such things and execute such releases and documents as are necessary and required to release securities held as collateral by a trustee or trustees pursuant to the trust agreement to such participating facility, which facility had pursuant to the trust agreement, deposited and turned over such securities to a trustee or trustees in order to assure the full payment and retirement of said bonds, free and clear of all liens and encumbrances, all to the extent that title to such securities shall not, at the time, then be vested in such participating facility.

§9510. Notes of the Authority

The Authority may from time to time issue negotiable notes for any corporate purpose and may from time to time renew any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The Authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the Authority or any issue thereof may contain any provisions which the Authority is authorized to include in any resolution or resolutions authorizing revenue bonds of the Authority or any issue thereof, and the Authority may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. Such resolution or resolutions may delegate to any combination of three of the following: the executive director, assistant executive director, treasurer, or any member of the Authority, the power to determine any of the details of the notes and to award such notes to a purchaser or purchasers. All such notes shall be payable solely from the revenues of the Authority, subject only to any contractual rights of the holders of any of its notes, and subject to any agreements with any participating facility.

§9511. Bonds of the Authority

(a) The Authority may from time to time issue bonds for any corporate purpose and all such bonds, notes, bond anticipation notes or other obligations of the Authority issued pursuant to this act shall be and are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws. In anticipation of the sale of such bonds, the Authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues of the Authority available therefor and not otherwise pledged, or from the proceeds of sale of the bonds of the Authority in anticipation of which they were issued. The notes shall be issued in the same manner as the bonds. Such notes and the resolution

or resolutions authorizing the same may contain any provisions, conditions or limitations which a bond resolution of the Authority may contain.

(b) The bonds and notes of every issue shall be payable solely out of the revenues of the Authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues and subject to any agreements with any participating facility. Notwithstanding that bonds and notes may be payable from a special fund, they shall be and be deemed to be, for all purposes, negotiable instruments subject only to the provisions of the bonds and notes for registration.

(c) The bonds may be issued as serial bonds or as term bonds, or the Authority, in its discretion may issue bonds of both types. The bonds shall be authorized by resolution of the members of the Authority and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. Such resolution or resolutions may delegate to any combination of three of the following: the executive director, assistant executive director, treasurer, or any member of the Authority, the power to determine any of the matters set forth in this section and the power to award the bonds to a purchaser or purchasers at public sale or to negotiate a sale to a purchaser or purchasers. The bonds or notes may be sold at public or private sale for such price or prices as the Authority shall determine. Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized as to:

(1) pledging the full faith and credit of the Authority, the full faith and credit of a participating facility, all or any part of

the revenues of a project or projects, any revenue producing contract or contracts made by the Authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders or participating facilities as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the establishment and setting aside of reserves or sinking funds, the regulation and disposition thereof; (4) limitations on the right of the Authority or its agent to restrict and regulate the use of the project; (5) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the Authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; (10) the duties, obligations and liabilities of any trustee or paying agent; and (11) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(e) Neither the members of the Authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The Authority shall have power out of any funds available therefor to purchase its bonds or notes. The Authority may hold, pledge, cancel or resell such bonds or notes subject to and in accordance with agreements with bondholders or participating facilities.

§9512. Trust Agreement

In the discretion of the Authority any bonds issued under the provisions of this act may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within the state. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the Authority authorizing bonds thereof. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

§9513. Credit of State not pledged

Bonds or notes issued under the provisions of this act shall not be deemed to constitute a debt or liability of the state or of any political subdivisions thereof, other than the Authority, or a pledge of the faith and credit of the state or of any such political subdivision, other than the Authority, but shall be payable solely from the funds herein provided therefor. All such bonds or notes shall contain on the face thereof a statement to the effect that neither the State of Delaware nor any political subdivision thereof other than the Authority shall be obligated

to pay the same or the interest thereon except from revenues of the project or projects or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the State of Delaware or of any political subdivision thereof other than the Authority is pledged to the payment of the principal of or the interest on such bonds. The issuance of bonds under the provisions of this act shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor, or to make any appropriation for their payment. Nothing contained in this section shall prevent or be construed to prevent the Authority from pledging its full faith and credit or the full faith and credit of a participating facility to the payment of bonds or issue of bonds authorized pursuant to this Act.

§9514. Revenues

The Authority may fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, (1) to pay the principal of and the interest of such project as the same shall become due and payable and (2) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the Authority. Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this state, other than the Authority. A sufficient amount of the revenues derived in respect of a project shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is pledged to, and charged with, the payment of the principal of and the interest on such bonds or notes as the same shall become due, and the redemption price or the purchase price of bonds or notes retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by

the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or notes or of such trust agreement. Except as may otherwise be provided in such resolution or trust agreement, such sinking or other similar fund shall be a fund for all such bonds or notes issued to finance a project or projects at one or more participating facilities as the case may be, without distinction or priority of one over another; provided the Authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at a facility and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds or notes having a subordinate lien in respect of the security authorized to other bonds or notes of the Authority and, in such case, the Authority may create separate or other similar funds in respect of such subordinate lien bonds.

§9515. Trust funds

All moneys received pursuant to the Authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and the resolution authorizing the bonds or notes of any issue or the trust agreement securing such bonds or notes may provide.

§9516. Remedies

Any holder of bonds, notes, bond anticipation notes, other notes or other obligations of the Authority issued under the provisions of this act or any of the coupons appertaining thereto,

and the trustee or trustees under any trust agreement, except to the extent the right herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds or other obligations, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the Authority of any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

§9517. Exemption from Taxation

The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a project by the Authority or its agent or a lessee will constitute the performance of an essential public function, neither the Authority nor its agent nor the lessee shall be subject to provisions of the Constitution of the State of Delaware required to pay any taxes or assessments upon or in respect of a project or upon any property acquired or used by the Authority or its agent, or the lessee, under the provisions of this act or upon the income therefrom, and any bonds or notes issued under the provisions of this act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the state and by the municipalities and other political subdivisions in the state.

§9518. Refunding Bonds or Notes

(a) The Authority is hereby authorized to provide for the issuance of bonds or notes of the Authority for the purpose of refunding any bonds or notes of the Authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of such bonds

or notes, and, if deemed advisable by the Authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof.

(b) The proceeds of any such bonds or notes issued for the purpose of refunding outstanding bonds or notes, may, in the discretion of the Authority, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds or notes either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the Authority.

(c) Any such escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds or notes to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds or notes to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the Authority for use by it in any lawful manner.

(d) The portion of the proceeds of any such bonds or notes issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations of the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the Authority in any lawful manner.

(e) All such bonds or notes shall be subject to the provisions of this act in the same manner and to the same extent as other bonds or notes issued pursuant to this act.

§9519. Bonds or Notes eligible for investment

Bonds or notes issued by authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, saving banks, co-operative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds or notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or notes or obligations of the state is now or may hereafter be authorized by law.

§9520. Annual Report

Within the first ninety days of each calendar year, the Authority shall make a report to the Governor of its activities for the preceding calendar year. Each such report shall set forth the complete operating and financial statement covering its operations during such year. The Authority shall cause an audit of its books and accounts to be made at least once each year by certified public accountants, and the cost thereof shall be paid by the Authority from funds available to it pursuant to this act.

§9521. Continued existence of authority

The Authority and its corporate existence shall continue until terminated by law; provided, however, that no such law shall take effect so long as the Authority shall have bonds, notes or other obligations outstanding, unless adequate provision has been made for the payment thereof. Upon termination of the existence of the Authority, all its rights and properties shall pass to and be vested in the state.

§9522. Additional and alternative method

The foregoing sections of this act shall be deemed to provide a complete, additional and alternative method for the doing

of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws; provided the issuance of bonds or notes and refunding bonds or notes under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds or notes. Except as otherwise expressly provided in this act, none of the powers granted to the Authority under the provisions of this act shall be subject to the supervisions or regulation or require the approval or consent of any municipality or political subdivision or any department, division, commission, board, body, bureau, official or agency thereof or of the state.

Section 2. Act Liberally Construed.—This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 3. This Act Controlling.—To the extent that the provisions of this act are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this act shall be deemed controlling.

Section 4. Effective Date.—This act shall take effect July 1, 1973.

Approved April 15, 1974.

CHAPTER 293

FORMERLY HOUSE BILL NO. 726

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS" AS AMENDED, BY INCREASING THE AMOUNT WHICH THE TOWN OF BETHANY BEACH MAY RAISE BY TAXATION OF ASSESSABLE REAL ESTATE.

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

Section 1. Amend Section 12, Chapter 212, Volume 25, Laws of Delaware, as amended, by striking such section in its entirety and inserting in lieu thereof the following:

"Section 12. That for the purpose of raising money for the general purposes of said Town, the Commissioners of said Town are authorized and empowered to levy and collect by taxation an annual sum, not exceeding Two Hundred Thousand Dollars (\$200,000) on all assessable real estate within the limits of the said Town."

Approved April 16, 1974

CHAPTER 294

FORMERLY HOUSE BILL NO. 518

AN ACT TO REPEAL CHAPTER 122, VOLUME 16, LAWS OF DELAWARE ENTITLED "AN ACT TO PROHIBIT THE CITY COUNCIL OF WILMINGTON PASSING ORDINANCES TO PROHIBIT FARMERS SELLING THEIR PRODUCTS IN SAID CITY", TO REPEAL CHAPTER 135, VOLUME 29, LAWS OF DELAWARE ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO CURBSTONE MARKETS IN THE CITY OF WILMINGTON" AND TO REPEAL CHAPTER 161, VOLUME 52, LAWS OF DELAWARE RELATING TO THE "FARMERS AND TRUCKERS MARKET" AND TO EMPOWER THE CITY OF WILMINGTON WITH ALL AUTHORITY AND CONTROL IN THE ESTABLISHMENT, LOCATION, REGULATION AND SUPERVISION OF A FARMERS MARKET.

WHEREAS, the City of Wilmington in recognition of the merits of a Farmers and Truckers Market seeks to revitalize the "Farmers and Truckers Market" into a healthy and prosperous institution for the benefit of all its citizens by encouraging the consolidation and relocation of the now existing curbstone Markets on King and Madison Streets into a public market place in the City of Wilmington; and

WHEREAS, in the furtherance of the redevelopment and revitalization of the City of Wilmington the closing of French Street, the restriction of traffic on Market Street and the planned widening and redirection of increased traffic flow on King Street will create a climate on King Street not conducive to the healthy conduct of business in a curbstone marketplace; and

WHEREAS, it is deemed to be in the public interest that the present curbstone markets on King Street and Madison Street in the City of Wilmington be removed therefrom, merged and relocated to a designated market place; and

WHEREAS, in recognition of the complexity of the City Government and the need for an orderly control of municipal

functions, the City of Wilmington should have complete authority and power over the establishment, location, regulation and supervision of said market and over every and all matters related to such a market,

NOW, THEREFORE,

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

Section 1. Chapter 122, Volume 16, Laws of Delaware, is hereby repealed.

Section 2. Chapter 135, Volume 29, Laws of Delaware, is hereby repealed.

Section 3. Chapter 161, Volume 52, Laws of Delaware, is hereby repealed.

Section 4. The City of Wilmington, a municipal corporation of the State of Delaware, be and the same is hereby authorized to establish, locate, regulate and supervise in the City of Wilmington a public market and to have control and power over all matters related to said market; such market to be occupied by farmers and truckers as defined by the City of Wilmington. Such market shall be used by such farmers or truckers exclusively for the sale of fruit, vegetables, fowls, meats, flowers and other farm products raised or produced on land occupied by such farmers or truckers, either as owner, lessees or farmers upon the share. Such market shall be known as the "Farmers Market".

Approved April 16, 1974.

CHAPTER 295

FORMERLY HOUSE BILL NO. 685

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO GERIATRICS SERVICES OF DELAWARE, INCORPORATED.**

WHEREAS, Geriatrics Services of Delaware was incorporated in April, 1969, as a non-profit private agency to enable Senior Citizens to remain in their homes or communities with dignity to avoid institutionalization as long as possible; and

WHEREAS, the varied services of Geriatrics Services of Delaware, Incorporated, vital to the daily lives of hundreds of elderly Delawareans, include Geriatric Aides, Foster Homes, Meals on Wheels, Beach House Activities, and Referral Service; and

WHEREAS, to continue its full schedule of services to Delaware's Senior Citizens, Geriatrics Services of Delaware, Incorporated must overcome two immediate fiscal problems, (1) The first is inadequate operating capital to meet current expenses while clients are billed and receipts are received. A bi-weekly payroll of \$12,000.00 to \$14,000.00 must be met before cash returns from clients receiving services. This is a cash flow problem; and (2) A monthly deficit of about \$2,000.00 to meet administrative and overhead costs. An increase in our service delivery will help meet this deficit. A pending contract for the purchase of our services from the Division of Social Services may be signed soon. In order to remain in operation and to finalize the contract with the Division of Social Services, Geriatrics Services of Delaware, incorporated is in desperate need of \$25,000; and

WHEREAS, the Secretary of the Department of Health and Social Services has stated that "it is most imperative that Geriatrics Services of Delaware, Incorporated remain in business," because the demise of the organization would mean that some 60 indigent elderly in Foster Homes would have to be placed in Delaware State Hospital or nursing homes at State expense, ap-

proximately 120 persons currently receiving subsidized aide would have no service and would therefore be faced with institutionalization, the elderly in Kent County would be without aide service completely, New Castle County's elderly would have to pay substantially more for aide service through profit-making agencies, and there would be at least 135 unemployed aides, many of whom would be forced to return to the State's welfare rolls.

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 \$25,000 is hereby appropriated to Geriatrics Services of Delaware, Incorporated to help alleviate its current fiscal problems. Geriatrics Services, Incorporated shall submit to the General Assembly a full accounting of the expenditure of said funds.

Section 2. This act is a supplementary appropriation act for the fiscal year ending June 30, 1974, and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund of the State Treasury from monies not otherwise appropriated.

Approved April 16, 1974.

CHAPTER 296

FORMERLY HOUSE BILL NO. 774

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE KENT COUNTY DEPARTMENT OF ELEC-
TIONS FOR OFFICE EQUIPMENT AND FURNITURE.**

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

Section 1. There is hereby appropriated from the General Fund of the State of Delaware to the Department of Elections for Kent County the sum of \$2,926.40 to be used for the purchase of new equipment and furniture.

Section 2. This Act is a supplementary appropriation and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware from monies not otherwise appropriated. Funds appropriated herein which remain unexpended on June 30, 1974 shall revert to the General Fund.

Approved April 16, 1974.

CHAPTER 297

FORMERLY HOUSE BILL NO. 649
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE
CODE RELATING TO THE EMPLOYMENT OF PER-
SONS BETWEEN THE AGES OF 16 AND 19 YEARS IN
CLUBS, HOTELS, RACE TRACKS AND RESTAURANTS
LICENSED TO SELL ALCOHOLIC LIQUOR.**

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

Section 1. Amend §904, Title 4, Delaware Code, by striking subsection (f) of said section in its entirety and inserting in lieu thereof a new subsection (g) to read as follows:

"(g) Nothing in this section shall prevent the employment of a person 16 years of age or older in clubs with authorized dining facilities, hotels, race tracks and restaurants licensed under the provisions of this title where such employment has been authorized by permit issued by the commission, provided that such person shall not be involved in the sale or service of alcoholic liquor."

Section 2. Amend §904, Title 4, Delaware Code, by striking subsection (h) of said section in its entirety and inserting in lieu thereof a new subsection (h) to read as follows:

"(h) Nothing in this section shall prevent the employment of a person 19 years of age or older to serve alcoholic liquor to patrons of clubs with authorized dining facilities, hotels, race tracks and restaurants licensed under the provisions of this title.

Section 3. Amend §904, Title 4 of the Delaware Code, by striking the catchline "Offenses concerning minors." and substitute a new catchline to read as follows:

"Offenses concerning certain persons."

Approved April 16, 1974.

CHAPTER 298

FORMERLY HOUSE BILL NO. 396

AN ACT TO AMEND SECTION 1701(a) TITLE 7, DELAWARE CODE, RELATING TO DOG LICENSE, KENNEL LICENSE, FEES, TERMS.

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

Section 1. Amend Section 1701, Subchapter I, Chapter 17, Title 7, Delaware Code, striking the first paragraph (a) in its entirety and substituting in lieu thereof a new paragraph (a) which shall read as follows:

“(a) Every person of the State of Delaware outside of the corporate limits of the City of Wilmington, owning or having under control or on premises upon which said person resides, any dog over four months of age shall pay before the first day of March of each calendar year, a license tax of Three Dollars (\$3.00) on such dog to the Department. The license tax shall be payable on the first day of January and shall be paid in addition to any other taxes imposed upon or on account of any such dog or dogs by any city or town ordinance. Any person who maintains a kennel wherein dogs are kept for the purposes of breeding, training, sale or show purposes, may pay a kennel tax of \$21.00, which entitles him to keep therein not more than 12 dogs belonging to himself or in training for others, or he may pay a kennel tax of \$31.00, which entitles him to keep therein not more than 25 dogs belonging to himself or in training for others, or he may pay a kennel tax of \$51.00, which entitles him to keep therein not more than 50 dogs, belonging to himself or in training for others, or he may pay a kennel tax of \$101.00, which entitles him to keep in said kennel as many dogs belonging to himself or in training for others as he desires. Such kennel dogs shall be at all times kept confined unless accompanied by the owner or his agent, except in case of dogs when in a chase or returning from a chase.”

Became law on April 16, 1974, without the approval of the Governor, and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 299

FORMERLY HOUSE BILL NO. 578
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND PART II, TITLE 6 OF THE DELAWARE CODE BY SUBSTITUTING FOR THE PRESENT CHAPTER 26, KNOWN AS THE "UNFAIR CIGARETTE SALES ACT", A NEW CHAPTER 26 WHICH PROHIBITS CERTAIN PRACTICES RELATING TO THE WHOLESALE SALE OF CIGARETTES AND PROVIDING PENALTIES THEREFOR.

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

Section 1. Amend Part II of Title 6 of the Delaware Code, by striking Chapter 26 thereof in its entirety, and inserting in lieu thereof a new Chapter 26 to read as follows:

CHAPTER 26. UNFAIR CIGARETTE SALES ACT

§2601. Sale at less than cost

No wholesaler, with intent to injure a competitor or competitors, or with intent to destroy or substantially lessen competition, shall sell at wholesale cigarettes at less than the cost to the wholesaler, either directly or indirectly by any means or device whatever, including but not limited to offering or accepting or inducing or attempting to induce a rebate in price or a concession of any kind in connection with the sale or purchase of cigarettes.

§2602. Definitions

For the purposes of this Chapter the following definitions shall apply:

(a) "Cigarettes" includes any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made

of paper or any other material except tobacco. Cigarettes shall not be construed to include cigars.

(b) "Wholesaler" means any person who regularly sells tobacco products within this State to others who buy for the purpose of resale to the ultimate consumer or any person who, because of volume of cigarette sale business and other criteria as determined by the manufacturer, has the privilege of buying direct from the manufacturer.

(c) "Vending machine operator" means any person who places one or more vending machines owned, leased or operated by him at locations where cigarettes are sold therefrom. The owner or lessee of the premises upon which a vending machine is placed shall not be considered the operator of the machine if he does not own or lease the machine and if his sole remuneration therefrom is a flat rental fee or a commission based upon the number or value of tobacco products sold from the machine or a combination of both.

(d) "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 Chapter 83, Title 29 of the Delaware Code.

(e) "Sell", in addition to its usual meaning, includes to advertise, offer to sell, offer for sale, barter, exchange, transfer, gift or distribution.

(f) "Sell cigarettes at wholesale", "wholesale sales of cigarettes", "sales of cigarettes at wholesale", and similar expressions include any sale whereby cigarettes are sold for a valuable consideration in the ordinary course of trade or in the usual conduct of the seller's business to a retailer (other than a vending machine operator) for the *bona fide* purpose of resale to the ultimate consumer, and includes any such transfer of cigarettes on consignment or otherwise where title is retained by the seller as security for the payment of the purchase price.

(g) "Basic cost of cigarettes" means the invoice cost of cigarettes to the wholesaler, or the replacement cost of cigarettes to the wholesaler (i.e., the cost for which cigarettes could have been bought by the wholesaler at any time within thirty days prior to the date of sale by the wholesaler if bought in the same

quantity as the last purchase made by him), whichever is lower, plus in-freight charges not otherwise included in invoice or replacement cost, less all trade discounts and the usual and customary two percent (2%) cash discount, plus the full face value of any cigarette taxes payable on cigarettes sold.

(h) "Cost to the wholesaler" means the basic cost of cigarettes to the wholesaler plus a markup to cover the cost of doing business by the wholesaler, including cartage to the retailer. In the absence of satisfactory proof of a lesser cost of doing business by any wholesaler, his cost of doing business shall be presumed to be five percent (5%) of the basic cost of cigarettes to him. Any fractional part of a cent, amounting to one-tenth of a cent or more, in the cost of the wholesaler per carton of ten (10) packages shall be rounded off to the next higher cent.

(i) "Consumer" means any person who has possession of tobacco products for any purpose other than transportation or sale.

§2603. Special cost provisions

(a) Markup on sales at wholesale on cash and carry basis

In any sale of cigarettes at wholesale on a cash and carry basis (i.e., where cigarettes are not delivered unless the full price thereof is received by the seller at or before delivery and where the purchaser performs or pays for the cartage of the cigarettes to the purchaser's place of business), the presumptive wholesale markup of five percent (5%) provided in Section 2602 (h) of this Chapter may be reduced by two cents for each carton containing 200 cigarettes.

(b) Sales by wholesalers to other wholesalers and vending machine operators

When one wholesaler sells cigarettes to any other wholesaler or vending machine operator, as herein defined, the former shall not be required to include in his selling price to the latter "cost of the wholesaler", as provided by Section 2602 (h) of this Chapter, but said seller must include in said selling price "basic cost of cigarettes" as defined in Section 2602 (g) of this Chapter plus a charge of one percent (1%) thereon, in the absence of satisfactory proof of a lesser cost for the rendition of such

service by the seller, and the latter wholesaler, upon resale to a retailer, shall be deemed to be the wholesaler governed by the provisions of Section 2602 (h) of this Chapter.

§2604. Combination sales and concessions

It shall be a violation of this Chapter for any wholesaler, with the purpose or intent specified in Section 2601 of this Chapter:

(a) to sell cigarettes in combination with any other item or items of merchandise where any such other item is given free of charge or sold at a price which is below the cost of such item to the seller;

(b) to sell cigarettes in combination with any other item or items of merchandise where the total sale price for all the items included in the sale is less than the sum of the cost of cigarettes to the wholesaler, as herein defined, plus the cost to the wholesaler of all other items included in the sale, including items given free of charge in connection with the sale;

(c) to give cigarettes free of charge, except in the case of specially packaged manufacturers' samples which are designated on the package as not to be sold; and

(d) to make any rebate, advertising allowance, or any other concession by any means or device whatever in connection with the sale of cigarettes, whereby the cigarettes are in effect sold below cost as herein defined, except that any reduction in cost to the seller resulting from any payment or compensation given by manufacturers of cigarettes on a uniform and non-discriminatory basis for promotional services, and any coupons issued and ultimately redeemed by the manufacturer on the same basis may be passed on to the purchaser without violating this Chapter.

§2605. Exceptions

(a) Clearance sales, liquidation sale, etc.

The provisions of this Chapter shall not apply to sales at wholesale:

(1) where cigarettes are imperfect, damaged or being discontinued, if advertised and marked as such, and the quantity and quality is accurately clearly and conspicuously stated in all

advertising of such sale and in signs conspicuously posted where the sale takes place;

(2) where cigarettes are sold upon the complete and final liquidation of the seller's business;

(3) where cigarettes are sold under the order, direction or supervision of a court;

(4) where cigarettes are sold by a wholesaler at a price fixed in good faith to meet the competition of another wholesaler who is rendering the same type of service (i.e., "cash and carry" or "service") as the seller, and provided that the competitor's price which seller desires to meet is itself lawful and not in violation of the provisions of this Chapter. The price of cigarettes sold under paragraphs (1) through (3) inclusive of this subsection shall not be deemed the price of a competitor under this paragraph.

(b) Calculating basic cost

In calculating the basic cost to any wholesaler of cigarettes purchased at any sale under paragraphs (1) through (4) inclusive of subsection (a) of this section or at any other sale outside the ordinary channels of trade, invoice cost shall not be used, but there shall be used instead the replacement cost of the cigarettes as defined in Section 2602 (g) of this Chapter, based upon the quantity last purchased by the seller through the ordinary channels of trade.

§2606. Evidence

(a) Prima facie evidence of intent

In any action or proceeding pursuant to this Chapter, including proceedings before the Secretary relating to licenses, proof of a sale of cigarettes or any other item or items in combination or in connection with cigarettes at less than cost to the seller as defined and specified in this Chapter shall be *prima facie* evidence of intent to injure a competitor or competitors and/or of intent to destroy or substantially lessen competition.

(b) Evidence bearing on cost

In determining cost to the wholesaler, the Secretary or any court shall receive and consider as bearing on the *bona fides* of

such cost evidence tending to show that any person complained against under the provisions of this Chapter purchased cigarettes with respect to the sale of which complaint is made at a fictitious price or upon terms or in such a manner or under such invoices as to conceal the true costs, discounts or terms of purchase and shall also receive and consider as bearing on the *bona fides* of such cost evidence of the normal, customary, and prevailing terms and discounts in connection with other sales of a similar nature in the trade area.

§2607. Remedies

(a) Injunction; action for damages

Upon complaint of the Secretary or of any person affected, the Court of Chancery shall have jurisdiction to enjoin any wholesaler from the commission of any act prohibited by this Chapter, and to award damages and costs. Such action shall be brought in the Court of Chancery located in the county in which the alleged unlawful practice has been or is to be partially or completely performed.

(b) Suspension or revocation of license

Upon violation of this Chapter by any wholesaler, the Secretary shall suspend or revoke the offender's wholesale cigarette vendor's license required by Section 5307, Title 30 of the Delaware Code.

(c) Whoever violates the provisions of this Chapter shall be fined not more than one thousand dollars (\$1,000.00) for the first offense and not more than five thousand dollars (\$5,000.00) for each subsequent offense. The Superior Court shall have jurisdiction of such offenses.

§2608. Administration and enforcement

It shall be the duty of the Secretary to enforce this Chapter. He shall, within the limitations of available appropriations, and in accordance with the laws of this State, employ and fix the duties and compensation of such inspectors and other personnel necessary to carry out the provisions of this Chapter. He shall make such reasonable rules and regulations as may be necessary to effectuate and enforce the policies of this Chapter.

§2609. Severability

If any part or provision of this Chapter or the application thereof to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the particular provision or application directly involved in the controversy in which such judgment is rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons or circumstances.

Approved April 20, 1974.

CHAPTER 300

FORMERLY HOUSE BILL NO. 667

AN ACT TO AMEND CHAPTER 5, TITLE 29, DELAWARE CODE BY PROVIDING FOR THE DESIGNATION OF THE OFFICIAL BUG OF THE STATE OF DELAWARE.

WHEREAS, students in the Milford High School District have found that the State of Delaware has omitted from the Delaware Code the official designation of a State bug; and

WHEREAS, many states have designated an official State bug to accompany their State flower, State flag and State bird; and

WHEREAS, the insect herein designated as the official State bug is emblematic and fitting to accompany Delaware's other official symbols.

NOW, THEREFORE:

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

Section 1. Amend Chapter 5 of Title 29, Delaware Code, by adding thereto a new section to be designated as §509 to read as follows:

§509. State bug

The Lady Bug shall be the official State Bug for the State of Delaware.

Approved April 25, 1974.

CHAPTER 301

FORMERLY SENATE BILL NO. 560

**AN ACT TO AMEND CHAPTER 225, VOLUME 59, LAWS OF
DELAWARE, AS AMENDED, BY EXTENDING ITS
EXPIRATION DATE.**

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

Section 1. Amend Chapter 225, Volume 59, Laws of Delaware, as amended, by striking the date "April 30, 1974", as it appears in Section 4 thereof and substituting in lieu thereof the date "January 31, 1975".

Approved April 30, 1974.

CHAPTER 302

FORMERLY SENATE BILL NO. 425

AN ACT PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS BY THE STATE BOARD OF EDUCATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES, TO BE USED FOR THE PUBLIC WELFARE AND ENJOYMENT.

WHEREAS, the State Board of Education has decided to discontinue the Mount Olive School and the property on which it is situated, located on State Route 113 in Kent County; and

WHEREAS, it has been proposed that the former school and property be utilized by the State as a "Native Americana Exhibition" which will promote public appreciation and awareness of American Indian culture and will promote Delaware tourism and provide an educational complex for schools, Scout organizations and other groups interested in the study of the American Indian; and

WHEREAS, the Delaware State Board of Education desires to transfer the Mount Olive School property to The Foundation for the Appreciation of American Indian Cultures, Inc., to construct an authentic Delaware Indian village and other tribal dwellings, preserving a pure village atmosphere without developing commercialism, and to provide and operate an educational center devoted to the cultural heritage of the American Indian; and

WHEREAS, such a project is in agreement and accordance with Section 504 (a), The Elementary and Secondary Education Act, Title IX—Ethnic Heritage Program, and this education Act recognizes projects of this nature dealing with the contributions to the national heritage made by each ethnic group of our nation.

NOW, THEREFORE:

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

Section 2. In accordance with §4520, Title 7 of the Delaware Code, the State Board of Education is hereby authorized to convey the Mount Olive School building and property to the Department of Administrative Services, the real estate being approximately 3.52 acres of land and improvements, situate in Kent County, Delaware, as described in that certain deed from John P. Nields and Mary C. Nields, his wife, to the State Board of Education and duly placed of record by the Recorder of Deeds on February 8, 1923, as Deed No. 1-12-160. This conveyance of the Mount Olive School property to the Department of Administrative Services is subject to the following conditions:

(a) That the property be leased to The Foundation for the Appreciation of American Indian Cultures, Inc., or a similar organization, for ten dollars (\$10.00) per annum for a period of ten (10) years, reserving to the lessee the option to renew the lease on the same terms and conditions.

(b) The lessee shall assume full responsibility for all repairs and improvements on the site.

(c) That the said property be utilized in the following manner:

(1) The construction of an authentic Delaware and/or Plains Indian tepee village which would depict the life style of American Indians as they lived in Delaware, which village would be constructed to serve the educational needs of schools, Scout organizations and other groups interested in the study of the American Indian. The village complex and school building shall be utilized to present instruction concerning contemporary as well as historical arts, crafts, traditions and life styles of the American Indians.

(2) The site may be utilized as an educational complex, cultural center and instructional center. It shall not be used for the financial profit of any person, private corporation or private association.

(3) The said property cannot be subsequently sold, leased or in any way transferred to any other person, corporation or association without further legislative approval.

(4) That all improvements to the site shall not be made until approved by the Department of Administrative Services.

Approved May 1, 1974.

CHAPTER 303

FORMERLY SENATE BILL NO. 460

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF ELECTIONS FOR NEW
CASTLE COUNTY TO BE USED FOR THE PURCHASE
OF SHOUP VOTING MACHINES AND ELECTION DIS-
TRICT BINDERS.**

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

Section 1. The sum of \$12,806.00 is hereby appropriated to the Department of Elections for New Castle County for the following purposes:

30 used Shoup Voting Machines	
at \$1350 per machine	\$40,500.00
30 Visible Shif-dex Binders	
with back lock and indices	
at \$76.86	\$ 2,306.00
	<u>\$42,806.00</u>

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

Section 3. Any funds hereby appropriated and not used for the purposes set forth in Section 1 shall revert to the General Fund of the State of Delaware.

Approved May 1, 1974.

CHAPTER 304

FORMERLY HOUSE BILL NO. 470

AN ACT TO AMEND TITLE 7, CHAPTER 17, SUBCHAPTER I, DELAWARE CODE, RELATING TO DOG LICENSES AND VETERINARIAN'S CERTIFICATE OF CURRENT RABIES IMMUNIZATION.

WHEREAS, the Division of Public Health of the Department of Health and Social Services has firmly established the fact that rabies is no longer limited to that portion of the State north of the Delaware and Chesapeake Canal; and

WHEREAS, the possibility exists that some of the rabid bats south of said Canal may bite and infect with rabies any of the pet dogs in that area; and

WHEREAS, the law already provides for mandatory Rabies Immunization of dogs living north of the Canal prior to licensing;

NOW, THEREFORE,

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

Section 1. Amend Section 1701 (b), Chapter 17, Title 7, Delaware Code, by striking said subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) Upon application and payment of the license tax an applicant shall be entitled to receive a dog license provided that he can present a veterinarian's certificate of current rabies immunization of the dog for which a license is sought prior to the issuance of such license. Each dog license shall show the date on which the tax is paid. The Department shall also issue with each license a metal license tag showing the year for which the license is paid and the serial number of the license. The tag shall be of a design to be adopted by the Department, and shall be attached to a substantial collar by the owner of such dog and

shall be worn by such dog at all times. If any such tag should be lost, a new tag shall forthwith be secured from the Department for which tag an additional license tax of twenty-five cents shall be paid."

Approved May 1, 1974.

CHAPTER 305

FORMERLY SENATE BILL NO. 569

**AN ACT TO INCREASE THE SALARIES OF EMPLOYEES
CLASSIFIED UNDER THE MERIT SYSTEM AND THE
SALARIES OF CERTAIN NON-CLASSIFIED EMPLOY-
EES.**

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

Section 1. Effective July 1, 1974, the following changes shall be made to the pay scale of the Classification and Pay Plan of the State Personnel Commission:

a) The pay scale shall be recomputed using as a base the current paygrade 5, step 1, \$179.25 semi-monthly.

b) The pattern of the existing scale shall be followed.

c) Existing errors from "rounding" or other previous adjustments shall be corrected.

d) Each value on the annual pay scale shall then be increased as follows:

PG 3 & 4	\$1200 (\$50.00 semi-monthly)
PG 5 thru 8	\$ 792 (\$33.00 " ")
PG 10 thru 17	\$ 720 (\$30.00 " ")
PG 19 thru 23	\$ 600 (\$25.00 " ")
PG 24 thru 31	\$ 432 (\$18.00 " ")

e) In effecting sub-paragraphs 1c) and 1d) above, the net changes may slightly exceed the stated values in paygrades up through 17, but the stated values may only be approximated in paygrades 19 and above, due to paragraph 1c). However, no one shall receive a net increase less than \$220 annually.

Section 2. Paygrades 3 and 4 shall be consolidated into PG5 at the equivalent step after adding \$1200.

Section 3. An additional increment (step 8) shall be added to paygrades up through paygrade 19A.

Section 4. Two longevity increments (step 9, and 10, after 36 month intervals, respectively) shall be added to all paygrades; longevity accrual will commence July 1, 1974.

Section 5. The annual salaries of employees who are not covered by the classification and pay plan of the Merit System of Personnel administration shall be increased by \$720 for those whose current salary is \$10,000 and below; by \$600 for those whose current salary is between \$10,000 and \$14,000, and by \$432 for those whose current salary is above \$14,000 except those in the following:

Elected members of the General Assembly

Judges and Justices of the Peace

Uniformed State Police

Elected and appointed Officials whose salaries are determined by separate statute, or by "line item" budget entries

Higher Education (all of Dept 90-xx-xxx)

Public Education (all of Dept 95-xx-xxx)

University of Delaware

Approved May 2, 1974.

CHAPTER 306

FORMERLY SENATE BILL NO. 330

AN ACT TO AMEND PART II, TITLE 2, DELAWARE CODE,
RELATING TO THE ESTABLISHMENT OF A STATE-
WIDE SPECIALIZED TRANSPORTATION AUTHORITY.

WHEREAS, specialized transportation plays an integral part in several programs conducted by the State; and

WHEREAS, several private non-profit agencies depend upon specialized transportation for delivering health care and vocational rehabilitation services; and

WHEREAS, a pilot program in providing specialized transportation has proven that non-emergency trips by ambulance services can be reduced; and

WHEREAS, the General Assembly is committed to providing specialized transportation to eligible clients at least cost to the citizens of the State.

NOW, THEREFORE:

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

Section 1. Amend Part II of Title 2, Delaware Code, by establishing a new chapter to be designated as Chapter 17 to read as follows:

CHAPTER 17. SPECIALIZED TRANSPORTATION AUTHORITY

§1701. Definitions

As used in this Part:

"Specialized Transportation" means those transportation services that are provided to clients deemed eligible for reasons

of physical or mental infirmity or for reasons of economic need by a responsible agency.

"Secretary" means the Secretary of the Department of Highways and Transportation.

§1702. Creation of a Statewide Transportation Authority; appointment of Commissioners; officers

(a) Whenever the Secretary of the Department of Highways and Transportation shall have determined that there is a need for specialized transportation in the State, he shall issue to each appointing officer named in this section a certificate of such determination, and as soon as possible thereafter a Specialized Transportation Authority shall be created by the appointment of seven (7) Commissioners who shall constitute the Authority.

(b) The Commissioners shall be residents of the area in which the Authority operates, and shall be appointed initially, in order to stagger terms, as follows:

(i) four by the Governor for terms of 1, 2, 3 and 4 years, respectively;

(ii) one by the County Government of each County in the State for the following terms:

New Castle County Commissioner, 1 year

Kent County Commissioner, 2 years

Sussex County Commissioner, 3 years

(c) Appointments by the New Castle County Government shall be made by the County Executive of New Castle County and appointments by the Kent and Sussex County Governments shall be made by the respective Levy Courts, or their successors, thereof.

(d) Following the terms of the initial Commissioners, each successor Commissioner shall be appointed to hold office for a term of three years or until his successor shall have been appointed and qualified. In the case of a vacancy in an unexpired term, a successor Commissioner shall be appointed to serve for the remainder of the unexpired term.

(e) No more than four (4) Commissioners shall be members of one political party.

(f) The Governor shall designate one of his appointees as chairman. The Authority shall select its other officers.

(g) The Secretary of Highways and Transportation or his designee shall serve as a non-voting member of the Authority.

§1703. Filing of Certificate of Appointment; vacancy

(a) Forthwith upon the appointment of the original Commissioners, the Secretary and the appointing officers shall execute and file or cause to be filed in the office of the Secretary of State a certificate stating that such appointments have been duly made and setting forth the area of operation of the Authority and the names and term of office of each Commissioner. Such certificate shall be conclusive evidence of the due and proper creation of the Specialized Transportation Authority.

(b) Each appointing officer shall execute and file or cause to be filed in the office of the Secretary of State a certificate with respect to each appointment of a successor Commissioner stating the fact of such appointment and setting forth the name of the successor Commissioner and his term of office.

§1704. Removal of a Commissioner

The Governor may remove a Commissioner of an Authority for official misconduct, neglect of duty or incompetence, but only after the Commissioner shall have been given a copy of the charges against him and an opportunity to be heard in person or by counsel in his own defense. Pending the determination of the charges against the Commissioner, the Governor may suspend him from office. A copy of the charges and the result of the hearing shall be forwarded to the Secretary.

§1705. Oath; quorum; compensation of Commissioners

(a) Before entering upon the duties of the office, each Commissioner of the Authority shall take and subscribe the oath or affirmation prescribed in the Constitution. Such oath or affirmation shall become one of the records of the Authority.

(b) A majority of the Commissioners of an Authority shall constitute a quorum. A majority of the Commissioners present at any meeting constituting a quorum shall be sufficient for any action by the Authority.

(c) The Commissioners of an Authority shall receive their actual expenses incurred while engaged in the affairs of the Authority but shall receive no other remuneration.

§1706. Powers and duties of a Specialized Transportation Authority

The Specialized Transportation Authority shall be a subdivision of the State exercising public powers and having all powers necessary or convenient to carry out and effectuate the provisions of this Chapter for providing specialized transportation services within its area of operation.

(a) The Authority may:

(1) in cooperation with the Department of Highways and Transportation, develop plans and programs designed to serve those citizens requiring specialized transportation;

(2) acquire, purchase, hold, use and dispose of any property, real and personal, tangible or intangible, or any interest therein necessary for carrying out the purposes of this part, and lease as lessor or lessee any property, real or personal, or any interest therein for such terms and at such rental as the Authority may deem fair and reasonable;

(3) contract with any county, municipality, authority public agency or private company whereby the Authority will receive a fee to provide specialized transportation services;

(4) employ, in its discretion, attorneys, accountants, superintendents, dispatchers, managers, drivers and other such officers, employees and agents as may be necessary in its judgment, and fix their compensation;

(5) apply for and accept and use grants or other assistance from the Federal Government or any agency thereof, and comply with any terms and conditions of such grant or assistance; and

(6) adopt a seal.

(b) The Authority shall:

(1) prepare and submit to the Secretary before September 1 of each year, a plan, program and budget designating the type and amount of service to be provided and designating the amount and source of funds for conducting the service for the next fiscal year. (Which shall commence on the following July First.)

(2) make every effort to provide least cost specialized transportation services to those agencies and firms contracting for such services by making use of public transportation, taxis, private contractors and/or Authority owned vehicles.

(3) only contract with agencies or firms and not provide service to individuals who are not certified by a contracting firm.

§1707. Veto power of Secretary

The powers set forth in paragraphs (a) (5), (a) (6), and (b) (1) of §1706 shall be exercised by an Authority only with the prior consent of the Secretary.

§1708. Conflict of interest prohibited

No Commissioner or employee of an Authority shall be in the employ of, or own stock in, or be in any way directly or indirectly pecuniarily interested in any public utility; nor shall any Commissioner, directly or indirectly, receive a commission, bonus, discount or present or reward from any such public utility.

§1709. Exemption from certain laws

The provisions of Part V and VI, Title 29, and Chapter I, Title 26, shall not apply to a Specialized Transportation Authority.

§1710. Audit

(a) The books, records and accounts of a Specialized Transportation Authority shall be audited annually by a certified

public accountant licensed to practice in the State. Copies of this audit will be furnished to the Secretary, the Auditor of Accounts, and the Chairmen of the Highways and Transportation Committees in the House and Senate.

(b) The Auditor of Accounts may also audit the books, records and accounts of an Authority.

§1711. Exemption from taxation

All facilities owned or operated by a Specialized Transportation Authority and all property acquired or used by an Authority in connection therewith shall at all times be free from all taxation in this State.

Approved May 4, 1974.

CHAPTER 307

FORMERLY SENATE BILL NO. 307
AS AMENDED BY
SENATE AMENDMENT NOS. 2 & 3

AN ACT PROVIDING FOR AN ADDITIONAL DISCRETION-
ARY DISPOSITION FOLLOWING ADJUDICATION OF
DELINQUENCY IN THE FAMILY COURT RELATING
TO DRIVER'S LICENSES AND INSURANCE.

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

Section 1. Amend §937, Title 10 of the Delaware Code, by adding an additional paragraph to be designated as paragraph (16) to read as follows:

"(16) order the Motor Vehicle Division of the Department of Public Safety after an adjudication of delinquency to:

(i) revoke or suspend the driving privileges or operator's license possessed by a child; or

(ii) postpone a child's eligibility to obtain driving privileges or an operator's license if the child does not possess such privilege or license,

in either case for a period not less than three (3) months nor more than two (2) years.

Section 2. Amend §2732, Title 21 of the Delaware Code, by adding an additional subsection (c) to read as follows:

"(c) The Division shall forthwith revoke the license or driving privileges, or both, of any child upon notification by the Family Court of the State of Delaware pursuant to §937, Title 10 of the Delaware Code."

Section 3. Amend §2706 (b), Title 21 of the Delaware Code, by adding a new paragraph (9) to read as follows:

"(9) person under the age of 18 and over the age of 16 upon notification by the Family Court of the State of Delaware pursuant to §937, Title 10 of the Delaware Code, for one year subsequent to an adjudication of delinquency as provided in §937 (b) (16), Title 10 of the Delaware Code."

Section 4. Amend §3904, Title 18 of the Delaware Code, by adding after the word "revocation" and before the ";" the following:

"except a child who has been revoked or suspended pursuant to §937, Title 10 of the Delaware Code."

Section 5. Amend Chapter 39, Title 18 of the Delaware Code, by adding a new section to be designated as §3911 to read as follows:

§3911. Prohibition against premium increase in certain circumstances

No premium may be increased on any contract of casualty insurance based on a named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy being revoked or suspended pursuant to §937, Title 10 of the Delaware Code.

Section 6. Amend §2733, Title 21 of the Delaware Code, by adding a new subsection thereto to be designated as subsection (k) to read as follows:

"The Division shall forthwith suspend the license or driving privileges, or both, of any child upon notification by the Family Court of the State of Delaware pursuant to §937, Title 10 of the Delaware Code."

Approved May 6, 1974.

CHAPTER 307

FORMERLY SENATE BILL NO. 307
AS AMENDED BY
SENATE AMENDMENT NOS. 2 & 3

AN ACT PROVIDING FOR AN ADDITIONAL DISCRETIONARY DISPOSITION FOLLOWING ADJUDICATION OF DELINQUENCY IN THE FAMILY COURT RELATING TO DRIVER'S LICENSES AND INSURANCE.

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

Section 1. Amend §937, Title 10 of the Delaware Code, by adding an additional paragraph to be designated as paragraph (16) to read as follows:

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(i) revoke or suspend the driving privileges or operator's license possessed by a child; or

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Section 6. Amend §2733, Title 21 of the Delaware Code, by adding a new subsection thereto to be designated as subsection (k) to read as follows:

“The Division shall forthwith suspend the license or driving privileges, or both, of any child upon notification by the Family Court of the State of Delaware pursuant to §937, Title 10 of the Delaware Code.”

Approved May 6, 1974.

CHAPTER 308

FORMERLY SENATE BILL NO. 451

**AN ACT TO PERMIT THE BOARD OF EDUCATION OF
THE MILFORD SCHOOL DISTRICT TO TRANSFER
CERTAIN FUNDS FROM ITS DEBT SERVICE AC-
COUNT TO ITS CAPITAL OUTLAY ACCOUNT.**

*Be it enacted by the General Assembly of the State of
Delaware (Three-fourths of all members elected to each House
thereof concurring therein) :*

Section 1. The Board of Education of the Milford School District is authorized to transfer the sum of \$123,000 from its local Debt Service Account to outdoor physical education facilities.

Approved May 10, 1974.

CHAPTER 309**FORMERLY SENATE BILL NO. 349
AS AMENDED BY
HOUSE AMENDMENT NO. 1****AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR THE CONSTRUCTION OF AN OVER-
HEAD WALKWAY OVER INTERSTATE HIGHWAY
I-495 TO CONNECT THE DEVELOPMENT OF KNOLL-
WOOD TO CLAYMONT PROPER.**

WHEREAS, in Brandywine Hundred, there exists a large residential development exceeding 250 homes, known as Knollwood; and

WHEREAS, an actual count discloses a total of 302 children who walk to either the Claymont Public School or the Holy Rosary School; and

WHEREAS, at present, these children can leave the Development of Knollwood by use of an existing sidewalk situated on the north side of the Philadelphia Pike; and

WHEREAS, many elderly citizens, in order to walk to the only available bank, grocery stores, churches, etc. must likewise use the sidewalk situated on the north side of the Philadelphia Pike; and

WHEREAS, the Department of Highways and Transportation of the State of Delaware have under contract a new dual highway identified as Interstate Highway I-495; and

WHEREAS, the design of the new I-495 highway will tend to isolate the community of Knollwood from that portion of Claymont wherein are situated schools, stores, and churches; and

WHEREAS, the Highway Department authorities admit that the design of this new Interstate I-495 Highway will cause the residents of Knollwood and all other pedestrians great danger

CHAPTER 308

FORMERLY SENATE BILL NO. 451

**AN ACT TO PERMIT THE BOARD OF EDUCATION OF
THE MILFORD SCHOOL DISTRICT TO TRANSFER
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COUNT TO ITS CAPITAL OUTLAY ACCOUNT.**

*Be it enacted by the General Assembly of the State of
Delaware (Three-fourths of all members elected to each House
thereof concurring therein) :*

Section 1. The Board of Education of the Milford School District is authorized to transfer the sum of \$123,000 from its local Debt Service Account to outdoor physical education facilities.

Approved May 10, 1974.

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AS AMENDED BY
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TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR THE CONSTRUCTION OF AN OVER-
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I-495 TO CONNECT THE DEVELOPMENT OF KNOLL-
WOOD TO CLAYMONT PROPER.**

WHEREAS, in Brandywine Hundred, there exists a large residential development exceeding 250 homes, known as Knollwood; and

WHEREAS, an actual count discloses a total of 302 children who walk to either the Claymont Public School or the Holy Rosary School; and

WHEREAS, at present, these children can leave the Development of Knollwood by use of an existing sidewalk situated on the north side of the Philadelphia Pike; and

WHEREAS, many elderly citizens, in order to walk to the only available bank, grocery stores, churches, etc. must likewise use the sidewalk situated on the north side of the Philadelphia Pike; and

WHEREAS, the Department of Highways and Transportation of the State of Delaware have under contract a new dual highway identified as Interstate Highway I-495; and

WHEREAS, the design of the new I-495 highway will tend to isolate the community of Knollwood from that portion of Claymont wherein are situated schools, stores, and churches; and

WHEREAS, the Highway Department authorities admit that the design of this new Interstate I-495 Highway will cause the residents of Knollwood and all other pedestrians great danger

to their lives by having to cross wide lanes of traffic in order to use the existing sidewalk located on the north side of Philadelphia Pike.

NOW, THEREFORE:

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

Section 1. There is hereby appropriated the sum of \$25,000 to the Department of Highways and Transportation for the purpose of constructing an overhead walkway only, connecting the development of Knollwood to Claymont Proper.

Section 2. This Act is a supplemental appropriation and the funds hereby appropriated shall be paid from the General Fund of the State of Delaware.

Section 3. All funds herein appropriated unexpended or unencumbered by June 30, 1975 shall revert to the General Fund of the State of Delaware.

Approved May 10, 1974.

CHAPTER 310

FORMERLY HOUSE BILL NO. 713

AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE DE LA WARR SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS LOCAL DEBT SERVICE FUNDS ACCOUNT AND ITS LOCAL MINOR CAPITAL IMPROVEMENT PROGRAM FUNDS ACCOUNT TO ITS LOCAL CURRENT OPERATING FUNDS ACCOUNT.

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

Section 1. That the Board of Education of the De La Warr School District is authorized to transfer the sum of \$50,000 from its Local Debt Service Funds Account and the sum of \$78,000 from its Local Minor Capital Improvement Program Funds Account to its Local Current Operating Funds Account. The sums transferred shall be used for general school purposes.

Section 2. Any funds transferred pursuant to this Act and not expended for general school purposes shall be redeposited in the respective accounts on a prorated basis.

Approved May 10, 1974.

CHAPTER 311

FORMERLY HOUSE BILL NO. 501
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29, DELAWARE CODE, SECTION 6102 BY PROVIDING FOR THE MAINTENANCE OF A SEPARATE RESERVE FUND UNDER THE STUDENT LOAN PROGRAM OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED.

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

Section 1. Section 6102, Title 29 of the Delaware Code, is amended by adding a new section (e) to read as follows:

(e) All moneys which have been appropriated by the General Assembly now deposited in a special fund account, as well as all moneys hereafter appropriated by the General Assembly to Delaware Higher Education Loan Program, hereinafter called the Agency, established by Executive Order 40, dated August 27, 1970, for the use in and purpose of carrying out the function of the Delaware Higher Education Loan Program established under the provisions of the U.S. Higher Education Act of 1965, shall be deposited by or to the credit of the State Treasurer in one special fund account to be known as the Delaware Higher Education Loan Program Fund. In addition, the following moneys or receipts shall be deposited by or to the credit of the State Treasurer in the Delaware Higher Education Loan Program Fund:

- a. moneys or receipts advanced by the Federal Government for carrying out the Program of the Agency,
- b. moneys or receipts received by the Agency as loan insurance premiums,
- c. moneys or receipts received by the Agency through gift, grant, or by other means from other sources,

d. moneys or receipts collected on defaulted loans by the Agency after expenses of collection, or

e. moneys or receipts in the nature of interest or other earnings derived from the investment by the State Treasurer thereof.

The moneys or receipts deposited in or credited to the Delaware Higher Education Loan Program Fund shall not be part of the General Fund of the State and shall not be commingled with the moneys or receipts of the General Fund or of any other special fund of the State.

Approved May 10, 1974.

CHAPTER 312

FORMERLY HOUSE BILL NO. 620

AN ACT TO AMEND PART I, TITLE 19 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LABOR, AND PROVIDING FOR THE REGISTRATION OF INDEPENDENT FARM LABOR CONTRACTORS.

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

Section 1. Amend Part I, Title 19 of the Delaware Code, by adding thereto a new chapter, designated as Chapter 15, which new chapter shall read as follows:

CHAPTER 15. AGRICULTURAL LABOR

§1501. Registered contractors

(a) If an employer of migratory or seasonal agricultural labor enters into a contract or agreement with an independent farm labor contractor engaging in interstate recruitment of farm labor as defined in the Federal Farm Labor Contractor Registration Act, 7 U.S.C. §2041 et seq., that employer shall enter into such contract or agreement only after making reasonable efforts to assure that such independent farm labor contractor is in possession of a duly issued certificate of registration from the United States Secretary of Labor pursuant to the Farm Labor Contractor Registration Act.

(b) A good faith presentation to an employer of migratory or seasonal agricultural labor of a *prima facie* valid certificate of registration under the Farm Labor Contractor Registration Act shall satisfy the obligations imposed upon such employer under this section.

Approved May 10, 1974.

CHAPTER 313

FORMERLY HOUSE BILL NO. 662

**AN ACT TO AMEND CHAPTER 83, PART V, TITLE 9 OF
THE DELAWARE CODE RELATING TO THE ASSESS-
MENT AND TAXATION OF LAND ACTIVELY DE-
VOTED TO AGRICULTURAL USES.**

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

Section 1. Amend §8330A, Chapter 83, Part V, Title 9 of the Delaware Code, by striking the period (.) after the word "use" as the same appears at the end of said section, and substitute in lieu thereof the following:

"; provided, however, that in the case of school taxes where such land is located in a public school district situated in two counties, the value of such land shall be that value arrived at by multiplying the value determined hereunder by the lower of the two general percentage rates of assessment in force in such counties for the tax year in issue."

Approved May 10, 1974.

CHAPTER 314

FORMERLY SENATE BILL NO. 491
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH
AND SOCIAL SERVICES TO TRANSFER BETWEEN
ALL LINES AND DIVISIONS.**

WHEREAS, the Department of Health and Social Services has insufficient general fund appropriations in certain divisions; and

WHEREAS, the Department of Health and Social Services' total general fund appropriation is sufficient to cover expenses for the balance of fiscal year 1974; and

WHEREAS, the authority to make certain transfers within various lines and divisions would eliminate the need of a supplemental appropriation of approximately \$1,024,000.

NOW, THEREFORE:

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

Section 1. The Department of Health and Social Services is hereby authorized, with the approval of the Budget Director, to transfer between all lines and divisions as needed an amount not in excess of \$1,024,000 to meet financial requirements for the remainder of fiscal year 1974. This authority expires on June 30, 1974.

Approved May 13, 1974.

CHAPTER 315

FORMERLY SENATE BILL NO. 511

AN ACT TO AMEND CHAPTER 59, TITLE 11, DELAWARE CODE, RELATING TO CRIMINAL AND TRAFFIC DOCKET.

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

Section 1. Amend §5924, Chapter 59, Title 11, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §5924 to read as follows:

§5924. Criminal and traffic docket

In all Justice of the Peace Courts of this State, all traffic and criminal warrants, and bonds shall be placed in a binder which shall be provided by the State in each case. They shall be numbered in court case order and shall be indexed. All pleas, continuances, waivers of rights and other information deemed appropriate by a Justice of the Peace shall be recorded on the back of the original warrant or bond, as the case may be. This copy shall be retained in the court issuing same. Transcripts will be certified by a Justice of the Peace to be a true copy of original.

Approved May 14, 1974.

CHAPTER 316

FORMERLY SENATE BILL NO. 485

**AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF
THE DELAWARE CODE RELATING TO PRE-SEN-
TENCE INVESTIGATIONS.**

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

Section 1. Amend §4331, Chapter 43, Part II, Title 11 of the Delaware Code, by striking subsection (a), and substituting in lieu thereof the following:

“(a) Upon conviction of any person for any crime and before sentencing, the Court may, before fixing punishment or imposing sentence, direct a probation officer to thoroughly investigate and report upon the history of the accused and any and all other relevant facts, to the end that the Court may be fully advised as to the appropriate and just sentence to be imposed.”

Approved May 14, 1974.

CHAPTER 317

FORMERLY SENATE BILL NO. 383

AN ACT TO RATIFY AND CONFIRM THE TITLE OF EDWARD G. DAVIS AND ELIZABETH DAVIS, AND HENRY CLAY DAVIS, III, AND LESLIE ANN DAVIS TO CERTAIN LAND AND TO AUTHORIZE THE SECRETARY OF STATE TO EXECUTE A DEED THEREFOR.

WHEREAS, in the year 1913 Henry Clay Davis and Curtis E. Davis, his brother, became seized and lawfully possessed a certain 32 acre parcel of real estate, known as the Furbush Tract by means of bargain and sale from one James Furbush, the deed for which was not recorded and is not available; and

WHEREAS, Henry Clay Davis, his heirs and decendants have paid the County taxes on the 32 acres, evidence of which is recorded in the Sussex County Tax Records; and

WHEREAS, in 1933 Henry Clay Davis and Curtis E. Davis, after consulting J. M. Tunnell, Esquire, caused the timber on the 32 acres to be cut, which fact is attested by the deposition of Frank Nichols who helped in the cutting and by entries in the business ledger and diary of Henry Clay Davis; and

WHEREAS, the heirs and decendants of Henry Clay Davis, and they alone, have exercised open, exclusive and adverse use and possession of the 32 acres since 1935 by the following acts:

- (1) Hunting and trapping on the property.
- (2) Granting of exclusive permission to trap on the property for the year 1948 to Mr. Bailey of Broadcreek by Henry C. Davis, Jr., son of Henry Clay Davis, which act was witnessed by Henry Clay Davis, III.
- (3) The building of a road and culvert on the land.
- (4) The erection of buildings, the foundation of a house, and the driving of a pump.
- (5) The establishment of a logging road and cutting of timber.

- (6) The establishment of a pier used for commercial fishing.
- (7) The building of brick fire places and pits.
- (8) Posting of no trespassing signs and the establishment of road blocks on the property.
- (9) The exclusion of woodcutters who were hired by the Henry Estate from the property.
- (10) The burial of Henry C. Davis, Jr., on the premises.

WHEREAS, the State of Delaware to and for the use of The Board of Game and Fish Commissioners purchased approximately 700 acres of real estate from Ruth L. Henry by deed recorded June 23, 1969, and recorded in the Office of the Recorder of Deeds in and for Sussex County at Book 643, Page 552, by which purchase, the successor of the Board of Game and Fish, The Department of Natural Resources and Environmental Control claims to encompass the aforesaid Furbush Tract; and

WHEREAS, any claim to the Furbush Tract by Ruth L. Henry or her grantors was lost by the adverse possession of the Davis Family before 1969, no title could pass to the State of Delaware; and

WHEREAS, the heirs of Henry Clay Davis conveyed all interests in the Furbush Tract by deed to one John Elliott, who conveyed it to Edward Grant Davis and Elizabeth Davis, his wife, and Henry Clay Davis, III, and Leslie Ann Davis, his wife; and

WHEREAS , the property is described as follows:

BEGINNING at a stump, being that stump described by Frank Nichols in his deposition taken May 11, 1972 as number 5, thence running South 10.25 degrees East, 48.7 perches to a cedar stake and stone; thence South 80.50 degrees West, 28.2 perches to some white oak sprouts; turning North 76 degrees West, a distance of 7 perches to a cedar stake; thence North 20 degrees West, 37 perches to where there was once a stone marker and containing the same course a distance of 800 feet to the Laurel River, formerly Broad Creek, which river is the northern

boundary of the parcel. Beginning again at the stump and place of beginning, the boundary runs North 70 degrees East, 1,200 feet to a stump, running thence due North a distance of 450 feet to the Laurel River and northern boundary of the parcel and containing 32 acres, more or less.

WHEREAS, the boundaries of the property have been verified as near as is reasonably possible, by a deponent who helped cut the timber in 1933, walked the lines in 1972 and who has indicated same by sworn statements and his marks on a sketch attached to his deposition; and

WHEREAS, it is now desired to ratify and confirm against the State of Delaware, the title of said Edward Grant Davis, et. ux., and Henry Clay Davis, III, et. ux., in and to said described lands and premises; and

WHEREAS, it would be an injustice for the State of Delaware to claim the premises now in the possession of Edward G. Davis and Elizabeth Davis, his wife, and Henry Clay Davis, III, and Leslie Ann Davis, his wife.

NOW THEREFORE:

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

Section 1. That the title of said Edward Grant Davis and Elizabeth Davis, his wife, and Henry Clay Davis, III, and Leslie Ann Davis, his wife, as against the State of Delaware, is hereby ratified and confirmed, and that the Secretary of State of the State of Delaware be and he is hereby authorized and directed to execute, under his hand and the seal of his office, and deliver to said Edward Grant Davis and Elizabeth Davis, his wife, and Henry Clay Davis, III, and Leslie Ann Davis, his wife, a deed of conveyance in usual form, conveying to said Edward Grant Davis and Elizabeth Davis, his wife, and Henry Clay Davis, III, and Leslie Ann Davis, his wife, their successors and assigns, in fee simple, all the right, title and interest of any kind of the State of Delaware in and to said described lands and premises, which deed when so executed, sealed and delivered shall vest Edward

Grant Davis and Elizabeth Davis, his wife, and Henry Clay Davis, III, and Leslie Ann Davis, his wife, their successors and assigns, in fee simple, all such right, title and interest of the State of Delaware in and to said described lands and premises.

Section 2. This Act shall be deemed and taken to be a Public Act.

Approved May 14, 1974.

CHAPTER 318

FORMERLY SENATE BILL NO. 350

AN ACT TO AMEND CHAPTER 25, TITLE 24 OF THE DELAWARE CODE RELATING TO PHARMACIES, THE BOARD OF PHARMACY, RETAIL PHARMACIES AND OTHER PHARMACEUTICAL ESTABLISHMENTS.

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

Section 1. Amend §2501, Chapter 25, Title 24 of the Delaware Code, by striking the words "American Association of Colleges of Pharmacy" as the same appear in subsection (a), and substituting the words "American Council on Pharmaceutical Education" in lieu thereof.

Section 2. Amend §2502, Chapter 25, Title 24 of the Delaware Code, by striking subsection (b) in its entirety, and designating present subsection (c) as new subsection (b).

Section 3. Amend subsection (a), Section 2523, Chapter 25, Title 24 of the Delaware Code, by striking paragraph (4) in its entirety, and substituting in lieu thereof the following:

"(4) have served an externship and an internship as prescribed by the Rules and Regulations of the Board of Pharmacy;"

Section 4. Amend §2527, Chapter 25, Title 24 of the Delaware Code, by striking the words "or narcotic drugs" as the same appear in subsection (a), and substituting the words", narcotic drugs or dangerous drugs" in lieu thereof.

Section 5. Amend §2561, Chapter 25, Title 24 of the Delaware Code, by striking the period (.) at the end of subsection (e), and substituting in lieu thereof the following:

"; provided that the floor area of the prescription department shall not be required to exceed seven hundred square feet."

Section 6. Amend §2571, Chapter 25, Title 24 of the Delaware Code, by striking the words "or prepare" as the same ap-

pear in subsection (b), and substituting the words ", prepare, or distribute on a wholesale basis to persons other than the ultimate consumer" in lieu thereof.

Section 7. Amend §2572, Chapter 25, Title 24 of the Delaware Code, by striking the figure "\$25" as the same appears in the first paragraph of said section, and substituting the figure "\$50" in lieu thereof.

Section 8. Amend §2572, Chapter 25, Title 24 of the Delaware Code, by striking the words "or preparation" as the same appear at the end of the second paragraph, and substituting the words ", preparation, or distribution on a wholesale basis to persons other than the ultimate consumer" in lieu thereof.

Section 9. Amend Chapter 25, Title 24 of the Delaware Code, by adding a new section as follows:

§2590. Authority by the Board of Pharmacy to impose fines

Whenever the Board of Pharmacy has found a holder of a license to practice pharmacy or the holder of a pharmacy permit to be guilty of a violation of the rules of the Board of Pharmacy or the provisions of this Chapter, in addition to the power and authority granted to the Board of Pharmacy by this Chapter, the Board shall have the power and authority to impose a fine on the licensee or the permit holder and to require that the licensee or the permit holder pay a fine with regard to such violation with the sanction that the license or permit may be suspended until the fine is paid. Prior to the imposition of any fine, the Board shall hold an investigation and hearing after notice to the licensee or his attorney and the fine shall only be imposed and required to be paid if the Board formally finds that the public welfare and morals would not be impaired by the imposition of the fine and that the payment of the sum of money will achieve the desired disciplinary purposes.

No fine imposed by the Board may exceed five hundred dollars (\$500.00), nor shall the Board impose a fine on a licensee or a permit holder where the license of such licensee or permit holder has been revoked by the Board of Pharmacy for such violation. The power and authority of the Board of Pharmacy to

impose such fines is not to be affected by any other proceeding, civil or criminal, concerning the same violation, nor shall the imposition of such fine preclude the Board from imposing other sanctions short of revocation.

Any person so fined may appeal to the Superior Court for a *de novo* trial in the county in which the alleged violation was committed or in the county where the premises of the permit are located, provided the appeal is taken within fifteen (15) days from the time of the decision of the Board of Pharmacy."

Approved May 17, 1974.

CHAPTER 319

FORMERLY SENATE BILL NO. 443

AN ACT MAKING AN APPROPRIATION TO STATE PERSONNEL OFFICE.

WHEREAS, the State Personnel Office has maintained an office on the grounds of the Emily P. Bissell Hospital for the past two (2) years to serve the northern portion of the State; and

WHEREAS, this isolated location requires that a temporary office be maintained in the Department of Labor for applicants; and

WHEREAS, temporary office space at the Family Court or Department of Labor is required twice a week for testing purposes; and

WHEREAS, the currently utilized office space at the Bissell Hospital is required by the Department of Health and Social Services; and

WHEREAS, 1,400 square feet of office space is available at a State leased location, 1228 N. Scott Street, Wilmington, Delaware, which is the Governor's Northern Office, centrally located with testing space available.

NOW, THEREFORE,

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

Section 1. The sum of \$9,000 is appropriated to the State Personnel Office as contractual services to cover rental and custodial services.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1974, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State not otherwise appropriated.

Section 3. Any funds appropriated herein which remain unexpended on June 30, 1974, shall revert to the General Fund of the State of Delaware.

Approved May 20, 1974.

CHAPTER 320

FORMERLY SENATE BILL NO. 466

**AN ACT TO AMEND CHAPTER 11, PART II, TITLE 12 OF
THE DELAWARE CODE RELATING TO ESCHEAT.**

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

Section 1. Amend §1198 (j), Chapter 11, Title 12 of the Delaware Code, by redesignating paragraph (11) thereof as paragraph (12).

Section 2. Amend §1198 (j), Chapter 11, Title 12 of the Delaware Code, by adding the following new paragraph, designated as paragraph (11), to said section:

“(11) amounts refundable from customer deposits heretofore or hereafter collected by a public utility and any interest due thereon, and which have remained unclaimed by the persons entitled thereto for seven years from the date they become payable;”

Approved May 20, 1974.

CHAPTER 321

FORMERLY SENATE BILL NO. 179

**AN ACT TO AMEND CHAPTER 45, PART III, TITLE 21,
DELAWARE CODE RELATING TO MOTOR VEHICLES,
AND MODIFYING REQUIREMENTS RELATING TO
SIZE OF VEHICLES AND LOADS.**

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

Section 1. Amend subsection (c), Section §4502, Chapter 45, Title 21 of the Delaware Code, by striking paragraph (3) of said subsection and substituting in lieu thereof the following:

“(3) Piling and pole trailers and vehicles or combinations of vehicles engaged in the transportation of steel beams, pipes, angles, channels, and other lengths of steel, or other metals, or other articles impossible of dismemberment shall not exceed a length of seventy feet.”

Section 2. Amend §4502, Chapter 45, Part III, Title 21 of the Delaware Code, by striking the period (.) at the end of said section, and substituting in lieu thereof the following:

“; provided, however, piling and pole trailers and vehicles or combinations of vehicles engaged in the transportation of utility poles by or for any public utility company, or the transportation of pilings and/or poles or mill logs, or the transportation of nursery stock or rowing shells, or the transportation of steel beams, pipes, angles, channels and other lengths of steel, or other metal, or other articles impossible of dismemberment which do not exceed seventy feet in length shall be exempt from the provisions of the load extension limitations as specified in subsection (d) of this section.”

Approved May 21, 1974.

CHAPTER 322

FORMERLY SENATE BILL NO. 492

AN ACT AMENDING TITLE 16, CHAPTER 67, DELAWARE
CODE, CONCERNING FIRE POLICE.

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

Section 1. Amend §6706, Title 16, Delaware Code, by deleting the period at the end of the paragraph and adding the following phrase:

“at which time the fire police shall take the arrested person before a justice of the peace and charge him with failure to obey the order of a fire policeman”.

Section 2. Amend §6707, Title 16, Delaware Code, by deleting the sentence, “Whoever refuses to obey the orders of a fire policeman in the exercise of his duties shall be fined \$10.00”, and inserting in lieu therefor a new sentence to read as follows: “Whoever refuses to obey the orders of a fire policeman in the exercise of his duties shall be fined no less than twenty-five (\$25.00) dollars and no more than fifty (\$50.00) dollars.”

Approved May 21, 1974.

CHAPTER 323

FORMERLY SENATE BILL NO. 148
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 43, PART III, TITLE 31 OF
THE DELAWARE CODE RELATING TO THE WIL-
MINGTON HOUSING AUTHORITY.**

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

Section 1. Amend §4303A, Chapter 43, Part III, Title 31 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§4303A. The Wilmington Housing Authority

The Wilmington Housing Authority shall consist of seven (7) commissioners, all of whom shall be appointed by the Mayor of the City of Wilmington, and each commissioner shall serve for a term of three (3) years. All commissioners shall be residents of the City of Wilmington, and no more than four (4) commissioners shall be of the same political party."

Section 2. No commissioner presently serving on the Wilmington Housing Authority shall be displaced pursuant to this Act; provided, however, that upon the expiration of the term of every commissioner the said commissioner shall be reappointed or his successor appointed, by the Mayor of the City of Wilmington.

Approved May 21, 1974.

CHAPTER 324

FORMERLY SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 262
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT PROVIDING AN APPROPRIATION TO THE DIVISION OF PUBLIC HEALTH FOR EXPANSION OF THE CANCER CONTROL PROGRAM.

WHEREAS, Delawareans feel challenged to combat one of this country's most dread diseases, cancer, which in 1974 will take the lives of some 900 of our State's citizens; and

WHEREAS, the American Cancer Society and the National Cancer Institute have established the modern concepts of the components of a cancer control program to include the prevention of occurrence through (1) individual community health education; (2) the screening of individuals; (3) diagnostic and treatment services; (4) rehabilitation services; (5) continuing care of the patient after initial therapy is completed; and (6) follow-up of the patient; and

WHEREAS, the Division of Public Health for many years has performed routine cytological screening on cervical smears (Pap test) referred by local physicians and clinics with inadequate coverage because of insufficient funding; and

WHEREAS, the Delaware Division of the American Cancer Society has recently undertaken a program to promote improved clinical tumor services in each hospital, and work in conjunction with the State tumor registry; and

WHEREAS, the Delaware Division of the American Cancer Society has initiated a concerted educational program with the uterine cancer control goal of having every woman in the State Pap-tested by 1976; and

WHEREAS, 2.65 percent of all deaths among women in the State of Delaware during 1972 were attributed to mortality due to malignancies of female organs; and

WHEREAS, cancers of the female genital system in general and of cancer of the cervix in particular, if detected early, can be effectively controlled; and

WHEREAS, to protect health and avoid unnecessary death due to cancer, this service should be made available to all women of the State of Delaware regardless of race, religion and socio-economic status.

NOW, THEREFORE:

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

Expansion of the Cervical Cancer Control Program

Section 1. The State program for cytological screening of cervical smears (Pap tests) shall be expanded and strengthened for more adequate coverage and shall include a system of post-screening follow-up to insure prompt and adequate disposition of positive and suspicious test results.

Section 2. The sum of \$65,932 is hereby appropriated to the Division of Public Health of the Department of Health and Social Services for the expansion of the cervical cancer control activities set forth in Section 1 of this Act.

Section 3. 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 4. The funds herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended or unencumbered by June 30, 1975, shall thereupon revert to the General Fund of the State Treasury.

Approved May 21, 1974.

CHAPTER 325

FORMERLY SENATE BILL NO. 316

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE
RELATING TO AID TO NEEDY STUDENTS.**

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

Section 1. Amend §5520, Title 14, Delaware Code, by adding after the word "as" and before the word "students" appearing therein the word "undergraduate".

Approved May 21, 1974.

CHAPTER 326

FORMERLY SENATE BILL NO. 333

**AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE
CODE, RELATING TO DISCLOSURE OF LABORATORY
COSTS ON PATIENTS' BILLS.**

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

Section 1. Amend Chapter 17 of Title 24, Delaware Code,
by adding thereto a new section to be designated as §1769 to
read as follows:

§ 1769. Disclosure of Laboratory Costs

Any practitioner of the healing arts who agrees with any
clinical laboratory, either private or hospital, to make payments
to such laboratory for individual tests or test series for patients
shall disclose on the bills to patients or third party payors the
name of such laboratory, the amount or amounts charged by such
laboratory for individual tests or test series and the amount of
his procurement or processing charge, if any, for each test or test
series. In the event the test is performed at a State Laboratory
or any other laboratory at which no charge is made, this should
be indicated on the patient's bill.

Approved May 21, 1974.

CHAPTER 327

FORMERLY SENATE BILL NO. 463

AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO LICENSING OF PERSONS UNDER THE AGE OF EIGHTEEN TO OPERATE MOTOR VEHICLES WHO HAVE COMPLETED DRIVER EDUCATION COURSES IN ANOTHER STATE.

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

Section 1. Subsection (b), §2706, Chapter 27, Title 21, Delaware Code, is hereby amended by striking subsection (8) thereto in its entirety and substituting in lieu thereof a new subsection (8) to read as follows:

"(8) person who has not reached his eighteenth birthday unless such person has either: (i) completed a course in Driver Education in a public or private high school in this State, such course having been approved by the State Board of Education and meeting the standards for such courses described by that Board; or (ii) been licensed to operate motor vehicles in another State and has completed a course of instruction in driver education and the safe operation of motor vehicles in a public or private high school outside this State."

Section 2. Section 2708, Chapter 27, Title 21, Delaware Code, is hereby amended by striking subsection (d) thereto and substituting in lieu thereof a new subsection (d) to read as follows:

"(d) No person shall be issued a temporary instruction permit who has not reached his eighteenth birthday unless such person either:

(1) is currently enrolled in or successfully completed a course in driver education in a public or private high school in this State, such course having been approved by the State Board of Education and meeting the standards for such courses described by that Board; or

(2) has been licensed to operate motor vehicles in another State and has completed a course of instruction in driver education and the safe operation of motor vehicles in a public or private high school outside this State. It shall be necessary for any such person licensed to operate motor vehicles in another State to produce at the time of application for a temporary instruction permit a certified copy of his high school transcript evidencing completion of the driver education course."

Approved May 21, 1974.

CHAPTER 328

FORMERLY SENATE BILL NO. 524

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
OF \$1,256.91 TO THE DEPARTMENT OF NATURAL RE-
SOURCEs AND ENVIRONMENTAL CONTROL TO BE
USED IN LITIGATION INVOLVING PUBLIC LANDS.**

WHEREAS, the responsibility for the administration of the public lands of the State of Delaware was transferred from the Department of Highways and Transportation in November 1970; and

WHEREAS, all of the existing funds in the public lands account transformation to the Department consisting of \$19,000 have been spent for legal services incurred in the defense of these public lands; and

WHEREAS, in assuming responsibility for the public lands, the Department of Natural Resources and Environmental Control also assumed responsibility to continue the litigation on the other disputed parcels; and

WHEREAS, the Department of Highways and Transportation (State Highway Department) has been involved in litigation since the widening of Route 14, and in 1968 was directed by the Superior Court to mutually decide with claimants on the boundary lines of contested property; and

WHEREAS, the Highway Department's trial counsel assigned to resolve this matter has billed the Department of Natural Resources and Environmental Control for services performed from 1968 through 1972; and

WHEREAS, in the 1974 Appropriation Act, \$10,000 was appropriated for personal services for expenditures on litigation of public lands; however, the services must be performed during the 1974 fiscal year; and

WHEREAS, the Department of Natural Resources and Environmental Control has no monies available in its own budget to pay for services performed from 1968 through 1972.

NOW, THEREFORE,

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

Section 1. The sum of \$1,256.91 is hereby appropriated to the Department of Natural Resources and Environmental Control for litigation expenses in the defense of public lands.

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

Section 3. Any funds appropriated herein which remain unexpended on June 30, 1974, shall revert to the General Fund of the State of Delaware.

Approved May 21, 1974.

CHAPTER 329

FORMERLY SENATE BILL NO. 512

AN ACT TO AMEND CHAPTER 28, TITLE 10 OF THE DELAWARE CODE RELATING TO SALARY, TERM AND REIMBURSEMENT FOR MILEAGE TRAVELED BY CONSTABLES.

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

Section 1. Amend §2804, Title 10 of the Delaware Code, by striking the figure "10 cents" and substituting in lieu thereof the figure "15 cents".

Approved May 21, 1974.

CHAPTER 330

FORMERLY SENATE BILL NO. 470

AN ACT TO AMEND 1783(d), SUBCHAPTER 7, CHAPTER 17, TITLE 24 OF THE DELAWARE CODE, RELATING TO ANATOMICAL GIFTS.

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

Section 1. Amend §1783(d), Subchapter 7, Chapter 17, Title 24 of the Delaware Code, by striking therefrom the period at the end of said Section and adding thereto the following sentences which shall read as follows:

"or, in the case of a gift of eyes, he may employ or authorize an undertaker licensed by the State of Delaware who has successfully completed a course in eye enucleation approved by the Medical Examiner of the State of Delaware to enucleate eyes for the gift after certification of death by a physician. A qualified undertaker acting in accordance with the terms of this subsection shall not have any liability, civil or criminal, for the eye enucleation."

Approved May 21, 1974.

CHAPTER 331

FORMERLY SENATE SUBSTITUTE NO. 1
FOR SENATE BILL NO. 7**AN ACT TO AMEND PART 1, CHAPTER 17, TITLE 14 OF
THE DELAWARE CODE BY REMOVING THE
RESTRICTIONS UPON GROWTH IN THE NUMBER OF
CERTAIN UNITS FOR HANDICAPPED CHILDREN
AND PROVIDING AN APPROPRIATION THEREFOR.**

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

Section 1. Amend §1703, Subchapter 11, Chapter 17, Title 14 of the Delaware Code, by striking the following paragraph:

"The growth in the total number of State units certified for 'Learning Disabilities' for each of the Fiscal Years ending June 30, 1972 and 1973 shall be limited to ten percent of such total State units certified as of September 30 of the preceding year, and the growth in the total number of State units certified for 'Socially or Emotionally Maladjusted' for each of the Fiscal Years ending June 30, 1972 and 1973 shall be limited to ten percent of such total State units certified as of September 30 of the preceding year, and no further growth in the total number of such total State units shall be allowed for subsequent Fiscal Years without the approval of the General Assembly. All such new units shall be allocated to school districts by the State Superintendent of Public Instruction no later than March 1 of each year."

Section 2. Amend §1703, Chapter 17, Title 14 of the Delaware Code, by striking the sentence "No school district shall be entitled to enroll more than 2 percent of its enrollment in this category described as 'learning disability'." as the same appears in the paragraph beginning with the words "The State Board" and ending with the words "contingency fund." of said section.

Approved May 21, 1974.

CHAPTER 332

FORMERLY HOUSE BILL NO. 604
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF MOTOR VEHICLES.

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 Section 2116 (a), Chapter 21, Title 21, Delaware Code, by striking said Section 2116 (a) in its entirety, and inserting in lieu thereof a new Section 2116 (a) to read as follows:

"(a) Whoever violates any provision of this chapter shall, for the first offense, be fined not less than \$10 nor more than \$100, or imprisoned not less than 30 nor more than 90 days, or both. For each subsequent like offense, he shall be fined not less than \$50 nor more than \$200, or imprisoned not less than 90 days nor more than 6 months, or both."

Section 2. Amend § 2116, Chapter 21, Title 21 of the Delaware Code, by adding a new paragraph (c) to read as follows:

"(c) For any violation of the registration provisions of § 2102 of § 2115 (a) of this subchapter and in absence of any traffic offenses relating to driver impairment, the violator's copy of the traffic summons shall act as that violator's authority to drive the vehicle involved by the most direct route from the place of arrest to either the violator's residence or the violator's current place of abode."

Section 3. The Division of Motor Vehicles of the Department of Public Safety is hereby vested with the power and authority to adopt any regulations necessary to implement Section 2 of this bill.

Approved May 21, 1974.

CHAPTER 333

**FORMERLY SENATE SUBSTITUTE NO. 1
FOR SENATE BILL NO. 155
AS AMENDED BY HOUSE AMENDMENTS NO. 1 & 2**

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 36, RELATING TO EDUCATION AND PROVIDING FINANCIAL AID TO CHILDREN OF DECEASED VETERANS AND OTHERS.

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

Section 1. Amend Delaware Code, Title 14, Chapter 36, by deleting all of that Chapter and inserting in lieu thereof the following new Chapter:

**"CHAPTER 36. EDUCATIONAL BENEFITS
FOR CHILDREN OF DECEASED VETERANS AND OTHERS**

§ 3601. Statement of purpose

It is the purpose of this Chapter to provide educational benefits for the children of deceased veterans of the Military Services of the United States, military service personnel held prisoner of war, military service personnel officially declared to be missing in action, and Delaware State Police Officers killed in the line of duty.

§ 3602. Requirements to receive benefits

A. In order to qualify for the benefits of this Chapter an applicant be:

(1) The child of -

(a) a member of the Armed Forces who was killed while on active duty or who died from disease, wounds, injuries or disabilities arising or resulting from performance of duty; or

(b) a member of the Armed Forces who is being held, or who was held as a prisoner of war; or

(c) a member of the Armed Forces officially declared missing in action; or

(d) a Delaware State Police Officer who was killed in the line of duty or who died from disease, wounds, or disabilities arising or resulting from pursuit of his official duties.

(2) A person who at the time of application for benefits is at least 16 years of age, but not more than 24 years of age, and who shall have been a resident of the State of Delaware for at least three years prior to the date of application.

(3) Attending or admitted for attendance at an educational institution beyond the high school level in a program not to exceed four years in duration.

B. In order for the child of a member of the Military Service of the United States to qualify for benefits under this Chapter, the member of the military service shall have been an official resident of the State of Delaware during the full year immediately preceding last entry into the military service.

§ 3603. Vested rights

Any person found to be qualified for the benefits of this Chapter as the child of a deceased or missing veteran shall not be divested of the benefits upon the return of the veteran who was a prisoner of war, missing in action or mistakenly listed as deceased.

§ 3604. Eligible institutions

Benefits authorized in this Chapter may be utilized for attendance at an institution financially supported by the State of Delaware or if the desired training is not available in such an institution then at a private institution in Delaware, or, if there is no institution in Delaware offering such instruction, at a public or private institution in another state.

§ 3605. Extent of benefit

The per pupil benefits granted under the provisions of this Chapter may include funds for the payment of room, board, tuition and required institutional fees for an academic year. Benefits shall be limited to four years of training or education.

The amount of benefit per pupil shall not exceed \$525.00 per year or the amount of tuition per academic year, whichever is greater.

§ 3606. Administration of the chapter

This Chapter shall be administered by the State Superintendent of Public Instruction, who shall annually report to the General Assembly of the State of Delaware the number of recipients of benefits, their names and addresses, the names of the institutions attended, the amounts of the individual benefits granted, and the total expenditure made under the provisions of this Chapter.

Section 2. The General Assembly shall annually appropriate through the budget of the State Board of Education an amount deemed necessary to carry out the provisions of this Chapter.

Section 3. The effective date of this Act shall be July 1, 1974.

Approved May 24, 1974.

CHAPTER 334

FORMERLY SENATE BILL NO. 495

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO
ISSUE BONDS TO REFUND SERIAL NOTES ISSUED
TO THE STATE EMPLOYEES' RETIREMENT FUND
PURSUANT TO VOLUME 58, LAWS OF DELAWARE,
CHAPTER 24.**

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

Section 1. The Governor, Secretary of State and State Treasurer (herein the "Issuing Officers") are hereby authorized to issue Serial Bonds in an aggregate principal amount of \$8,000,000 to refund outstanding serial notes in the aggregate principal amount of \$8,000,000 issued pursuant to Volume 58, Laws of Delaware, Chapter 524, in order to meet the State's obligation to the State Employees' Retirement Fund.

Section 2. The bonds shall mature in annual installments of \$1,000,000 in each of the years 1974 to 1981, inclusive, and shall be payable at the Farmers Bank of the State of Delaware, in Wilmington, Delaware and additionally, at the discretion of the Issuing Officers, at a bank or trust company in New York, New York.

Section 3. The Issuing Officers are hereby authorized to determine the term, form and contents of such bonds and to sell such bonds at such price or prices and at such rate or rates, at public or private sale, in such manner and from time to time, subject to this Act, as they shall determine.

The bonds shall be imprinted with the stamp of the Governor's signature and the stamp of the signature of the Secretary of State, and shall be manually signed by the State Treasurer. The Great Seal shall be impressed on all such bonds and the signatures and the bonds shall be authenticated by an officer of the Farmers Bank of the State of Delaware.

Section 4. The faith and credit of the State of Delaware is hereby pledged for the payment of the principal of and interest on the bonds which bonds including the interest thereon shall be exempt from taxation for any purpose by this State.

Section 5. There is hereby appropriated from the General Fund of the State such sums as may be necessary to pay the expenses incident to the issuance of the bonds herein authorized. Vouchers for the payment of the expenses incident to the issuance of bonds shall be signed by the Secretary of State by and with the approval of the Issuing Officers.

Section 6. The Budget Appropriation Bill, which shall be enacted and approved by the General Assembly for the fiscal year 1974, and for each subsequent fiscal year or biennium, shall contain under the Debt Service Item, provisions for the payment of the principal of and interest on the 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 payment of such bonds.

Approved May 24, 1974.

CHAPTER 335

FORMERLY HOUSE BILL NO. 721
AS AMENDED BY HOUSE AMENDMENTS NO. 1 & 2

**AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DEL-
AWARE CODE ENTITLED STATE EMPLOYEES PEN-
SION PLAN AND RELATING TO EMPLOYEE CONTRI-
BUTIONS.**

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

Section 1. Amend § 5543 of Chapter 55, Title 29 of the Delaware Code, by striking subsection (b) thereof in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) Any section of this chapter to the contrary notwithstanding, any individual with 15 years of credited service who commenced receiving a service pension of \$250 or less before 1971 shall be paid his accumulated contributions with interest, provided that he would have been entitled to such payment under section 5553 as in effect on May 31, 1970.”

Approved May 24, 1974.

CHAPTER 336

FORMERLY HOUSE BILL NO. 257

**AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE
CREATING A DEPARTMENT OF TRANSPORTATION
FOR NEW CASTLE COUNTY.**

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

Section 1. Title 9, Chapter 11, Subchapter II, Section 1120, Delaware Code, is amended by striking subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

“(b) The County Executive, with the advice and consent of the County Council, shall appoint the Directors of the executive departments of Finance, Planning, Development and Licensing, Public Works, Police, Parks and Recreation, and Transportation, who shall serve at the pleasure of the County Executive.”

Section 2. Title 9, Chapter 13, Subchapter VI, Delaware Code, is amended by striking Subchapter VI in its entirety and substituting in lieu thereof the following subchapter:

“SUBCHAPTER VI. DEPARTMENT OF TRANSPORTATION**§1391. The Department of Transportation**

The Department of Transportation, headed by a Director of Transportation, who shall be qualified for the position by education, training and experience, shall perform the following functions:

(1) operate and maintain the airports and aviation facilities of the County;

(2) in cooperation with the Department of Planning and other federal, State, regional, and local agencies, develop a comprehensive and coordinated plan and program for the movement of goods and persons to, from, and within the County;

(3) execute, when authorized by the County Council, the transportation plan or approved portion thereof. To that end

the Director shall engage in all activities and operations appropriate and necessary to the execution of the plan or portion thereof.

§1392. Staff

(a) The Director shall appoint as manager of the County Airport and aviation activities a person qualified by training and experience in the field of airport management.

(b) The Director shall appoint such other officer or employees as he deems necessary or desirable for the performance of his functions.

§1393. Transportation Board

The Transportation Board, consisting of seven members, who shall serve without compensation, shall act as an advisory board and shall be composed of persons who have a demonstrated interest in improvement of transportation within the County. The County Executive, with the advice and consent of the County Council, shall appoint six members for terms of six years, provided that the terms of the original members shall be established in such a manner that one shall expire each year. The County Executive, with the advice and consent of the County Council, shall appoint one member who shall be chairman and who shall serve at the pleasure of the County Executive."

Approved May 27, 1974.

CHAPTER 337

FORMERLY HOUSE BILL NO. 786

**AN ACT TO AMEND CHAPTER 33, PART III, TITLE 19 OF
THE DELAWARE CODE RELATING TO UNEMPLOY-
MENT COMPENSATION, AND EXCLUDING REAL ES-
TATE AND INSURANCE AGENTS AND SOLICITORS
FROM ITS PROVISIONS.**

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

Section 1. Amend subsection (11), Section 3302, Chapter 33, Title 19 of the Delaware Code, by striking paragraph (J) of said subsection and substituting in lieu thereof the following:

“(J) Service performed by an individual for an employer as an insurance agent or real estate agent, or as an insurance solicitor or real estate solicitor, if all such service performed by such individual for such employer is performed for remuneration solely by way of commissions.”

Approved May 27, 1974.

CHAPTER 338

FORMERLY SENATE BILL NO. 442

AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO ANTIQUE VEHICLES.

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

Section 1. Amend §2198, Chapter 21, Title 21, of the Delaware Code, by deleting such section in its entirety and substituting in lieu thereof a new section which shall read as follows:

§ 2198. Annual inspection

Antique automobiles shall be presented at any inspection lane in this State at any time during the three month period which ends on September 30 each year, and when so presented shall be given EXEMPT validating stickers in lieu of the usual expiration date stickers, upon passing inspection.

Approved May 21, 1974.

CHAPTER 339

FORMERLY HOUSE BILL NO. 636

**PROVIDING A SUPPLEMENTAL APPROPRIATION TO
THE Y.M.C.A. OF DOVER AND KENT COUNTY.**

WHEREAS, the Y.M.C.A. of Dover and Kent County does provide social and recreational programs for residents of the County, which include programs for that segment of the population which can be deemed impoverished; and

WHEREAS, the Y.M.C.A. did, during fiscal year 1972, receive a recreation grant under the State Recreation Assistance Fund Program to provide a primitive camping program for the under-privileged youth of the County; and

WHEREAS, the Y.M.C.A. did experience a deficit in conducting the program in the amount of \$1358.44 due to operational expenses; and

WHEREAS, this agency does not have sufficient funds to repay the State of Delaware the program deficit in the amount of \$1358.44, such funds being rightfully due the State of Delaware.

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 \$1358.44 is hereby appropriated to the Y.M.C.A. of Dover and Kent County to be used for the sole purpose of repayment to the State of Delaware all of those funds which are rightfully due the State of Delaware under the policies and guidelines of the Recreation Assistance Fund Program as established by the Department of Natural Resources and Environmental Control.

Section 2. This Act shall be known as a supplementary appropriation for the fiscal year 1974 and the funds appropriated herein shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Approved May 28, 1974.

CHAPTER 340

FORMERLY HOUSE BILL NO. 723

AN ACT TO AMEND CHAPTER 121, VOLUME 28, LAWS OF DELAWARE AND TO REPEAL CHAPTER 205, VOLUME 27, CHAPTER 93, VOLUME 55, AND SECTION 16, CHAPTER 177, VOLUME 24, LAWS OF DELAWARE, RELATING TO ASSESSMENT OF PUBLIC UTILITIES BY THE CITY OF WILMINGTON.

WHEREAS, it is desirable to revise the manner prescribed for assessment of certain property of public utilities by the City of Wilmington; and

WHEREAS, the City of Wilmington desires to use the assessments placed on such property by New Castle County as the assessments for the purposes of municipal taxation herein provided.

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

Section 1. Amend Volume 28, Laws of Delaware, Chapter 121, Section 9, by striking the words, "located on the public streets in the City of Wilmington, or on private property not otherwise taxed, excepting those now exempt from taxation by law, shall be assessed as is now provided by law", and substituting in lieu thereof the words "shall be assessed as is now provided by law for the assessment of real estate", and by adding the following sentence:

"Every person, firm, association, or corporation owning or operating property subject to assessment shall supply any information required and otherwise fully cooperate with the Board of Assessment for the purpose of arriving at a good, fair, equal, faithful and complete assessment."

Section 2. Volume 27, Laws of Delaware, Chapter 205 and Volume 55, Laws of Delaware, Chapter 93, and Volume 24, Laws of Delaware, Chapter 177, Section 16, are hereby repealed.

Section 3. This Act shall become effective upon approval by the Governor and shall govern assessments for the tax year commencing July 1, 1974.

Approved May 28, 1974.

CHAPTER 341

FORMERLY HOUSE BILL NO. 643
AS AMENDED BY HOUSE AMENDMENT NO. 1

**AN ACT MAKING A SUPPLEMENTAL APPROPRIATION
TO THE UNIVERSITY OF DELAWARE FOR THE PUR-
POSE OF SUPPORTING THE DELAWARE SEA GRANT
PROGRAM.**

WHEREAS, the marine and coastal zone resources of the State of Delaware are a valuable asset for this and future generations; and

WHEREAS, these resources are under intense development pressures since over 15% of the nation's population lives within a 200 miles radius centered at Lewes; and

WHEREAS, major problems result from this population pressure including the need for deepwater ports, offshore nuclear power generation, waste disposal, outer continental shelf oil and gas development, coastal recreation, and maritime commerce; and

WHEREAS, the State of Delaware wishes to maintain the quality of its marine and coastal zone resources by wise management and orderly development including the attraction of desirable marine industries which are compatible with a clean environment and will stimulate the economy; and

WHEREAS, the College of Marine Studies of the University of Delaware is capably staffed and well equipped to solve many marine and coastal zone development problems confronting the State; and

WHEREAS, the State has shown its commitment to develop a strong marine educational and research capability at the University of Delaware with a Marine Studies Center at Lewes; and

WHEREAS, the National Sea Grant Program was created to permit universities to apply their knowledge and talents to real problems of their States and the nation; and

WHEREAS, the Sea Grant Program emphasizes information transfer from researchers to users through a marine advisory services program; and

WHEREAS, the University's marine programs have been recognized for accomplished and excellence by being designated the nation's 12th Sea Grant institution in 1971 and will become eligible for the highest designation as a Sea Grant College in 1974; and

WHEREAS, in the consideration for Sea Grant College status there be demonstrable support by the State.

NOW, THEREFORE:

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

Section 1. The sum of \$250,000 is hereby appropriated to the University of Delaware for the purpose of solving marine and coastal zone problems of the State by supporting the Sea Grant Program at the University of Delaware.

Section 2. The Sea Grant Program Director will make the results of Sea Grant research available in a timely manner to Legislators and other decision makers in the form of reports, Marine Advisory Service bulletins, briefings, and other methods which will serve the needs of the State. An annual report on the activities of the Delaware Sea Grant Program will be made to the Governor and the General Assembly in the late winter each year.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. Any money appropriated herein which is unexpended or unencumbered shall revert to the General Fund on December 31, 1975.

Approved May 29, 1974.

CHAPTER 342

FORMERLY HOUSE BILL NO. 958

AN ACT DIRECTING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO PROVIDE FOR LIFEGUARDS AND MAINTENANCE SERVICES AT DEWEY BEACH AND FENWICK ISLAND FOR THE 1974 SUMMER SEASON AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFORE.

WHEREAS, increasing numbers of vacationers are expected to make use of the beaches at Dewey Beach and Fenwick Island this summer; and

WHEREAS, these beaches are not now protected by lifeguards and have no maintenance program; and

WHEREAS, providing such lifeguards and maintenance service would serve to protect life and property and make these Delaware beaches safer and more pleasant for the general public.

NOW THEREFORE,

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

Section 1. The Secretary of the Department of Natural Resources and Environmental Control is hereby directed to provide for lifeguards and maintenance at Dewey Beach and the unincorporated section of Fenwick Island for the period **May 24, 1974 through September 2, 1974.**

Section 2. The sum of \$10,000 is hereby appropriated to the Department of Natural Resources and Environmental Control, Division of Parks, Recreation and Forestry, for the purposes of carrying out the said Act.

Section 3. This is a supplementary appropriation and the monies herein appropriated shall be paid from the General Fund of the State of Delaware out of funds not otherwise appropriated.

Section 4. Funds appropriated herein remaining unexpended on June 30, 1975 shall revert to the General Fund of the State of Delaware.

Approved May 30, 1974.

CHAPTER 343

FORMERLY HOUSE BILL NO. 674

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LABOR FOR THE PAYMENT OF UNEMPLOYMENT BENEFITS TO STATE EMPLOYEES.

WHEREAS, the sum of \$145,000 was appropriated in the General Budget Act for the payment of Unemployment Compensation to State Employees; and

WHEREAS, the actual cost encountered through February, 1974 was \$139,000; and

WHEREAS, the estimated liability for all claims for benefits by State Employees is \$254,000; and

WHEREAS, the initial appropriation will not be sufficient to cover the total unemployment compensation cost for the fiscal year.

NOW, THEREFORE,

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

Section 1. A supplemental appropriation be granted in the amount of \$110,000 to the Department of Labor for the cost of unemployment benefits through the end of the fiscal year 1973.

Section 2. This Act is a supplementary appropriation and shall be paid by the State Treasurer from funds not otherwise appropriated.

Section 3. Any funds not expended as of June 30, 1974, shall revert to the General Fund.

Approved May 30, 1974.

CHAPTER 344

FORMERLY HOUSE BILL NO. 708

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO RE-INCORPORATE THE TOWN OF CLAYTON" BY EXTENDING THE LIMITS OF SAID TOWN.

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

Section 1. The Charter of the Town of Clayton (Chapter 138, Volume 41, Laws of Delaware) is hereby amended by the addition of the following paragraph to the end of Section 1:

"In addition to the present limits of the Town of Clayton, the Town shall be extended to include all that certain piece, parcel or tract of land presently lying in Duck Creek Hundred, Kent County, State of Delaware, and lying east of and adjacent to the present limits of the Town of Clayton, lying on both sides of Smyrna-Clayton Avenue, being bounded on the west by the present limits of the Town of Clayton, on the north by lands now or late of Gilbert L. Johnson, on the east by lot #6 of the William Bryan lots and by Greens Branch and on the south by the south line of Smyrna Avenue and being more particularly described as follows, to-wit:

BEGINNING at the intersection of the present easterly town limits of Clayton with the south line of Smyrna Avenue, said point of beginning being South 79° 52' 45" West of and 496.23 feet from the intersection of the south line of Smyrna Avenue with the center of Greens Branch; thence running with the present easterly limits of the Town of Clayton North 14° 8' 44" West 740.10 feet to a point in said easterly limits at a corner for this parcel and for lands now or late of Gilbert L. Johnson; thence running with the division line of lands of Johnson and lands of Rothwell and lands of the Town of Clayton North 67° 48' 45" East 425.65 feet to a concrete monument; thence running with the division line between lands now or late of Johnson and lands of the Town of Clayton South 9° 39' 44" East 201.40 feet to a fence post; thence running with the division line be-

tween lands now or late of Johnson and lands of Olsen North $79^{\circ} 48' 18''$ East 415.01 feet to a pipe; thence running with the division line between William Bryan lot #6 and lands of Olsen South 10° East 209.24 feet to a pipe set in the north line of the Smyrna Railroad; thence running with the north line of the Smyrna Railroad North 80° East 90.15 feet; thence crossing said Smyrna-Clayton Boulevard South 10° East 78.5 feet to a point in the south line of Smyrna-Clayton Boulevard and in the center of Greens Branch; thence running with the center of Greens Branch on the following four courses: (1) South $39^{\circ} 12' 52''$ West 162.80 feet; thence (2) South $36^{\circ} 17' 21''$ West 200.64 feet; thence (3) South $44^{\circ} 17' 48''$ West 100.18 feet to a point on the north side of a bridge over Greens Branch in Smyrna Avenue; thence (4) South $19^{\circ} 58' 51''$ West 41.33 feet to a point in the center of Greens Branch and in the south line of Smyrna Avenue; thence running with the south line of Smyrna Avenue South $79^{\circ} 52' 45''$ West 496.23 feet to the place of beginning and containing 12.35 acres of land, be the same more or less.

Approved May 31, 1974.

CHAPTER 345

FORMERLY HOUSE BILL NO. 798

**AN ACT TO AMEND CHAPTER 41 AND CHAPTER 84,
TITLE 9 OF THE DELAWARE CODE RELATING TO
KENT COUNTY; AND PROVIDING THAT THE KENT
COUNTY LEVY COURT MAY DEPOSIT FUNDS IN
ANY BANK IN THE STATE OF DELAWARE.**

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

Section 1. Amend §4159, Chapter 41, Part III, Title 9 of the Delaware Code, by striking the words "Farmers Bank of the State of Delaware" as the same appear in subsection (a), and substituting the words "any depository bank in the State of Delaware" in lieu thereof.

Section 2. Amend §4160, Chapter 41, Part III, Title 9 of the Delaware Code, by striking the words "Farmers Bank of the State of Delaware" as the same appear in the first sentence of said section, and substituting the words "any depository bank in the State of Delaware" in lieu thereof.

Section 3. Amend §8427, Chapter 84, Part V, Title 9 of the Delaware Code, by striking the words "the Farmers Bank" as they appear in said section, and substituting the words "any depository bank in the State of Delaware" in lieu thereof.

Approved May 31, 1974.

CHAPTER 346

FORMERLY HOUSE BILL NO. 658

**AN ACT TO PERMIT THE BOARD OF EDUCATION OF THE
ALFRED I. DU PONT SCHOOL DISTRICT TO TRANS-
FER CERTAIN FUNDS FROM ITS LOCAL DEBT SERV-
ICE ACCOUNT TO ITS CAPITAL OUTLAY ACCOUNT.**

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

Section 1. That the Board of Education of the Alfred I. duPont School District is authorized to transfer the sum of \$28,000 from its Local Debt Service Account to its Capital Outlay Account. The sums transferred shall be used for the construction of sidewalks in that school district as previously authorized by the Delaware Code.

Section 2. Any funds transferred pursuant to this Act and not expended for authorized sidewalks shall be re-deposited in the Local Debt Service Account of the District.

Approved May 31, 1974.

CHAPTER 347

FORMERLY HOUSE BILL NO. 688

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF JUSTICE TO PAY WAGES
PAST DUE TO SHARON L. BISS.**

WHEREAS, it is the intention of the State Merit System of Personnel Administration to deal fairly and equitably with all State Employees; and,

WHEREAS, it has now become apparent that through an administrative oversight, Mrs. Sharon L. Biss was reinstated to her former position as a Legal Stenographer I at the Department of Justice on February 1, 1971 at a pay grade one step lower than that to which she was entitled pursuant to Merit Rule 5.0720; and,

WHEREAS, it therefore becomes apparent that Mrs. Biss was underpaid in the following amounts for the past fiscal years:

February 1, 1971 - June 30, 1971	\$100.00
July 1, 1971 - June 30, 1972	276.50
Total	<u>\$376.50</u>

and further,

WHEREAS, Mrs. Biss has rendered exceptional service to the State of Delaware in her position in the classified service,

NOW THEREFORE:

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

Section 1. The sum of \$376.50 is appropriated to the Department of Justice of the State of Delaware to pay wages due Mrs. Sharon L. Biss from past fiscal years.

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

Approved May 31, 1974.

CHAPTER 348**FORMERLY HOUSE BILL NO. 647****AS AMENDED BY****HOUSE AMENDMENTS NO. 1, 2, 3, 4, 5, 8, 10, 11, 15 AND 16**

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY CREATING A NEW CHAPTER 89 ESTABLISHING A STATE-OPERATED LOTTERY, PROVIDING FOR A LOTTERY DIRECTOR AND HIS POWERS AND DUTIES, ESTABLISHING A STATE LOTTERY FUND AND PROVIDING A SUPPLEMENTARY APPROPRIATION FOR INITIATION.

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

Section 1. Amend Title 29 of the Delaware Code, by creating a new Chapter 89 entitled "State Lottery" which shall read as follows:

"CHAPTER 89. STATE LOTTERY**§8901. Statement of purpose**

It is the purpose of this Act to establish a State-operated lottery under the supervision of a Director who shall serve at the pleasure of the Governor and hold broad authority to administer the system in a manner which will produce the greatest income for the State.

§8902. Establishment of office

There is hereby established in the Executive Office of the Governor a State Lottery Office to be administered by a Director who shall be responsible for the operation of a State Lottery, the net proceeds of which shall be placed in the General Fund of the State.

§8903. Definitions

(a) 'Director' as used in this Chapter shall mean the Director of the State Lottery Office.

(b) 'Lottery or 'State Lottery' or 'system' shall mean the public gaming systems or games established and operated pursuant to this Act and including all types of lotteries.

(c) 'Office' shall mean the State Lottery Office established by this Act.

(d) 'State Lottery Fund' shall mean those monies derived from the sale of State Lottery tickets and deposited in the State account of that name and those funds appropriated for the start-up costs of the system.

§8904. Appointment, qualifications, and salary of Director

(a) The State Lottery Office shall be administered and supervised by a Director who shall be a person qualified by business experience and training to supervise the operation of a public gaming system in a manner which will produce the greatest income for the State. The Director shall be appointed by the Governor by and with the consent of the majority of the members of the Senate and shall serve at the pleasure of the Governor.

(b) The qualifications of the person appointed as Director shall be as follows:

(1) Five or more years experience as the head of an autonomous business or government agency, having broad authority and carrying the major responsibility, except that experience in a public utility or other monopolistic enterprise does not meet this requirement. There shall be positive evidence that the company was well-managed during the tenure of the prospective Director.

(2) Five or more years of additional experience in other managerial or direct line positions is required, preferably in marketing or production or financial areas.

(3) Shall be in good health, shall have a good reputation, particularly as a person of honesty and integrity, and shall be able to pass a thorough background investigation prior to appointment.

(4) He shall not hold political office in the government of the State of Delaware either by election or appointment while serving as Director, nor shall anyone who holds elected or ap-

pointed office in the government of the State of Delaware be appointed as Director until he has completed serving the full term to which he was elected or appointed. The Director shall hold a bachelor's degree from an accredited college or able to demonstrate through additional business experience equivalent knowledge of a theoretical nature, be a citizen of the United States, and must become a resident of the State of Delaware within 90 days of appointment.

(c) The Director shall serve on a full time basis and shall not be engaged in any other profession or occupation. The Director shall receive such salary as provided by law, but in no case shall it be less than \$15,000 nor more than \$25,000.

§8905. Powers and duties of the Director

(a) The Director shall have the power and it shall be his duty to operate and administer the State Lottery and to promulgate such rules and regulations governing the establishment and operation of the Lottery as he deems necessary and desirable in order that the Lottery be initiated at the earliest feasible time and in order that the system shall produce the maximum amount of net revenues consonant with the dignity of the State and the general welfare of the people. The rules shall provide for all matters necessary or desirable for the efficient and economical operation and administration of the system and for the convenience of the purchasers of lottery tickets and the holders of winning tickets, including, but not limited to, the following:

- (1) the type and number of games to be conducted;
- (2) the price, or prices, of tickets for any game;
- (3) the numbers and sizes of the prizes on the winning tickets;
- (4) the manner of selecting the winning tickets;
- (5) the manner of payment of prizes to the holders of winning tickets;
- (6) the frequency of the drawings or selections of winning tickets;
- (7) the number and types of locations at which tickets may be sold;

(8) the method to be used in selling tickets;

(9) the licensing of agents to sell tickets, provided that no person under the age of eighteen shall be licensed as an agent;

(10) the manner and amount of compensation, if any, to be paid to licensed sales agents necessary to provide for the adequate availability of tickets to prospective buyers and for the convenience of the public;

(11) the apportionment of the total revenues accruing from the sale of tickets and from all other sources among (i) the payment of prizes to the holders of winning tickets, (ii) the payment of costs incurred in the operation and administration of the State Lottery system, including the expenses of the Office and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of gaming equipment and materials, (iii) the repayment of the monies appropriated to the State Lottery Fund pursuant to Section 3 of this Act, and (iv) the payment of earnings to the General Fund of the State; provided, however, that no less than thirty percent of the total revenues accruing from the sale of tickets or shares shall be dedicated to subclause (iv) above.

(12) such other matters necessary or desirable for the efficient and economical operation and administration of the game and for the convenience of the purchasers of tickets and the holders of winning tickets.

(b) The Director shall also have the power and it shall be his duty to:

(1) Appoint such deputy directors as may be required to carry out the functions and duties of the Office. Each deputy director shall have had three years management experience in in areas pertinent to his prospective responsibilities and an additional three years of experience in the same field.

(2) Within the limit of the funds made available in Section 3 and proceeding from the sale of lottery tickets, appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed upon the Office by this Act.

(3) In accordance with the provisions of this Act, to license as agents to sell lottery tickets persons who will best serve, by location or accessibility, the public convenience and promote the sale of lottery tickets. The Director may require a bond from every agent so licensed in such amount as he deems necessary. Every licensed agent shall prominently display his license or a copy thereof.

(4) Enter into contracts for the operation of any game or part thereof and into contracts for the promotion of the game or games. This authorization is to be construed to include, but not be limited to, contracting with any racing or other sporting association to conduct sporting events within any racetrack or sports field in the State the outcome of which shall determine the winners of a State game or, as an alternative, to affiliate the determination of the winners of a game with any racing or sporting event held within or without the State. All contracts for other than professional services in an amount greater than \$2,000 shall be awarded to the lowest responsible bidder in the manner prescribed by State bidding laws. No contract awarded or entered into by the Director may be assigned by the holder thereof except by specific approval of the Director.

(5) Make arrangements for any person or organization, including banks, to perform such functions, activities, or services in connection with the operation of the system as he may deem advisable.

(6) Suspend or revoke any license issued pursuant to this Act or the rules and regulations promulgated hereunder.

(7) To certify and report monthly to the State Treasurer the total lottery revenues, prize disbursements, and other expenses for the preceding month, and to make an annual report to the Governor and the General Assembly, which report shall include a full and complete statement of revenues, prize disbursements and other expenses and recommendations for such changes in this chapter as he deems necessary or desirable.

(8) To report immediately to the Governor and members of the General Assembly any matters which shall require immediate changes in the laws of the State in order to prevent abuses and evasions of this Act or the rules and regulations

promulgated hereunder or to rectify undesirable conditions in connection with the administration or operation of the gaming system. Such a report shall be disclosed to the public immediately upon issuance.

(9) To carry on a continuous study and investigation of the system (i) for the purpose of ascertaining any defects in this Act or in the rules and regulations issued hereunder by reason whereof any abuses in the administration and operation of the Lottery or any evasion of this Act or the rules and regulations may arise or be practiced; (ii) for the purpose of formulating recommendations for changes in this Act and the rules and regulations promulgated hereunder to prevent such abuses and evasions; (iii) to guard against the use of this Act to benefit organized gambling and crime or criminals in any manner whatsoever, and (iv) to insure that this law and the rules and regulations shall be in such form and be so administered as to serve the true purpose of this Act.

(10) To make a continuous study and investigation of (i) the operation and administration of similar laws which may be in effect in other states and countries, (ii) any literature on the subject which from time to time may be published or available, (iii) any federal laws which may affect the operation of the lottery, and (iv) the reaction of Delaware citizens to existing and potential features of the games with a view to recommending or effecting changes that will tend to serve the purposes of this Act.

(11) Make available to the State Auditor or his representative such information as may be required to perform an annual audit as prescribed in Title 29, Chapter 29 of the Delaware Code.

(12) Establish State-operated sales offices, without limit as to number or location, as he shall deem suitable and economical in order to make lottery tickets more available to the public, which offices shall be operated solely from funds generated by the lotteries permitted by this Chapter.

§8906. Lottery sales agents; qualifications; prohibitions

(a) No license as an agent to sell lottery tickets shall be issued to any person to engage in business exclusively as a lottery ticket sales agent except those persons hired to staff the

State Lottery Office or a State-operated sales office. Before issuing a license to an agent, the Director shall consider such factors as (1) the financial responsibility and security of the person and his business or activity, (2) the accessibility of his place of business or activity to the public, (3) the sufficiency of existing licenses to serve the public convenience, and (4) the volume of expected sales.

(b) If the Director shall find that the experience, character, and general fitness of the applicant are such that the participation of such a person as a lottery ticket sales agent will be consistent with the public interest, convenience, and the purposes of this Act, he shall thereupon grant a license.

For the purposes of this Section, the term 'person' shall be construed to mean and shall include an individual, association, corporation, club, trust, estate, society, company, joint-stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. 'Person' shall also be construed to mean and include all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and agencies and instrumentalities thereof.

§8907. Authorization of lottery ticket sales agents

Notwithstanding any other provision of law, any person licensed as provided in this Act is hereby authorized and empowered to act as a lottery ticket sales agent.

§8908. Non-assignability of prizes

No right of any person to a prize or a portion of a prize shall be assignable, except that payment of any prize may be made to the estate of a deceased prize winner and except that any person pursuant to an appropriate judicial order may be paid the prize, or portion thereof, to which the winner is entitled. The Director shall be discharged of all further liability upon payment of a prize pursuant to this section.

§8909. Restrictions on ticket sales; penalties

(a) No person shall sell a ticket at a price greater than that fixed by rule or regulation of the Director. No person other

than a licensed lottery sales agent shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from giving lottery tickets to another as a gift or bonus.

(b) Any person convicted of violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars.

§8910. Sales to certain persons prohibited; penalties

(a) No ticket shall be sold to any person under the age of eighteen years but this shall not be deemed to prohibit the purchase of a ticket for the purpose of making a gift by a person eighteen years of age or older to person less than that age. Any person convicted of violating this section shall be guilty of a misdemeanor.

(b) No ticket shall be purchased by and no prize received by or awarded to any officer or employee of the State Lottery Office or the Division of Central Data Processing or any spouse, child, brother, sister, or parent of any of the foregoing persons. Any person convicted of violating this section shall forfeit any prize monies so obtained and shall be sentenced to not less than one year in jail and pay a fine of no less than \$5,000.

§8911. Jurisdiction in Superior Court

The Superior Court shall have exclusive jurisdiction of offenses under this Chapter.

§8912. Disposition of unclaimed prize money

Unclaimed prize money for the prize on a winning ticket shall be retained by the Director for the person entitled thereto for one year after the drawing or event in which the prize was won. If no claim is made for said money within such year, the prize money shall be paid to the State General Fund.

§8913. Prizes to minors

If the person entitled to a prize or any winning ticket is under the age of fourteen years, the Director may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor a check or a draft payable to

the order of the minor. The Director shall be discharged of all liability upon payment of a prize to a minor pursuant to this section.

§8914. Transfer of funds and transaction records between agents and the State

The Director may, at his discretion, require any or all lottery ticket sales agents to deposit to the credit of the State Lottery Fund in banks designated by the Director all or part of the monies received by such agents from the sale of lottery tickets and to file with the Director or his designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The Director or his representative shall make such arrangements with any licensed sales agent.

§8915. State Lottery Fund and Operating Budget

(a) All monies received from the sale of lottery tickets shall be accounted for to the State Treasurer and placed into a special account known as the State Lottery Fund. From the fund, the Director shall first pay for the operation and administration of the lottery as authorized in this Act and thereafter shall pay as prizes not less than forty-five percent of the total amount of tickets which have been sold. Total of such payments for operation and administration of the Lottery shall not exceed twenty percent of the total amount of tickets which have been sold. The remaining monies shall accumulate in the State Lottery Fund on a monthly basis and each month's accumulation shall be placed into the General Fund of the State.

(b) The Director shall submit a proposed annual budget for operating and administrative expenses to be paid from the fund to the Budget Director. This proposed budget shall be considered by the Budget Director, the Governor, the Controller General, and the General Assembly in the same manner as if the operating and administrative expenses were to be appropriated from the General Fund in accordance with the provisions of Chapter 63, Title 29, Delaware Code; and all general provisions of the Delaware Code applicable to the appropriation and expenditure of monies from the General Fund shall apply.

§8916. Post-audit of accounts and transactions of office

The State Auditor shall conduct a yearly post-audit of all accounts and transactions of the State Lottery Office. The cost of the audit shall be paid out of the State Lottery Fund monies designated for payment of operating expenses.

§8917. Exemption of lottery prizes from State and local taxation

No State or local taxes of any kind whatsoever shall be imposed upon the proceeds from a prize awarded by the State Lottery.

§8918. Repeal of inconsistent laws

All laws or ordinances or parts of laws or ordinances inconsistent with the provisions of this Act are repealed to the extent of their inconsistency.

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this Act which can be given without the invalid provision or application, and to this end, all the provisions of this Act are declared to be severable.

Section 3. There is hereby appropriated to the State Lottery Fund the sum of \$400,000 for the purposes of establishing and operating the State Lottery system. These funds shall be repaid to the General Fund as specified in Section 1 of this Act.

Section 4. The Governor shall appoint the Director of the State Lottery Office no later than forty-five days following the date on which he affixes his signature to this Act.

Section 5. Chapter 224, Vol. 58, Laws of Delaware, is hereby amended by adding thereto a new Section 4 which shall read as follows:

"Section 4. Any monies appropriated to the Delaware Lottery Study Committee remaining unexpended as of March 31, 1974, shall revert to the General Fund of the State of Delaware."

Section 6. Amend Section 5903 of Chapter 59, Title 29 of the Delaware Code, by adding a new paragraph (21) to read as follows:

"(21) All members, employees and agents of the Delaware State Lottery".

Approved May 31, 1974.

CHAPTER 349

FORMERLY HOUSE BILL NO. 757

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR A YOUTH CONSERVATION CORPS PROJECT.

WHEREAS, a national two-year pilot Youth Conservation Corps program on Federal lands has been expanded to include non-federal public lands; and

WHEREAS, work and learning projects for youths age 15 through 18 in State Park or State Forest lands in New Castle and Sussex Counties are proposed to supplement an on-going Federal program in Kent County (at Bombay Hook National Wildlife Refuge); and

WHEREAS, gainful employment for 50 Delaware youths, male and female, from all social, economic, ethnic, and racial backgrounds will be directed toward accomplishing needed conservation work while developing an understanding and appreciation of the State's natural environment and heritage; and

WHEREAS, a federal grant of \$25,000 is allotted to the State of Delaware on a 50-50 matching basis (administered by both the U.S. Department of the Interior and the U.S. Department of Agriculture).

NOW THEREFORE:

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

Section 1. The sum of \$25,000 is hereby appropriated to the Department of Natural Resources and Environmental Control, Division of Parks, Recreation and Forestry, to be used for the purpose of State matching funds to provide a Youth Conservation Corps project within the State Parks and State Forests of the State of Delaware from June 24, 1974 through August 16, 1974.

Section 2. This Act shall be known as a supplementary appropriation for the fiscal year 1974 and the funds appropriated herein shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 3, 1974.

CHAPTER 350

FORMERLY HOUSE BILL NO. 610
AS AMENDED BY
SENATE AMENDMENTS NO. 1 AND 2

AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO DIVORCE AND ANNULMENT.

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

Section 1. Amend Chapter 15, Title 13 of the Delaware Code, by striking said Chapter in its entirety and substituting in lieu thereof the following:

CHAPTER 15. DIVORCE AND ANNULMENT

§ 1501. Short title

This Chapter shall be known and may be cited as the *Delaware Divorce and Annulment Act*.

§1502. Purpose; construction

This Chapter shall be liberally construed and applied to promote its underlying purposes, which are:

(a) to promote the amicable settlement of disputes that have arisen between parties to a marriage;

(b) to mitigate the potential harm to spouses and their children caused by the process of legal dissolution of marriage;

(c) to make the law of divorce more effective for dealing with the realities of matrimonial experience by making irretrievable breakdown of the marriage relationship the sole basis for divorce;

(d) To permit dissolution of a marriage where the marriage is irretrievably broken despite the objections of an unwilling spouse;

(e) To award alimony only to respondents divorced on account of incompatibility or mental illness who are dependent upon petitioner for support but only during the continuance of such dependency;

(f) To award alimony in appropriate cases so as to encourage respondents to become self-supporting;

(g) Not to award alimony to petitioners who seek divorce for any reason and reject the respondent as a spouse.

§1503. Definitions

For purposes of this chapter, unless the context indicates differently:

"Commencement of the action" means the time of filing the petition.

"Court" means Superior Court of the State of Delaware.

"Incompatibility" means marital rift or discord that has destroyed the marriage relation, without regard to the fault of either party.

"Mental illness" means mental incapacity or infirmity so destructive of the marriage relation that petitioner cannot reasonably be expected to continue in that relation.

"Misconduct" means conduct so destructive of the marriage relation that petitioner cannot reasonably be expected to continue in that relation; and "misconduct" includes, as examples, adultery, bigamy, conviction of a crime the sentence for which might be incarceration for one or more years, repeated physical or oral abuse directed against petitioner or children living in the home, desertion, homosexuality, lesbianism, willful refusal to perform marriage obligations, contracting venereal disease, habitual intemperance, habitual use of illegal drugs or other incapacitating substances, and/or other serious offenses destructive of the marriage relation.

"Prothonotary" means Prothonotary of the Superior Court.

"Separation" means living separate and apart without any cohabitation for 6 or more months immediately preceding the hearing to determine whether a divorce should be granted, com-

mening no later than the date of verification of the petition; but separation may commence and continue while the parties reside under the same roof if severance of the marriage relation is complete.

"Voluntary separation" means a separation by mutual consent or acquiescence.

§1504. Jurisdiction; residence; procedure

(a) The Superior Court of the State of Delaware has jurisdiction over all actions for divorce and annulment of marriage where either petitioner or respondent, at the time the action was commenced, actually resided in this State, or was stationed in this State as a member of the armed services of the United States, continuously for 3 or more months immediately preceding the commencement of the action.

(b) The procedure in divorce and annulment shall conform to the rules of the Court where the same do not contravene this title.

§1505. Divorce; marriage irretrievably broken; defenses; efforts at reconciliation

(a) The Court shall enter a decree of divorce when it finds that the marriage is irretrievably broken.

(b) A marriage is irretrievably broken where it is characterized by (1) voluntary separation, or (2) separation caused by respondent's misconduct, or (3) separation caused by respondent's mental illness, or (4) separation caused by incompatibility, where reconciliation is improbable.

(c) Previously existing defenses to divorce including, but not being limited to, condonation, connivance, collusion, recrimination, insanity and lapse of time are abolished.

(d) The only defense to a divorce action shall be the failure to establish: Either (1) the marriage of the parties, or (2) jurisdictional requirements of section 1504, or (3) that the marriage is irretrievably broken.

(e) Efforts at reconciliation shall not be deemed to interrupt any period of living separate and apart.

§1506. Annulment

(a) The Court shall enter a decree of annulment of a marriage entered into under any of the following circumstances:

(1) a party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of mental incapacity or infirmity, or because of the influence of alcohol, drugs, or other incapacitating substances;

(2) a party lacked the physical capacity to consummate the marriage by sexual intercourse and the other party did not, at the time the marriage was solemnized, know of the incapacity;

(3) a party was less than legal age and did not have the consent of his parents or guardian or judicial approval as provided by law;

(4) one party entered into the marriage in reliance upon a fraudulent act or representation of the other party, which fraudulent act or representation goes to the essence of the marriage;

(5) one or both parties entered into the marriage under duress exercised by the other party, or a third party, whether or not such other party knew of such exercise of duress;

(6) one or both parties entered into the marriage as a jest or dare; or

(7) the marriage is prohibited and void or voidable as provided in section 101 of this title.

(b) A decree of annulment may be sought by any of the following persons, and a petition therefor must be filed within the times specified below, but in no event may a decree of annulment be sought after the death of either party to the marriage, except as provided in this section:

(1) for the reasons set forth in either (1), (4), (5) or (6) of subsection (a) of this section, by either party to the marriage who was aggrieved by the condition or conditions, or by the legal representative of the party who lacked capacity to consent, no later than 90 days after petitioner obtained knowledge of the described condition.

(2) for the reason set forth in (2) of subsection (a) of this section, by either party no later than 1 year after petitioner obtained knowledge of the described condition.

(3) for the reason set forth in (3) of subsection (a) of this section, by the underaged party, his parent, or guardian, no later than 1 year after the date the marriage was entered into.

(4) a decree of annulment for the reason set forth in (7) of subsection (a) of this section, may be sought by either party, by the legal spouse in case of bigamous, polygamous or incestuous marriages, by the appropriate state official, or by a child of either party at any time prior to the death of either party or prior to the final settlement of the estate of either party and the discharge of the personal representative, executor, or administrator of the estate, or prior to 6 months after an order of distribution is made under chapter 23, title 12.

(c) Children born of an annulled marriage are legitimate. Marriages annulled under this section shall be so declared as of the date of the marriage.

(d) The provisions of this chapter relating to separation agreements and the property rights of spouses are applicable to annulment.

§1507. Petition for divorce or annulment

(a) A petition for divorce or annulment of marriage shall be captioned:

IN THE SUPERIOR COURT
OF THE STATE OF DELAWARE
IN AND FOR _____ COUNTY

In re the Marriage of

_____,
Petitioner,
A N D No. _____, 19____
_____,
Respondent.

PETITION FOR DIVORCE (OR ANNULMENT)

(b) The petition shall be verified by petitioner and shall set forth:

(1) the age, occupation, and residence (including county in Delaware) of each party and length of residence in the State, showing compliance with the jurisdictional requirements of section 1504(a) of this title;

(2) address where it is most likely that mail will be received by respondent, or that no such address can be ascertained with reasonable diligence;

(3) under proper circumstances, that it is unlikely that jurisdiction can be acquired over respondent other than by mailing or publication of notice as provided in section 1508 of this title;

(4) if respondent is a foreign national or has resided in a foreign country within 2 years prior to the filing of the petition, the address of a representative (preferably the nearest) of such foreign country in the United States;

(5) the date of the marriage and the place at which it was registered;

(6) the date on which the parties separated;

(7) the names, ages and addresses of all living children of the marriage and whether the wife is pregnant;

(8) whether there have been any prior matrimonial proceedings between the parties and, if so, the date, name and place of the court, and the disposition of the same;

(9) reference to any agreement specified in section 1516 of this title;

(10) an allegation that the marriage is irretrievably broken and how it is characterized; or if the petition is for annulment, averment of the applicable circumstances specified in section 1506(a) and that the petition has been filed within the applicable time limit recited in section 1506(b) of this title;

(11) any other relevant facts;

(12) relief prayed for.

(c) The petition shall be filed with the Prothonotary in the county wherein petitioner resides or in the county wherein respondent resides along with such deposit to cover costs as the Court may fix and a praecipe instructing the Prothonotary how jurisdiction is to be acquired over respondent.

§1508. Obtaining jurisdiction over respondent

(a) After the filing of the petition jurisdiction may be acquired over respondent in any of the following ways:

(1) by issuance of summons by the Prothonotary, and service thereof by the Sheriff upon respondent, by delivering a copy of the summons, petition and any affidavit to respondent personally or by delivering copies thereof to an agent authorized by appointment or by law to receive service of process;

(2) by appearance of respondent, either personally or by executing and filing an appearance document in a form approved by the Court, with or without issuance of summons;

(3) by appearance of counsel for respondent, with or without issuance of summons;

(4) under a Court rule not inconsistent with the provisions of this section.

(b) If the petition avers that it is unlikely that jurisdiction can be acquired over respondent except by mailing and publication, or by publication only, whether respondent is a resident or non-resident of this State, jurisdiction may be acquired over respondent by mailing and publication, or by publication only, under subsection (d) of this section.

(c) If an effort has been made unsuccessfully to obtain jurisdiction over respondent as provided in subsection (a) of this section, then jurisdiction may be acquired over respondent by mailing and publication, or by publication only, under subsection (d) of this section.

(d) When service is to be made upon respondent by mailing and publication, the Prothonotary shall:

(1) send a copy of the summons, petition and any affidavit to respondent by registered or certified mail, return receipt re-

quested, to the address that petitioner had averred it is most likely that mail will be received by respondent; and

(2) cause a notice in the form prescribed by subsection (e) of this section to be published once in a newspaper of general circulation in the county where the action is pending.

If petitioner has averred that he knows of no address where it is most likely that mail will be received by respondent there shall be no mailing.

No further notice shall be required unless the Court, deeming the circumstances exceptional, requires further notice.

(e) The form of notice shall be as follows:

NOTICE OF DIVORCE (OR ANNULMENT) ACTION

TO: (John R. Doe), Respondent

**FROM: PROTHONOTARY OF THE SUPERIOR COURT,
(NEW CASTLE) COUNTY, DELAWARE**

(Mary C. Doe), petitioner, has brought suit against you for divorce (or annulment in the Superior Court of the State of Delaware in and for (New Castle) County, in Civil Action No. _____, 19____. If you do not serve a response to the petition on petitioner's attorney (John C. Dodge, 400 Delaware Avenue, Wilmington, Delaware) within 20 days after the last day of publication of this notice as required by statute, the action will be tried without further notice by the Superior Court in (Wilmington).

(f) When the petition avers that respondent is a resident of this State, the summons shall be delivered to an officer for service in the county where it appears most likely that service can be effected on respondent.

(g) The expense of mailing and publication shall be taxed as part of the costs of the case.

(h) Original process, whether an original, alias or pluries writ, is returnable 20 days after the issuance of the writ, except that the Court by rule, or by order after application for cause shown, may provide that the writ be returnable sooner or later.

§1509. Interim orders pending final hearing

(a) Petitioner in the petition for divorce or annulment, or by motion filed simultaneously with the petition, or either party by motion filed after the filing of the petition, may move for one or more of the following interim orders:

(1) for temporary alimony for himself or herself;

(2) restraining a party from transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party of any proposed extraordinary expenditures and to account to the Court for all extraordinary expenditures made after the order is issued;

(3) enjoining a party from molesting or disturbing the peace of the other party;

(4) excluding a party from the family home or from the home of the other party even though such party has a legal or equitable interest in the same, upon a showing that physical or emotional harm might otherwise result;

(5) requiring a party to make available to his or her spouse designated personal property and/or fixtures, even though titled in such party's name alone or jointly with someone else, upon such terms and conditions as the Court may impose;

(6) requiring one party to pay such sum to the other party as deemed necessary to defray the other party's expenses in conducting the proceedings.

(b) A motion shall be accompanied by an affidavit setting forth the factual basis for the motion and any amounts of money requested. The Court may issue any of the above orders solely or collectively without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury would result to the moving party if an order were not issued until the time for responding has elapsed.

§1510. Enforcement of interim orders

Whenever there is exhibited to any duly authorized sheriff, constable or police officer a certified copy of an order issued by

the Court in an action for divorce, or annulment, enjoining any person from threatening, beating, striking, assaulting any other person, or requiring the person to remove himself from certain premises and to refrain from loitering, entering, or remaining near the premises thereafter and the copy of the order shows under signature of the person so serving that a copy of the order has been properly served upon the person named in the order and the person named commits an apparent violation of its terms, it shall be the duty of the sheriff, constable or police officer to take him immediately before the Court issuing the order or if that Court is not in session then to the nearest jail until bail is fixed and provided or until the convening of its next session, to await further action for the violation.

§1511. Response; counterclaim; prayers; no default judgment; reply to counterclaim

(a) Respondent may file a verified response, move or otherwise plead in answer to the petition, and may counterclaim for divorce or annulment against petitioner, within 20 days after personal service, receipt of service by mail, appearance personally or by counsel, or the date of publication of notice.

(b) Respondent may seek an award of interim relief under section 1509 of this title, alimony where appropriate under section 1512, incorporation or recognition of a separation agreement, disposition of property, attorneys fees, resumption of former name or any other relief available to a petitioner.

(c) Respondent's failure to respond to the complaint shall not entitle petitioner to a default judgment.

(d) Petitioner may reply, move or otherwise plead in response to a counterclaim for divorce or annulment within 20 days after service of the counterclaim but failure of petitioner to respond to a counterclaim shall not entitle respondent to default judgment.

(e) For good cause shown, the Court may extend the time stipulated for responding to the petition or a counterclaim.

§1512. Alimony in divorce actions; waiver or release

(a) The Court may grant an alimony order for respondent if the petition for divorce avers that the marriage is irretriev-

ably broken because of incompatibility or mental illness and respondent, or someone on his or her behalf, shall aver in an affidavit filed in the action and prove by a preponderance of the evidence that respondent:

(1) is dependent upon petitioner for support but petitioner is not contractually or otherwise obligated to support respondent after the entry of a divorce decree;

(2) lacks sufficient property, including marital property apportioned to him or her, to provide for his or her reasonable needs; and

(3) is unable to support himself or herself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

(b) The alimony order shall be in such amounts and for such periods of time as the Court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(1) the financial resources of respondent including marital property apportioned to him or her, and his or her ability to meet his or her needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

(2) the time necessary to acquire sufficient education or training to enable respondent to find appropriate employment;

(3) the standard of living established during the marriage;

(4) the duration of the marriage;

(5) the age, and the physical and emotional condition of respondent; and

(6) the ability of petitioner to meet his or her needs while meeting those of respondent.

(c) A respondent who has, contractually, waived or released his or her right to alimony shall have no remedy under this section.

(d) The provisions of this section have no application to an annulment action.

§1513. Disposition of marital property; imposition of lien; insurance policies

(a) In a proceeding for divorce or annulment, the Court shall, upon request of either party, equitably divide, distribute and assign the marital property between the parties without regard to marital misconduct, in such proportions as the Court deems just after considering all relevant factors including:

(1) the length of the marriage;

(2) any prior marriage of the party;

(3) the age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties;

(4) whether the property award is in lieu of or in addition to alimony;

(5) the opportunity of each for future acquisitions of capital assets and income;

(6) the contribution or dissipation of each party in the acquisition, preservation, depreciation or appreciation of the marital property, including the contribution of a party as homemaker or husband;

(7) the value of the property set apart to each party;

(8) the economic circumstances of each party at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the party with whom any children of the marriage will live;

(9) whether the property was acquired by gift, bequest, devise or descent; and

(10) the debts of the parties.

(b) For purposes of this chapter only, "marital property" means all property acquired by either party subsequent to the marriage except:

(1) property acquired in exchange for property acquired prior to the marriage;

(2) property excluded by valid agreement of the parties;
and

(3) the increase in value of property acquired prior to the marriage.

(c) All property acquired by either party subsequent to the marriage is presumed to be marital property regardless of whether title is held individually or by the parties in some form of co-ownership such as joint tenancy, tenancy in common or tenancy by the entirety. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in paragraphs (1) through (3) of subsection (b) of this section.

(d) The Court may also impose a lien or charge upon the marital property assigned to a party as security for the payment of alimony or other allowance or award for the other party.

(e) The Court may also direct the continued maintenance and beneficiary designations of existing policies insuring the life of either party. The Court's power under this subsection (e) shall extend only to policies originally purchased during the marriage and owned by or within the effective control of either party.

§1514. Resumption of maiden or former name

The Court, upon the request of a party by pleading or motion, may order that such party resume her maiden name or the name of a former husband.

§1515. Attorney's fees

The Court from time to time after considering the financial resources of both parties may order a party to pay all or part of the cost to the other party of maintaining or defending any proceeding under this title and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after the entry of judgment. The Court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

§1516. Hearings; impoundment; assignment of counsel; defense by relative

(a) All hearings and trials shall be conducted in private by the Court sitting without a jury, and not by any master, referee or other delegated person; but for reasons appearing sufficient to the Court, any hearing or trial may be opened to any person who has a direct and legitimate interest in the particular case or a legitimate educational or research interest in the work of the Court.

(b) No hearing to determine whether to grant a divorce decree shall be held unless, on the date of the hearing, the parties are separated and have been separated for not less than 6 months immediately preceding the date of the hearing.

(c) No record or evidence in any case shall be impounded or access thereto refused.

(d) In all uncontested cases, and in any other case where the Court deems it necessary or proper, a disinterested attorney may be assigned by the Court actively to defend the case. A fee for such attorney shall be allowed by the Court and taxed as part of the costs.

§1517. Findings; opportunity for counseling; disposition of Prayers for relief

(a) If the petitioner avers that the marriage is irretrievably broken and respondent does not deny it, there is a presumption of such fact and, unless controverted by the evidence, the Court shall, after a hearing at which only petitioner need testify, make a finding that the marriage is irretrievably broken. If the Court shall not be satisfied from the evidence that the marriage is irretrievably broken, it shall deny the petition.

(b) If the petitioner shall aver that the marriage is irretrievably broken but respondent shall deny that averment under oath or affirmation, the Court shall consider the evidence and, after a hearing, shall:

(1) make a finding whether the marriage is irretrievably broken; or

(2) continue the matter with the consent of both parties for further hearing not more than 60 days later so that the parties may seek counseling, either with a qualified private counselor or an accredited counseling agency, public or private. No party who objects shall be forced to submit to counseling, and all counseling or interviews shall be confidential and privileged and only the fact that further efforts at reconciliation are impractical or not in the interest of the parties shall be reported to the Court. At the adjourned hearing the Court shall finally determine whether the marriage is irretrievably broken.

(c) Where either party has requested property disposition, alimony, or other relief provided for in this title, and a decree of divorce or annulment shall be entered, or if such a decree is refused and, nevertheless, the Court deems it appropriate to enter an order concerning some or all of the relief requested, the Court shall finally determine such requests for relief.

§1518. Decree in divorce or annulment proceedings; costs; notice of entry; effect on mentally incompetent spouse; effect on subsequent petitions

(a) A decree granting or denying a petition for divorce or annulment is final when entered, subject to the right of appeal. An appeal from a decree granting a divorce that does not challenge the finding that the marriage is irretrievably broken or an appeal from a decree granting an annulment that does not challenge the finding that the marriage should be annulled, does not delay the finality of that provision of the decree beyond the time for appealing from that provision, so that either of the parties may remarry pending appeal.

(b) In the decree granting or denying a petition for divorce or annulment, or in a separate order entered after the entry or denial of a decree of divorce or annulment, the Court shall dispose of all prayers or requests concerning alimony, disposition of property, a separation agreement, resumption of former name and other incidental or collateral matters relevant to the decree, where appropriate under the facts and law, but (1) an application for relief therefor must have been presented to the Court before the hearing to determine whether a divorce or annulment decree should be granted and (2) an application for a

hearing therefor must have been made to the Court before or at the time of the entry or denial of a decree of divorce or annulment.

(c) Court costs, including the fee for the services of an attorney fixed by the Court, shall be taxed by the Court at the time of the granting or denial of a decree or order and made payable as adjudged by the order. The Court may enforce the payment of costs by attachment process.

(d) The Prothonotary shall give notice of the entry of a decree of divorce or annulment:

(1) if the marriage is registered in this State, to the Clerk of the Peace of the county where the marriage is registered and such clerk shall enter the fact of divorce or annulment in his records; or

(2) if the marriage is registered in another jurisdiction, to the appropriate official of that jurisdiction, with the request that he enter the fact of divorce or annulment in the appropriate record.

(e) No decree that may enter shall relieve a spouse from any obligation imposed by law as a result of the marriage for the support or maintenance of a spouse adjudicated to be mentally incompetent prior to the decree, unless such spouse has sufficient property or means of support.

(f) A decree denying a petition for divorce or annulment shall not foreclose a subsequent petition for such relief if the subsequent petition involves factual or legal premises not directly or by necessary implication decided by the decree on the former petition.

§1519. Modification and termination of provisions for alimony and property disposition

(a) Except as otherwise provided in section 1515 of this title the provisions of any decree respecting alimony may from time to time be modified or terminated only upon a showing of a real and substantial change of circumstances. The provisions as to property disposition, or the terms of a property settlement, may not be revoked or modified, unless the Court finds the existence of conditions that justify the reopening of a judgment.

(b) Unless otherwise agreed by the parties in writing and expressly provided in the decree, the obligation to pay future alimony is terminated upon the death of either party or the remarriage of the party receiving alimony.

(c) Any alimony order entered pursuant to section 1512 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 petitioner or the respondent in the divorce action, and such Family Court, on proper showing of either of such petitioner or such respondent 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 section 1512, 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 petitioner or such respondent or on its own motion, may modify or terminate the support obligation decreed thereby.

§1520. Independence of provisions of decree or temporary order

If a party fails to comply with a provision of a decree or temporary order, the obligation of the other party to make alimony payments is not suspended; but he may move the Court to grant an appropriate order.

§1521. Decrees of courts of other states and countries

Full faith and credit shall be given in all the courts of this State to a decree of divorce or annulment of marriage by a court of competent jurisdiction in another state, territory, or possession of the United States. Nothing herein contained shall be construed to limit the power of any court of this State to give such effect to a decree of divorce or annulment by a court of a foreign country as may be justified by the rules of international comity.

Section 2. This act shall become effective 30 days after the day on which it is enacted into law. Actions commenced prior

to the effective date of this act shall be governed by the provisions of Chapter 15, Title 13, operative prior to such effective date and those provisions shall remain in effect as to those actions as if this act were not in effect.

Section 3. Nothing in this act shall be construed to affect any right, duty or liability arising under any statutes in effect immediately prior to the effective date of this act, but the same shall be continued and concluded under such prior statutes. Nothing in this act shall revive or reinstate any right or liability previously barred by statute.

Section 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Approved June 4, 1974.

CHAPTER 351

FORMERLY SENATE BILL NO. 493
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE
CODE CONCERNING EMERGENCY VEHICLES.**

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

Section 34. Amend §4134 of Chapter 41, Title 21, Delaware Code, by striking said section in its entirety and insert in lieu thereof a new section to read as follows:

§4134. Operation of vehicles on approach of authorized emergency vehicles

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals, or of a police vehicle properly and lawfully making use of an audible signal only; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersections and shall relinquish the right of way until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Approved June 7, 1974.

CHAPTER 352

FORMERLY SENATE BILL NO. 514

AN ACT TO AMEND CHAPTER 49, TITLE 10 OF THE DELAWARE CODE RELATING TO EXEMPTION AND ATTACHMENT OF WAGES.

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

Section 1. Amend §4913, Chapter 49, Title 10 of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §4913 to read as follows:

§4913. Exemption and attachment of wages

(a) Eighty-five per cent (85%) of the amount of the wages for labor or service of any person residing within the State of Delaware, shall be exempt from mesne attachment process and execution attachment process under the laws of this State. And except where the execution process is for a fine or costs or taxes due and owing to this State.

(b) On any amount of wages due for a stated and regular period, not exceeding one month, for the payment of such wages, only one attachment may be made; any creditor causing such attachment to be made, shall have the benefit of his priority, until attachment is paid in full. The costs, incurred in the laying of any attachment under this section, shall be paid out of the whole amount of the wages attached. Only one lay is to be made for any attachment.

(c) Wages shall include salaries, commissions and every other form of remuneration paid to an employee by an employer for labor or services, but shall not include payment made for services rendered by a person who is master of his own time and effort.

Approved June 7, 1974.

CHAPTER 353

**FORMERLY HOUSE BILL NO. 829
AS AMENDED BY
HOUSE AMENDMENT NO. 1**

AN ACT TO AMEND CHAPTER 313, VOLUME 53, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 72, VOLUME 56, LAWS OF DELAWARE, BY AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, TO EXPEND FUNDS FOR EXTENDING APPROVED WATERSHED PROJECTS INTO THE ADJOINING STATE WHEN SUCH WORK IS REQUIRED FOR THE EFFECTIVE FUNCTIONING OF DELAWARE PROJECTS.

WHEREAS, pursuant to an Attorney General's Opinion rendered on June 22, 1971, at the request of former Secretary of the Department of Natural Resources and Environmental Control, the State of Delaware has the authority to appropriate and expend funds for the construction of outlets in the State of Maryland; and

WHEREAS, statutory controls prevail relative to the expenditure of funds appropriated by the General Assembly in Chapters 29, 63, 65 and 83 of Title 29 which preclude any wrongdoing regarding the expenditure of these funds.

NOW, THEREFORE:

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

Section 1. Amend Section 1 of Chapter 313, Volume 53, Laws of Delaware, by adding thereto the following new subsection (e) to read as follows:

"(e) To construct, operate and maintain structural measures for channel improvement including but not limited to clearing and snagging operations in the adjoining state where

such improvement is necessary to the proper functioning of Delaware tax ditches whose authority cannot extend across state lines and where a comparable organization does not exist in the adjoining state. This authority is limited to approximately two miles of each of the following tax ditches: Tappahanna, Maryland, and Brights Branch."

Approved June 7, 1974.

CHAPTER 354

FORMERLY HOUSE BILL NO. 400
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR THE PURPOSE OF INSTALLING
TRAFFIC SIGNAL CONTROL EQUIPMENT AT THE
CRANSTON HEIGHTS FIRE COMPANY, WILMINGTON,
DELAWARE.**

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

Section 1. The sum of \$1,955 is hereby appropriated to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the Cranston Heights Fire Company, Wilmington, Delaware.

Section 2. This 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 remaining unexpended on June 30, 1975 shall revert to the General Fund of the State of Delaware.

Approved June 11, 1974.

CHAPTER 355

FORMERLY HOUSE BILL NO. 659

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF ADMINISTRATIVE SERV-
ICES FOR THE PURPOSE OF PAYING EMPLOYEES
WHO FAILED TO RECEIVE THEIR ANNUAL INCRE-
MENT.**

WHEREAS, as the result of an audit of the PT-1 files of Marlene Fountain and Margaret Lake, requested by the Director of the Division of Maintenance and Communications, revealed that they did not receive annual merit increases dating back to July 1, 1969; and

WHEREAS, these employees are entitled statutorily and by regulation of the Personnel Department to annual increments, unless otherwise indicated in their personnel files which the said audit did not reveal; and

WHEREAS, Marlene Fountain is entitled, as a result of the audit, to back pay in the amount of \$936.00; and

WHEREAS, Margaret Lake is entitled, as a result of the audit, to back pay in the amount of \$1,034.50.

NOW, THEREFORE:

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

Section 1. The sum of \$1,970.50 is hereby appropriated to the Department of Administrative Services for the purpose of paying Marlene Fountain and Margaret Lake who inadvertently were not given annual increments dating back to July 1 of 1969.

Section 2. Funds appropriated herein shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 3. This is a supplementary appropriation act and funds appropriated herein which remain unexpended on June 30, 1974, shall revert to the General Fund.

Approved June 11, 1974.

CHAPTER 356

FORMERLY HOUSE BILL NO. 797

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE LEGISLATIVE COUNCIL FOR FISCAL '74
TELEPHONE BILLS.**

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

Section 1. The sum of \$8,600 is hereby appropriated to the Legislature Council (01-08-001) to be used to pay telephone bills through June 30, 1974.

Section 2. This Act is a supplementary appropriation and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware from monies not otherwise appropriated.

Section 3. The monies appropriated by this Act which remain unexpended or unencumbered by June 30, 1974 shall revert to the General Fund.

Approved June 11, 1974.

CHAPTER 357

FORMERLY SENATE BILL NO. 568
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF ADJUSTING THE FORMULA FOR REIMBURSEMENT TO THE SCHOOL BUS CONTRACTORS AND NON-PUBLIC SCHOOLS FOR THE TRANSPORTATION OF NON-PUBLIC SCHOOL PUPILS DURING THE FISCAL YEAR ENDING JUNE 30, 1974.

WHEREAS, the increasing costs of goods and services are seriously affecting the costs of transporting pupils to school; and

WHEREAS, the non-public schools and school bus contractors that operate buses are having to pay increasing costs for the purchase of new buses, for financing, for gas, oil, tires, maintenance and for storage, and are not now compensated for spare buses or the costs of vandalism; and

WHEREAS, the present transportation reimbursement formula used by the State Board of Education in calculating its request is based on estimates of costs prepared during the preceding year, as is the appropriation provided by the General Assembly in the budget for Fiscal Year 1974, and is now inadequate to meet current transportation costs.

NOW, THEREFORE,

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

Section 1. The sum of twenty-eight thousand two hundred dollars (\$28,200.00) is hereby appropriated to the State Board of Education for the purpose of adjusting the following cost factors for the transportation of non-public students: bus allowance, allowance for financing, spare buses, allowance for vandalism,

parking and storage, administrative allowance, and operating adjustment.

Section 2. The State Board of Education is authorized to make adjustments in the non-public school transportation formula by taking into account increases in the various cost factors referred to herein, and including allowances for the cost of spare buses and the cost of vandalism; provided, however, that the total costs of such adjustments cannot exceed the sum of twenty-eight thousand two hundred dollars (\$28,200.00).

Section 3. The operating adjustment funds provided for by this Act shall also be applied to non-public school bus contracts not covered by the transportation formula.

Section 4. This Act shall be known as a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Section 5. Any funds hereby appropriated which remain unexpended on June 30, 1974, shall revert to the General Fund of the State.

Approved June 11, 1974.

CHAPTER 358

FORMERLY SENATE BILL NO. 635

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE WOODLAND BEACH EMBANKMENT AND STABILIZATION PROJECT AND TO ISSUE BONDS AND NOTES THEREFOR AND APPROPRIATING THE MONIES TO THE DIVISION OF HIGHWAYS OF THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION.

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

Section 1. There is appropriated to the Division of Highways of the Department of Highways and Transportation the sum of \$300,000, or so much as shall be received from the sale of the bonds and notes hereinafter authorized, which shall be for the purposes set forth in this Act.

Section 2. The sum of \$300,000 appropriated herein shall be expended by the Division of Highways for completion of the Woodland Beach Embankment and Stabilization Project.

Section 3. The said sum of \$300,000 shall be borrowed by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware. Such bonds and notes shall be issued in accordance with the provisions of Chapter 74, Title 29, Delaware Code, and Chapter 75, Title 29, Delaware Code, where applicable.

Section 4. There is appropriated from the General Fund of the State such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which becomes due on such bonds and notes during the current fiscal year and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the current fiscal year. Vouchers for the pay-

ment 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 5. Any of the funds appropriated herein remaining unexpended on June 30, 1976, shall revert to the General Fund.

Approved June 11, 1974.

CHAPTER 359

FORMERLY SENATE BILL NO. 410

AN ACT RELATING TO A PENSION FOR LAWRENCE THOMPSON, A FORMER BEE INSPECTOR WITH THE DEPARTMENT OF AGRICULTURE.

WHEREAS, Lawrence Thompson, a former bee inspector with the Department of Agriculture for a period of fifteen years, has been denied a service pension by the Board of Pension Trustees under the provisions of Rule and Regulation No. 10.6; and

WHEREAS, Regulation No. 10.6 relates to part-time employment which was adopted by the Board subsequent to Lawrence Thompson's retirement in 1967; and

WHEREAS, despite Lawrence Thompson's part-time employment as a State Bee Inspector for fifteen years for the Department of Agriculture, he was never informed by his superiors that he was not entitled to pension benefits; and

WHEREAS, Lawrence Thompson requested a hearing before the Board of Pension Trustees on August 16, 1973, pursuant to the Board's hearing procedures, at which time the Board requested that he submit additional supportive evidence; and

WHEREAS, Mr. Thompson subsequently furnished the Board information of a Mr. Fox who had been receiving a pension as a part-time employee, up to the time of his death, as a custodian; and

WHEREAS, the nature of the work Mr. Thompson performed was not only hazardous but required him to be on duty 24 hours a day; and

WHEREAS, Lawrence Thompson is deserving of a service pension by virtue of the fact that he was on call 24 hours a day, that he worked for the State for fifteen years and the hazardous nature of his work.

NOW, THEREFORE:

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

Section 1. The Board of Pension Trustees is hereby directed to accept the application of Mr. Lawrence Thompson for a service pension in accordance with Chapter 55, Title 29, Delaware Code and the Board is further directed to determine that said Lawrence Thompson is eligible for said pension.

Approved June 11, 1974.

CHAPTER 360

FORMERLY SENATE BILL NO. 354
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 11 OF THE DELAWARE CODE RELATING TO DEFAULTS ON CASH BAIL BONDS.

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

Section 1. Amend Chapter 21, Title 11, of the Delaware Code, by adding a new section to be designated as §2115 to read as follows:

§2115. Forfeiture and default of cash bail bonds

(a) If the accused shall fail to appear as required by any Court, except the Municipal Court of the City of Wilmington or the House Sergeant of the Wilmington City Police, while under a cash bond, and the court pursuant to this chapter or Court Rule finds the accused in default and forfeits the cash bond, the proceeds shall be forwarded to the State Treasurer of the State of Delaware and deposited in the General Fund.

(b) All funds held by the State in any depository derived from forfeiture or default of cash bonds from any court, except the Municipal Court of the City of Wilmington or the House Sergeant of the Wilmington City Police, shall immediately be forwarded to the State Treasurer and deposited in the General Fund.

Section 2. This Act shall become effective upon the Governor's signature.

Approved June 11, 1974.

CHAPTER 361

FORMERLY SENATE BILL NO.439

**AN ACT TO AMEND CHAPTER 68, PART VI, TITLE 16 OF
THE DELAWARE CODE RELATING TO EXEMPTION
FROM CIVIL LIABILITY WHILE RENDERING EMERG-
ENCY CARE, FIRST AID OR RESCUE.**

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

Section 1. Amend §6801, Chapter 68, Part VI, Title 16 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§6801. Good samaritan act

Any person, who in good faith gratuitously renders emergency care at the scene of an accident or emergency to a victim thereof, shall not be liable for any civil damages for any personal injury resulting from an act or omission by the person rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

The exemptions from civil liability provided by this Chapter shall not apply to the administering of such care where the same is rendered for remuneration or with the expectation of remuneration, or is rendered by any person or agent of a principal who was at the scene of the accident or emergency because he or his principal was soliciting business or performing or seeking to perform emergency care services for remuneration.

Section 2. If any provision of §6801, Title 16 of the Delaware Code, as set forth in Section 1 above, is held to be invalid or unconstitutional, then that section as it existed immediately prior to the effective date of this Act shall be reinstated and the repeal of the section as it existed prior to the effective date of this Act shall be nullified.

Approved June 11, 1974.

CHAPTER 362

FORMERLY HOUSE BILL NO. 853
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF AGING, TO BE EXPENDED IN THE DIVISION'S SERVICES TO THE AGING POPULATION IN THE STATE.

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

Section 1. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated to the Division of Aging of the Department of Health and Social Services, which sum shall be used for Aging Services in the State.

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 herein appropriated shall be used only for the purpose specified in Section 1 of this Act, and any funds appropriated but unexpended by June 30, 1975, shall thereupon revert to the General Fund of the State Treasury.

Approved June 11, 1974.

CHAPTER 363

FORMERLY HOUSE BILL NO. 304
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR THE PURPOSE OF INSTALLING
TRAFFIC SIGNAL CONTROL EQUIPMENT AT THE
MILLVILLE FIREHOUSE, MILLVILLE, DELAWARE.**

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

Section 1. The sum of \$4,629 is hereby appropriated to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the Millville Firehouse, Millville, Delaware.

Section 2. This 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 herein appropriated remaining unexpended on June 30, 1975, shall revert to the General Fund of the State of Delaware.

Approved June 11, 1974.

CHAPTER 364
FORMERLY HOUSE BILL NO. 648

AN ACT TO AMEND CHAPTER 14, TITLE 11 OF THE DELAWARE CODE TO PROVIDE AN EXCEPTION TO THE CRIMINAL CODE PROVISIONS ON GAMBLING FOR A STATE-OPERATED LOTTERY.

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

Section 1. Amend Section 1408, Title 11 of the Delaware Code, by adding the following phrase at the end of the first sentence therein:

"or to any Lottery under State control for the purpose of raising funds."

Approved June 11, 1974.

CHAPTER 365

FORMERLY HOUSE BILL NO. 765

AN ACT TO AMEND CHAPTER 7, TITLE 17 OF THE DELAWARE CODE RELATING TO RAILROAD CROSSINGS OVER HIGHWAYS.

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

Section 1. Amend Chapter 7, Title 17 of the Delaware Code, by adding thereto new sections to read as follows:

§712. Railroad Rights-of-Way; acquisition by Department of Highways and Transportation; notice of abandonment

In order to permit the State Department of Highways and Transportation to receive notice of, and be afforded an opportunity to acquire, by purchase or condemnation, railroad rights-of-way proposed to be abandoned, sold or leased, it shall be unlawful for any present railroad right-of-way in the State of Delaware to be abandoned, sold, or leased without first serving notice thereof upon the Secretary of the Department of Highways and Transportation, and no sale, conveyance, or lease of any part of such right-of-way shall thereafter be made to any person other than the State of Delaware for a period of ninety (90) days, from the time such notice was served, unless prior thereto the Secretary of the Department of Highways and Transportation shall have filed with the server of the notice a written disclaimer of interest in acquiring all or any part of said right-of-way. The Department of Highways and Transportation shall have the first and primary right to acquire such abandoned right-of-way. The railroad company shall not be entitled to compensation for said right-of-way if it does not possess a fee simple interest (clear title). The State, through the Department of Highways and Transportation, is hereby empowered to purchase, take by gift or devise, or condemn any identifiable interest, reversionary or otherwise, in said abandoned right-of-way. Any sale or conveyance made in violation of this Act shall be void.

§713. Right-of-Way defined

As used in this Act, "right-of-way" means that roadbed of a line of railroad, not exceeding one hundred feet in width, as measured horizontally at the elevation of the base of the rail, including the far embankment or excavated area, with slopes, slope ditches, retaining walls or foundations necessary to provide a width not to exceed one hundred feet at the base of rail, including tracks, appurtenances, ballast and any structures or buildings erected thereon.

§714. Contents of Notice

Each notice, required to be served pursuant to this Act, shall contain a brief description sufficient to identify the right-of-way intended to be abandoned and sold or otherwise disposed of, together with a statement that the notice is given to afford the Department of Highways and Transportation an opportunity to acquire the right-of-way or such portion thereof as may be required for public use.

§715. Service of Notice

Service of the said notice shall be made by certified mail, return receipt requested, addressed to the Secretary of the Department of Highways and Transportation.

Approved June 11, 1974.

CHAPTER 366

FORMERLY SENATE BILL NO. 617

**AN ACT TO AMEND CHAPTER 3, PART I, TITLE 9 OF THE
DELAWARE CODE BY AUTHORIZING EACH COUNTY
TO HOLD TITLE TO REAL ESTATE AND TO DISPOSE
OF SAME.**

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

Section 1. Amend §378, Chapter 3, Part I, Title 9 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

§378. Title to real estate owned by county

Title to land acquired by a county shall be taken and held in the name of the county wherein the land is situated. Title to land held by a county as heretofore provided by this section is hereby changed to the name of the county.

Title to county land may be conveyed by the county pursuant to an ordinance, or a resolution where ordinances are not provided for, duly advertised and adopted by the county authorizing the conveyance of the specific land, irrespective of whether title was acquired as heretofore provided by this section."

Approved June 13, 1974.

CHAPTER 367

**FORMERLY HOUSE BILL NO. 581
AS AMENDED BY
HOUSE AMENDMENT NO. 2**

**AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE
CODE RELATING TO LIMITATIONS ON BINGO.**

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

Section 2. Amend §1139 (i) of Chapter 11, Title 28, Delaware Code, by striking said paragraph (i) in its entirety.

Approved June 14, 1974.

CHAPTER 368

FORMERLY HOUSE BILL NO. 802

AN ACT TO AMEND CHAPTER 11, TITLE 24 OF THE DELAWARE CODE RELATING TO DENTISTRY, AND PROVIDING FOR THE IMMUNITY OF OFFICIALS REVIEWING DENTAL RECORDS AND DENTISTS' WORK.

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

Section 1. Amend Chapter 11, Title 24 of the Delaware Code, by adding thereto a new subchapter, designated as Subchapter V, which new subchapter shall read as follows:

SUBCHAPTER V. GENERAL PROVISIONS

§1191. Immunity of officials reviewing dental records and Dentists' work

The members of the State Board of Dental Examiners of Delaware, dental ethics committee and dentists who are members of Hospital and Delaware State Dental Society committees whose function is the review of dental records and of dentists' work with a view to quality of care and utilization of hospital facilities, home visits, and office visits 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 proceeding, 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, authority, duties, powers and privileges of the offices conferred by law upon them under the provisions of this Chapter, 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 proven otherwise, with malice required to be shown by a complainant.

Approved June 14, 1974.

CHAPTER 369

FORMERLY HOUSE BILL NO. 728

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF NATURL RESOURCES
AND ENVIRONMENTAL CONTROL.**

WHEREAS, the State is indebted to Mr. Willard C. Jackson in the amount of \$150 for runway rental at the Milford Air Park; and

WHEREAS, said debt was incurred in 1970 by the Mosquito Control Section of the Department of Highways and Transportation; and

WHEREAS, the Mosquito Control Section is presently under the Division of Fish and Wildlife, Department of Natural Resources and Environmental Control;

NOW THEREFORE:

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

Section 1. The sum of \$150 is hereby appropriated to the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, to be used by that Department to pay the outstanding debt owed by the Mosquito Control Section to Mr. Willard C. Jackson for runway rental at the Milford Air Park in 1970.

Section 2. This Act is a supplementary appropriation and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware from monies not otherwise appropriated.

Approved June 17, 1974.

CHAPTER 370

FORMERLY SENATE BILL NO. 564

**AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE
CODE, RELATING TO THE DEFINITION OF THE
WORD "COURT".**

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

Section 1. Amend §4302 of Chapter 43, Title 11, Delaware Code, by striking the fifth paragraph beginning with the word "Court" and ending with the word "Wilmington" and insert a new paragraph to read as follows:

" 'Court' means Superior Court, Court of Common Pleas, Justice of the Peace Courts and Municipal Court of the City of Wilmington."

Approved June 17, 1974.

CHAPTER 371

FORMERLY HOUSE BILL NO. 561
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 43, PART III, TITLE 21 OF
THE DELAWARE CODE RELATING TO MOTOR VE-
HICLE EQUIPMENT REQUIREMENTS, AND PROHIB-
ITING THE SALE OF CERTAIN ILLEGAL MUFFLERS.**

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 §4311, Chapter 43, Part III, Title 21 of the Delaware Code, by adding thereto a new subsection, designated as subsection (c), which shall read as follows:

“(c) It shall be unlawful to sell or offer for sale any muffler without interior baffle plates or other effective muffling devices or to sell or offer for sale any ‘gutted muffler’, ‘muffler cut-out’, or ‘straight exhaust’.”

Section 2. No person shall be prosecuted for a violation of the provisions of this Act for a period of ninety (90) days after its effective date.

Approved June 17, 1974.

CHAPTER 372
FORMERLY HOUSE BILL NO. 770
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLES 7 AND 29, DELAWARE CODE,
RELATING TO TRANSFER OF THE POWERS, DUTIES
AND FUNCTIONS OF FORESTRY FROM THE DIVI-
SION OF PARKS, RECREATION AND FORESTRY OF
THE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL TO THE DEPARTMENT
OF AGRICULTURE.**

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

Section 1. Amend Chapters 29, 33 and 35, Title 7 of the Delaware Code by striking therefrom the words "Department of Natural Resources and Environmental Control" wherever the same appear in said Chapters and inserting in lieu thereof the words "Department of Agriculture."

Section 2. Amend Section 8003 (b), Title 29 of the Delaware Code by striking paragraph (2) of said subsection in its entirety and inserting in lieu thereof the subsection to read as follows:

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

Section 3. Amend Section 8007, Title 29 of the Delaware Code by striking the words "Division of Parks, Recreation and Forestry" wherever the same appear in said section and inserting in lieu thereof the words "Division of Parks and Recreation."

Section 4. Amend Section 8007, Title 29 of the Delaware Code by striking subparagraph (B) of paragraph (1) thereof.

Section 5. Amend Section 8008, Title 29 of the Delaware Code by striking the words "Director of Parks, Recreation and Forestry" wherever the same appears in said section and inserting in lieu thereof the words "Director of Parks and Recreation".

Section 6. Amend Section 8009, Title 29 of the Delaware Code by striking the words "Director of Parks, Recreation and Forestry" wherever the same appear in said section and inserting in lieu thereof the words "Director of Parks and Recreation."

Section 7. Section 8010, Title 29 of the Delaware Code is hereby repealed.

Section 8. Amend Section 8017, Title 29 of the Delaware Code by striking paragraph (3) and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) Director of Parks and Recreation"

Section 9. Amend Section 8018, Title 29 of the Delaware Code by striking the words "State Forestry Department, State Forestry Commission," as the same appear in lines 5 and 6 of said section.

Section 10. Amend Section 8101, Title 29 of the Delaware Code by striking paragraph (3) of subsection (a) thereof and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) The State Forestry Department and the State Forestry Commission pursuant to provisions of Chapters 29, 31, 33 and 35 of Title 7 and State Tree Nursery."

Section 11. Amend Chapter 81, Title 29 of the Delaware Code by adding thereto a new section to read as follows:

§ 8107 B. Council on Forestry

(a) There is established the Council on Forestry.

(b) The Council on Forestry shall serve in an advisory capacity to the Director of the Division of Production and Promotion and shall consider matters relating to the protection of

State forest lands from fire, disease, and insect damage including the application of control measures, the establishment of forest growth on denuded or non-forested lands and such other matters as may be referred to it by the Governor, Secretary of the Department of Director of the Division of Production and Promotion. The Council may also study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

(c) The Council on Forestry shall be composed of 7 members who shall be appointed for 3 year terms by the Governor.

(d) At least 3, but no more than 4 of the members of the Council shall be affiliated with one of the major political parties and at least 2, but no more than 3, of the members of the Council 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 1 year and shall be eligible for reelection.

(g) Any replacement appointment, to the Council, to fill a vacancy prior to the expiration of a term, shall be filled for the remainder of the term."

Section 12. Amend Section 8111, Title 29 of the Delaware Code by adding after the word "Measures," as the same appears in line 5 of said section, the following words "the State Forestry Department, the State Forestry Commission,".

Section 13. All personnel, funds, property, books, records, papers, maps, charts, plans and other materials including, but

not limited to, any equipment in the possession of any agency of the State and used in connection with the function hereby transferred to the Department of Agriculture shall on the effective date of this Act be delivered into the custody of the Department of Agriculture. The sums and employee positions to be transferred to the Department of Agriculture as contemplated by this Section must be approved by the Controller General and the Budget Director.

Section 14. The effective date of this Act shall be July 1, 1974.

Approved June 17, 1974.

CHAPTER 373

FORMERLY SENATE BILL NO. 520
AS AMENDED BY
HOUSE AMENDMENT NO. 1

**AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELAT-
ING TO FEE FOR ADDING AN ENDORSEMENT TO
OPERATE A MOTORCYCLE TO A DRIVER'S LICENSE.**

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

Section 1. Section 2702 A, Title 21, Delaware Code, is amend-
ed by adding "(a)" at the beginning of the existing paragraph,
thereby making it subsection (a).

Section 2. Section 2702 A, Title 21, Delaware Code, is fur-
ther amended by adding a new subsection "(b)" which shall
read as follows:

"(b) The fee for the authorization or endorsement as speci-
fied in subsection (a), shall be \$3.00. This fee shall not be pay-
able for subsequent renewals."

Approved June 17, 1974.

CHAPTER 374**FORMERLY HOUSE BILL NO. 747****AN ACT TO AMEND CHAPTER 142, VOLUME 59, LAWS OF DELAWARE, MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1974, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS.**

WHEREAS, the Division of Central Data Processing must develop its operational plans and budget to provide the services contemplated to be required by their user clients well in advance in order that hardware, software, supplies, and staff are on hand to meet the requirements, and

WHEREAS, the State's operating budget for fiscal year ending June 30, 1974, (Chapter 142, Volume 59, Laws of Delaware) provided a total budget for (30-07-000) Division of Central Data Processing of \$2,119,000 of which \$1,794,000 was funded from the General Fund Budget and the remaining \$325,000 was expected to be forthcoming from Special Funds (Federal, etc.) via the several user clients; and

WHEREAS, Section 31 of Chapter 142, Volume 59, Laws of Delaware, provides that Special Funds received by the Division of Central Data Processing from their user clients be deposited in the General Fund of the State; and

WHEREAS, the Division of Central Data Processing has received a total of \$158,031.03 from their user clients of which \$88,901.99 was for data processing services in FY 1973 and \$69,129.04 was for data processing services in FY 1974, and collections for services in FY 1974 are expected to exceed \$150,000; and

WHEREAS, it was the intent of the Joint Finance Committee that the total budget for the Division of Central Data Processing be funded from the General Fund and from Special Fund collections; and

WHEREAS, Section 31 of Chapter 142, Volume 59, Laws of Delaware, must be amended to implement the intent of the Joint Finance Committee.

NOW, THEREFORE:

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

Section 1. Amend Section 31, of Chapter 142, Volume 59, Laws of Delaware, by striking that portion of the last sentence in its entirety which reads, "Payment therefor must be made to the Division of Central Data Processing for deposit to the General Fund of the State." and substituting in lieu thereof the following which reads, "payment therefor must be made to and for the use of the Division of Central Data Processing."

Section 2. An amount, not to exceed \$116,159, collected by the Division of Central Data Processing from its user clients in Special Funds via Revenue Code 208 for Central Data Processing Services shall be used by the Division of Central Data Processing for the following purposes:

Salaries and Wages of Employees	\$63,547
Salaries - Overtime	2,733
Contractual Services	
Rental - EDP Equipment	35,000
Other Contractual Services	9,879
Supplies and Materials	5,000
TOTAL	<u>\$116,159</u>

Section 3. The funds herein identified in Sections 1 and 2 of this Act shall be expended only in the manner set forth in Section 2 of this Act, and any funds unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved June 18, 1974.

CHAPTER 375

FORMERLY SENATE BILL NO. 50
AS AMENDED BY
HOUSE AMENDMENT NO. 2

**AN ACT MAKING A SUPPLMENTARY APPROPRIATION
TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR THE PURPOSE OF INSTALLING
TRAFFIC SIGNAL CONTROL EQUIPMENT AT THE
BRIDGEVILLE FIREHOUSE, BRIDGEVILLE, DELA-
WARE.**

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

Section 1. The sum of \$4,825 is hereby appropriated to the Department of Highways and Transportation for the purpose of installing traffic signal control equipment at the Bridgeville Firehouse, Route No. 404, Market Street, Bridgeville, Delaware.

Section 2. This 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 herein appropriated remaining unexpended on June 30, 1975, shall revert to the General Fund of the State of Delaware.

Approved June 20, 1974.

CHAPTER 376

FORMERLY SENATE BILL NO. 102
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AMEND CHAPTER 45, PART IV, TITLE 12 OF
THE DELAWARE CODE RELATING TO GIFTS OF SE-
CURITIES, LIFE INSURANCE POLICIES, ANNUITY
CONTRACTS, AND MONEY TO MINORS, AND TO
MAKE UNIFORM THE LAW WITH REFERENCE
THERE TO.**

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

Section 1. Amend Chapter 45, Part IV, Title 12 of the Dela-
ware Code, by striking said chapter in its entirety, and substi-
tuting in lieu thereof a new chapter which shall read as follows:

"CHAPTER 45. UNIFORM GIFTS TO MINORS ACT

§4501. Definitions

In this act, unless the context otherwise requires:

(a) An "adult" is a person who has attained the age of
eighteen years.

(b) A "bank" is a bank, trust company, national banking
association, savings bank or industrial bank.

(c) A "broker" is a person lawfully engaged in the business
of effecting transactions in securities for the account of others.
The term includes a bank which effects such transactions. The
term also includes a person lawfully engaged in buying and sell-
ing securities for his own account, through a broker or otherwise,
as a part of a regular business.

(d) "Court" means the court of chancery.

(e) The "custodial property" includes:

(1) all securities, life insurance policies, annuity contracts
and money under the supervision of the same custodian for the

same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

(2) the income from the custodial property; and

(3) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender or other disposition of such securities, money, life insurance policies, annuity contracts and income.

(f) A "custodian" is a person so designated in a manner prescribed in this act; the term includes a successor custodian.

(g) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state or a federal credit union or a credit union chartered and supervised under the laws of a state; a "domestic financial institution" is one chartered and supervised under the laws of this state or chartered and supervised under federal law and having its principal office in this state; and "insured financial institution" is one, deposits (including a savings, share, certificate or deposit account) in which are, in whole or part, insured by the federal deposit insurance corporation, by the federal savings and loan insurance corporation, or by a deposit insurance fund approved by this state.

(h) A "guardian" of a minor means the general guardian, guardian, tutor or curator of his property or estate appointed or qualified by a court of this state or another state.

(i) An "issuer" is a person who places or authorizes the placing of his name on a security other than as a transfer agent to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(j) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(k) A "life insurance policy or annuity contract" means a life insurance policy or annuity contract issued by an insurance company authorized to do business in this state on the life of a

minor to whom a gift of the policy or contract is made in the manner prescribed in this act or on the life of a member of the minor's family.

(l) A "member" of a "minor's family" means any of the minors parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(m) A "minor" is a person who has not attained the age of eighteen years.

(n) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in oil, gas or mining title or lease or in payment out of production under such a title or lease collateral or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(o) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(p) A "trust company" is a bank, corporation or other legal entity authorized to exercise trust powers in this state.

§1702. Manner of making gift

(a) An adult person may, during his lifetime, make a gift of a security, a life insurance policy or annuity contract or money to a person who is a minor on the date of the gift:

(1) if the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, an adult member of the minor's family, a guardian of

the minor or a trust company, followed, in substance by the words: 'as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act';

(2) if the subject of the gift is a security not in registered form, by delivering it to an adult other than the donor, an adult member, other than the donor, or the minor's family, a guardian of the minor, or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

**'GIFT UNDER THE DELAWARE
UNIFORM GIFTS TO MINORS ACT'**

1, (name of donor), hereby deliver to (name of custodian) as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

(signature of donor)

(name of custodian) hereby acknowledges receipt of the above described security(ies) as custodian for the above minor under the Delaware Uniform Gifts to Minors Act.

Dated:

(signature of custodian)'

(3) if the subject of the gift is money, by paying or delivering it to a broker or a domestic financial institution for credit to an account in the name of the donor, another adult, an adult member of the minor's family, a guardian of the minor or a trust company, followed, in substance, by the words: 'as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act'.

(4) if the subject of the gift is a life insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance company in the name of the donor, another adult, an adult member of the minor's family, a guardian of the minor or a trust company, followed, in substance, by the words: 'as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act'.

(b) Any gift made in a manner prescribed in Subsection (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in Subsection (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this Subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

§1703. Effect of gift

A gift made in a manner prescribed in this act is irrevocable and conveys to the minor indefeasibly vested legal title to the security, life insurance policy, annuity contract or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this act.

By making a gift in a manner prescribed in this act, the donor incorporates in his gift all the provisions of this act and grants to the custodian, and to any issuer, transfer agent, bank, financial institution, life insurance company, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this act.

§1704. Duties and powers of Custodian

The custodian shall collect, hold, manage, invest and reinvest the custodial property.

The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen

years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of eighteen years or, if the minor dies before attaining the age of eighteen years, he shall thereupon deliver or pay it over to the estate of the minor.

The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in his act or hold money so given in an account in the financial institution to which it was paid or delivered by the donor.

The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization; consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

The custodian shall register each security which is custodial property and in registered form in the name of custodian, followed, in substance, by the words: 'as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act.' The custodian shall hold all money which is custodial property in an account with a broker or in an insured domestic financial institution in the name of the custodian, followed, in substance, by the words: 'as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act'. The custodian shall keep

all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

A custodian has and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in this act, all the rights and powers which a guardian has with respect to property not held as custodial property.

If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) in his capacity as custodian, has all the incidents of ownership in the policy or contract to the same extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property.

§1705. Custodian's expenses, compensation, bond and liabilities

A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

A custodian may act without compensation for his services.

Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services determined by one of the following standards in the order stated:

- (a) A direction by the donor when the gift is made;
- (b) A statute of this state applicable to custodians;
- (c) The statute of this state applicable to guardians;
- (d) An order of the court.

Except as otherwise provided in this act, a custodian shall not be required to give a bond for the performance of his duties.

A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this act.

§1706. Exemption of third persons from liability

No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this act, or is obliged to inquire into the validity or propriety under this act of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in Section 1707 of this Act by a minor to whom a gift has been made in a manner prescribed in this act and who has attained the age of fourteen years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this act of the instrument of designation.

§1707. Resignation, death or removal of custodian; bond; designation of Successor Custodian

Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing

witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this act.

The designation of a successor custodian as provided in this section takes effect as to each item of the custodial property when the custodian resigns, dies or becomes legally incapacitated and the custodian or his legal representative:

(a) causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: 'as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act'; and

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in this section shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in this section by the custodian or, if none, by the minor if he has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in this section more than

one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

If a person designated as custodian or as successor custodian by the custodian as provided in this section is not eligible, dies or becomes legally incapacitated before the minor attains the age of eighteen years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in this section, a donor, his legal representative, the legal representative of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

Upon the filing of a petition as provided in this Section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

§1708. Accounting by custodian

The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

The Court, in a proceeding under this act or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor cus-

todian and the execution of all instruments required for the transfer thereof.

§1709. Construction

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

This act shall not be construed as providing an exclusive method for making gifts to minors.

§1710. Short Title

This act may be cited as the 'Delaware Uniform Gifts to Minors Act'.

§1711. Severability

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

Section 2. All inconsistent acts are hereby repealed, but the repeal does not affect gifts made in a manner prescribed therein nor the powers, duties and immunities conferred by gifts in such manner upon custodians and persons dealing with custodians. The provisions of this act henceforth apply, however, to all gifts made in a manner and form prescribed in the act hereby repealed except insofar as such application impairs constitutionally vested rights. The sections of this act shall be construed as a continuation of the provisions of the act hereby repealed, modified or amended according to the language employed, and not as a new enactment.

Section 3. This act shall take effect January 1, 1975.

Approved June 20, 1974.

CHAPTER 377

FORMERLY HOUSE SUBSTITUTE NO. 1
TO
HOUSE BILL NO. 803
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, SUBCHAPTER 11, TITLE
8 OF THE DELAWARE CODE RELATING TO POWERS
OF CORPORATIONS CONDUCTING LAW SCHOOLS IN
DELAWARE TO GRANT ACADEMIC LAW DEGREES.

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 Section 125, Chapter 1, Subchapter 11, Title 8 of the Delaware Code, by striking the second paragraph and substituting in lieu thereof the following:

"Notwithstanding the foregoing provision, any corporation conducting a law school, which has its principal place of operation in Delaware, and which intends to meet the standards of approval of the American Bar Association, may, after it has been in actual operation for not less than one year, retain at its own expense a dean or dean emeritus of a law school fully approved by the American Bar Association to make an on-site inspection and report concerning the progress of the corporation toward meeting the standards for approval by the American Bar Association. Such dean or dean emeritus shall be chosen by the Attorney General from a panel of three deans whose names are presented to him as being willing to serve. One such dean on this panel shall be nominated by the trustees of said law school corporation; another dean shall be nominated by a committee of the Student Bar Association of said law school; and the other dean shall be nominated by a committee of lawyers who are parents of students attending such law school. If any of the above-named groups cannot find a dean, it may substitute two full professors of accredited law schools for the dean it is entitled to nominate, and in such a case if the Attorney General chooses one of such professors, he shall serve the function of a dean as

herein prescribed. If the dean so retained shall report in writing that, in his professional judgment, the corporation is attempting, in good faith, to comply with the standards for approval of the American Bar Association and is making reasonable progress toward meeting such standards, the corporation may file a copy of the report with the Superintendent of Public Instruction and with the Attorney General. Any corporation which complies with these provisions by filing such report shall be deemed to have temporary approval from the State of Delaware and shall be entitled to amend its certificate of incorporation to authorize the granting of standard academic law degrees. Thereafter, until the law school operated by the corporation is approved by the American Bar Association, the corporation shall file once during each academic year a new report, in the same manner as the first report. If, at any time, the corporation fails to file such a report, or if the dean retained to render such report states that, in his opinion, the corporation is not continuing to make reasonable progress toward accreditation, the Attorney General, at the request of the Superintendent of Public Instruction, may file a complaint in the Court of Chancery to suspend said temporary approval and degree-granting power until a further report is filed by a dean or dean emeritus of an accredited law school that the school has resumed its progress towards meeting the standards for approval. Upon approval of the law school by the American Bar Association, temporary approval shall become final, and shall no longer be subject to suspension or vacation under the provisions of this section."

Approved June 20, 1974.

CHAPTER 378**FORMERLY HOUSE BILL NO. 714
AS AMENDED BY
HOUSE AMENDMENTS NO. 1 AND 2****AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE
DELAWARE CODE RELATING TO THE TRANSFER OF
CERTAIN DUTIES, FUNCTIONS AND RESPONSIBILI-
TIES FROM THE DEPARTMENT OF FINANCE TO
THE STATE TREASURER.**

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

Section 1. Sections 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, and 2714, Chapter 27, Title 29 of the Delaware Code, are hereby amended by striking the words "Secretary of Finance" wherever they appear therein and inserting in lieu thereof the words "State Treasurer".

Section 2. Section 8307, Chapter 83, Title 29 of the Delaware Code, is amended by striking subparagraphs (1) A, (1) C, (2) A, (2) B and (2) C thereof in their entirety.

Section 3. Section 106, Chapter 1, Title 14 of the Delaware Code, is amended by striking the words "Secretary of Finance" wherever they appear therein and inserting in lieu thereof the words "State Treasurer".

Section 4. Section 8307⁽¹⁾ (B), Chapter 83, Title 29 of the Delaware Code, is amended by striking the words "section 106 of Title 14;"

Section 5. Section 7401, Chapter 74, Title 29 of the Delaware Code, is amended by striking subsection (a) in its entirety and inserting in lieu thereof the following:

"(a) 'Issuing Officers' means the Governor, Secretary of State and State Treasurer of the State of Delaware."

Section 6. Section 7412 (a) and Section 7413A, Chapter 74, Title 29 of the Delaware Code, are amended by striking the

words "Secretary of Finance" wherever they appear therein and inserting in lieu thereof the words "State Treasurer".

Section 7. Sections 6203, 6204, and 6205, Chapter 62, Title 29 of the Delaware Code, is hereby amended by striking the words "Secretary of Finance" wherever they appear therein and inserting in lieu thereof the words "State Treasurer".

Section 8. Chapter 27, Title 29 of the Delaware Code, is amended by adding a new Section 2715 thereto to read as follows:

§2715. Functions prior to effective date of this section

The State Treasurer shall have the power to perform and shall be responsible for the powers, duties and functions vested by Chapter 62 and Chapter 74, of this title, in the Secretary of Finance, immediately prior to the effective date of this section and which are not otherwise hereinbefore specifically transferred to the State Treasurer."

Section 9. Section 6311, Chapter 63, Title 29 of the Delaware Code, is amended by striking said section in its entirety and substituting in lieu thereof the following:

§6311. Composition of the Budget Commission

There shall be a Budget Commission which shall consist of the Governor, the Secretary of State, the Auditor of Accounts, the State Treasurer and the Secretary of Finance.

Section 10. Section 2702, Chapter 27, Title 29 of the Delaware Code, is amended by striking the words "Secretary of Finance" and "Secretary" wherever they appear therein and inserting in lieu thereof the words "State Treasurer" and "Treasurer" respectively.

Section 11. Amend Chapter 83 of Title 29 of the Delaware Code, by adding a new Section 8302A to read as follows:

§8302A. Bond

(a) The Secretary of Finance, before entering upon his office, shall with sufficient sureties, become bound to the State

of Delaware, by a joint and several obligation to be, with the sureties therein, approved by the Governor, in the penal sum of \$125,000, with condition according to the following form:

The condition of the above written obligation is such, that if the above named who is Secretary of Finance, shall well and truly account for all money which shall come to his hands as such Secretary, or with which he as such Secretary shall be legally chargeable, either for the default of any collector whom he shall appoint or otherwise, and shall and do well and diligently execute his office of Secretary of Finance as aforesaid, and duly and faithfully fulfill and perform all the trusts and duties to the said office appertaining, and also all the duties incumbent upon him, and if the said or his executors or administrators, shall and do faithfully and without delay pay to his successor in office the just balances remaining of all the money which shall come to his hands as Secretary of Finance, or with which he as such Secretary shall be legally chargeable, after deducting all legal payments by him made and allowances made to him by law, and all legal fees, and shall also deliver to his successor in office all books, securities, muni-ments and papers to the said office belonging, safe and undefaced; then the said obligation shall be void, otherwise the same shall remain in full force.

There shall be subjoined to the obligation a warrant of attorney to confess judgment thereon.

(b) The obligation shall be recorded by the Secretary of State in the executive register, and shall be kept on file in his office. A certified copy thereof shall be immediately transmitted to the Auditor of Accounts, and the copy, or the record, or a copy thereof, shall be evidence.

The obligation shall be proceeded upon by direction of the General Assembly, the Governor, or Auditor of Accounts.

Section 12. Amend Chapter 27 of Title 29 of the Delaware Code, by striking Section 2704 and substituting in lieu thereof the following:

§2704. Certain powers and duties of the State Treasurer

The State Treasurer shall have the power to perform and shall be responsible for the performance of all the powers, duties

and functions, heretofore vested in the Division of the Treasury pursuant to Section 8307 (1) (A), (C) and Section 8307 (2) of Chapter 83 of this Title.

Section 13. The powers, duties and functions assigned to and exercised by the Department of Finance in relation to the following parts of the Delaware Code as set forth in Section 106, Chapter 1 of Title 14 of the Delaware Code; Sections 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712 and 2714 of Chapter 27 of Title 29 of the Delaware Code; Chapter 62, Chapter 74 and Sections 8307 (1) and (A) and (C) and Section 8307 (2) of Chapter 83 of Title 29 of the Delaware Code, are hereby removed and such powers, duties and functions are transferred and shall be exercised by the State Treasurer.

All funds, books, records, papers, maps, charts, plans and other materials, including but not limited to any equipment in the possession of any agency of this State and used in connection with the afore listed parts of the Delaware Code shall, within thirty days from the effective date of this Act, be delivered into the custody of the State Treasurer. All full-time positions and part-time positions required for administration of the afore listed parts of the Delaware Code shall be transferred to the State Treasurer.

Section 14. The effective date of this Act shall be January 7, 1975, the date on which the Treasurer elected at the next General Election commences his or her term of office.

Approved June 20, 1974.

CHAPTER 379

FORMERLY SENATE BILL NO. 622

**AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE
CODE, RELATING TO SALARIES FOR STATE POLICE.**

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

Section 1. Amend Chapter 83, Section 8303, Title 11, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following new section:

§8303. Salaries

Each of the state police shall receive a salary in accordance with the following state police compensation schedule:

STATE POLICE COMPENSATION SCHEDULE

Years of Service	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15/16	17/18	19/20
Trooper	9,500	10,100	10,385	10,670	10,955	11,240	11,525	11,810	11,810	11,810	12,095	12,095	12,095	12,380	12,380	12,665	12,665
Trooper I/C				10,955	11,240	11,525	11,810	11,810	12,095	12,095	12,380	12,380	12,380	12,665	12,665	12,950	12,950
Corporal						12,095	12,380	12,380	12,665	12,665	12,950	12,950	12,950	13,235	13,235	13,520	13,520
Sergeant								12,950	13,235	13,520	13,805	14,090	14,375	14,660	14,945	15,230	15,230
Lieutenant										15,000	15,325	15,650	15,975	16,300	16,625	16,950	17,275
Captain											15,975	16,300	16,625	16,950	17,275	17,600	17,925
Staff Captain												17,600	17,925	18,250	18,575	18,900	19,225
Major													18,250	18,575	18,900	19,225	19,550

Superintendent - \$22,500 prior to 17 years of service and \$24,500 thereafter.
 Deputy Superintendent - \$20,500 prior to 17 years of service and \$22,000 thereafter.
 Years service commenced as of January 1 or July 1 of each year.

Section 2. The provisions of Section 1 of this Act shall become effective on July 1, 1974.

Approved June 24, 1974.

CHAPTER 380

FORMERLY HOUSE BILL NO. 825

AN ACT TO APPROPRIATE MONEY TO DEPARTMENT OF FINANCE FOR PAYMENTS OF CLAIMS RELATING TO "VETERANS' MILITARY PAY ACT NO. III."

WHEREAS, the 127th General Assembly with the passage of Senate Bill No. 454 provided an extension of the period when claims and payments may be made under the Act to June 30, 1974; and

WHEREAS, it is anticipated that applications for claims will amount to \$90,000. The Department of Finance has a remaining balance of \$20,000 from the Veterans' Military Pay Bond Authorization Act and will need additional funds to pay anticipated claims.

NOW THEREFORE:

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

Section 1. The sum of \$70,000 is hereby appropriated to the Department of Finance to be used toward payment of bona-fide veterans' claims received up to and including June 30, 1974. Unexpended funds shall revert to the General Fund by September 30, 1974.

Section 2. Funds appropriated herein shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Approved June 24, 1974.

CHAPTER 381

FORMERLY HOUSE BILL NO. 750

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE
OF THE STATE GOVERNMENT FOR THE FISCAL
YEAR ENDING JUNE 30, 1975, AND TO AMEND CER-
TAIN PERTINENT STATUTORY PROVISIONS.**

*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, 1975, are hereby appropriated and authorized to be paid out of the Treasury of the 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, 1975, 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:

DEPARTMENTS

(01-00-000) LEGISLATIVE *Year Ending June 30, 1975*
(01-01-000) General Assembly—House

Salaries—House Members	\$ 246,000
Salary of Chief Clerk	6,600
Salaries—Attaches	101,000
F.I.C.A.—Employer's Share	386
Pensions	32,080
Health Insurance	2,244
Travel	25,000
TOTAL—General Assembly—House	\$ 413,310

*Year Ending June 30, 1975**(01-02-000) General Assembly—Senate*

Salaries—Senate Members	\$ 126,000
Salary of Secretary of the Senate	6,600
Salary of Assistant Secretary of the Senate ...	5,520
Salaries—Attaches	68,000
Salary of MT/ST Operator	6,350
F.I.C.A.—Employer's Share	1,080
Pensions	18,348
Health Insurance	531
Travel	20,700
TOTAL—General Assembly—Senate	\$ 253,129

(01-05-000) Commission on Interstate Cooperation

Travel	
Legislative	\$ 10,000
Other Travel	1,200
Contractual Services	
Council on State Governments	15,110
Delaware River Basin Advisory Committee	137,100
National Legislative Leaders Conference .	1,000
Other Contractual Services	4,700
Supplies and Materials	100
TOTAL—Commission on Interstate	
Cooperation	\$ 169,210

*(01-08-000) Legislative Council**(01-08-001) Office of Director*

Salary of Director	\$ 21,500
Salaries—Casual and Seasonal	17,000
Salaries and Wages of Employees (12)	117,918
Salaries—Overtime	700
F.I.C.A.—Employer's Share	6,672
Pensions	17,706
Health Insurance	2,040
Travel	
Legislative Council	2,000
Legislative Leadership Conference	6,000

Year Ending June 30, 1975

Contractual Services	
Printing and Binding Sessions Laws	42,766
Other Contractual Services	42,694
Supplies and Materials	34,850
Capital Outlay	7,550
Contingency—Hearing Fund	2,000
Central Data Processing Services	1,000
Sub-Total	\$ 322,396
Code Revisors	
Personal Services	10,000
Travel	1,000
Supplies and Materials	100
Debt Service	
Principal	5,000
Interest	4,753
TOTAL—Office of Director	\$ 343,249

(01-08-002) Office of Controller General

Salary of Controller General	\$ 21,672
Salaries—Casual and Seasonal	400
Salaries and Wages of Employees (10)	102,689
F.I.C.A.—Employer's Share	6,618
Pensions	15,795
Health Insurance	900
Travel	900
Contractual Services	3,700
Supplies and Materials	2,800
Capital Outlay	1,500
Central Data Processing Services	6,000
TOTAL—Office of Controller General	\$ 162,974
TOTAL—Legislative Council	\$ 506,223
TOTAL—LEGISLATIVE	\$ 1,341,872

*(02-00-000) JUDICIAL**(02-01-000) Supreme Court*

Salary of Chief Justice	\$ 34,500
Salaries of Associate Justices (2)	68,000

Year Ending June 30, 1975

Salaries and Wages of Employees (8)	78,550
F.I.C.A.—Employer's Share	6,807
Pensions	9,976
Health Insurance	1,594
Travel	2,405
Contractual Services	8,290
Supplies and Materials	6,763
Sub-Total	\$ 216,885
Debt Service	
Principal	20,000
Interest	10,615
TOTAL—Supreme Court	\$ 247,500

(02-02-000) Court of Chancery

Salary of Chancellor	\$ 31,500
Salaries of Vice-Chancellors (2)	62,000
Salaries and Wages of Employees (10)	104,255
F.I.C.A.—Employer's Share	7,814
Pensions	13,275
Health Insurance	1,948
Personal Services	2,200
Travel	2,100
Contractual Services	7,550
Supplies and Materials	4,000
Capital Outlay	4,800
TOTAL—Court of Chancery	\$ 241,442

(02-03-000) Superior Court

Salary of President Judge	\$ 31,500
Salaries of Associate Judges (10)	310,000
Salaries of Jury Commissioners (6)	6,000
Salaries and Wages of Employees (74)	699,656
F.I.C.A.—Employer's Share	36,200
Pensions	84,621
Health Insurance	9,302
Personal Services	38,550

Year Ending June 30, 1975

Travel	11,200
Contractual Services	54,100
Supplies and Materials	15,000
Capital Outlay	28,500
TOTAL—Superior Court	\$ 1,324,629

(02-06-001) Common Pleas Court—New Castle County

Salary of Chief Judge (1)	\$ 29,500
Salary of Judge (1)	29,000
Salaries and Wages of Employees (15)	142,000
F.I.C.A.—Employer's Share	9,486
Pensions	18,289
Health Insurance	2,480
Personal Services	2,500
Travel	1,500
Contractual Services	18,450
Supplies and Materials	3,550
Capital Outlay	2,900
TOTAL—Common Pleas Court—New Castle County	\$ 259,655

(02-06-002) Common Pleas Court—Kent County

Salary of Judge	\$ 29,000
Salaries—Casual and Seasonal	10,600
Salaries and Wages of Employees (4)	37,580
F.I.C.A.—Employer's Share	3,061
Pensions	4,435
Health Insurance	413
Travel	600
Contractual Services	5,900
Supplies and Materials	1,000
Capital Outlay	850
TOTAL—Common Pleas Court—Kent County .	\$ 93,439

(02-06-003) Common Pleas Court—Sussex County

Salary of Judge	\$ 29,000
Salaries—Casual and Seasonal	4,720

Year Ending June 30, 1975

Salaries and Wages of Employees (5)	44,402
F.I.C.A.—Employer's Share	3,166
Pensions	5,640
Health Insurance	886
Personal Services	200
Travel	850
Contractual Services	7,200
Supplies and Materials	2,600
Capital Outlay	1,000
TOTAL—Common Pleas Court—Sussex	
County	\$ 99,664
TOTAL—Common Pleas Courts	\$ 452,758

*(02-08-000) Family Court of Delaware**(02-08-001) State Office*

Salary of Chief Judge	\$ 29,000
Salary of Director of Treatment Services	25,716
Salary of Assistant Administrator	21,672
(.5) Salaries and Wages of Employees (14)	145,023
F.I.C.A.—Employer's Share	10,159
Pensions	24,436
Health Insurance	1,813
Personal Services	540
Travel	3,830
Contractual Services	3,750
Supplies and Materials	3,518
Capital Outlay	2,885
TOTAL—State Office	\$ 272,342

(02-08-002) New Castle County

Salaries of Judges (6)	\$ 162,000
Salary of Chief Supervisor	21,672
Salaries—Casual and Seasonal	5,000
(3-1) Salaries and Wages of Employees (91)	685,542
Salaries—Overtime	5,000
F.I.C.A.—Employer's Share	45,881
Pensions	90,451
Health Insurance	10,655

Year Ending June 30, 1975

Personal Services	
Masters	16,500
Other Personal Services	22,422
Travel	5,050
Contractual Services	
Rent	240,000
Other Contractual Services	89,143
Supplies and Materials	15,357
Capital Outlay	12,940
TOTAL—New Castle County	\$ 1,427,613

(02-08-003) Kent County

Salary of Judge	\$ 27,000
Salary of Chief Supervisor	14,230
Salaries and Wages of Employees (21)	166,210
Salaries—Overtime	750
F.I.C.A.—Employer's Share	11,131
Pensions	23,011
Health Insurance	5,180
Personal Services	
Masters	5,000
Other Personal Services	1,469
Travel	4,250
Contractual Services	14,788
Supplies and Materials	6,850
Capital Outlay	4,200
SUB-TOTAL	\$ 284,069
Debt Service	
Principal	12,000
Interest	9,990
TOTAL—Kent County	\$ 306,059

(02-08-004) Sussex County

Salaries of Judges (2)	\$ 54,000
Salary of Chief Supervisor	15,500
(.2) Salaries and Wages of Employees (23)	192,644

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	13,586
Pensions	26,434
Health Insurance	2,721
Personal Services	
Masters	4,000
Other Personal Services	2,469
Travel	7,070
Contractual Services	16,233
Supplies and Materials	5,650
Capital Outlay	7,033
TOTAL—Sussex County	\$ 347,340
TOTAL—Family Court of Delaware	\$ 2,353,354

(02-09-000) Kent County Law Library

Salaries—Casual and Seasonal	\$ 2,400
Salaries and Wages of Employees (1)	8,715
F.I.C.A.—Employer's Share	650
Pensions	1,106
Health Insurance	177
Contractual Services	2,178
Supplies and Materials	381
Capital Outlay	16,000
TOTAL—Kent County Law Library	\$ 31,607

(02-10-000) Sussex County Law Library

Salaries—Casual and Seasonal	\$ 2,205
F.I.C.A.—Employer's Share	129
Contractual Services	2,266
Supplies and Materials	103
Capital Outlay	12,360
TOTAL—Sussex County Law Library	\$ 17,063

(02-11-000) New Castle County Law Library

Salaries and Wages of Employee (1)	\$ 8,715
F.I.C.A.—Employer's Share	510
Pensions	1,107

Year Ending June 30, 1975

Health Insurance	177
Contractual Services	1,710
Supplies and Materials	206
Capital Outlay	18,400
TOTAL—New Castle County Law Library	\$ 30,825

(02-13-000) Justice of the Peace Courts

Salaries of Justices of Peace (53)	\$ 530,000
Salaries of Constables (24)	165,021
Salaries of Chief Clerks (14)	92,200
* (6) Salaries of Deputy Clerks (55)	287,997
Salaries of Bailiffs (6)	39,600
F.I.C.A.—Employer's Share	66,761
Pensions	147,294
Health Insurance	23,912
Personal Services	12,200
Travel	
Constable Travel	41,000
Other Travel	2,000
Contractual Services	
Court Rents	64,100
Repair and Service—Buildings and	
Grounds	2,575
Other Contractual Services	61,400
Supplies and Materials	
Building Alterations and Repairs	5,000
Other Supplies and Materials	29,545
Capital Outlay	9,036
TOTAL—Justice of the Peace Courts	\$ 1,579,641

(*) NOTE:

() Salaries and Wages of
 ↑ Employees

Numeral denotes number of other positions not paid out of General Fund appropriations which are subject to change in view of the uncertainties of Federal funding.

()
 ↑

Numeral denotes authorized full - time equivalent positions paid by General Fund appropriations.

*Year Ending June 30, 1975**(02-17-000) Administrative Office of the Courts*

Salary of Director	\$ 26,000
Salary of Deputy Administrator	23,920
Salary of Assistant Deputy Administrator	15,050
Salary of Superior Court Administrator	16,970
Salaries and Wages of Employees (8)	54,542
F.I.C.A.—Employer's Share	6,870
Pensions—All others	18,888
Pensions—Judiciary	88,200
Health Insurance	1,417
Travel	1,200
Contractual Services	
Court Rents	443,745
Jury Costs	380,000
Witness Fees	20,000
Other Contractual Services	13,955
Supplies and Materials	3,290
Capital Outlay	615
TOTAL—Administrative Office of the Courts .. \$	1,114,662
TOTAL—JUDICIAL	\$ 7,393,481

*(10-00-000) EXECUTIVE OFFICES**(10-01-000) Office of the Governor*

Salary of Governor	\$ 35,000
Salaries and Wages of Employees (16)	188,868
F.I.C.A.—Employer's Share	9,851
Pensions	23,986
Health Insurance	1,416
Personal Services	5,500
Travel	
Governors Conference	800
Other Travel	6,000
Contractual Services	30,000
Supplies and Materials	9,500
Capital Outlay	1,200
Contingency—Other Expenses	6,600
Central Data Processing Services	2,500
TOTAL—Office of the Governor	\$ 321,221

(10-02-000) Office of the Budget Year Ending June 30, 1975**(10-02-001) Budget Office**

Salary of Budget Director	\$ 21,490
Salaries—Casual and Seasonal	2,000
Salaries and Wages of Employees (10)	117,130
Salaries—Overtime	1,600
F.I.C.A.—Employer's Share	6,534
Pensions	18,039
Health Insurance	1,239
Personal Services	1,650
Travel	1,700
Contractual Services	8,615
Supplies and Materials	865
Capital Outlay	5,300
TOTAL—Budget Office	\$ 186,162

(10-02-006) Budget Commission

Contingency Funds	
Emergency Fund Only	\$ 200,000
Accrued Vacation and Sick Leave Pay	50,000
Boiler and Roof Repair	5,000
TOTAL—Budget Commission	\$ 255,000
TOTAL—Office of the Budget	\$ 441,162

(10-03-000) State Planning Office

Salary of Director	\$ 22,880
(16) Salaries and Wages of Employees (19)	185,941
Salaries—Overtime	1,500
F.I.C.A.—Employer's Share	10,760
Pensions	25,521
Health Insurance	2,744
Personal Services	1,000
Travel	1,011
Contractual Services	23,711
Supplies and Materials	3,753
Capital Outlay	5,442
Central Data Processing Services	10,000
TOTAL—State Planning Office	\$ 294,263

(10-04-000) State Personnel Office Year Ending June 30, 1975

Salaries of Commissioners (5)	\$ 2,250
Salary of Director	22,880
Salaries—Casual and Seasonal	1,260
(7.5) Salaries and Wages of Employees (21)	205,749
F.I.C.A.—Employer's Share	11,828
Pensions	26,130
Health Insurance	2,720
Personal Services	500
Travel	2,000
Contractual Services	22,000
Supplies and Materials	5,253
Capital Outlay	1,500
Central Data Processing Services	17,000
TOTAL—State Personnel Office	\$ 321,070

(10-06-000) Federal-State Highway Safety Coordinator

Salary of Director (State Funds—\$8,600	
All other Funds—\$8,600)	\$ 8,600
(4.5) Salaries and Wages of Employees (2)	20,187
F.I.C.A.—Employer's Share	1,519
Pensions	3,666
Travel	500
Contractual Services	3,200
Supplies and Materials	2,000
TOTAL—Federal-State Highway Safety	
Coordinator	\$ 39,672

(10-07-000) Delaware Agency to Reduce Crime

Salary of Executive Director (State Funds - \$12,475	
All other Funds—\$12,475)	\$ 12,475
(22.5) Salaries and Wages of Employees (2)	34,889
F.I.C.A.—Employer's Share	1,843
Pensions	6,015
Health Insurance	443
Program Grants	
State Agencies	225,000

Year Ending June 30, 1975

Local "Buy In"	42,000
Aid to Local Law Enforcement Agencies ...	300,000
Contingency—Administration	18,000
TOTAL—Delaware Agency to Reduce Crime. \$	640,665
TOTAL—EXECUTIVE OFFICES	\$ 2,058,053

(12-00-000) OTHER ELECTIVE OFFICES**(12-01-000) Lieutenant Governor**

Salary of Lieutenant Governor	\$ 9,000
Salaries and Wages of Employees (1)	8,242
F.I.C.A.—Employer's Share	482
Pensions	2,189
Travel	2,200
Contractual Services	824
Supplies and Materials	309
TOTAL—Lieutenant Governor	\$ 23,246

(12-02-000) Auditor of Accounts

Salary of Auditor	\$ 18,000
Salaries—Casual and Seasonal	2,400
(2) Salaries and Wages of Employees (27)	310,992
F.I.C.A.—Employer's Share	17,729
Pensions	42,087
Health Insurance	3,720
Personal Services	50,000
Travel	1,500
Contractual Services	6,200
Supplies and Materials	5,600
Capital Outlay	8,700
TOTAL—Auditor of Accounts	\$ 466,928

(12-03-000) Insurance Commissioner

Salary of Commissioner	\$ 18,000
Salary of Deputy Commissioner	13,650
Salaries and Wages of Employees (17)	156,733

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	9,973
Pensions	23,930
Health Insurance	2,125
Personal Services	1,000
Travel	4,550
Contractual Services	
Insurance Premiums	600,000
Other Contractual Services	12,360
Supplies and Materials	5,500
Capital Outlay	1,830
Self Insurance Fund	120,000
Central Data Processing Services	8,000
TOTAL—Insurance Commissioner	\$ 977,651

(12-04-000) State Treasurer

Salary of Treasurer	\$ 18,000
Salaries and Wages of Employees (1)	7,515
F.I.C.A.—Employer's Share	1,177
Pensions	3,240
Health Insurance	177
Supplies and Materials	100
TOTAL—State Treasurer	\$ 30,209
TOTAL—OTHER ELECTIVE OFFICES	\$ 1,498,034

*(15-00-000) LEGAL**(15-01-000) Department of Justice**(15-01-001) Office of Attorney General*

Salary of Attorney General	\$ 30,000
Salary of Chief Deputy Attorney General	24,540
Salaries of Deputies (27)	448,508
Salary of State Solicitor	23,400
Salary of State Prosecutor	23,400
Salaries of State Detectives (5)	39,000
Salaries—Law Clerks (Seasonal)	6,000
Salaries and Wages of Employees (28)	224,111
Salaries—Overtime	2,500
F.I.C.A.—Employer's Share	37,885

Year Ending June 30, 1975

Pensions	104,434
Health Insurance	8,319
Personal Services	
Legal Fees	8,000
Other Personal Services	4,750
Travel	
Extradition Account	5,000
Other Travel	3,000
Contractual Services	
Rent	45,347
Other Contractual Services	40,105
Supplies and Materials	13,450
Capital Outlay	
Law Books	3,000
Other Capital Outlay	9,725
TOTAL—Office of Attorney General	\$ 1,104,474

(15-01-002) Securities Commissioner

Salary of Commissioner	\$ 17,500
Salaries and Wages of Employees (1)	7,353
F.I.C.A.—Employer's Share	1,202
Pensions	3,156
Health Insurance	177
Personal Services	750
Travel	500
Contractual Services	2,500
Supplies and Materials	800
Capital Outlay	
Books	500
Other Capital Outlay	375
TOTAL—Securities Commissioner	\$ 34,813
TOTAL—Department of Justice	\$ 1,139,287

(15-02-000) Public Defender

Salary of Public Defender	\$ 18,720
Salary of Chief Deputy Public Defender	23,820
Salaries of Assistant Public Defenders (9) ...	157,500

Year Ending June 30, 1975

Salaries and Wages of Employees (10)	93,704
F.I.C.A.—Employer's Share	13,497
Pensions	37,305
Health Insurance	3,363
Personal Services	
Lawyers	90,000
Other Personal Services	25,000
Travel	2,200
Contractual Services	
Rent	10,000
Other Contractual Services	14,950
Supplies and Materials	5,400
Capital Outlay	2,250
TOTAL—Public Defender	\$ 497,709

(15-03-000) Board of Parole

Salaries of Board Members (4)	\$ 10,000
Salary of Board Chairman	19,000
Salaries and Wages of Employees (3)	28,022
F.I.C.A.—Employer's Share	2,271
Pensions	5,996
Health Insurance	354
Travel	1,500
Contractual Services	
Rent	7,200
Other Contractual Services	4,095
Supplies and Materials	2,200
Capital Outlay	400
TOTAL—Board of Parole	\$ 81,038

(15-04-000) Board of Pardons

Salary of President	\$ 256
Personal Services	100
Travel	156
TOTAL—Board of Pardons	\$ 512
TOTAL—LEGAL	\$ 1,718,546

Year Ending June 30, 1975

(20-00-000) DEPARTMENT OF STATE

(20-01-000) Office of the Secretary

Salary of Secretary of State	\$ 18,720
Salary of Assistant to the Secretary	15,750
Salaries and Wages of Employees (4)	42,711
F.I.C.A.—Employer's Share	3,851
Pensions	9,711
Health Insurance	1,063
Travel	1,600
Contractual Services	12,340
Supplies and Materials	4,120
Capital Outlay	600
TOTAL—Office of the Secretary	\$ 110,466

(20-04-000) State Building Commission

Debt Service	
Principal	\$ 146,000
Interest	106,700
TOTAL—State Building Commission	\$ 252,700

(20-05-000) Division of Corporations

(20-05-001) Incorporating Section

Salaries and Wages of Employees (24)	\$ 150,769
F.I.C.A.—Employer's Share	8,786
Pensions	19,148
Health Insurance	2,657
Travel	2,000
Contractual Services	30,570
Supplies and Materials	10,500
Capital Outlay	2,046
TOTAL—Incorporating Section	\$ 226,476

(20-05-002) Franchise Tax Section

Salaries—Casual and Seasonal	\$ 4,200
Salaries and Wages of Employees (19)	121,041

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	7,326
Pensions	15,372
Health Insurance	1,771
Personal Services	2,000
Travel	500
Contractual Services	8,550
Supplies and Materials	24,066
Capital Outlay	1,380
Central Data Processing Services	125,000
TOTAL—Franchise Tax Section	\$ 311,206

(20-05-003) Uniform Commercial Code Section

Salaries and Wages of Employees (2)	\$ 16,572
F.I.C.A.—Employer's Share	969
Pensions	2,105
Health Insurance	354
Contractual Services	1,438
Supplies and Materials	1,971
Capital Outlay	494
TOTAL—Uniform Commercial Code Section ..	\$ 23,903
TOTAL—Division of Corporations	\$ 561,585

*(20-06-000) Division of Historical and Cultural Affairs**(20-06-001) Office of Director*

Salary of Director	\$ 23,000
Salaries—Summer Help	1,500
Salaries—Casual and Seasonal	7,000
Salaries and Wages of Employees (17)	141,407
Salaries—Overtime	1,000
F.I.C.A.—Employer's Share	9,564
Pensions	21,134
Health Insurance	2,126
Personal Services	500
Travel	600
Contractual Services	
Sussex County Courthouse	100
Robinson House—Blockhouse	1,295
Other Contractual Services	12,235

Year Ending June 30, 1975

Supplies and Materials	
Film	4,000
Robinson House—Blockhouse	50
Other Supplies and Materials	4,750
Capital Outlay	
Historic Markers	500
Other Capital Outlay	7,250
Sub-total	\$ 238,011
Debt Service	
Principal	50,000
Interest	33,117
TOTAL—Office of Director	\$ 321,128

(20-06-002) National Historic Register Program

(1.5) Salaries and Wages of Employees (1.5)	\$ 13,519
F.I.C.A.—Employer's Share	791
Pensions	1,717
Health Insurance	177
Travel	470
Contractual Services	3,640
Supplies and Materials	500
TOTAL—National Historic Register	
Program	\$ 20,814

(20-06-003) State Museum

Salaries—Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (11)	84,390
Salaries—Overtime	215
F.I.C.A.—Employer's Share	5,008
Pensions	10,745
Health Insurance	1,594
Travel	150
Contractual Services	3,155
Supplies and Materials	2,195
Capital Outlay	4,105
TOTAL—State Museum	\$ 112,557

(20-06-004) John Dickinson Mansion Year Ending June 30, 1975

Salaries—Casual and Seasonal	\$ 2,000
Salaries and Wages of Employees (3)	21,487
F.I.C.A.—Employer's Share	1,374
Pensions	2,729
Health Insurance	355
Contractual Services	955
Supplies and Materials	925
Capital Outlay	2,600
TOTAL—John Dickinson Mansion	\$ 32,425

(20-06-005) Fort Christina Monument

Salaries and Wages of Employees (2)	\$ 10,501
F.I.C.A.—Employer's Share	614
Pensions	1,334
Health Insurance	177
Contractual Services	1,270
Supplies and Materials	510
Capital Outlay	150
TOTAL—Fort Christina Monument	\$ 14,556

(20-06-009) Lewes Memorial Commission

Salaries—Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (3)	18,480
F.I.C.A.—Employer's Share	1,140
Pensions	2,347
Contractual Services	4,100
Supplies and Materials	535
Capital Outlay	1,300
Sub-total	\$ 28,902
Debt Service	
Principal	1,000
Interest	543
TOTAL—Lewes Memorial Commission	\$ 30,445

(20-06-010) New Castle Historic Building

Salaries—Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (4)	21,952

Year Ending June 30, 1975

Supplies and Materials	
Film	4,000
Robinson House—Blockhouse	50
Other Supplies and Materials	4,750
Capital Outlay	
Historic Markers	500
Other Capital Outlay	7,250
Sub-total	\$ 238,011
Debt Service	
Principal	50,000
Interest	33,117
TOTAL—Office of Director	\$ 321,128

(20-06-002) Natonal Historic Register Program

(1.5) Salaries and Wages of Employees (1.5)	\$ 13,519
F.I.C.A.—Employer's Share	791
Pensions	1,717
Health Insurance	177
Travel	470
Contractual Services	3,640
Supplies and Materials	500
TOTAL—National Historic Register Program	\$ 20,814

(20-06-003) State Museum

Salaries—Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (11)	84,390
Salaries—Overtime	215
F.I.C.A.—Employer's Share	5,008
Pensions	10,745
Health Insurance	1,594
Travel	150
Contractual Services	3,155
Supplies and Materials	2,195
Capital Outlay	4,105
TOTAL—State Museum	\$ 112,557

(20-06-004) John Dickinson Mansion Year Ending June 30, 1975

Salaries—Casual and Seasonal	\$ 2,000
Salaries and Wages of Employees (3)	21,487
F.I.C.A.—Employer's Share	1,374
Pensions	2,729
Health Insurance	355
Contractual Services	955
Supplies and Materials	925
Capital Outlay	2,600
TOTAL—John Dickinson Mansion	\$ 32,425

(20-06-005) Fort Christina Monument

Salaries and Wages of Employees (2)	\$ 10,501
F.I.C.A.—Employer's Share	614
Pensions	1,334
Health Insurance	177
Contractual Services	1,270
Supplies and Materials	510
Capital Outlay	150
TOTAL—Fort Christina Monument	\$ 14,556

(20-06-009) Lewes Memorial Commission

Salaries—Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (3)	18,480
F.I.C.A.—Employer's Share	1,140
Pensions	2,347
Contractual Services	4,100
Supplies and Materials	535
Capital Outlay	1,300
Sub-total	\$ 28,902
Debt Service	
Principal	1,000
Interest	543
TOTAL—Lewes Memorial Commission	\$ 30,445

(20-06-010) New Castle Historic Building

Salaries—Casual and Seasonal	\$ 1,000
Salaries and Wages of Employees (4)	21,952

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	1,343
Pensions	2,788
Health Insurance	355
Contractual Services	4,416
Supplies and Materials	1,325
Capital Outlay	635
TOTAL—New Castle Historic Building	\$ 33,814

(20-06-011) Delaware Day Commission

Contractual Services	\$ 900
Supplies and Materials	300
TOTAL—Delaware Day Commission	\$ 1,200

(20-06-012) Archaeological Section

Salaries—Casual and Seasonal	\$ 3,500
Salaries and Wages of Employees (5)	43,977
F.I.C.A.—Employer's Share	2,770
Pensions	5,585
Health Insurance	886
Travel	200
Contractual Services	6,075
Supplies and Materials	4,000
Capital Outlay	4,800
Sub-total	\$ 71,793
Debt Service	
Principal	4,000
Interest	4,675
TOTAL—Archaeological Section	\$ 80,468

(20-06-013) Fisher House

Contractual Services	\$ 880
Supplies and Materials	425
Capital Outlay	200
TOTAL—Fisher House	\$ 1,505

(20-06-014) Octagonal Schoolhouse Year Ending June 30, 1975

Salaries and Wages of Employees (1)	\$ 5,214
F.I.C.A.—Employer's Share	305
Pensions	662
Health Insurance	178
Contractual Services	900
Supplies and Materials	300
TOTAL—Octagonal Schoolhouse	\$ 7,559

(20-06-015) Prince George Chapel

Salaries and Wages of Employees (1)	\$ 5,214
F.I.C.A.—Employer's Share	305
Pensions	662
Contractual Services	1,340
Supplies and Materials	515
Capital Outlay	1,600
TOTAL—Prince George Chapel	\$ 9,636

(20-06-016) Delaware State Arts Council

Salary of Director	\$ 14,660
Salaries and Wages of Employees (1)	8,237
F.I.C.A.—Employer's Share	1,219
Pensions	2,908
Health Insurance	354
Travel	750
Contractual Services	2,100
Supplies and Materials	900
Contingency—Grants	12,000
TOTAL—Delaware State Arts Council	\$ 43,128

(20-06-017) Hale-Byrnes House

Contractual Services	\$ 1,405
Supplies and Materials	325
Capital Outlay	500
TOTAL—Hale-Byrnes House	\$ 2,230
TOTAL—Division of Historical and	
Cultural Affairs	\$ 711,465
TOTAL—DEPARTMENT OF STATE	\$ 1,636,216

Year Ending June 30, 1975

(25-00-000) DEPARTMENT OF FINANCE

(25-01-000) Office of the Secretary

Salary of Secretary	\$ 29,000
Salaries and Wages of Employees (3)	47,274
F.I.C.A.—Employer's Share	2,812
Pensions	9,687
Health Insurance	532
Travel	500
Contractual Services	1,400
Supplies and Materials	300
Capital Outlay	500
TOTAL—Office of the Secretary	\$ 92,005

(25-05-000) Division of Accounting

Salary of Director	\$ 20,500
Salaries and Wages of Employees (24)	209,192
Salaries—Overtime	2,000
F.I.C.A.—Employer's Share	12,764
Pensions	29,425
Health Insurance	3,011
Personal Services	250
Travel	200
Contractual Services	15,450
Supplies and Materials	
Data Processing Forms	17,500
Other Supplies and Materials	21,900
Capital Outlay	700
Contingency—Prior Years Obligations	5,000
Central Data Processing Services	365,000
TOTAL—Division of Accounting	\$ 702,892

(25-06-000) Division of Revenue

Salaries of Board Members (5)	\$ 13,000
Salary of Director	27,000
Salaries—Casual and Seasonal	75,000
Salaries and Wages of Employees (175)	1,423,931

Year Ending June 30, 1975

Salaries—Overtime	15,000
F.I.C.A.—Employer's Share	84,818
Pensions	184,014
Health Insurance	20,015
Personal Services	4,500
Travel	15,000
Contractual Services	319,171
Supplies and Materials	68,005
Capital Outlay	30,581
Central Data Processing Services	215,000
Sub-total	\$ 2,495,035
Debt Service	
Principal	346,000
Interest	165,992
TOTAL—Division of Revenue	\$ 3,007,027

*(25-07-000) Division of Treasury**(25-07-001) Office of the Director*

Salaries—Casual and Seasonal	\$ 600
Salaries and Wages of Employees (16)	131,822
F.I.C.A.—Employer's Share	7,550
Pensions	16,741
Health Insurance	2,657
Personal Services	100
Contractual Services	15,910
Supplies and Materials	8,250
Capital Outlay	500
Contingency—Lost and Outdated Checks	1,000
Central Data Processing Services	75,000
TOTAL—Office of the Director	\$ 260,130

(25-07-002) Pensions and Investments

(12) Salaries and Wages of Employees (3)	\$ 29,925
F.I.C.A.—Employer's Share	1,750
Pensions—Paraplegic Veterans	16,800
Pensions—All Others	3,800

Year Ending June 30, 1975

Health Insurance—Retirees	385,000
Health Insurance—All Others	177
Travel	575
Contractual Services	925
Supplies and Materials	550
Capital Outlay	750
TOTAL—Pensions and investments	\$ 440,252

(25-07-011) Municipal Aid

Street Improvement Aid Funds	\$ 2,000,000
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(25-07-012) Bond Issuing Officers

Expense of Issuing Bonds	\$ 45,000
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(25-07-013) Debt Service

State Obligations

Redemptions	\$ 118,000
Interest	1,098,075
Redemptions—Local Schools	489,000
Interest—Local Schools	440,939
Principal—Employees Retirement	1,000,000
Interest—Employees Retirement	400,000

Anticipation Notes

Interest—Revenue Anticipation Notes ...	841,570
Interest—Bond Anticipation Notes	1,442,433

TOTAL—Debt Service	\$ 5,830,017
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(25-07-014) Revenue Refunds

Refunds	\$ 17,574,500
TOTAL—Division of the Treasury	\$ 26,149,899
TOTAL—DEPARTMENT OF FINANCE	\$ 29,951,823

(30-00-000) DEPARTMENT OF Year Ending June 30, 1975
ADMINISTRATIVE SERVICES

(30-01-000) Office of the Secretary

Salary of Secretary	\$	24,960
Salaries and Wages of Employees (5)		43,782
Salaries—Overtime		1,000
F.I.C.A.—Employer' Share		3,239
Pensions		8,858
Health Insurance		886
Travel		500
Contractual Services		2,575
Supplies and Materials		206
Capital Outlay		515
Central Data Processing Services		11,300
TOTAL—Office of the Secretary	\$	97,821

(30-04-000) Division of Facilities Management

Salary of Director	\$	21,840
Salaries—Casual and Seasonal		500
Salaries and Wage of Employees (4)		43,818
Salaries—Overtime		150
F.I.C.A.—Employer's Share		2,853
Pensions		8,358
Health Insurance		886
Personal Services		1,000
Travel		500
Contractual Services		33,497
Supplies and Materials		2,678
Sub-total	\$	116,080
Debt Service		
Principal		114,000
Interest		95,490
TOTAL—Division of Facilities Management ...	\$	325,570

(30-05-000) Division of Maintenance and
Communications

Salary of Director	\$	18,200
Salaries—Casual and Seasonal		22,780

Year Ending June 30, 1975

Salaries and Wages of Employees (105.5)	670,158
Salaries—Overtime	12,000
Salaries—Shift Differential	14,118
F.I.C.A.—Employer's Share	42,802
Pensions	90,739
Health Insurance	12,222
Personal Services	275
Travel	412
Contractual Services	
Messenger Service	28,119
Other Contractual Services	507,627
Supplies and Materials	52,063
Capital Outlay	7,725
Central Data Processing Services	29,000
TOTAL—Division of Maintenance & Communications \$	1,508,240

(30-06-000) Division of Purchasing

Salary of Director \$	18,200
Salaries—Casual and Seasonal	1,500
(5) Salaries and Wages of Employees (15.5)	133,950
Salaries—Overtime	10,000
F.I.C.A.—Employer's Share	9,039
Pensions	20,594
Health Insurance	2,480
Personal Services	50
Travel	1,200
Contractual Services	21,067
Supplies and Materials	12,945
Central Data Processing Services	2,000
Sub-total \$	233,025
Debt Service	
Principal	1,000
Interest	623
TOTAL—Division of Purchasing \$	234,648

*Year Ending June 30, 1975**(30-07-000) Division of Central Data Processing*

Salary of Director	\$ 22,880
Salaries and Wages of Employees (100)	959,064
Salaries—Overtime	12,600
Salaries—Shift Differential	8,000
F.I.C.A.—Employer's Share	54,920
Pension	127,323
Health Insurance	17,358
Travel	3,000
Contractual Services	
Rental—EDP Equipment	836,806
Other Contractual Services	26,500
Supplies and Materials	70,000
Capital Outlay	16,292
TOTAL—Division of Central	
Data Processing	\$ 2,154,743

Allocation of Central Data Processing Services

	General Fund	Special Fund
01 Legislative	\$ 7,000	\$ —
02 Judicial	—	—
10 Exec. Staff of Governor	29,500	—
12 Other Elective Offices	8,000	—
15 Legal	—	—
20 State	125,000	—
25 Finance	655,000	—
30 Administrative Services	42,300	—
35 Health & Social Services	340,000	4,943
40 Nat. Res. & Env. Control	—	35,000
45 Public Safety	580,000	58,000
50 Comm. Affairs & Econ. Dev. ..	—	—
55 Highways & Transportation ..	115,000	30,000
60 Labor	5,000	60,000
65 Agriculture	1,000	—
70 Elections	37,000	—
75 Fire Prevention	—	—
76 Delaware National Guard	—	—

Year Ending June 30, 1975

90 Higher Education	—	—
95 Public Education	22,000	—
Sub-total	<u>\$1,966,800</u>	<u>\$187,943</u>
TOTAL—Central Data		
Processing Services	\$2,154,743	

*(30-08-000) Division of Business and
Occupational Regulation*

(30-08-001) Office of Director

Salaries of Board Members (30)	\$ 8,017
Salary of Director	14,700
Salaries—Casual and Seasonal	3,600
Salaries and Wages of Employees (12)	86,227
F.I.C.A.—Employer's Share	6,461
Pensions	12,817
Health Insurance	886
Travel	13,000
Contractual Services	26,638
Supplies and Materials	3,090
Capital Outlay	2,300
TOTAL—Office of Director	<u>\$ 177,736</u>

(30-08-003) Alcoholic Beverage Control Commission

Salaries of Board Members (5)	\$ 3,000
Salary of Executive Director	17,766
Salaries—Casual and Seasonal	1,500
Salaries and Wages of Employees (20.5)	174,916
F.I.C.A.—Employer's Share	11,151
Pensions	24,470
Health Insurance	1,948
Personal Services	12,000
Travel	5,500
Contractual Services	39,655
Supplies and Materials	4,121
TOTAL—Alcoholic Beverage Control	
Commission	<u>\$ 296,027</u>

*Year Ending June 30, 1975**(30-08-011) Public Service Commission*

Salaries of Board Members (5)	\$ 22,500
Salaries and Wages of Employees (6)	62,502
F.I.C.A.—Employer's Share	4,973
Pensions	10,796
Health Insurance	1,949
Personal Services	
Lawyers	10,000
Hearings	24,000
Engineering and Accounting Services ...	25,000
Travel	4,000
Contractual Services	5,300
Supplies and Materials	1,950
Capital Outlay	2,900
TOTAL—Public Service Commission	\$ 175,870

(30-08-015) Banking Commission

Salary of Bank Commissioner	\$ 19,000
Salaries and Wages of Employees (8)	86,555
F.I.C.A.—Employer's Share	5,587
Pensions	13,406
Health Insurance	886
Travel	4,800
Contractual Services	5,600
Supplies and Materials	1,600
Capital Outlay	1,450
TOTAL—Banking Commission	\$ 138,884
TOTAL—Division of Business and	
Occupational Regulation	\$ 788,517

(30-09-000) Capitol Security

Salary of Chief	\$ 10,600
Salaries and Wages of Employees (9)	59,610
Salaries—Overtime	4,600
Salaries—Shift Differential	2,000
F.I.C.A.—Employer's Share	4,493

Year Ending June 30, 1975

Pensions	9,755
Health Insurance	1,771
Contractual Services	23,775
Supplies and Materials	1,200
TOTAL—Capitol Security	\$ 117,804

(30-10-000) Division of Graphics and Printing

Salary of Director	\$ 15,225
Salaries and Wages of Employees (14)	89,131
F.I.C.A.—Employer's Share	5,951
Pensions	13,253
Health Insurance	2,037
Contractual Services	1,000
Capital Outlay	4,225

TOTAL—Division of Graphics and Printing .. \$ 130,822

TOTAL—DEPARTMENT OF

ADMINISTRATIVE SERVICES .. \$ 3,203,422

**(35-00-000) DEPARTMENT OF HEALTH AND
SOCIAL SERVICES**

(35-01-000) Office of the Secretary

Salary of Secretary	\$ 33,000
Salaries and Wages of Employees (4)	38,880
F.I.C.A.—Employer's Share	2,827
Pensions	9,129
Health Insurance	886
Travel	1,000
Contractual Services	3,069
Supplies and Materials	2,058
Capital Outlay	3,350
TOTAL—Office of the Secretary	\$ 94,199

**(35-02-000) Office of Business Administration,
General Services and Education**

**(35-02-001) Business Administration and
General Services**

Salary of Chief	\$ 21,840
(40) Salaries and Wages of Employees (58)	517,077

Year Ending June 30, 1975

Salaries—Overtime	2,940
F.I.C.A.—Employer's Share	29,802
Pensions	68,816
Health Insurance	10,451
Travel	1,000
Contractual Services	58,800
Supplies and Materials	7,725
Capital Outlay	4,650
Central Data Processing Services	265,000
TOTAL—Business Administration and General Services	\$ 988,101

(35-02-002) Education

Salaries of Supervisors (4)	\$ 57,535
Salary of Administrative Assistant (1)	16,486
Salaries of Clerical (4)	25,616
(13) Salaries of Teachers (48)	538,946
(11) Salaries of Aides and Attendants (12)	79,503
F.I.C.A.—Employer's Share	41,539
Pensions	91,197
Health Insurance	10,930
Other Costs	43,200
TOTAL—Education	\$ 904,952
TOTAL—Office of Business Administration, General Services and Education ..	\$ 1,893,053

*(35-03-000) Office of Planning, Research and
Evaluation*

Salary of Director	\$ 23,920
Salaries and Wages of Employees (8)	78,598
Salaries—Overtime	500
F.I.C.A.—Employer's Share	4,800
Pensions	13,083
Health Insurance	1,062
Travel	1,000
Contractual Services	4,400

Year Ending June 30, 1975

Supplies and Materials	1,200
Capital Outlay	900
TOTAL—Office of Planning, Research and Evaluation	\$ 129,463

(35-04-000) Office of Medical Examiner

Salary of Chief Medical Examiner	\$ 34,000
Salaries and Wages of Employees (31)	338,620
Salaries—Overtime	7,500
F.I.C.A.—Employer's Share	16,768
Pensions	48,276
Health Insurance	5,138
Personal Services	7,500
Travel	4,800
Contractual Services	41,160
Supplies and Materials	39,314
Capital Outlay	33,500
Sub-total	\$ 576,576
Debt Service	
Principal	49,000
Interest	44,544
TOTAL—Office of Medical Examiner	\$ 670,120

*(35-05-000) Division of Public Health**(35-05-001) Office of the Director*

Salary of Director	\$ 33,000
Salaries and Wages of Employees (1)	10,937
F.I.C.A.—Employer's Share	1,377
Pensions	5,580
Health Insurance	354
Travel	500
Contractual Services	2,335
Supplies and Materials	1,200
TOTAL—Office of the Director	\$ 55,283

(35-05-002 Community Health Year Ending June 30, 1975

(115.1) Salaries and Wages of Employees (174) ..\$	1,664,378
Salaries for Health Screening (63)	569,080
Salaries for Licensed Nursing Homes (5) .	43,305
Salaries for Sickle Cell Anemia (3)	34,292
Salaries for Center City Personal	
Health Services (8)	87,700
F.I.C.A.—Employer's Share	124,346
Pensions	304,642
Health Insurance	44,103
Personal Services	
Health Screening	50,000
Family Planning	1,500
Other Personal Services	56,375
Travel	
Health Screening	500
Family Planning	160
Licensed Nursing Homes	500
Other Travel	3,800
Contractual Services	
New Jersey Virus Lab	12,750
Health Screening	20,000
Family Planning	109,625
Licensed Nursing Homes	1,200
Renal Disease	15,000
Motor Pool	4,500
Other Contractual Services	130,443
Supplies and Materials	
Glasses—Optometry Division	4,000
Polio, Measles and Other Vaccines	25,000
Health Screening	41,800
Family Planning	4,466
Licensed Nursing Homes	2,500
Renal Disease	25,000
Other Supplies and Materials	47,367
Capital Outlay	11,150
Sub-total	\$ 3,439,482
Debt Service	
Principal	795,800
Interest	583,191
TOTAL—Community Health	\$ 4,818,473

*Year Ending June 30, 1975**(35-05-003) Emily P. Bissell Hospital*

Salaries—Casual and Seasonal	\$ 29,400
(2) Salaries and Wages of Employees (121.3)	986,597
Salaries—Overtime	8,925
Salaries—Shift Differential	2,100
F.I.C.A.—Employer's Share	53,978
Pensions	126,698
Health Insurance	14,170
Personal Services	
Medical Fees	9,000
Other Personal Services	2,000
Travel	800
Contractual Services	
Contracts—Other Hospitals	13,000
Repair and Service—Buildings and Grounds	15,000
Other Contractual Services	102,000
Supplies and Materials	
Food	70,560
Drugs and Medical Supplies	94,000
Building Alterations and Repairs	4,000
Other Supplies and Materials	30,000
Capital Outlay	15,465
Sub-total	\$ 1,577,693
Debt Service	
Principal	41,000
Interest	9,241
TOTAL—Emily P. Bissell Hospital	\$ 1,627,934

(35-05-004) Delaware Home and Hospital

Salaries and Wages of Employees (613)	\$ 3,918,578
Salaries—Overtime	27,000
Salaries—Shift Differential	36,000
F.I.C.A.—Employer's Share	190,055
Pensions	505,661
Health Insurance	66,597
Personal Services	11,000
Travel	1,200

Year Ending June 30, 1975

Contractual Services	
Repair and Service—Buildings and Grounds	25,000
Other Contractual Services	221,019
Supplies and Materials	
Drugs and Medical Supplies	60,000
Food	336,000
Building Alterations and Repairs	20,000
Other Supplies and Materials	74,160
Capital Outlay	45,000
Sub-total	\$ 5,537,270
Debt Service	
Principal	196,500
Interest	68,553
TOTAL—Delaware Home and Hospital	\$ 5,802,323

**(35-05-005) Office of Health-Related
Professional Licensing**

Salaries of Board Members (68)	\$ 16,100
Salaries and Wages of Employees (7)	72,056
F.I.C.A.—Employer's Share	3,719
Pensions	9,152
Health Insurance	1,063
Personal Services	4,000
Travel	8,300
Contractual Services	23,400
Supplies and Materials	1,200
Capital Outlay	1,000
TOTAL—Office of Health-Related Professional Licensing	\$ 139,990

(35-05-006) Controlled Substances Program

Salaries and Wages of Employees (5)	\$ 50,366
F.I.C.A.—Employer's Share	2,726
Pensions	6,396
Health Insurance	787
Travel	500

Year Ending June 30, 1975

Contractual Services	2,545
Supplies and Materials	1,675
Capital Outlay	795
TOTAL—Controlled Substances Program	\$ 65,790
TOTAL—Division of Public Health	\$ 12,509,793

*(35-06-000) Division of Mental Health**(35-06-001) Office of the Director*

Salary of Director	\$ 33,000
(.3) Salaries and Wages of Employees (5.5)	57,007
F.I.C.A.—Employer's Share	3,503
Pensions	11,431
Health Insurance	3,047
Travel	1,000
Contractual Services	7,035
Supplies and Materials	748
TOTAL—Office of the Director	\$ 116,771

(35-06-002) Delaware State Hospital

(11.7) Salaries and Wages of Employees (856.05) ..	\$ 6,194,049
Salaries—Overtime	100,000
Salaries—Shift Differential	87,000
F.I.C.A.—Employer's Share	346,330
Pensions	810,393
Health Insurance	88,560
Personal Services	
Payments to Patients	23,000
Other Personal Services	142,040
Travel	2,367
Contractual Services	
Repair and Service—Buildings and	
Grounds	50,000
Other Contractual Services	412,585
Supplies and Materials	
Food	546,624
Drugs and Medical Supplies	180,309
Building Alterations and Repairs	34,140

Year Ending June 30, 1975

Other Supplies and Materials	161,430
Capital Outlay	64,377
Sub-total	\$ 9,243,204
Debt Service	
Principal	681,500
Interest	319,136
TOTAL—Delaware State Hospital	\$ 10,243,840

(35-06-003) Mental Hygiene Clinics

(1) Salaries and Wages of Employees (43.3)	\$ 543,409
F.I.C.A.—Employer's Share	25,758
Pensions	69,013
Health Insurance	4,428
Contractual Services	43,687
Supplies and Materials	
Drugs and Medical Supplies	50,000
Other Supplies and Materials	3,943
Capital Outlay	772
Sub-total	\$ 741,010
Debt Service	
Principal	9,000
Interest	2,331
TOTAL—Mental Hygiene Clinics	\$ 752,341

*(35-06-004) Governor Bacon
Health Center*

Salaries and Wages of Employees (246)	\$ 1,815,333
Salaries—Overtime	35,000
F.I.C.A.—Employer's Share	102,477
Pensions	234,992
Health Insurance	42,155
Personal Services	
Payments to Patients	2,000
Other Personal Services	21,000
Travel	600

Year Ending June 30, 1975

Contractual Services	
Repair and Service—Buildings and Grounds	30,000
Hospital Contracts	3,000
Other Contractual Services	170,240
Supplies and Materials	
Drugs and Medical Supplies	22,660
Food	78,000
Building Alterations and Repairs	30,000
Other Supplies and Materials	38,110
Capital Outlay	20,600
Sub-total	\$ 2,646,167
Debt Service	
Principal	164,000
Interest	150,114
TOTAL—Governor Bacon Health Center	\$ 2,960,281

(35-06-005) Mental Health Center

(6.9) Salaries and Wages of Employees (46.7)	\$ 444,305
Salaries—Overtime	3,993
Salaries—Shift Differential	4,365
F.I.C.A.—Employer's Share	23,456
Pensions	57,488
Health Insurance	8,174
Personal Services	7,960
Travel	133
Contractual Services	
Repair and Service—Buildings and Grounds	4,160
Other Contractual Services	7,210
Supplies and Materials	
Drugs and Medical Supplies	34,250
Food	29,376
Building Alterations and Repairs	1,910
Other Supplies and Materials	10,477
Capital Outlay	3,603
TOTAL—Mental Health Center	\$ 640,860

(35-06-007) Terry Children's Year Ending June 30, 1975
Psychiatric Center

(52.5) Salaries and Wages of Employees (53) \$	397,222
Salaries—Overtime	5,720
Salaries—Shift Differential	3,192
F.I.C.A.—Employer's Share	23,720
Pensions	51,579
Health Insurance	5,903
Personal Services	2,400
Travel	1,500
Contractual Services	
Repair and Service—Buildings and	
Grounds	4,275
Other Contractual Services	42,082
Supplies and Materials	
Drugs and Medical Supplies	2,168
Food	16,800
Building Alterations and Repairs	3,605
Other Supplies and Materials	9,677
Capital Outlay	5,925
Sub-total \$	575,768
Debt Service	
Principal	56,000
Interest	31,752
TOTAL—Terry Children's Psychiatric	
Center \$	663,520

(35-06-008) Alcoholic Services

(26) Salaries and Wages of Employees (26) \$	230,760
Salaries—Overtime	1,000
F.I.C.A.—Employer's Share	12,450
Pensions	29,573
Health Insurance	2,124
Personal Services	5,200
Travel	700
Contractual Services	
Repair and Service—Buildings and	
Grounds	1,596
Other Contractual Services	8,034

*Year Ending June 30, 1975***Supplies and Materials**

Drugs and Medical Supplies	2,884
Food	16,000
Other Supplies and Materials	4,738
Capital Outlay	750
TOTAL—Alcoholic Services	\$ 315,809
TOTAL—Division of Mental Health	\$ 15,693,422

(35-07-000) Division of Social Services**(35-07-002) Public Welfare**

Salary of Director (State funds - \$9,975)	
(All other funds - \$16,025) .. \$	9,975
(256.9) Salaries and Wages of Employees (160.6) .	1,393,064
F.I.C.A.—Employer's Share	82,761
Pensions	182,234
Health Insurance	27,999
Personal Services	7,015
Travel	3,200
Contractual Services	
Blue Cross Contract	103,000
Other Contractual Services	117,420
Supplies and Materials	17,800
Capital Outlay	9,081
Head Start Program	175,000
General Assistance Grants	1,650,000
Old Age Assistance Grants	1,340,000
Aid to Disabled Grants	170,000
Aid to Families with Dependent Children .	3,817,468
Child Welfare Service—Direct Care	2,414,500
Medical Aid Program—Drugs	1,000,000
Purchase of Day Care	150,000
Title XIX Federal Programs	
Other than State Institutions	6,000,000
State Institutions	1,648,940
Purchase Homemaker Service	75,000
Hospital Care—Indigent Patients	500,000
Aid to Visually Impaired	232,000

Year Ending June 30, 1975

Emergency & Disaster Assistance	50,000
Sub-total	\$ 21,176,457
Debt Service	
Principal	2,000
Interest	1,131
TOTAL—Public Welfare	\$ 21,179,588

*(35-07-003) Bureau for the
Visually Impaired*

(23.4) Salaries and Wages of Employees (13.6) ..	\$ 121,481
F.I.C.A.—Employer's Share	6,958
Pensions	15,429
Health Insurance	2,398
Personal Services	4,500
Travel	1,700
Contractual Services	
Education Services	51,000
Bus Transportation	3,300
Other Contractual Services	11,365
Supplies and Materials	
Vocational Training	20,600
Other Supplies and Materials	6,180
Capital Outlay	6,140
Vending Stand Construction	5,000
TOTAL—Bureau for the Visually Impaired ..	\$ 256,051

(35-07-005) Food Stamp Program

Salaries and Wages of Employees (15)	\$ 106,878
F.I.C.A.—Employer's Share	6,150
Pensions	13,510
Personal Services	500
Travel	1,200
Contractual Services	158,650
Supplies and Materials	7,500
Capital Outlay	1,200
Central Data Processing Services	75,000
TOTAL—Food Stamp Program	\$ 370,088
TOTAL—Division of Social Services	\$ 21,805,727

Year Ending June 30, 1975

(35-08-000) Division of Adult Corrections

(35-08-001) Office of the Director

Salary of Director	\$ 25,750
Salaries and Wages of Employees (4)	60,473
F.I.C.A.—Employer's Share	3,235
Pensions	10,950
Health Insurance	886
Personal Services	500
Travel	300
Contractual Services	
Repair and Service—Buildings and Grounds	515
Other Contractual Services	5,204
Supplies and Materials	2,267
Capital Outlay	2,600
TOTAL—Office of the Director	\$ 112,680

(35-08-002) Central Administration

Salaries and Wages of Employees (9)	\$ 83,900
Salaries—Overtime	300
Salaries—Hazardous Duty and Shift Differential	600
F.I.C.A.—Employer's Share	4,961
Pensions	10,770
Health Insurance	1,594
Travel	200
Contractual Services	
Repair and Service—Buildings and Grounds	515
Other Contractual Services	6,741
Supplies and Materials	2,419
Sub-total	\$ 112,000
Debt Service	
Principal	586,375
Interest	382,513
TOTAL—Central Administration	\$ 1,080,888

(35-08-003) Delaware Correctional Center Year Ending June 30, 1975

Salaries—Casual and Seasonal	\$ 1,470
Salaries and Wages of Employees (213)	1,939,951
Salaries—Overtime	191,100
Salaries—Hazardous Duty and Shift Differential	108,150
F.I.C.A.—Employer's Share	127,968
Pensions	284,378
Health Insurance	37,727
Personal Services	
Medical, Dental and Psychiatric	46,000
Payment to Inmates	16,135
Other Personal Services	1,800
Travel	1,000
Contractual Services	
Repair and Service—Buildings and Grounds	92,700
Other Contractual Services	224,734
Supplies and Materials	
Food	198,000
Drugs	22,207
Building Alterations and Repairs	15,038
Other Supplies and Materials	83,942
Capital Outlay	13,802
TOTAL—Delaware Correctional Center	\$ 3,406,102

(35-08-004) Sussex Correctional Center

Salaries—Casual and Seasonal	\$ 945
Salaries and Wages of Employees (53)	479,218
Salaries—Overtime	63,000
Salaries—Hazardous Duty and Shift Differential	37,470
F.I.C.A.—Employer's Share	33,967
Pensions	73,620
Health Insurance	9,387
Personal Services	
Medical, Dental and Psychiatric	8,000
Payment to Inmates	8,000
Other Personal Services	1,600

Year Ending June 30, 1975

Travel	200
Contractual Services	
Repair and Service—Buildings and Grounds	20,600
Other Contractual Services	41,944
Supplies and Materials	
Food	90,000
Drugs	9,270
Building Alterations and Repairs	5,356
Other Supplies and Materials	38,314
Capital Outlay	10,902
TOTAL—Sussex Correctional Center	\$ 931,793

*(35-08-005) Women's Correctional
Institution*

Salaries—Casual and Seasonal	\$ 315
Salaries and Wages of Employees (14)	128,704
Salaries—Overtime	4,660
Salaries—Hazardous Duty and Shift Differential	7,575
F.I.C.A.—Employer's Share	8,026
Pensions	17,899
Health Insurance	2,480
Personal Services	
Medical, Dental and Psychiatric	2,000
Payments to Inmates	865
Other Personal Services	1,600
Travel	120
Contractual Services	
Instructional Services	4,120
Repair and Service—Buildings and Grounds	7,210
Other Contractual Services	15,014
Supplies and Materials	
Food	8,278
Drugs	1,998
Building Alterations and Repairs	824

Year Ending June 30, 1975

Other Supplies and Materials	13,388
Capital Outlay	890
TOTAL—Women's Correctional Institution ...\$	225,966

(35-08-006) Pre-Trial Release

Salaries—Casual and Seasonal	\$ 5,775
Salaries and Wages of Employees (5)	45,736
F.I.C.A.—Employer's Share	3,013
Pensions	5,808
Health Insurance	886
Travel	810
Contractual Services	4,770
Supplies and Materials	721
TOTAL—Pre-Trial Release	\$ 67,519

(35-08-007) Probation and Parole

Salaries—Casual and Seasonal	\$ 515
Salary of Com. Svc. Ass't. Director	-0-
Salary of Chief Probation Officer	-0-
Salaries of Probation & Parole Supervisors (4)	63,756
Salaries of Probation & Parole Officers (35)	342,200
Salaries of Administrative & Clerical (15)	89,500
F.I.C.A.—Employer's Share	28,325
Pensions	62,922
Health Insurance	9,918
Travel	2,600
Contractual Services	64,679
Supplies and Materials	6,267
Capital Outlay	5,356
TOTAL—Probation and Parole	\$ 676,038

(35-08-008) Halfway House

Salaries—Casual and Seasonal	\$ 5,500
Salaries and Wages of Employees (3)	26,005
F.I.C.A.—Employer's Share	1,843

Year Ending June 30, 1975

Pensions	3,303
Health Insurance	531
Travel	300
Contractual Services	
Repair and Service—Buildings and Grounds	3,605
Other Contractual Services	4,802
Supplies and Materials	
Food	2,299
Building Alterations and Repairs	309
Other Supplies and Materials	1,915
TOTAL—Halfway House	\$ 50,412
TOTAL—Division of Adult Corrections	\$ 6,551,398

(35-09-000) Division of Drug Control

Salary of Director	\$ 18,720
(19) Salaries and Wages of Employees (47)	367,730
F.I.C.A.—Employer's Share	22,403
Pensions	49,115
Health Insurance	7,793
Personal Services	16,000
Travel	10,000
Contractual Services	
Crittenton Home	5,000
Other Contractual Services	210,000
Supplies and Materials	
Food	12,000
Drugs	1,300
Other Supplies and Materials	14,000
Capital Outlay	2,350
TOTAL—Division of Drug Control	\$ 736,411

*(35-11-000) Division of Mental Retardation**(35-11-001) Hospital for the Mentally Retarded*

(2) Salaries and Wages of Employees (448)	\$ 2,808,971
Salaries—Overtime	59,800
Salaries—Shift Differential	26,000

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	165,859
Pensions	367,636
Health Insurance	57,564
Personal Services	
Payments to Patients	8,000
Other Personal Services	28,000
Travel	1,000
Contractual Services	
Repair and Service—Buildings and Grounds	14,000
Other Contractual Services	190,000
Supplies and Materials	
Food	274,800
Drugs	50,000
Building Alterations and Repairs	15,000
Other Supplies and Materials	69,010
Capital Outlay	40,000
Sub-total	\$ 4,175,640
Debt Service	
Principal	210,400
Interest	109,457
TOTAL—Hospital for the Mentally Retarded .	\$ 4,495,497

(35-11-002) Community Mental Retardation Programs

Salaries—Casual and Seasonal	\$ 8,400
(30) Salaries and Wages of Employees (54.5)	362,150
Salaries—Overtime	3,025
F.I.C.A.—Employer's Share	20,895
Pensions	46,377
Health Insurance	9,653
Travel	300
Contractual Services	28,530
Supplies and Materials	
Food	15,000
Other Supplies and Materials	20,995
Capital Outlay	25,853
Small Group Living Centers	15,449
Sub-total	\$ 556,627

Year Ending June 30, 1975

Debt Service	
Principal	4,000
Interest	1,035
TOTAL—Community Mental Retardation Programs	\$ 561,662
TOTAL—Division of Mental Retardation ...	\$ 5,057,159

(35-12-000) State Service Centers

Salary of Director	\$ 16,275
Salaries and Wages of Employees (25)	175,219
F.I.C.A.—Employer's Share	10,238
Pensions	24,320
Health Insurance	3,542
Personal Services	7,000
Travel	1,000
Contractual Services	
Repair and Service—Buildings and Grounds	5,570
Other Contractual Services	74,136
Supplies and Materials	
Drugs	720
Other Supplies and Materials	6,635
South Wilmington Medical Center	20,000
Sub-total	\$ 344,655
Debt Service	
Principal	7,000
Interest	6,958
TOTAL—State Service Centers	\$ 358,613

*(35-13-000) Division of Juvenile Corrections**(35-13-001) Administration*

Salary of Director	\$ 22,880
Salaries and Wages of Employees (6.5)	76,662
F.I.C.A.—Employer's Share	4,687
Pensions	12,670
Health Insurance	1,239

Year Ending June 30, 1975

Personal Services	500
Travel	1,000
Contractual Services	16,730
Supplies and Materials	2,680
Capital Outlay	12,960
Sub-total	\$ 152,008
Debt Service	
Principal	209,500
Interest	126,777
TOTAL—Administration	\$ 488,285

(35-13-002) Ferris School for Boys

Salaries—Casual and Seasonal	\$ 4,515
Salaries and Wages of Employees (91.5)	719,764
Salaries—Overtime	34,650
Salaries—Shift Differential	4,390
F.I.C.A.—Employer's Share	45,376
Pensions	96,368
Health Insurance	9,033
Personal Services	18,400
Travel	430
Contractual Services	
Repair and Service—Buildings and Grounds	6,800
Other Contractual Services	73,290
Supplies and Materials	
Food	69,600
Drugs	3,240
Building Alterations and Repairs	3,080
Other Supplies and Materials	39,920
Capital Outlay	15,645
Sub-total	\$ 1,144,501
Debt Service	
Principal	19,000
Interest	18,295
TOTAL—Ferris School for Boys	\$ 1,181,796

*Year Ending June 30, 1975***(35-13-003) Woods Haven-Kruse School for Girls**

Salaries—Casual and Seasonal	\$ 5,460
Salaries and Wages of Employees (55)	438,171
Salaries—Overtime	16,300
Salaries—Shift Differential	2,280
F.I.C.A.—Employer's Share	27,542
Pensions	58,007
Health Insurance	6,553
Personal Services	12,400
Travel	380
Contractual Services	
Repair and Service—Buildings and Grounds	5,870
Other Contractual Services	34,020
Supplies and Materials	
Food	42,000
Drugs	3,910
Other Supplies and Materials	15,330
Capital Outlay	1,030
Sub-total	\$ 669,253
Debt Service	
Principal	6,704
Interest	5,475
TOTAL—Woods Haven-Kruse School for Girls.	\$ 681,432

(35-13-004) Bridge House Detention Center

Salaries—Casual and Seasonal	\$ 7,140
Salaries and Wages of Employees (19)	157,413
Salaries—Overtime	12,600
Salaries—Shift Differential	3,150
F.I.C.A.—Employer's Share	10,579
Pensions	21,992
Health Insurance	2,479
Personal Services	5,100
Travel	230
Contractual Services	
Repair and Service—Buildings and Grounds	2,980

Year Ending June 30, 1975

Other Contractual Services	8,789
Supplies and Materials	
Food	18,000
Drugs	1,030
Building Alterations and Repairs	520
Other Supplies and Materials	10,290
Capital Outlay	5,400
TOTAL—Bridge House Detention Center	\$ 267,692

(35-13-005) Stevenson House Detention Center

Salaries—Casual and Seasonal	\$ 4,515
Salaries and Wages of Employees (18)	156,677
Salaries—Overtime	7,560
Salaries—Shift Differential	3,990
F.I.C.A.—Employer's Share	9,722
Pensions	21,365
Health Insurance	3,011
Personal Services	3,100
Travel	230
Contractual Services	
Repair and Service—Buildings and Grounds	1,440
Other Contractual Services	12,840
Supplies and Materials	
Food	15,600
Drugs	210
Building Alterations and Repairs	520
Other Supplies and Materials	9,160
Capital Outlay	850
TOTAL—Stevenson House Detention Center .	\$ 250,790

(35-13-006) Delaware Youth Center

Salaries—Casual and Seasonal	\$ 7,140
Salaries and Wages of Employees (35)	261,957
Salaries—Overtime	14,700
Salaries—Hazardous Duty and Shift Differential	28,485

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	18,818
Pensions	38,753
Health Insurance	4,428
Personal Services	10,400
Travel	280
Contractual Services	
Repair and Service—Buildings and Grounds	1,850
Other Contractual Services	14,620
Supplies and Materials	
Food	24,000
Drugs	1,230
Building Alterations and Repairs	1,950
Other Supplies and Materials	13,595
Capital Outlay	4,030
Sub-total	\$ 446,236
Debt Service	
Principal	5,000
Interest	4,753
TOTAL—Delaware Youth Center	\$ 455,989

(35-13-008 After Care

Salaries and Wages of Employees (18)	\$ 150,224
F.I.C.A.—Employer's Share	11,438
Pensions	19,079
Health Insurance	2,656
Travel	2,280
Contractual Services	17,260
Supplies and Materials	2,470
Capital Outlay	340
TOTAL—After Care	\$ 205,747
TOTAL—Division of Juvenile Corrections ...	\$ 3,531,731

(35-14-000) Division of Aging

Salary of Director	\$ 16,000
(16) Salaries and Wages of Employees (4)	43,182
F.I.C.A.—Employer's Share	3,123

Year Ending June 30, 1975

Pensions	7,516
Health Insurance	620
Travel	500
Contractual Services	2,442
Supplies and Materials	515
Capital Outlay	695
Old American Act Grants	188,000
Nutrition Program	25,000
TOTAL—Division of Aging	\$ 287,593
TOTAL—DEPARTMENT OF HEALTH AND SOCIAL SERVICES	\$ 69,318,682

**(40-00-000) DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**

(40-01-000) Office of the Secretary

Salary of Secretary	\$ 28,080
(2) Salaries and Wages of Employees (3)	48,743
F.I.C.A.—Employer's Share	2,886
Pensions	10,010
Health Insurance	531
Personal Services	10,000
Travel	2,500
Contractual Services	2,350
Supplies and Materials	1,045
Capital Outlay	400
Sub-total	\$ 106,545
Debt Service	
Principal	11,000
Interest	4,410
TOTAL—Office of the Secretary	\$ 121,955

(40-02-000) Office of Administration

Salaries and Wages of Employees (16)	\$ 153,172
F.I.C.A.—Employer's Share	8,430
Pensions	19,453
Health Insurance	2,834

Year Ending June 30, 1975

Travel	50
Contractual Services	7,175
Supplies and Materials	2,625
Capital Outlay	4,500
TOTAL—Office of Administration	\$ 198,239

(40-03-000) Office of Information and Education

Salaries and Wages of Employees (3)	\$ 26,714
F.I.C.A.—Employer's Share	1,563
Pensions	3,393
Health Insurance	531
Travel	100
Contractual Services	36,455
Supplies and Materials	2,100
Capital Outlay	900
TOTAL—Office of Information and Education	\$ 71,756

*(40-05-000) Division of Fish and Wildlife**(40-05-001) Office of the Director*

Salary of Director (State Funds - \$10,400)	
(All other funds - \$10,400) ..	\$ 10,400
(1.5) Salaries and Wages of Employees (2)	16,396
F.I.C.A.—Employer's Share	1,327
Pensions	3,403
Health Insurance	443
Travel	500
Contractual Services	3,125
Supplies and Materials	120
Capital Outlay	140
Contingency—Small Boat Program	30,000
TOTAL—Office of the Director	\$ 65,854

(40-05-002) Wildlife

(20.66) Salaries and Wages of Employees (13) ...	\$ 121,201
Salaries—Overtime	10,500
F.I.C.A.—Employer's Share	8,437

Year Ending June 30, 1975

Pensions	17,941
Health Insurance	2,303
Travel	50
Contractual Services	
Kent County Dog Control	10,000
Delaware S.P.C.A.	20,000
Other Contractual Services	9,342
Supplies and Materials	8,755
Capital Outlay	38,800
TOTAL—Wildlife	\$ 247,329

(40-05-003) Fisheries

(6) Salaries and Wages of Employees (11)	\$ 81,801
Salaries—Overtime	2,500
F.I.C.A.—Employer's Share	4,932
Pensions	10,707
Health Insurance	1,948
Travel	200
Contractual Services	
Boat Repairs	3,000
Other Contractual Services	9,000
Supplies and Materials	10,000
Capital Outlay	2,000
Sub-total	\$ 126,088
Debt Service	
Principal	41,500
Interest	30,755
TOTAL—Fisheries	\$ 198,343

(40-05-004) Mosquito Control

Salaries—Casual and Seasonal	\$ 10,500
Salaries and Wages of Employees (19)	155,835
Salaries—Overtime	1,600
F.I.C.A.—Employer's Share	9,455
Pensions	19,994
Health Insurance	3,365
Personal Services	50

Year Ending June 30, 1975

Travel	50
Contractual Services	
Research Contracts—University of Delaware	20,000
Spraying	61,800
Other Contractual Services	16,020
Supplies and Materials	
Insecticides	36,050
Other Supplies and Materials	20,350
Capital Outlay	43,700
TOTAL—Mosquito Control	\$ 398,769

(40-05-005) Technical Services

(6) Salaries and Wages of Employees (2)	\$ 19,908
F.I.C.A.—Employer's Share	1,165
Pensions	2,528
Health Insurance	354
Travel	75
Contractual Services	
Cooperative Fisheries Studies	12,000
Seed Oysters to Public Beds	7,000
Other Contractual Services	6,500
Supplies and Materials	3,000
Capital Outlay	1,300
TOTAL—Technical Services	\$ 53,830
TOTAL—Division of Fish and Wildlife	\$ 964,125

*(40-06-000) Division of Parks,
Recreation and Forestry*

(40-06-001) Office of the Director

Salary of Director	\$ 20,800
Salaries and Wages of Employees (1)	9,404
F.I.C.A.—Employer's Share	1,287
Pensions	3,964
Health Insurance	355
Travel	75
Contractual Services	1,439

Year Ending June 30, 1975

Supplies and Materials	720
Capital Outlay	258
TOTAL—Office of the Director	\$ 38,302

(40-06-002) Parks

(3.66) Salaries and Wages of Employees (43)	\$ 388,159
F.I.C.A.—Employer's Share	22,051
Pensions	49,296
Health Insurance	7,616
Travel	250
Contractual Services	50,909
Supplies and Materials	5,717
Capital Outlay	65,964
Fort Delaware Repairs	10,000
Sub-total	\$ 599,962
Debt Service	
Principal	372,500
Interest	308,695
TOTAL—Parks	\$ 1,281,157

(40-06-003) Forestry and Fire Protection

(1) Salaries and Wages of Employees (10)	\$ 87,475
F.I.C.A.—Employer's Share	5,029
Pensions	11,109
Health Insurance	1,771
Personal Services	50
Travel	125
Contractual Services	8,510
Supplies and Materials	3,914
Capital Outlay	1,442
Sub-total	\$ 119,425
Debt Service	
Principal	12,000
Interest	7,614
TOTAL—Forestry and Fire Protection	\$ 139,039

(40-06-004) Recreation**Year Ending June 30, 1975**

Salaries and Wages of Employees (3)	\$ 37,845
F.I.C.A.—Employer's Share	1,904
Pensions	4,806
Health Insurance	531
Travel	80
Contractual Services	2,985
Supplies and Materials	1,597
Recreation Assistance Funds—Local Government	226,000
TOTAL—Recreation	\$ 275,748

(40-06-005) Technical Services

Salaries and Wages of Employees (3)	\$ 39,445
F.I.C.A.—Employer's Share	1,776
Pensions	5,010
Health Insurance	531
Travel	200
Contractual Services	3,516
Supplies and Materials	1,442
Capital Outlay	3,000
TOTAL—Technical Services	\$ 54,920
TOTAL—Division of Parks, Recreation and Forestry	\$ 1,789,166

(40-07-000)—Division of Soil and Water Conservation**(40-07-001) Office of Director**

Salary of Director	\$ 16,120
Salaries and Wages of Employees (1)	5,742
F.I.C.A.—Employer's Share	1,073
Pensions	2,776
Health Insurance	354
Travel	100
Contractual Services	2,310
Supplies and Materials	515
Capital Outlay	135
TOTAL—Office of Director	\$ 29,125

(40-07-002) Drainage**Year Ending June 30, 1975**

Salaries and Wages of Employees (6)	\$ 62,834
F.I.C.A.—Employer's Share	3,469
Pensions	7,980
Health Insurance	1,063
Contractual Services	
Highway Crossings	81,370
Other Contractual Services	6,600
Supplies and Materials	
Highway Crossings	70,550
Other Supplies and Materials	1,650
Capital Outlay	6,400
Tax Ditches—Sussex County*	30,000
Tax Ditches—Kent County*	30,000
Tax Ditches—New Castle County*	30,000
*Pursuant to Section 3921, Title 7, Dela. Code .	
Sub-total	\$ 331,916
Debt Service	
Principal	97,750
Interest	52,967
TOTAL—Drainage	\$ 482,633

(40-07-003) Beach Preservation

(10) Salaries and Wages of Employees (4)	\$ 43,267
F.I.C.A.—Employer's Share	2,369
Pensions	5,495
Health Insurance	708
Personal Services	500
Travel	100
Contractual Services	5,150
Supplies and Materials	2,675
Capital Outlay	900
TOTAL—Beach Preservation	\$ 61,164
TOTAL—Division of Soil and Water	
Conservation	\$ 572,922

*Year Ending June 30, 1975**(40-08-000) Division of Environmental Control**(40-08-001) Office of the Director*

Salary of Director (State funds - \$13,730)	
(All other funds - \$11,230) \$	13,730
(.45) Salaries and Wages of Employees (2)	14,547
F.I.C.A.—Employer's Share	1,256
Pensions	3,591
Health Insurance	452
Travel	1,260
Contractual Services	2,060
Supplies and Materials	620
Capital Outlay	335
TOTAL—Office of the Director \$	37,851

(40-08-002) Air Resources

(9.5) Salaries and Wages of Employees (9) \$	101,234
F.I.C.A.—Employer's Share	5,642
Pensions	12,857
Health Insurance	1,594
Personal Services	500
Travel	300
Contractual Services	19,000
Supplies and Materials	1,100
Capital Outlay	2,900
TOTAL—Air Resources \$	145,127

(40-08-003) Water Resources

(23) Salaries and Wages of Employees (13) \$	162,655
F.I.C.A.—Employer's Share	8,225
Pensions	20,657
Health Insurance	2,303
Personal Services	2,000
Travel	270
Contractual Services	36,472
Supplies and Materials	7,730
Capital Outlay	2,678
Sub-total \$	242,990

Year Ending June 30, 1975

Debt Service	
Principal	210,000
Interest	196,213
TOTAL—Water Resources	\$ 649,203

(40-08-004) Technical Services

(13) Salaries and Wages of Employees (13)	\$ 159,603
F.I.C.A.—Employer's Share	8,364
Pensions	20,270
Health Insurance	2,303
Travel	270
Contractual Services	2,060
Supplies and Materials	9,888
Capital Outlay	3,200
TOTAL—Technical Services	\$ 205,958

(40-08-005) Wetlands

Salaries and Wages of Employees (3)	\$ 32,028
F.I.C.A.—Employer's Share	1,667
Pensions	4,068
Health Insurance	531
Personal Services	4,000
Travel	1,740
Contractual Services	5,150
Supplies and Materials	2,150
Capital Outlay	150
TOTAL—Wetlands	\$ 51,484

(40-08-006) Delaware River Basin Commission

(7.66) Salaries and Wages of Employees	\$ —
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(40-08-007) Solid Waste

(1) Salaries and Wages of Employees (2)	\$ 16,680
F.I.C.A.—Employer's Share	976
Pensions	2,118

Year Ending June 30, 1975

Health Insurance	354
Personal Services	1,030
Travel	300
Contractual Services	5,150
Supplies and Material	1,082
Capital Outlay	52
Sub-total	\$ 27,742
Debt Service	
Principal	225,000
Interest	202,188
TOTAL—Solid Waste	\$ 454,930
TOTAL—Division of Environmental	
Control	\$ 1,544,553
TOTAL—DEPARTMENT OF NATURAL	
RESOURCES AND ENVIRON-	
MENTAL CONTROL	\$ 5,262,716

*(45-00-000) DEPARTMENT OF PUBLIC SAFETY**(45-01-000) Office of the Secretary*

Salary of Secretary	\$ 28,080
Salaries and Wages of Employee (1)	8,101
F.I.C.A.—Employer's Share	1,211
Pensions	4,595
Health Insurance	354
Contractual Services	3,000
Supplies and Materials	800
TOTAL—Office of the Secretary	\$ 46,141

(45-03-000) Division of Alcohol Safety

(9) Salaries and Wages of Employees\$ —

(45-04-000) Division of Motor Fuel Tax

Salary of Director	\$ 12,600
Salaries and Wages of Employees (10)	85,662
F.I.C.A.—Employer's Share	5,599
Pensions	12,479
Health Insurance	885

Year Ending June 30, 1975

Travel	4,000
Contractual Services	5,000
Supplies and Materials	22,500
Capital Outlay	13,230
Central Data Processing Services	30,000
TOTAL—Division of Motor Fuel Tax	\$ 191,955

**(45-05-000) Division of Administration and
Intergovernmental Services**

(45-05-001) Office of Administration

Salary of Director	\$ 16,120
Salaries and Wages of Employees (5)	55,829
F.I.C.A.—Employer's Share	3,752
Pensions	9,137
Health Insurance	1,063
Contractual Services	3,020
Supplies and Materials	500
Capital Outlay	800
TOTAL—Office of Administration	\$ 90,221

(45-05-002) Communications Section

Salaries and Wages of Employees (18)	\$ 178,388
Salaries—Overtime	500
F.I.C.A.—Employer's Share	10,026
Pensions	22,719
Health Insurance	3,188
Travel	200
Contractual Services	
School Contracts	500
Other Contractual Services	6,435
Supplies and Materials	
Materials for Resale	20,000
Other Supplies and Materials	5,125
Capital Outlay	6,880
Sub-total	\$ 253,961
Debt Service	

Year Ending June 30, 1975

Principal	28,000
Interest	25,560
TOTAL—Communications Section	\$ 307,521
TOTAL—Division of Administration & Intergovernmental Services	\$ 397,742

(45-06-000) Division of State Police

Salary of Superintendent	\$ 23,000
Salary of Assistant Superintendent	20,500
(10) Salaries of Uniformed Division (429)	4,656,482
(17) Salaries and Wages of Employees (103)	719,649
Salaries—Overtime	105,000
F.I.C.A.—Employer's Share	42,099
Pensions—All Others	91,395
Pensions—State Police	1,348,700
Health Insurance	94,582
Personal Services	1,000
Travel	6,500
Contractual Services	402,575
Supplies and Materials	442,900
Capital Outlay	
Vehicles and Related Equipment	412,870
Other Capital Outlay	16,810
Crime Reduction Fund	20,000
Drug Control Program	35,000
Central Data Processing Services	270,000
Sub-total	\$ 8,709,062
Debt Service	
Principal	101,000
Interest	79,932
TOTAL—Division of State Police	\$ 8,889,994

(45-07-000) Division of Motor Vehicles

Salary of Director	\$ 17,470
Salaries—Casual and Seasonal	21,000
(4) Salaries and Wages of Employees (189)	1,379,552
F.I.C.A.—Employer's Share	80,059

Year Ending June 30, 1975

Pensions	177,489
Health Insurance	22,848
Travel	500
Contractual Services	
Photographs for Licenses	50,000
Other Contractual Services	108,020
Supplies and Materials	
Tags, Stickers and Numerals	173,400
Other Supplies and Materials	52,000
Capital Outlay	10,800
Central Data Processing Services	280,000
Sub-total	\$ 2,373,138
Debt Service	
Principal	54,500
Interest	49,926
TOTAL—Division of Motor Vehicles	\$ 2,477,564

*(45-08-000) Division of Emergency
Planning and Operations*

Salary of Director (State funds - \$7,166)	
(All other funds - \$7,166)	\$ 7,166
(11) Salaries and Wages of Employees (7.5)	65,929
F.I.C.A.—Employer's Share	3,970
Pensions	9,283
Health Insurance	1,416
Travel	800
Contractual Services	6,389
Supplies and Materials	2,061
Capital Outlay	1,750
Sub-total	\$ 98,264
Debt Service	
Principal	7,000
Interest	3,618
TOTAL—Division of Emergency Planning and Operations	\$ 108,882

(45-09-000) Division of Boiler Safety Year Ending June 30, 1975

Salary of Director	\$ 13,892
Salaries and Wages of Employees (6)	49,927
F.I.C.A.—Employer's Share	3,658
Pensions	8,105
Health Insurance	1,063
Travel	6,500
Contractual Services	3,690
Supplies and Materials	615
Capital Outlay	400
TOTAL—Division of Boiler Safety	\$ 87,850
TOTAL—DEPARTMENT OF PUBLIC	
SAFETY	\$ 12,200,128

**(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS
AND ECONOMIC DEVELOPMENT****(50-01-000) Office of the Secretary****(50-01-001) Administration**

Salary of Secretary	\$ 26,000
(4) Salaries and Wages of Employees (8)	60,302
F.I.C.A.—Employer's Share	4,265
Pensions	10,960
Health Insurance	1,417
Travel	800
Contractual Services	
Building Rental	21,796
Other Contractual Services	5,100
Supplies and Materials	1,957
Capital Outlay	900
TOTAL—Administration	\$ 133,497

(50-01-002) Foster Grandparent Program

(2.75) Salaries and Wages of Employees (3.8) ..	\$ 34,056
F.I.C.A.—Employer's Share	1,992
Pensions	3,809
Health Insurance	594
Personal Services	

Year Ending June 30, 1975

(48)	Foster Grandparents (64)	109,000
	Other Personal Services	600
	Travel	250
	Contractual Services	
	Workmen's Compensation	400
	Transportation Allowance	3,200
	Other Contractual Services	500
	Supplies and Materials	300
	Capital Outlay	300
	TOTAL—Foster Grandparent Program	\$ 155,001

(50-01-003) Economic Opportunity

(4.54)	Salaries and Wages of Employees (1.1)	\$ 12,008
	F.I.C.A.—Employer's Share	702
	Pensions	1,525
	Health Insurance	89
	Travel	1,000
	Contractual Services	1,150
	Supplies and Materials	350
	Opportunities Industrialization Center	160,000
	TOTAL—Economic Opportunity	\$ 176,824
	TOTAL—Office of the Secretary	\$ 465,322

(50-04-000) Office of Minority Enterprise

(6)	Salaries and Wages of Employees	\$ —
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(50-06-000) Office of Human Relations

	Salary of Director	\$ 18,000
	Salaries and Wages of Employees (9)	75,750
	F.I.C.A.—Employer's Share	5,095
	Pensions	11,907
	Personal Services	500
	Health Insurance	885
	Travel	5,000
	Contractual Services	8,128
	Supplies and Materials	2,575
	Capital Outlay	775
	TOTAL—Office of Human Relations	\$ 128,615

*Year Ending June 30, 1975**(50-08-000) Division of Economic Development*

Salary of Director	\$ 18,720
(2) Salaries and Wages of Employees (11)	92,102
F.I.C.A.—Employer's Share	6,125
Pensions	14,074
Personal Services	3,000
Health Insurance	1,062
Travel	7,000
Contractual Services	62,830
Supplies and Materials	7,210
Capital Outlay	900
Delmarva Advisory Council Grant	13,000
TOTAL—Division of Economic Development ..	\$ 226,023

(50-09-000) Division of Housing

Salary of Director	\$ 26,860
(1) Salaries and Wages of Employees (4)	39,267
F.I.C.A.—Employer's Share	3,027
Pensions	8,398
Health Insurance	708
Personal Services	
Lawyers	8,400
Other Personal Services	4,000
Travel	1,800
Contractual Services	7,210
Supplies and Materials	3,090
Sub-total	\$ 102,760
Debt Service	
Principal	24,000
Interest	22,742
TOTAL—Division of Housing	\$ 149,502

(50-10-000) Division of Libraries

(4) Salaries and Wages of Employees (10)	\$ 80,347
F. I. C. A.—Employer's Share	4,567
Pensions	10,204

Year Ending June 30, 1975

Health Insurance	1,594
Travel	300
Contractual Services	25,000
Supplies and Materials	15,000
Capital Outlay	18,000
Public Library Grants	32,000
TOTAL—Division of Libraries	\$ 187,012

(50-11-000) Division of Consumer Affairs

Salaries of Board Members (2)	\$ 2,000
Salary of Board Chairman	1,500
Salary of Director	18,000
Salaries and Wages of Employees (8)	63,065
F.I.C.A.—Employer's Share	4,631
Pensions	10,123
Health Insurance	885
Personal Services	1,800
Travel	1,000
Contractual Services	4,775
Supplies and Materials	2,700
Capital Outlay	475
TOTAL—Division of Consumer Affairs	\$ 110,954
TOTAL—DEPARTMENT OF COMMUNITY	
AFFAIRS AND ECONOMIC	
DEVELOPMENT	\$ 1,267,428

*(55-00-000) DEPARTMENT OF HIGHWAYS AND
TRANSPORTATION**(55-01-000) Office of the Secretary*

Salary of Secretary	\$ 29,000
(2.2) Salaries and Wages of Employees (2.8)	32,429
F.I.C.A.—Employer's Share	2,505
Pensions	7,801
Health Insurance	496
Travel	600

Year Ending June 30, 1975

Contractual Services	2,070
Supplies and Materials	500
TOTAL—Office of the Secretary	\$ 75,401

(55-02-000) Office of Administration

Salary of Chief	\$ 22,880
(30.8) Salaries and Wages of Employees (32.7) ...	272,590
F.I.C.A.—Employer's Share	16,134
Pensions	37,525
Health Insurance	4,995
Personal Services	2,000
Travel	650
Contractual Services	70,391
Supplies and Materials	5,150
Capital Outlay	3,100
Central Data Processing Services	115,000
TOTAL—Office of Administration	\$ 550,415

(55-03-000) Office of Planning, Research and Evaluation

(27) Salaries and Wages of Employees	\$ —
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(55-05-000) Division of Highways

Salary of Director	\$ 28,080
(520) Salaries and Wages of Employees (805) ...	6,195,524
Salaries—Overtime	100,000
F.I.C.A.—Employer's Share	354,357
Pensions	803,637
Health Insurance	125,139
Resurfacing Contracts	400,000
Capital Outlay	400,000
Operations	2,000,000
Lines—Center and Edge of Highway	125,000
Snow Removal	200,000
Roadside, Grass and Growth Control	35,000
Highway Lighting	5,000
Highway Signing	30,000

Year Ending June 30, 1975

Bituminous Resurfacing	400,000
Bridge Repainting	50,000
Sub-total	\$ 11,251,737
Debt Service	
Principal	13,012,000
Interest	6,223,638
TOTAL—Division of Highways	\$ 30,487,375

(55-06-000) Division of Transportation

Salary of Director	\$ 21,840
Salaries and Wages of Employees (2)	23,753
F.I.C.A.—Employer's Share	2,046
Pensions	5,790
Health Insurance	354
Personal Services	1,000
Travel	400
Contractual Services	4,330
Supplies and Materials	500
DART—Grants	350,000
Contingency—DART	50,000
TOTAL—Division of Transportation	\$ 460,013
TOTAL—DEPARTMENT OF HIGHWAYS AND TRANSPORTATION	\$ 31,573,204

*(60-00-000) DEPARTMENT OF LABOR**(60-01-000) Office of the Secretary*

Salary of Secretary (State funds - \$9,100)	
(All other funds - \$16,900)	\$ 9,100
(2.65) Salaries and Wages of Employees (1.5)	15,498
F.I.C.A.—Employer's Share	1,084
Pensions	3,124
Health Insurance	177
Travel	600
Contractual Services	1,000
Supplies and Materials	620
TOTAL—Office of the Secretary	\$ 31,203

*Year Ending June 30, 1975**(60-05-000) Division of Employment Services*

(8) Salaries and Wages of Employees	\$	—
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(60-06-000) Division of Unemployment Insurance

(206.6) Salaries and Wages of Employees	\$	—
Unemployment Compensation		225,000

*(60-07-000) Division of Industrial Affairs**(60-07-001) Administrative*

Salary of Director	\$	19,760
Salaries and Wages of Employees (6)		48,331
Salaries—Overtime		1,000
F.I.C.A.—Employer's Share		3,578
Pensions		8,775
Health Insurance		621
Travel		800
Contractual Services		17,045
Supplies and Materials		815
Capital Outlay		500
Central Data Processing Services		5,000
TOTAL—Administrative	\$	106,225

(60-07-002) Inspection

Salaries and Wages of Employees (6)	\$	61,632
F.I.C.A.—Employer's Share		3,357
Pensions		7,827
Health Insurance		708
Travel		1,200
Contractual Services		3,260
Supplies and Materials		480
TOTAL—Inspection	\$	78,464

(60-07-003) Safety

(5) Salaries and Wages of Employees (5)	\$	46,680
F.I.C.A.—Employer's Share		2,690

Year Ending June 30, 1975

Pensions	5,928
Health Insurance	708
Travel	600
Contractual Services	3,780
Supplies and Materials	1,500
Capital Outlay	5,000
TOTAL—Safety	\$ 66,886

(60-07-004) Statistics

(4) Salaries and Wages of Employees (1)	\$ 9,823
F.I.C.A.—Employer's Share	558
Pensions	1,248
Health Insurance	89
Travel	300
Contractual Services	6,590
Supplies and Materials	250
TOTAL—Statistics	\$ 18,858

(60-07-005) Equal Employment Opportunity

(2) Salaries and Wages of Employees (1)	\$ 8,715
F.I.C.A.—Employer's Share	510
Pensions	1,107
Health Insurance	177
Travel	400
Contractual Services	2,450
Supplies and Materials	200
TOTAL—Equal Employment Opportunity	\$ 13,559

(60-07-006) Apprenticeship and Training

Salaries and Wages of Employees (2)	\$ 16,026
F.I.C.A.—Employer's Share	938
Pensions	2,035
Health Insurance	354
Travel	400
Contractual Services	1,015
Supplies and Materials	100
TOTAL—Apprenticeship and Training	\$ 20,868

*Year Ending June 30, 1975**(60-07-007) Industrial Accident Board*

Salaries of Board Members (3)	\$. 24,000
Salaries and Wages of Employees (7)	52,331
F.I.C.A.—Employer's Share	4,266
Pensions	6,646
Health Insurance	1,239
Personal Services	
Court Reporters	23,000
Travel	3,500
Contractual Services	18,540
Supplies and Materials	2,000
Capital Outlay	500
TOTAL—Industrial Accident Board	\$ 136,022
TOTAL—Division of Industrial Affairs	\$ 440,882

(60-08-000) Division of Vocational Rehabilitation

(119) Salaries and Wages of Employees	\$ —
Personal Services	100,000
Travel	2,000
Contractual Services	261,948
Supplies and Materials	9,000
TOTAL—Division of Vocational Rehabilitation	\$ 372,948
TOTAL—DEPARTMENT OF LABOR	\$ 1,070,033

*(65-00-000) DEPARTMENT OF AGRICULTURE**(65-01-000) Office of the Secretary*

Salary of Secretary	\$ 24,960
Salaries and Wages of Employees (4)	41,095
F.I.C.A.—Employer's Share	3,129
Pensions	8,390
Health Insurance	886
Travel	500
Contractual Services	2,060
Supplies and Materials	1,030
Central Data Processing Services	1,000
Sub-total	\$ 83,050

Year Ending June 30, 1975

Debt Service	
Principal	41,250
Interest	14,923
TOTAL—Office of the Secretary	\$ 139,223

(65-03-000) Division of Standards and Inspection

Salary of Director	\$ 17,680
Salaries—Casual and Seasonal	5,019
Salaries and Wages of Employees (44)	405,409
Salaries—Overtime	12,600
F.I.C.A.—Employer's Share	24,648
Pensions	55,333
Health Insurance	4,960
Personal Services—Veterinary Fees	18,000
Travel	4,000
Contractual Services	
USDA Inspector Services	6,000
Livestock Indemnity	3,500
Other Contractual Services	26,266
Supplies and Materials	19,570
Capital Outlay	8,034
TOTAL—Division of Standards and Inspection	\$ 611,019

(65-04-000) Division of Production and Promotion

Salary of Director	\$ 17,680
Salaries—Casual and Seasonal	3,000
Salaries and Wages of Employees (6)	53,238
F.I.C.A.—Employer's Share	3,729
Pensions	9,007
Health Insurance	1,240
Travel	1,000
Contractual Services	
USDA Inspector Services	6,000
Other Contractual Services	5,000
Supplies and Materials	4,120

Year Ending June 30, 1975

Peninsula Horticulture Society	800
Crop Improvement Association	800
TOTAL—Division of Production and Promotion	\$ 105,614
TOTAL—DEPARTMENT OF AGRICULTURE	\$ 855,856

(70-00-000) DEPARTMENT OF ELECTIONS**(70-01-000) Commissioner of Elections**

Salary of Election Commissioner	\$ 16,000
Salaries—Casual and Seasonal	11,500
Salaries and Wages of Employees (3)	26,554
Salaries—Overtime	2,700
F.I.C.A.—Employer's Share	3,121
Pensions	5,752
Health Insurance	709
Travel	500
Contractual Services	12,145
Supplies and Materials	1,100
Capital Outlay	500
Central Data Processing Services	37,000
Vote Tabulation	9,000
TOTAL—Commissioner of Elections	\$ 126,581

(70-02-000) New Castle County**Department of Elections**

Salaries of Board Members (10)	\$ 10,500
Salary of Administrative Director	15,500
Salary of Deputy Administrative Director ...	15,000
Salaries—Casual and Seasonal	42,000
Salaries and Wages of Employees (12)	80,824
Salaries—Overtime	20,000
F.I.C.A.—Employer's Share	9,900
Pensions	15,472
Health Insurance	1,417
Personal Services	
Registration and Election Officers	167,825

Year Ending June 30, 1975

Other Personal Services	4,800
Travel	600
Contractual Services	
Rent	21,800
Moving Voting Machines	29,720
Other Contractual Services	53,000
Supplies and Materials	5,500
Capital Outlay	1,100
Contingency—Mobile Registration	15,000
TOTAL—New Castle County Department of Elections	\$ 509,958

(70-03-000) Kent County
Department of Elections

Salaries of Board Members (6)	\$ 6,500
Salary of Administrative Director	14,500
Salary of Deputy Administrative Director	14,000
Salaries—Casual and Seasonal	5,500
Salaries and Wages of Employees (2)	15,932
Salaries—Overtime	5,210
F.I.C.A.—Employer's Share	2,827
Pensions	5,247
Health Insurance	709
Personal Services	
Registration and Election Officers	33,000
Travel	400
Contractual Services	
Rent	15,800
Moving Voting Machines	7,600
Other Contractual Services	12,000
Supplies and Materials	3,500
Capital Outlay	1,000
Contingency—Mobile Registration	5,000
TOTAL—Kent County Department of Elections	\$ 148,725

(70-04-000) Sussex County **Year Ending June 30, 1975**
Department of Elections

Salaries of Board Members (6)	\$ 6,500
Salary of Administrative Director	14,500
Salary of Deputy Administrative Director	14,000
Salaries—Extra Help	8,000
Salaries—Casual and Seasonal	2,500
Salaries and Wages of Employees (2)	15,492
Salaries—Overtime	2,000
F.I.C.A.—Employer's Share	3,286
Pensions	6,412
Health Insurance	709
Personal Services	
Registration and Election Officers	46,550
Travel	1,200
Contractual Services	
Rent	4,900
Moving Voting Machines	2,000
Other Contractual Services	15,900
Supplies and Materials	2,500
Capital Outlay	2,000
Contingency—Mobile Registration	6,000
Absentee Voting Expense	2,000
TOTAL—Sussex County Department of Elections	\$ 156,449
TOTAL—DEPARTMENT OF ELECTIONS ..	\$ 941,713

(75-00-000) FIRE PREVENTION COMMISSION

(75-01-000) Office of Fire Marshal

Salary of Fire Marshal	\$ 13,650
(1) Salaries and Wages of Employees (13)	117,518
F.I.C.A.—Employer's Share	7,617
Pensions	16,703
Health Insurance	2,480
Travel	1,750
Contractual Services	8,500
Supplies and Materials	6,800
Capital Outlay	9,720
Fire Prevention Conferences	1,500
TOTAL—Office of Fire Marshal	\$ 186,238

(75-02-000) State Fire School Year Ending June 30, 1975

Salary of Director	\$ 13,650
Salaries and Wages of Employees (8)	72,400
F.I.C.A.—Employer's Share	4,939
Pensions	10,899
Health Insurance	1,417
Travel	17,000
Contractual Services	
Instructional Services	35,000
Other Contractual Services	8,793
Supplies and Materials	13,300
Capital Outlay	6,100
Sub-total	<u>\$ 183,498</u>
Debt Service	
Principal	35,000
Interest	18,531
TOTAL—State Fire School	<u>\$ 237,029</u>

(75-03-000) State Fire Prevention Commission

Travel	\$ 2,000
TOTAL—State Fire Prevention Commission ..	\$ 2,000
TOTAL—FIRE PREVENTION COMMISSION ..	\$ 425,267

(76-00-000) DELAWARE NATIONAL GUARD

Salary of Adjutant General	\$ 23,920
(16.3) Salaries and Wages of Employees (22)	200,550
F.I.C.A.—Employer's Share	12,469
Pensions	28,508
Health Insurance	3,211
Travel	3,000
Contractual Services	190,830
Supplies and Materials	
Uniform Allowance—Officers	22,000
Other Supplies and Materials	32,350
*Capital Outlay	5,000
Unit Fund Allowance	15,000
Minor Capital Improvements	33,000
Sub-total	<u>\$ 569,838</u>

Year Ending June 30, 1975

Debt Service	
Principal	54,000
Interest	23,807
TOTAL—DELAWARE NATIONAL	
GUARD	\$ 647,645

(77-00-000) Advisory Council for Exceptional Children

Operations	\$ 8,000
TOTAL—Advisory Council for Exceptional	
Children	\$ 8,000

*(90-00-000) HIGHER EDUCATION**(90-01-001) University of Delaware*

Operations	\$ 17,500,000
Diagnostic Poultry Service	10,000
General Scholarships	742,000
Aid to Needy Students	57,000
Teaching Scholarships	50,000
Scholarship Fund	150,000
Occupational Teachers Education.....	83,650
F.I.C.A.—Employer's Share	1,400,000
Pensions	1,750,000
Health Insurance	322,358
Pension Fund (TIAA)	460,073
Sub-total	\$ 22,525,081
Debt Service	
Principal	2,247,500
Interest	1,338,845
TOTAL—University of Delaware	\$ 26,111,426

(90-01-002) State Geologist

Salaries—Casual and Seasonal	\$ 1,500
Salaries and Wages of Employees (8)	101,698
F.I.C.A.—Employer's Share	5,636
Pensions	7,807

Year Ending June 30, 1975

Travel	1,500
Contractual Services	
River Master Program	23,000
Federal Co-op Program	41,000
Supplies and Materials	9,500
Capital Outlay	4,370
TOTAL—State Geologist	\$ 196,011
TOTAL—University of Delaware	\$ 26,307,437

*(90-02-000) Delaware Institute of Medical Education**and Research*

General Operations	\$ 2,300,000
TOTAL—Delaware Institute of Medical Education and Research	\$ 2,300,000

(90-03-000) Delaware State College

Salaries of Security Guards (19)	\$ 144,337
(132) Salaries and Wages of Employees (223) ...	2,375,323
F.I.C.A.—Employer's Share	172,941
Pensions	479,510
Health Insurance	64,206
Personal Services	
Work Study Program	25,000
Other Personal Services	11,000
Travel	3,000
Contractual Services	516,735
Supplies and Materials	158,430
Capital Outlay	91,500
Scholarships	50,000
State Matching Grants-in-Aid	50,000
Occupational Teacher Education (2)	56,725
Sub-total	\$ 4,198,707
Debt Service	
Principal	758,000
Interest	390,862
TOTAL—Delaware State College	\$ 5,347,569

*Year Ending June 30, 1975**(90-04-000) Delaware Technical and Community College*

(35) Salaries and Wages of Employees (385)	\$ 4,568,779
F.I.C.A.—Employer's Share	241,881
Pensions	573,377
Health Insurance	52,114
Personal Services	26,200
Travel	20,000
Contractual Services	
University of Delaware	378,010
Rental of Buildings	257,500
Other Contractual Services	980,588
Supplies and Materials	269,657
Capital Outlay	209,103
Federal Matching Funds	25,000
Occupational Teacher Education	26,000
Sub-total	\$ 7,628,209
Debt Service	
Principal	616,000
Interest	457,896
TOTAL—Delaware Technical and Community College	\$ 8,702,105

(90-05-000) Higher Educational Aid Advisory Commission

Salaries of Board Members	\$ 600
(1.50) Salaries and Wages of Employees (.5)	4,200
F.I.C.A.—Employer's Share	246
Pensions	533
Health Insurance	89
Travel	100
Contractual Services	1,107
Supplies and Materials	125
TOTAL—Higher Educational Aid Advisory Commission	\$ 7,000

(90-06-000) Delaware Higher Education Loan Program

Salaries of Board Members	\$ 300
Salaries and Wages of Employees (2.1)	13,200

Year Ending June 30, 1975

F.I.C.A.—Employer's Share	772
Pensions	1,524
Health Insurance	177
Travel	400
Contractual Services	4,300
Supplies and Materials	400
Guaranteed Loan Reserves	20,000
TOTAL—Delaware Higher Education Loan	
Program	\$ 41,073
TOTAL—HIGHER EDUCATION	\$ 42,705,184

(95-00-000) PUBLIC EDUCATION**(95-01-000) STATE BOARD OF EDUCATION AND
STATE BOARD FOR VOCATIONAL EDUCATION****(95-01-001) Administration****Division I — Salaries**

Board Members (7)	\$ 3,150
Superintendent	35,870
Administrative Assistant (All Other Funds) .	—
Assistant Superintendents (3)	89,349
Directors (5)	
State Funds (3)	77,415
State and Other (2)	24,928
Supervisors (49)	
State Funds (20)	432,379
State and Other (8)	83,453
All Other Funds (21)	—
Specialists (6)	
State Funds (1)	15,519
All Other Funds (5)	—
Others	
Statistician Research (All Other Funds) .	—
Librarian (All Other Funds)	—
Clerical (50)	
State Funds (32)	256,805
All Other Funds (18)	—
Other Employment Costs	
F.I.C.A.—Employer's Share	40,419

Year Ending June 30, 1975

Pensions	133,151
Health Insurance	11,780
TOTAL—Division I and Other Employment	
Costs	\$ 1,204,218
Division II — Other Costs	
Personal Services	\$ 6,000
Travel	
State Board	3,500
Staff	13,000
Contractual Services	79,300
Supplies and Materials	29,800
Capital Outlay	
Cars	14,500
Other Capital Outlay	9,300
Central Data Processing Services	22,000
TOTAL—Division II	\$ 177,400
TOTAL—Administration	\$ 1,381,618

**(95-01-002) SERVICES TO SCHOOL DISTRICTS
AND OTHERS**

Division I — Salaries

Teachers	
Homebound	\$ 154,000
Substitutes in Districts	741,000
Vocational Programs	154,000
Apprentice Programs	115,000
Other	
Student Work-Study Program	20,000
Nonpublic and Summer Driver Education.	122,500
Other Employment Costs	
F.I.C.A.—Employer's Share	320,286
Pensions - All Others	598,674
Pensions - Retired and Disabled	
Teachers	110,000
Health Insurance	17,714
TOTAL—Division I and Other Employment	
Costs	\$ 2,353,174

*Year Ending June 30, 1975***Division II — Other Costs****Travel**

Homebound	\$ 6,000
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Contractual Services

Tuition — Deaf Program	20,000
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Public School Transportation	8,855,000
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Nonpublic School Transportation	950,000
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James H. Groves High School	236,000
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Pregnant Students	92,780
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Supplies and Materials

Adult Trade Extension	61,000
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Apprentice Programs	88,000
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Capital Outlay

Films	50,000
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Tuition — Military & State Police Children ..	16,000
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Scholarship Fund	150,000
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Youth Organizations	17,500
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Delaware Educational Council Compact	9,000
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Private Business and Trade School (SB 525) .	2,000
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Education in Science and Math — Del-Mod ..	20,000
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Sub-total - Division II	\$ 10,573,280
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Debt Service

Principal	404,247
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Interest	272,800
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TOTAL — Division II and Debt Service	\$ 11,250,327
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Division III — Equalization Funds

Regular Formula	\$ 3,715,480
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TOTAL — Services to School Districts and

Others	\$ 17,318,981
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(95-01-003) Educational Contingency

Growth and Upgrading	\$ 838,200
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Summer School Occupational Vocational

Program	400,000
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Operation and Maintenance

Driver Education Cars	39,600
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Delmar Tuition	145,000
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Learning Disabilities - Tuition	168,800
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Year Ending June 30, 1975

F.I.C.A.—Employer's Share	72,435
Pensions	157,251
Health Insurance	13,284
TOTAL—Educational Contingency	\$ 1,834,570
TOTAL — State Board of Education and State	
Board for Vocational Education ..	\$ 20,535,169

(95-10-000) Caesar Rodney

Division I — Salaries

Chief School Officer	1	\$	20,579
Assistant Superintendent	1		18,196
Directors	2		34,010
Supervisors	2		25,446
Principals	7		104,728
Assistant Principals	7		88,657
Administrative Assistant	1		15,458
Clerical	26		167,430
Teachers	295		2,623,377
Teacher Psychologists	2		19,411
Teachers — Speech and Hearing	2		16,195
Teacher — Visiting	1		8,098
Teachers — Driver Education	3.2		31,009
Custodial	44		283,505
Nurses	7		55,887
Cafeteria	7		46,047
Supervisor of Transportation .....	.651		9,836
Supervisor of School Lunch	1		10,917
TOTAL — Division I		\$	3,578,786

Other Employment Costs

F.I.C.A. — Employer's Share	\$	244,042
Pensions		547,614
Health Insurance		58,095

TOTAL — Other Employment Costs .. **\$ 849,751**

TOTAL — Division I and Other

Employment Costs	\$	4,428,537
Division II — Other Costs	337	\$ 463,375

*Year Ending June 30, 1975***All Other Costs****Debt Service**

Principal \$ 402,480

Interest 198,268

TOTAL — All Other Costs \$ 1,064,123**TOTAL — Caesar Rodney** \$ 5,492,660**(95-11-000) John S. Charlton School****(Administered by Caesar Rodney School District)****Division I — Salaries**

Principal 1 \$ 14,624

Clerical 1 5,538

Teachers 11 88,914

Custodial 1 6,610

Nurse 1 7,256

Cafeteria 1 4,921

Aides and Attendants 11 43,641

TOTAL — Division I \$ 171,504**Other Employment Costs**

F.I.C.A. — Employer's Share \$ 10,720

Pensions 24,005

Health Insurance 2,300

TOTAL — Other Employment Costs \$ 37,025**TOTAL — Division I and Other**

Employment Costs \$ 208,529

Division II — Other Costs 17 \$ 23,375**All Other Costs****Debt Service**

Principal \$ 12,000

Interest 2,856

TOTAL — All Other Costs \$ 38,231**TOTAL — John S. Charlton School** ... \$ 246,760**(95-12-000) Claymont****Division I — Salaries**

Chief School Officer 1 \$ 19,958

Supervisor 1 11,273

Year Ending June 30, 1975

Principals	5	75,570
Assistant Principals	3	41,229
Administrative Assistant	1	15,172
Clerical	16	104,673
Teachers	175	1,616,090
Teacher Psychologist	1	11,670
Teacher — Speech and Hearing	1	8,098
Teacher — Visiting .....	.7	6,335
Teachers — Driver Education	1.8	17,245
Custodial	33	213,769
Nurses	4	32,403
Cafeteria	6	33,762
Supervisor of School Lunch	1	10,916
TOTAL — Division I		\$ 2,218,163
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 158,932
Pensions		374,365
Health Insurance		36,310
TOTAL -- Other Employment Costs		\$ 569,607
TOTAL -- Division I and Other		
Employment Costs		\$ 2,787,770
Division II -- Other Costs	193	\$ 265,375
All Other Costs		
Debt Service		
Principal		\$ 280,150
Interest		123,512
TOTAL -- All Other Costs		\$ 669,037
TOTAL -- Claymont		\$ 3,456,807

(95-13-000) Capital

Division I -- Salaries		
Chief School Officer	1	\$ 21,150
Assistant Superintendent	1	18,196
Directors	2	34,010
Supervisors	2	22,785
Principals	9	132,257
Assistant Principals	7	95,890
Administrative Assistant	1	15,458

Year Ending June 30, 1975

Clerical	27	174,038
Teachers	312	2,914,002
Teacher Psychologists	2	21,912
Teachers -- Speech and Hearing	2	20,006
Teacher -- Visiting	1	9,527
Teachers -- Driver Education	3.6	36,059
Custodial	62	392,832
Nurses	7.5	59,288
Cafeteria	9	56,090
Aides and Attendants	3	12,681
Supervisor of Transportation .....	.755	11,400
Supervisor of School Lunch	1	11,868
TOTAL -- Division I		\$ 4,059,449
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 278,000
Pensions		642,467
Health Insurance		74,390
TOTAL -- Other Employment Costs .		\$ 994,857
TOTAL -- Division I and Other		
Employment Costs		\$ 5,054,306
Division II -- Other Costs	322	\$ 442,750
All Other Costs		
Debt Service		
Principal		\$ 530,200
Interest		164,760
TOTAL -- All Other Costs		\$ 1,137,710
TOTAL -- Capital		\$ 6,192,016

(95-14-000) Alexis I. duPont

Division I -- Salaries		
Chief School Officer	1	\$ 19,958
Supervisor	1	12,583
Principals	5	75,116
Assistant Principals	1	13,052
Administrative Assistant	1	16,029
Clerical	14	90,244
Teachers	154	1,515,933
Teacher Psychologist	1	11,194

Year Ending June 30, 1975

Teacher -- Speech and Hearing	1	10,479
Teacher -- Visiting .....	.62	6,054
Teachers -- Driver Education	1.8	17,100
Custodial	46	297,375
Nurses	3	27,153
Cafeteria	7	39,417
Supervisor of Transportation .....	.4447	4,724
Supervisor of School Lunch	1	10,520
TOTAL -- Division I		\$ 2,166,931
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 193,221
Pensions		466,888
Health Insurance		37,372
TOTAL -- Other Employment Costs .		\$ 697,481
TOTAL -- Division I and Other		
Employment Costs		\$ 2,864,412
Division II -- Other Costs	164	\$ 225,500
All Other Costs		
Debt Service		
Principal		\$ 375,800
Interest		223,502
TOTAL -- All Other Costs		\$ 824,802
TOTAL -- Alexis I. duPont		\$ 3,689,214

*(95-15-000) Lake Forest***Division I -- Salaries**

Chief School Officer	1	\$ 18,529
Supervisor	1	12,583
Principals	5	74,858
Assistant Principals	3	35,333
Administrative Assistant	1	15,458
Clerical	15	96,755
Teachers	169	1,493,397
Teacher Psychologist	1	9,051
Teacher -- Speech and Hearing	1	9,527
Teacher -- Driver Education	2	19,054
Custodial	27	179,302
Nurses	4	29,028

Year Ending June 30, 1975

Cafeteria	5	29,712
Supervisor of School Lunch	1	9,052
TOTAL -- Division I		<u>\$ 2,031,639</u>
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 134,630
Pensions		307,504
Health Insurance		30,465
TOTAL -- Other Employment Costs .		<u>\$ 472,599</u>
TOTAL -- Division I and Other		
Employment Costs		\$ 2,504,238
Division II -- Other Costs	187	\$ 257,125
All Other Costs		
Debt Service		
Principal		\$ 190,750
Interest		85,793
TOTAL -- All Other Costs		<u>\$ 533,668</u>
TOTAL -- Lake Forest		<u>\$ 3,037,906</u>

(95-16-000) Laurel

Division I -- Salaries		
Chief School Officer	1	\$ 18,196
Principals	3	43,584
Assistant Principals	2	27,081
Administrative Assistant	1	14,600
Clerical	10	65,378
Teachers	109	998,957
Teacher Psychologist	1	8,812
Teacher -- Speech and Hearing	1	9,765
Teacher -- Driver Education	1	10,479
Custodial	26	168,755
Nurses	2	16,776
Cafeteria	3	19,293
Supervisor of School Lunch	1	8,177
TOTAL -- Division I		<u>\$ 1,409,853</u>
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 87,703

Year Ending June 30, 1975

Pensions		195,752
Health Insurance		22,140
TOTAL -- Other Employment Costs		\$ 305,595
TOTAL -- Division I and Other		
Employment Costs		\$ 1,715,448
Division II -- Other Costs	120	\$ 165,000
All Other Costs		
Debt Service		
Principal		\$ 176,500
Interest		93,873
TOTAL -- All Other Costs		\$ 435,373
TOTAL -- Laurel		\$ 2,150,821

(95-17-000) Cape Henlopen

Division I -- Salaries		
Chief School Officer	1	\$ 19,386
Supervisor	1	12,583
Principals	7	103,530
Assistant Principal	1	14,028
Administrative Assistant	1	15,457
Clerical	16	104,341
Teachers	178	1,645,753
Teacher Psychologist	1	10,956
Teacher -- Speech and Hearing	1	8,336
Teacher -- Visiting	1	9,288
Teachers -- Driver Education	2.2	23,199
Custodial	31	201,521
Nurses	4	33,331
Cafeteria	7	41,203
Supervisor of School Lunch	1	10,916
TOTAL -- Division I		\$ 2,253,828
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 165,294
Pensions		373,232
Health Insurance		34,185
TOTAL -- Other Employment Costs		\$ 572,711
TOTAL -- Division I and Other		

Year Ending June 30, 1975

Employment Costs		\$ 2,826,539
Division II -- Other Costs	191	\$ 262,625
All Other Costs		
Debt Service		
Principal		\$ 165,470
Interest		43,444
TOTAL -- All Other Costs		\$ 471,539
TOTAL -- Cape Henlopen		\$ 3,298,078

(95-18-000) Milford

Division I -- Salaries

Chief School Officer	1	\$ 19,958
Supervisor	1	12,583
Principals	5	74,361
Assistant Principals	4	52,281
Administrative Assistant	1	14,600
Clerical	17	112,830
Teachers	192	1,732,459
Teacher Psychologist	1	11,194
Teacher -- Speech and Hearing	1	8,098
Teacher -- Visiting	1	10,479
Teachers -- Driver Education	2.6	25,913
Custodial	35	225,682
Nurses	4	33,096
Cafeteria	6	37,153
Supervisor of Transportation .....	.876	12,224
Supervisor of School Lunch	1	10,677
TOTAL -- Division I		\$ 2,393,588
Other Employment Costs		
F.I.C.A. -- Employer's Share		\$ 152,896
Pensions		354,338
Health Insurance		47,978
TOTAL -- Other Employment Costs .		\$ 555,212
TOTAL -- Division I and Other		
Employment Costs		\$ 2,948,800
Division II -- Other Costs	212	\$ 291,500

*Year Ending June 30, 1975***All Other Costs****Debt Service**

Principal	\$	266,900
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Interest		129,515
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TOTAL -- All Other Costs	\$	687,915
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TOTAL -- Milford	\$	3,636,715
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(95-19-000) Mount Pleasant**Division I -- Salaries**

Chief School Officer	1	\$	20,578
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Director	1		17,004
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Supervisors	1		12,583
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Principals	7		104,411
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Assistant Principals	6		80,991
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Administrative Assistant	1		15,457
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Clerical	23		146,411
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Teachers	260		2,557,888
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Teacher Psychologist	1		11,194
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Teacher — Speech and Hearing	1		8,098
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Teacher — Visiting	1		8,812
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Teachers — Driver Education	3.4		33,581
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Custodial	43		277,369
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Nurses	6		50,733
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Cafeteria	7		42,988
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Supervisor of Transportation376		3,403
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Supervisor of School Lunch	1		10,916
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TOTAL — Division I		\$	3,402,417
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Other Employment Costs

F.I.C.A. — Employer's Share		\$	267,325
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Pensions			637,790
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Health Insurance			47,468
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TOTAL — Other Employment Costs		\$	952,583
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TOTAL — Division I and Other

Employment Costs		\$	4,355,000
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Division II — Other Costs	285	\$	391,875
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*Year Ending June 30, 1975***All Other Costs****Debt Service**

Principal	\$	458,100
Interest		164,678
TOTAL — All Other Costs	\$	1,014,653
TOTAL — Mount Pleasant	\$	5,369,653

(95-20-000) New Castle - Gunning Bedford**Division I — Salaries**

Chief School Officer	1	\$	20,579
Assistant Superintendent	1		18,767
Directors	3		49,014
Supervisors	2		25,642
Principals	10		150,268
Assistant Principals	10		135,467
Administrative Assistant	1		15,458
Clerical	37		230,465
Teachers	429		3,900,070
Teacher Psychologists	2		22,864
Teachers — Speech and Hearing	3		26,199
Teacher — Visiting	1		8,812
Teachers — Driver Education	4.2		41,298
Custodial	73		448,194
Nurses	10		83,167
Cafeteria	11		69,269
Supervisor of Transportation	1		15,100
Supervisor of School Lunch	1		11,868

TOTAL — Division I	\$	5,272,501
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Other Employment Costs

F.I.C.A. — Employer's Share	\$	363,735
Pensions		822,929
Health Insurance		75,070

TOTAL — Other Employment Costs	\$	1,261,734
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TOTAL — Division I and Other

Employment Costs	\$	6,534,235
Division II — Other Costs	\$	655,875

Year Ending June 30, 1975

All Other Costs

Debt Service

Principal	\$ 795,100
Interest	435,472

TOTAL — All Other Costs \$ 1,886,447

TOTAL — New Castle - Gunning
Bedford \$ 8,420,682

(95-21-000) Newark

Division I — Salaries

Chief School Officer	1	\$ 21,150
Assistant Superintendent	2	37,534
Directors	6	101,740
Supervisors	6	74,545
Principals	22	329,318
Assistant Principals	12	164,504
Administrative Assistant	1	15,457
Clerical	64	413,931
Teachers	758	7,071,940
Teacher Psychologists	5	52,874
Teachers — Speech and Hearing	5	41,441
Teachers — Visiting	3	30,247
Teachers — Driver Education	8.2	74,785
Custodial	133	826,279
Nurses	18	140,680
Cafeteria	19	121,766
Supervisor of Transportation	1	14,242
Supervisor of School Lunch	1	10,916

TOTAL — Division I \$ 9,543,349

Other Employment Costs

F.I.C.A. — Employer's Share	\$ 648,432
Pensions	1,588,677
Health Insurance	159,054

TOTAL — Other Employment Costs \$ 2,396,163

TOTAL — Division I and Other

Employment Costs \$ 11,939,512

Division II — Other Costs 833 \$ 1,145,375

Year Ending June 30, 1975

All Other Costs

Debt Service

Principal \$ 1,644,050

Interest 969,023

TOTAL — All Other Costs \$ 3,758,448

TOTAL — Newark \$ 15,697,960

(95-22-000) Margaret S. Sterck

(Administered by Newark District)

Division I — Salaries

Principal 1 \$ 14,862

Clerical 2 11,789

Teachers 21 197,202

Teacher — Audiologist 1 9,051

Teacher — Speech and Hearing 1 10,241

Custodial 5 30,844

Nurse 1 8,146

Cafeteria 1 4,942

Aides and Attendants 19 75,791

Salaries — Resident Supervision 11 78,029

TOTAL — Division I \$ 440,897

Other Employment Costs

F.I.C.A. — Employer's Share \$ 28,262

Pensions 63,336

Health Insurance 9,033

TOTAL — Other Employment Costs \$ 100,631

TOTAL — Division I and Other

Employment Costs \$ 541,528

Division II — Other Costs 21 \$ 28,875

Residence — Other Cost 46,500

Consultant Services 10,500

All Other Costs

Debt Service

Principal \$ 39,550

Interest 27,211

TOTAL — All Other Costs \$ 152,636

TOTAL — Margaret S. Sterck \$ 694,164

(95-23-000) Seaford**Year Ending June 30, 1975****Division I — Salaries**

Chief School Officer	1	\$	19,387
Supervisor	1		11,868
Principals	5		74,024
Assistant Principals	3		40,965
Administrative Assistant	1		15,458
Clerical	16.25		105,464
Teachers	177		1,620,451
Teacher Psychologist	1		11,194
Teacher — Speech and Hearing	1		8,812
Teacher — Visiting	1		7,860
Teachers — Driver Education	2		16,196
Custodial	31		205,798
Nurses	4.4		34,151
Cafeteria	5		32,056
Aides and Attendants	2		7,978
Supervisor of Transportation	1		15,100
Supervisor of School Lunch	1		10,916
TOTAL — Division I		\$	2,237,678

Other Employment Costs

F.I.C.A. — Employer's Share	\$	147,270
Pensions		327,945
Health Insurance		30,110

TOTAL — Other Employment Costs	\$	505,325
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TOTAL — Division I and Other

Employment Costs	\$	2,743,003
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Division II — Other Costs	186	\$	255,750
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All Other Costs**Debt Service**

Principal	\$	226,400
Interest		53,516

TOTAL — All Other Costs	\$	585,666
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TOTAL — Seaford	\$	3,278,669
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(95-24-000) Smyrna**Division I — Salaries**

Chief School Officer	1	\$	18,196
Principals	5		78,078

Year Ending June 30, 1975

Assistant Principals	2	27,294
Administrative Assistant	1	15,458
Clerical	14	89,907
Teachers	149	1,328,269
Teacher Psychologist .....	.98	10,339
Teacher — Speech and Hearing	1	7,860
Teacher — Visiting .....	.588	6,162
Teacher — Driver Education	1.8	17,672
Custodial	31	196,561
Nurses	3	25,164
Cafeteria	6	33,940
Supervisor of Transportation .....	.3116	4,364
Supervisor of School Lunch	1	9,567
TOTAL — Division I		\$ 1,863,826
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 123,095
Pensions		271,008
Health Insurance		26,685
TOTAL — Other Employment Costs		\$ 420,788
TOTAL — Division I and Other		
Employment Costs		\$ 2,284,614
Division II — Other Costs	162	\$ 222,750
All Other Costs		
Debt Service		
Principal		\$ 224,600
Interest		145,706
TOTAL — All Other Costs		\$ 593,056
TOTAL — Smyrna		\$ 2,877,670

(95-25-000) Wilmington

Division I — Salaries		
Chief School Officer	1	\$ 21,150
Assistant Superintendents	2	36,392
Directors	6	102,314
Supervisors	4	51,284
Principals	20	291,667
Assistant Principals	13	170,619
Administrative Assistant	1	16,029

Year Ending June 30, 1975

Clerical	61	411,139
Teachers	712	6,864,647
Teacher Psychologists	4	43,823
Teachers — Speech and Hearing	5	52,872
Teachers — Visiting	2	21,673
Teachers — Driver Education	7.6	74,739
Custodial	119	782,222
Nurses	18	153,666
Cafeteria	22	126,610
Aides and Attendants	11	44,117
Supervisor of School Lunch	1	10,916
Americanization of Foreign Born ...		35,000
TOTAL — Division I		\$ 9,310,879
Other Employments Costs		
F.I.C.A. — Employer's Share		\$ 820,000
Pensions		2,090,000
Health Insurance		196,600
TOTAL — Other Employment Costs		\$ 3,106,600
TOTAL — Division I and Other		
Employment Costs		\$ 12,417,479
Division II — Other Costs	766	\$ 1,053,250
All Other Costs		
Debt Service		
Principal		\$ 1,092,290
Interest		581,263
TOTAL — All Other Costs		\$ 2,726,803
TOTAL — Wilmington		\$ 15,144,282

(95-26-000) Alfred I. duPont

Division I — Salaries		
Chief School Officer	1	\$ 21,150
Assistant Superintendent	1	18,195
Directors	4	68,302
Supervisors	3	37,034
Principals	14	208,979
Assistant Principals	8	107,940
Administrative Assistant	1	15,457
Clerical	44	280,872

Year Ending June 30, 1975

Teachers	516	5,031,981
Teacher Psychologists	3	33,582
Teachers — Speech and Hearing	3	29,771
Teachers — Visiting	2	22,388
Teachers — Driver Education	6.8	70,545
Custodial	105	674,190
Nurses	12	100,111
Cafeteria	14	85,288
Aides and Attendants	2	7,026
Supervisor of Transportation .....	.7719	9,670
Supervisor of School Lunch	1	10,916
TOTAL — Division I		\$ 6,833,397
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 549,147
Pensions		1,291,579
Health Insurance		99,187
TOTAL — Other Employment Costs		\$ 1,939,913
TOTAL — Division I and Other		
Employment Costs		\$ 8,773,310
Division II — Other Costs	544	\$ 748,000
All Other Costs		
Debt Service		
Principal		\$ 1,030,900
Interest		469,515
TOTAL — All Other Costs		\$ 2,248,415
TOTAL — Alfred I. duPont		\$ 11,021,725

(95-27-000) C. W. Bush Trainable

(Administered by Alfred I. duPont)

Division I — Salaries

Principal	1	\$ 14,623
Clerical	1	6,490
Teachers	11	102,220
Custodial	1	6,729
Nurse	1	8,371
Cafeteria	1	4,742
Aides and Attendants	11	44,831
TOTAL — Division I		\$ 188,006

Year Ending June 30, 1975

Clerical	61	411,139
Teachers	712	6,864,647
Teacher Psychologists	4	43,823
Teachers — Speech and Hearing	5	52,872
Teachers — Visiting	2	21,673
Teachers — Driver Education	7.6	74,739
Custodial	119	782,222
Nurses	18	153,666
Cafeteria	22	126,610
Aides and Attendants	11	44,117
Supervisor of School Lunch	1	10,916
Americanization of Foreign Born ...		35,000
TOTAL — Division I		\$ 9,310,879
Other Employments Costs		
F.I.C.A. — Employer's Share		\$ 820,000
Pensions		2,090,000
Health Insurance		196,600
TOTAL — Other Employment Costs		\$ 3,106,600
TOTAL — Division I and Other		
Employment Costs		\$ 12,417,479
Division II — Other Costs	766	\$ 1,053,250
All Other Costs		
Debt Service		
Principal		\$ 1,092,290
Interest		581,263
TOTAL — All Other Costs		\$ 2,726,803
TOTAL — Wilmington		\$ 15,144,282

(95-26-000) Alfred I. duPont

Division I — Salaries		
Chief School Officer	1	\$ 21,150
Assistant Superintendent	1	18,195
Directors	4	68,302
Supervisors	3	37,034
Principals	14	208,979
Assistant Principals	8	107,940
Administrative Assistant	1	15,457
Clerical	44	280,872

Year Ending June 30, 1975

Teachers	516	5,031,981
Teacher Psychologists	3	33,582
Teachers — Speech and Hearing	3	29,771
Teachers — Visiting	2	22,388
Teachers — Driver Education	6.8	70,545
Custodial	105	674,190
Nurses	12	100,111
Cafeteria	14	85,288
Aides and Attendants	2	7,026
Supervisor of Transportation7719	9,670
Supervisor of School Lunch	1	10,916
TOTAL — Division I		\$ 6,833,397
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 549,147
Pensions		1,291,579
Health Insurance		99,187
TOTAL — Other Employment Costs		\$ 1,939,913
TOTAL — Division I and Other		
Employment Costs		\$ 8,773,310
Division II — Other Costs	544	\$ 748,000
All Other Costs		
Debt Service		
Principal		\$ 1,030,900
Interest		469,515
TOTAL — All Other Costs		\$ 2,248,415
TOTAL — Alfred I. duPont		\$ 11,021,725

(95-27-000) C. W. Bush Trainable

(Administered by Alfred I. duPont)

Division I — Salaries

Principal	1	\$ 14,623
Clerical	1	6,490
Teachers	11	102,220
Custodial	1	6,729
Nurse	1	8,371
Cafeteria	1	4,742
Aides and Attendants	11	44,831
TOTAL — Division I		\$ 188,006

Year Ending June 30, 1975

Other Employment Costs

F.I.C.A. — Employer's Share		\$	15,014
Pensions			32,850
Health Insurance			2,125
TOTAL — Other Employment Costs		\$	49,989
TOTAL — Division I and Other			
Employment Costs		\$	237,995
Division II — Other Costs	19	\$	26,125
All Other Costs			
Debt Service			
Principal		\$	18,500
Interest			6,586
TOTAL — All Other Costs		\$	51,211
TOTAL — C. W. Bush Trainable ...		\$	289,206

(95-28-000) Marshallton-McKean

Division I — Salaries

Chief School Officer	1	\$	19,958
Director	1		17,005
Supervisor	1		12,583
Principals	6		90,128
Assistant Principals	4		53,591
Administrative Assistant	1		15,458
Clerical	18		115,937
Teachers	203		1,940,132
Teacher Psychologist	1		9,051
Teacher — Speech and Hearing	1		9,051
Teacher — Visiting .....	.8		8,955
Teachers — Driver Education	2.4		22,864
Custodial	38		245,956
Nurses	5		42,603
Cafeteria	6		37,154
Supervisor of School Lunch	1		8,853
TOTAL — Division I		\$	2,649,279

Year Ending June 30, 1975

Other Employment Costs

F.I.C.A. — Employer's Share		\$	198,659
Pensions			502,069
Health Insurance			44,006
TOTAL — Other Employment Costs		\$	744,734
TOTAL — Division I and Other			
Employment Costs		\$	3,394,013
Division II — Other Costs	226	\$	310,750
All Other Costs			
Debt Service			
Principal		\$	286,546
Interest			109,210
TOTAL — All Other Costs		\$	706,506
TOTAL — Marshallton-McKean		\$	4,100,519

(95-29-000) Appoquinimink

Division I — Salaries

Chief School Officer	1	\$	18,196
Principals	4		59,784
Assistant Principals	2		25,129
Administrative Assistant	1		15,743
Clerical	12		78,595
Teachers	129		1,160,830
Teacher Psychologist .....	.86		9,012
Teacher — Speech and Hearing ....	.92		6,792
Teacher — Visiting .....	.52		5,820
Teachers — Driver Education	1		7,621
Custodial	18		119,421
Nurses	3		23,584
Cafeteria	4		23,876
Supervisor of Transportation .....	.228		3,443
Supervisor of School Lunch	1		10,519
TOTAL — Division I		\$	1,568,365
Other Employment Costs			
F.I.C.A. — Employer's Share		\$	111,460
Pensions			244,560
Health Insurance			31,173
TOTAL — Other Employment Costs		\$	387,193

Year Ending June 30, 1975

TOTAL — Division I and Other		
Employment Costs		\$ 1,955,558
Division II — Other Costs	144	\$ 198,000
All Other Costs		
Debt Service		
Principal		\$ 135,200
Interest		53,903
TOTAL — All Other Costs		\$ 387,103
TOTAL — Appoquinimink		\$ 2,342,661

(95-30-000) Conrad Area

Division I — Salaries		
Chief School Officer	1	\$ 20,578
Directors	1	17,004
Supervisors	1	12,583
Principals	9	132,449
Assistant Principals	4	55,590
Administrative Assistant	1	15,457
Clerical	26	161,593
Teachers	297	2,756,569
Teacher Psychologists	1	11,194
Teachers — Speech and Hearing	2	19,768
Teacher — Visiting	1	9,527
Teachers — Driver Education	3.6	34,582
Custodial	38	249,148
Nurses	7	56,887
Cafeteria	6	37,691
Supervisor of Transportation .....	.3467	2,517
Supervisor of School Lunch	1	10,916
TOTAL — Division I		\$ 3,604,053
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 254,794
Pensions		593,094
Health Insurance		56,501
TOTAL — Other Employment Costs		\$ 904,389
TOTAL — Division I and Other		
Employment Costs		\$ 4,508,442
Division II — Other Costs	338	\$ 464,750

*Year Ending June 30, 1975***All Other Costs**

School Safety Lights	\$	3,800
Debt Service		
Principal	\$	493,250
Interest		126,789
TOTAL — All Other Costs	\$	1,088,589
TOTAL — Conrad Area	\$	5,597,031

(95-31-000) De La Warr**Division I — Salaries**

Chief School Officer	1	\$	19,387
Supervisor	1		13,059
Principals	6		88,556
Assistant Principals	3		39,394
Administrative Assistant	1		15,458
Clerical	16		107,294
Teachers	179		1,649,802
Teacher Psychologist	1		11,194
Teacher — Speech and Hearing	1		7,860
Teacher — Visiting .....	.756		5,185
Teachers — Driver Education	1.4		14,051
Custodial	32		204,300
Nurses	4		33,552
Cafeteria	6		36,500
Supervisor of School Lunch	1		10,916
TOTAL — Division I		\$	2,256,508

Other Employment Costs

F.I.C.A. — Employer's Share	\$	159,486
Pensions		366,493
Health Insurance		27,720
TOTAL — Other Employment Costs	\$	553,699

TOTAL — Division I and Other

Employment Costs	\$	2,810,207
Division II — Other Costs	195	\$ 268,125

Year Ending June 30, 1975

All Other Costs		
Debt Service		
Principal	\$	280,100
Interest		78,249
TOTAL — All Other Costs	\$	626,474
TOTAL — De La Warr	\$	3,436,681

*(95-32-000) John G. Leach**(Administered by De La Warr)*

Division I — Salaries		
Principal	1	\$ 14,624
Clerical	1	6,490
Teachers	10	92,410
Custodial	2	12,624
Nurses	1	8,388
Aides and Attendants	10	35,368
TOTAL — Division I		\$ 169,904
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 12,510
Pensions		28,875
Health Insurance		2,376
TOTAL — Other Employment Costs		\$ 43,761
TOTAL — Division I and Other Employment Costs		\$ 213,665
Division II — Other Costs	10	\$ 13,750
All Other Costs		
Debt Service		
Principal		\$ 22,000
Interest		3,360
TOTAL — All Other Costs		\$ 39,110
TOTAL — John G. Leach		\$ 252,775

(95-33-000) Stanton

Division I — Salaries		
Chief School Officer	1	\$ 20,579
Directors	1	17,576

Year Ending June 30, 1975

Supervisors	1	13,059
Principals	8	120,519
Assistant Principals	4	54,853
Administrative Assistant	1	15,458
Clerical	25	157,724
Teachers	274.8	2,637,826
Teacher Psychologist	1	11,194
Teachers — Speech and Hearing	2	20,006
Teacher — Visiting	1	10,241
Teachers — Driver Education	3	28,581
Custodial	49	313,545
Nurses	6	49,649
Cafeteria	8	48,466
Aides and Attendants	7	20,200
Supervisor of Transportation	1	14,241
Supervisor of School Lunch	1	10,916
TOTAL — Division I		\$ 3,564,633
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 272,991
Pensions		620,333
Health Insurance		55,261
TOTAL — Other Employment Costs		\$ 948,585
TOTAL — Division I and Other		
Employment Costs		\$ 4,513,218
Division II — Other Costs	304	\$ 418,000
All Other Costs		
Debt Service		
Principal		\$ 506,190
Interest		219,605
TOTAL — All Other Costs		\$ 1,143,795
TOTAL — Stanton		\$ 5,657,013

(95-34-000) Meadowood Trainable

(Administered by Stanton)

Division I — Salaries

Principal	1	\$ 15,195
Clerical	1	6,490
Teachers	13	127,657

Year Ending June 30, 1974

Custodial	3	18,817
Nurse	1	8,388
Cafeteria	1	4,407
Aides and Attendants	10	41,080
TOTAL — Division I		\$ 222,034
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 16,666
Pensions		37,247
Health Insurance		5,136
TOTAL — Other Employment Costs		\$ 59,049
TOTAL — Division I and Other		
Employment Costs		\$ 281,083
Division II — Other Costs	18	\$ 24,750
All Other Costs		
Debt Service		
Principal		\$ 11,000
Interest		3,852
TOTAL — All Other Costs		\$ 39,602
TOTAL — Meadowood Trainable ..		\$ 320,685

(95-35-000) Woodbridge

Division I — Salaries		
Chief School Officer	1	\$ 18,767
Principals	3	43,849
Assistant Principals	1	12,933
Administrative Assistant	1	14,982
Clerical	9	58,649
Teachers	98	872,058
Teacher Psychologist	1	10,718
Teacher — Speech and Hearing ....	.7	5,335
Teachers — Driver Education	1	9,527
Custodial	15	98,311
Nurses	2	16,776
Cafeteria	3	17,327
TOTAL — Division I		\$ 1,179,232

Year Ending June 30, 1974

Other Employment Costs

F.I.C.A. — Employer's Share		\$	78,880
Pensions			174,155
Health Insurance			18,775
TOTAL — Other Employment Costs		\$	271,810
TOTAL — Division I and Other			
Employment Costs		\$	1,451,042
Division II — Other Costs	104	\$	143,000
All Other Costs			
Debt Service			
Principal		\$	92,500
Interest			21,361
TOTAL — All Other Costs		\$	256,861
TOTAL — Woodbridge		\$	1,707,903

(95-36-000) Indian River

Division I — Salaries

Chief School Officer	1	\$	20,579
Assistant Superintendent	1		18,196
Directors	2		34,010
Supervisors	2		25,168
Principals	10		144,740
Assistant Principals	4		51,734
Administrative Assistant	1		15,458
Clerical	26		168,623
Teachers	302		2,696,648
Teacher Psychologists	2		21,673
Teachers — Speech and Hearing	2		15,243
Teacher — Visiting	1		8,574
Teachers — Driver Education	3.6		33,152
Custodial	44		292,383
Nurses	7		58,926
Cafeteria	9		54,003
Supervisor of Transportation	1		12,813
Supervisor of School Lunch	1		10,917
TOTAL — Division I		\$	3,682,840

Year Ending June 30, 1974

Other Employment Costs		
F.I.C.A. — Employer's Share	\$	248,966
Pensions		566,749
Health Insurance		55,438
TOTAL — Other Employment Costs	\$	871,153
TOTAL — Division I and Other Employment Costs	\$	4,553,993
Division II — Other Costs 333	\$	457,875
All Other Costs		
Debt Service		
Principal	\$	259,776
Interest		75,991
TOTAL — All Other Costs	\$	793,642
TOTAL — Indian River	\$	5,347,635

(95-37-000) Delmar

Division I — Salaries		
Chief School Officer	1	\$ 17,005
Principal	1	15,100
Assistant Principal	1	13,171
Administrative Assistant	1	12,742
Clerical	3	22,924
Teachers	39	360,469
Teacher — Driver Education .....	.8	7,622
Custodial	7	46,025
Nurse	1	8,388
Cafeteria	1	6,371
TOTAL — Division I		\$ 509,817
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 32,013
Pensions		71,933
Health Insurance		6,839
TOTAL — Other Employment Costs		\$ 110,785
TOTAL — Division I and Other Employment Costs		\$ 620,602
Division II — Other Costs 51		\$ 70,125

Year Ending June 30, 1974

All Other Costs

Debt Service

Principal	\$	26,550
Interest		5,253
TOTAL — All Other Costs	\$	101,928
TOTAL — Delmar	\$	722,530

(95-38-000) New Castle Vocational-Technical

Division I — Salaries

Chief School Officer	1	\$	18,196
Principal	1		15,815
Assistant Principal	4		55,758
Administrative Assistant	1		16,029
Clerical	9		57,338
Teachers	99		947,992
Teacher — Psychologist .....	.66		6,445
Teachers — Driver Education	4.4		38,489
Custodial	18		114,685
Nurse	2		15,871
Cafeteria	1		7,799
TOTAL — Division I		\$	1,294,417

Other Employment Costs

F.I.C.A. — Employer's Share	\$	94,991
Pensions		231,453
Health Insurance		22,848
TOTAL — Other Employment Costs	\$	349,292

TOTAL — Division I and Other

Employment Costs	\$	1,643,709
Division II — Other Costs	\$	268,125

All Other Costs

Debt Service

Principal	\$	505,800
Interest		372,840
TOTAL — All Other Costs	\$	1,146,765
TOTAL — New Castle Vocational-Technical	\$	2,790,474

*Year Ending June 30, 1974**(95-39-000) Kent Vocational-Technical*

Division I — Salaries		
Chief School Officer	1	\$ 17,005
Principal	1	14,599
Assistant Principal	1	13,171
Administrative Assistant	1	15,458
Clerical	4	28,342
Teachers	41	403,980
Custodial	9	60,143
Nurse	1	8,160
Cafeteria	1	6,729
TOTAL — Division I		\$ 567,587
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 35,727
Pensions		82,799
Health Insurance		10,096
TOTAL — Other Employment Costs		\$ 128,622
TOTAL — Division I and Other Employment Costs		\$ 696,209
Division II — Other Costs	116	\$ 159,500
All Other Costs		
Debt Service		
Principal		\$ 192,970
Interest		99,085
TOTAL — All Other Costs		\$ 451,555
TOTAL — Kent Vocational-Technical		\$ 1,147,764

(95-40-000) Sussex Vocational-Technical

Division I — Salaries		
Chief School Officer	1	\$ 15,005
Principal	1	14,600
Assistant Principal	1	13,671
Administrative Assistant	1	15,458
Clerical	4	28,342
Teachers	41	404,648
Custodial	10	65,322

Nurse	1	7,483
Cafeteria	1	6,014
TOTAL — Division I		\$ 570,543
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 38,106
Pensions		85,525
Health Insurance		9,211
TOTAL — Other Employment Costs		\$ 132,842
TOTAL — Division I and Other		
Employment Costs		\$ 703,385
Division II — Other Costs	114	\$ 156,750
All Other Costs		
Debt Service		
Principal		\$ 202,352
Interest		113,261
TOTAL — All Other Costs		\$ 472,363
TOTAL — Sussex Vocational-		
Technical		\$ 1,175,748

(95-42-000) Wallace Wallin School for Trainables

(Administered by New Castle - Gunning Bedford)

Division I — Salaries		
Principal	1	\$ 14,624
Clerical	1	5,299
Teachers	12	98,604
Custodial	2	12,385
Nurse	1	8,388
Cafeteria	1	4,563
Aides and Attendants	4	16,432
TOTAL — Division I		\$ 160,295
Other Employment Costs		
F.I.C.A. — Employer's Share		\$ 10,706
Pensions		24,435
Health Insurance		1,267
TOTAL — Other Employment Costs		\$ 36,408
TOTAL — Division I and Other		
Employment Costs		\$ 196,703

Year Ending June 30, 1974

Division II — Other Costs	12	\$	16,500
TOTAL — Wallace Wallin School for Trainables		\$	213,203

(95-43-000) Howard T. Ennis, Sr. Trainable

(Administered by Indian River)

Division I — Salaries

Principal	1	\$	14,863
Clerical	1		6,490
Teachers	15		126,941
Custodial	2		13,220
Nurse	1		8,388
Cafeteria	1		5,894
Aides and Attendants	14		56,798
TOTAL — Division I		\$	232,594

Other Employment Costs

F.I.C.A. — Employer's Share	\$	15,173
Pensions		33,835
Health Insurance		3,543
TOTAL — Other Employment Costs	\$	52,551
TOTAL — Division I and Other Employment Costs	\$	285,145

Division II — Other Costs	20	\$	27,500
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All Other Costs

Debt Service

Principal	\$	5,000
Interest		4,588

TOTAL — All Other Costs	\$	37,088
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TOTAL — Howard T. Ennis, Sr.

Trainable	\$	322,238
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TOTAL PUBLIC EDUCATION	\$149,665,012
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TOTAL EDUCATION	\$192,370,196
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TOTAL AGENCIES	\$172,372,119
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GRAND TOTAL — AGENCIES

AND EDUCATION	\$364,742,315
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Section 2. The monies appropriated in Section I of this Budget Appropriation Act shall be paid by the Director, Division of Treasury, Department of Finance, from the General Fund.

Section 3. (a) If at any time during the fiscal year ending June 30, 1975, but prior to June 15, 1975, there should be a temporary insufficiency of General Fund monies in the State Treasury to pay then current General Fund obligations, the Governor, Secretary of State and State Treasurer (herein the "Issuing Officers") are authorized to issue revenue anticipation notes of the State of Delaware in an amount they determine necessary to meet and to pay any or all of such appropriations.

(b) The Issuing Officers are hereby authorized to determine the term, form and contents of such notes and to sell such notes at such price or prices and at such rate or rates, at public or private sale, in such manner and from time to time, subject to this Act as they shall determine. The notes shall mature within one year from date of issue, shall be payable at the Farmers Bank of the State of Delaware, in Dover and/or in Wilmington, Delaware and additionally, at the discretion of the Issuing Officers at a bank or trust company in New York, New York.

The notes shall be imprinted with the stamp of the Governor's signature and the stamp of the signature of the Secretary of State, and shall be manually signed by the State Treasurer. The Great Seal shall be impressed on all such notes and the signatures and the notes shall be authenticated by an officer of the Farmers Bank of the State of Delaware.

(c) The faith and credit of the State of Delaware is hereby pledged for the payment of the principal of and interest on the revenue anticipation notes, which notes including the interest thereon shall be exempt from taxation for any purpose by this State.

(d) If at any time during the fiscal year ending June 30, 1975, but prior to June 15, 1975, there should be a temporary insufficiency (30 days maximum) of General Fund monies in the State Treasury to pay then current General Fund obligations, the Director, Division of Treasury, Department of Finance, shall pay such obligations from any other funds on deposit with the Director, Division of Treasury, Department of Finance. Other funds, so used to defray General Fund obligations shall be reim-

bursed as soon as sufficient General Fund monies become available, but not later than June 15, 1975.

Section 4. All expense incident to the advertisement, preparation, issuance and delivery of the notes and the principal of and interest on such notes shall be paid by the State Treasurer. There is hereby appropriated such sums as may be necessary to pay such costs, including the principal of and interest on such revenue anticipation notes.

Section 5. Any amount of money derived as income from the Public School Funds shall be deposited by the Director, Division of Treasury, Department of Finance, 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 I 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 school as "Division II — Other Costs" shall be used for all school costs except salaries, debt service 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. The rules and regulations adopted by the State Board of Education concerning the transportation of pupils in non-public, non-profit elementary and secondary school in this State for the fiscal year beginning July 1, 1972 and ending June 30, 1973 shall remain in effect and be applicable without modification for the fiscal year beginning July 1, 1974 and ending June 30, 1975 notwithstanding any laws of the State to the contrary.

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, 1974, 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, 1974, and the number of units of pupils for which teachers are provided by Section 1 of this Act.

(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, 1974, 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.

(b) In the event that any school district shall have fewer certified units of pupils based on the actual enrollment for September 30, 1974, 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, 1974.

(c) Authorizations to the Vocational Technical High Schools for staffing summer school programs may be granted upon a certified program and application to and approval by the State Board for Vocational Education within the appropriations contained in Section I of this Act.

Section 9. The State Board of Education and the State Board for Vocational Education shall employ no persons except those whose salaries or wages are paid wholly or in part from the funds appropriated by this Act. Except for casual or part-time "Teacher", "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 "Assistant Superintendents", "Directors", "Supervisors", "Specialists", "Teachers", "Clerical" and "Custodial" shall be paid within the ranges of the salary schedules for these classifications as set forth in Chapter 13, Title 14, Delaware Code, provided that the State portion of such salaries in total shall not exceed the total funds appropriated by this Act, and provided that no employee shall be paid a base 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, 1974, 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 within the ranges of the salary schedules 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 Boards 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.

(f) In order that the children for whom the learning disability and socially or emotionally maladjusted units were devised shall be the sole beneficiaries of all funds available for such children, the State Board of Education shall require strict adherence to approved guidelines before release of any funds designated for such children. The State Board of Education shall particularly ascertain that no educable mentally retarded are being classified as learning disabled; and that strict guidelines are developed for determining eligibility of socially or emotionally maladjusted children so that this category does not become a catch-all for low-achieving, unmotivated or disruptive pupils without serious physiological or neurological disorder. All pupils classified learning disabled and socially or emotionally maladjusted must be reevaluated at least every two years.

(g) To the extent that DIVISION I funds which are allocated in accordance with statutory formula for Administrative Staff salaries only 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.

(h) The total amount of \$741,000 appropriated for substitute teachers shall be allocated to the several reorganized school districts in amounts not to exceed each school districts propor-

tion of Division I units to the total number of Division I units in the State as of September 30, 1974. Any funds not used for the purpose herein referred to by the school districts shall revert to the General Fund on June 30, 1975.

(i) General Fund appropriations to (95-01-002) Services to School Districts and Others for Non-public and Summer Driver Education, Public School Transportation, James H. Groves High School, and Pregnant Students shall not be subject to the limitations as defined for Division I and Division II in Sections 1706 and 1709, Chapter 17, Title 14, Delaware Code.

Section 11. 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 funds shall be expended for purposes such as gratuities, greeting cards, flowers and tickets to athletic events when unrelated to the Agency's function, and the Secretary, Department of Finance, shall, in executing his duty under Section 6518, Title 29, Delaware Code, refuse to approve such expenditures. Any Agency affected by this Section shall have the right of appeal to the Budget Commission.

Section 12. (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 I of this Act shall receive total compensation, whether in wages, salary, wages-in-kind or food allotment, bonus or overtime, from Agencies of this State in excess of the total amount specified in such line item, regardless of the source of the funds involved. 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 purpose of food, or be supplied with food, or be reimbursed for food that was consumed during normal working hours within the State; provided, however, that this section shall not apply to employees of State Agencies who regularly receive wages-in-kind in addition to their salaries 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 Other" part of a line 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 an employee with compensation for housing or housing allowance of any type.

(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 may be paid additional compensation therefor, provided such additional duties are not a part of his regular duties for the principal employer and not rendered during time paid for by the principal employer. In the specific instance of the institute of Human Behavior, State employees may join in the cooperative program with the Jefferson Medical College if the service is rendered at times other than when the employee is assigned to State duty, and under these instances the employee may be paid for services rendered.

Section 13. (a) For the purpose of this section the term "Department" means all State Departments and Agencies except public school districts.

(b) Where the number of employee positions have been set forth in the salary or wage line appropriation for a Department in Section I of this Act such number* shall be interpreted to mean equivalent full-time positions. Each Department having such a designation shall file with the Budget Director, Controller General, and State Personnel Director a listing of the employee positions as provided and the salary or wage for each position. The total of such salaries and wages for each Department shall not exceed the appropriation therefor and the number of employee

positions shall not be changed except as provided in subsection (c) of this section.

(c) In the event the number of employee positions for a Department 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 total number of employee positions as specified shall not be changed except upon approval by the Governor based upon certification by the State Personnel Director (classified positions) and the Budget Director (all positions) that the change is necessary for the Department in the accomplishment of its function and the necessary funds are available in the Department's salary and wage appropriation. The Budget Director and State Personnel Director shall advise the Controller General immediately when such changes are made.

(d) 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 the amounts set forth in Section 1.

(*) See footnote on Page 7.

Section 14. (a) During the fiscal year ending June 30, 1975, any "re-allocation" or "up-grading" of positions resulting in a wage or salary increase is prohibited, unless such re-allocation or up-grading received prior approval by the State Personnel Director, and has been identified and funded in Section 1 of this Act.

(b) During the fiscal year ending June 30, 1975, no "classified employee" as defined in Section 5903, Chapter 29, Title 29, Delaware Code, or those employees exempted in Section 5903 (4), (5), (12), and (16), shall receive an increase in salary or wage in excess of one incremental step, or 5%, whichever is the lesser amount of the salary or wage prevailing as of June 30, 1974, unless the employee is:

(1) Competitively promoted to fill an existing vacancy; maximum increase authorized; two incremental steps, or 10%, whichever is the lesser amount; or

(2) Appointed to fill a vacant, individual line item position; 10% maximum increase authorized, but in no event will the salary exceed the amount appropriation line item therein prescribed; or

(3) A veteran returning under the provisions of Section V, paragraph 5.0730, Rules for Merit System of Personnel Administration.

(c) During the fiscal year ending June 30, 1975, the provisions of Section V, paragraphs 5.07122 (5.06122 Rev.) and 5.0840 (5.0820 Rev.) of the Rules for Merit System of Personnel Administration shall be null and void.

(d) Nothing contained in paragraphs (a) and (b) of this Section shall be construed as prohibiting reorganization of any State Department or Agency, providing:

(1) Salary increases are subject to the provisions of (b), of this Section;

(2) No increase in the budgetary appropriations provided in Section 1 of this Act is required; and

(3) Any reorganization involving "re-classification" is approved by the State Personnel Director, Budget Director, Controller General, and the Governor, in the order listed.

Section 15. If the employee positions authorized and allocated to all departments, divisions, agencies, boards and commissions pursuant to Section 1 of this Act shall be unfilled for a period exceeding sixty (60) days from the effective date of this Act for any reason whatsoever, each department, division, agency, board and commission shall notify the Controller General, in writing, within thirty (30) calendar days thereafter as to why such authorized personnel positions are not being filled pursuant to this Act. Copy of such written notice listing vacancies in "classified" positions shall be sent to the State Personnel Director. Unless the vacancy in the "classified" position is recommended in writing to be continued by the State Personnel Director and approved by the Controller General, the position will be abolished immediately and the appropriated funds will promptly revert to the General Fund. Vacancies in non-classified positions will not be continued unless the agency substantiates the request

and such request is approved by the Controller General. If not approved, the position will be abolished and the appropriated funds will promptly revert to the General Fund.

Section 16. The sums appropriated to the Communications Section, Division of Administration and Intergovernmental Services, Department of Public Safety, in Section 1 of this Act are intended to cover the reimbursable expenses of services performed by the Communications Section pursuant to Chapter 16, Title 17, Delaware Code. Any funds received by the Communications Section pursuant to said Chapter 16 shall be considered as revenue to the State and deposited in the General Fund.

Section 17. The funds herein appropriated to the Department of Health and Social Services in the amount of \$175,000 or any part thereof, for the Head Start Program shall be spent only if there shall have been approved and made available the corresponding matching funds to be provided by the Federal Government. To the extent that such Federal matching funds are not forthcoming, the corresponding proportionate amount of State funds herein appropriated shall revert to the General Fund.

Section 18. The sum of \$6,000,000 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; and

(5) physician's services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home or elsewhere.

(c) The sum of \$1,648,940 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:

(1) The sum of up to \$1,588,940 shall be expended for the purpose of providing medical services to patients eligible under the Federal Title XIX Medicaid Program residing in various facilities of, or under the jurisdiction of, the Department of Health and Social Services.

(2) The sum of up to \$60,000 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.

(3) The funds hereby appropriated shall be expended only on condition that the program is approved and Federal matching funds are provided by the appropriate Federal Agency.

Section 19. (a) 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 \$500,000 appropriated to the Department of Health and Social Services for services rendered to eligible beneficiaries (indigent patients) including as a first priority the payment for legitimate transportation services under contract with State approved transportation facilities, 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.

(b) The State Auditor shall from time to time verify the expenditures and the cost basis of billings by said hospitals and report his findings to the Secretary, Department of Finance, the Budget Director, and the Controller General.

Section 20. No payments from the amount of \$50,000 appropriated for Emergency and Disaster Assistance under Public Welfare (35-07-002) shall be made for special emergency needs to any welfare-receiving household (all clients, regardless of category, living in a single residential unit and using the same kitchen facilities) exceeding a total of \$150 in the fiscal year ending June 30, 1975.

Section 21. Any Department or Agency, other than those covered by the classified service or by the provisions of Section 10 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. In order to ensure comparability, the department or agency shall obtain approval of the State Personnel Director before such rates are made effective.

Section 22. The funds appropriated to the State Personnel Commission in Section I of this Act shall be considered as having been appropriated to each Department having personnel covered by the Classification Plan, and as paid by such Departments to the State Office of Personnel in proportion to the number of classified positions in such Department on July 1, 1974. Any Department employing classified, temporary and/or seasonal personnel from funds other than the General Fund shall pay to the State Office of Personnel such pro rata share for each such employee from its Special Funds and such payments shall be used by the State Office of Personnel to supplement to this extent the General Fund appropriated provided in Section 1 of this Act.

Section 23. The Budget Director shall provide copies monthly of all transfers of funds and positions as appropriated and authorized in Section I of this Act between departments and within appropriate justification to the Controller General.

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 Division of Adult Corrections, the Division of Juvenile Corrections, and the Controlled Substances Program of the Department of Health and Social Services.

Section 25. The limitation of \$2,200 with respect to the cost of passenger motor vehicles (5-passenger sedans with standard equipment) purchased for State use, prescribed by Section 6902, Chapter 69, Title 29 of the Delaware Code, is hereby increased to \$3,200 for such new vehicles purchased during the fiscal year ending June 30, 1975.

Section 26. All State Agencies, Boards, Commissions, and Departments (hereinafter referred to as Agency) receiving funds herein, shall file an annual report by October 15 following the close of the fiscal year.

(a) The annual report shall inform the Governor, the General Assembly, and the public of the accomplishments of the fiscal year just ended. The report need not be long, but it should be of sufficient length to summarize the accomplishments of the year. Emphasis on new programs which justify the cost in relation to the services rendered should be included. Special, unusual, or particularly interesting problems should be reported.

(b) Statistical tables, charts, or graphs are encouraged when they can be used to show the current status of a function in relation to earlier years on the one hand and projection for growth on the other. Useful information would show the number of people served by a program, the number of employees, and the allocation of costs when practical. As a guide, comparative information should be for Fiscal Years 1974 and 1975, as well as projections for Fiscal Years 1976, 1977, and 1978. New programs should show growth figures and their dependence on Federal or Special Funds.

(c) A brief resume of the Agency's statutory responsibility should be included in an appendix.

(d) The Governor, Lieutenant Governor, Budget Director, Controller General and Auditor of Accounts shall receive copies of all reports. Each member of the General Assembly shall receive a copy of all reports except those of local School Districts. Reports of various local School Districts shall be furnished to members of the General Assembly who represent in whole or in part the area encompassed within such School District. Two extra copies of the reports of all local School Districts shall be furnished to the Controller General.

(e) The report shall be typewritten on standard-sized paper and reproduced by the most economical means. In final analysis, the report is to transmit information rather than be a promotional publication.

Section 27. (a) Appropriations set forth in Section I of this Act must remain with the Department to which appropriated and may not be transferred for use by another Department.

(b) Appropriations set forth in Section I of this Act must remain within the Departmental Divisions to which appropriated and may not be transferred for use by another Division within a Department.

(c) Transfer of any funds appropriated by this Act shall be subject to the authority and limitations set forth in Part VI, Title 29 of the Delaware Code; provided, however, that no funds may be transferred into "salaries" or "salaries and wages" from non-salary appropriations nor shall any funds be transferred into line-item salary appropriation for a specific position from any emergency or contingency fund, except as otherwise specifically provided by law and to maintain the salary schedules set forth for school employees in Chapter 13, Title 14, of the Delaware Code. No funds appropriated to salaries may be transferred to non-salary appropriation lines (e.g., Personal Services, Travel, Contractual Services, Supplies and Materials and Capital Outlay). Contingency and special items may be used in accordance with the Department's objectives substantiating their request.

(d) The provisions of paragraphs (a) and (b) of this Section are waived with respect to the allocation of Central Data Processing Services to Departments and/or Departmental Divisions. Requests for re-allocation within the total appropriated

amount made by the Director of the Division of Central Data Processing must be approved by the Budget Director and the Controller General.

Section 28. The Governor shall submit to all members of the General Assembly an itemized list of anticipated General Fund revenues by major categories for the current and the next immediate fiscal year. Such report shall be made not later than the 15th day of September, December, March, May, and June.

Section 29. 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, 1975, in excess of, or other than, the amounts set forth in this Act as have been or may be authorized in Supplementary Appropriation Acts enacted by the General Assembly.

Section 30. Nothing contained in any contract entered into pursuant to Delaware Code, Title 19, Chapter 13 or Title 14, Chapter 40, which contract is entered into or renegotiated after July 1, 1973, shall require the payment of any monies for any item, purpose or benefit for which a specific appropriation by the General Assembly has not been made for the fiscal year ending June 30, 1975, or any subsequent fiscal year, or any part thereof, during which such contract is effective.

Section 31. Any and all appropriations herein authorized and specifically designated and separately identified within each agency budget for Central Data Processing Services shall be credited by the Secretary of Finance to the Division of Central Data Processing, Department of Administrative Services, by line item as detailed in Section I. Any program or function undertaken by any State agency which requires the services of the Division of Central Data Processing and which is to be funded through any Special Funds other than the General Fund must include provisions for the anticipated costs thereof and payment therefor must be made to and for the use of the Division of Central Data Processing.

Section 32. The total appropriation in Section I of this Act to the Division of Central Data Processing (30-07-000) for fiscal year beginning July 1, 1974, contemplates data processing ser-

vices for State Department/Agencies as indicated, subject to the following requirements:

(a) No computer or computer-programming related systems study may be continued or initiated by any Department/Agency in fiscal year 1975 unless covered by a formal project approved by the Department/Agency head. Such project will be in the form prescribed by the Division of Central Data Processing but shall include in any case a statement of work to be done, existing work to be modified or displaced, total cost of systems development and conversion effort (including systems analysis and programming cost, establishment of master files, testing, documentation, special equipment cost and all other costs, including full overhead) savings or added operating costs that will result after conversion, other advantages or reasons that justify the work, source of funding for the work and whether or not work is within scope of work envisioned when the fiscal year 1975 budget was approved. No project is to be undertaken which is beyond the scope of work positively funded by the General Fund or a Special Fund. This paragraph applies to all computer or computer-related systems development performed by the Division of Central Data Processing, a Department/Agency itself or an outside contractor, and also applies to new computer programs or systems purchased or otherwise acquired and placed in use.

(b) All projects are to be signed by the Director, Division of Central Data Processing and the concerned Department/Agency head before work is begun, except such relatively minor feasibility work required to prepare the project. Copies of all projects are to be provided to the Controller General or made available for his examination as he directs.

Section 33. The provisions for salaries and wages in this Act are projected to cover the salaries and wages which shall become due and payable during the fiscal year ending June 30, 1975.

Section 34. All entitlement payments from Federal Revenue Sharing Funds (Fiscal Assistance to State and Local Governments, P. L. 92-512, 86 Stat. 919) received by the State during fiscal year 1975 shall be used in partial payment of the appropriations to the State Employees Retirement Fund.

Section 35. Pursuant to Title 29, Chapter 63, Section 6340, of the Delaware Code, Other Employment Costs (Fringe Benefits), including provision for F.I.C.A. — Employer's Share, Pensions and Health Insurance, are reflected herein within each departmental or agency budget for the fiscal year ending June 30, 1975. These Other Employment Costs shall be accounted for and disbursed through accounts within the Department of Finance. Any department or agency employing personnel who are paid from Federal Funds, from Capital Improvement Debt Appropriations or from other Special Funds, other than School Local Funds, shall transfer or pay to the Treasurer of the State of Delaware from such funds appropriate sums for each of the State fringe benefit plans applicable to salaries and wages paid to employees from such Special Funds.

Section 36. In the event the sum appropriated in Section I of this Act is insufficient for benefits to be paid for F.I.C.A. — Employer's Share, such additional sum as may be required for this purpose is hereby appropriated and shall be paid from the General Fund.

Section 37. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 38. The funds appropriated to the Department of Highways and Transportation, entitled DART-Contingency — \$50,000, are provided for the purpose of encouraging the participation of Kent and Sussex Counties in a statewide mass transportation program. Each county will have to match State funds by 100%, up to a maximum of \$25,000, before these funds can be expended. Rules and procedures to implement this section will be established by the Secretary of Highways and Transportation.

Section 39. The amount appropriated to the Department of Finance entitled Contingency — Prior Years Obligations — \$5,000, shall be used to pay debts of minor amounts. Rules and procedures to implement this section will be established by the Secretary of Finance.

Section 40. Subsection (a) of Section 6512 shall be stricken in its entirety as it appears in Chapter 65, Title 29, Delaware

Code, and a new subsection (a) shall be substituted in lieu thereof, reading as follows:

"(a) It shall be unlawful for any agency to create any indebtedness or incur any obligation for personal services, work or labor, or for property, materials or supplies, except by written or printed order or requisition according to the form prescribed by the Budget Director, unless specifically exempted by the accounting manual, and bearing the signed approval,

(1) in the case of an agency which is headed by a single official or employee, by that official or employee, or by 2 other responsible employees designated for this purpose by the head official or employee and approved by the Budget Director, or

(2) in the case of an agency headed by a board or commission, by the President, Chairman or head officer thereof and of the Secretary thereof."

Section 41. For the fiscal year ending June 30, 1975, Division of Social Services of the Department of Health and Social Services shall transfer \$25,000 from the line item entitled, "Title XIX Federal Programs — Other than State Institutions," to the Division of Public Health. The funds so transferred shall be used in the Migrant Health Program to cover costs of services to the medically indigent on a per diem basis at hospitals in the State participating in this program.

Approved June 25, 1974.

CHAPTER 382

FORMERLY HOUSE BILL NO. 1059

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, 1975, AND TO AMEND CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 750 AND ALSO KNOWN AS THE 1975 BUDGET APPROPRIATION BILL.

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

Section 1. House Bill No. 750, entitled "An Act Making Appropriations for The Expense of The State Government for The Fiscal Year Ending June 30, 1975, and also known as the 1975 Budget Appropriation Bill, is amended by striking certain figures in their entirety as they appear and substituting certain figures in lieu thereof; by adding new lines and figures in said House Bill No. 750 as hereinafter prescribed:

<u>Item/Description</u>	<u>From</u>		<u>To</u>	<u>Amount of Inc. or (Dec.)</u>
(10-04-000) Office of Personnel				
State Employees' Pay Increase	- 0 -		6,366,913	6,366,913
F.I.C.A. — Employer's Share	- 0 -		324,513	324,513
Pensions	- 0 -		808,574	808,574
(25-07-014) Revenue Refunds				
Refunds	17,574,500		20,074,500	2,500,000
(35-05-004) Delaware Home and Hospital				
Salaries & Wages of Emp.	(613)		4,256,846	338,268
F.I.C.A. — Employer's Share	190,055		209,844	19,789
Pensions	505,661		547,268	41,607
(35-07-002) Public Welfare				
Aid to Families with Dependent Children	3,817,468		7,217,468	3,400,000
(45-06-000) Division of State Police				
Salary of Superintendent	23,000		24,500	1,500
Salary of Ass't Superintendent	20,500		22,000	1,500
Salaries of Uniformed Div.	(429)		5,313,482	657,000

Approved June 25, 1974.

CHAPTER 383

FORMERLY SENATE BILL NO. 257
AS AMENDED BY

HOUSE AMENDMENTS NOS. 2, 3, 5, 7, 8 & 9

**AN ACT TO ESTABLISH A DELAWARE DEEPWATER OIL
TERMINAL COMMITTEE, AND PROVIDING AN AP-
PROPRIATION THEREFOR.**

WHEREAS, the environmental quality of the marine and coastal resources of the State of Delaware are invaluable; and

WHEREAS, the marine and coastal resources of the State must be maintained, enhanced and preserved for future generations; and

WHEREAS, the marine and coastal resources of the State are a vital basis for the well-being of the nation's fisheries resources; and

WHEREAS, the industrialized society of the State and also the Delaware Valley requires petroleum for its industrial activity, commerce, power, transportation, agriculture, defense, health, education and recreation; and

WHEREAS, Delaware Bay is one of the major areas of ingress into the nation for such products; and

WHEREAS, Delaware was blessed by a natural event which provided a deep marine channel from the ever dangerous Atlantic Ocean, where the waves sometimes exceed fifty feet, into the shelter of our protective Bay, where the waves seldom exceed six feet; and

WHEREAS, engineering and technology have made possible the construction of very large tanker ships which provide significant economies in the transport of petroleum from far away lands to our shores; and

WHEREAS, these very large tanker ships can enter our protective Bay via this natural channel and discharge their cargoes

of energy, vital to our economy, defense, health, transportation, power, agriculture and recreation; and

WHEREAS, new and innovative methods have been and are being developed to more safety control and regulate the transfer of petroleum from these very large tanker ships to the shore.

NOW, THEREFORE:

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

Section 1. A Delaware Deepwater Terminal Committee, consisting of fifteen members, shall be established to make a complete investigation and study of the advisability, feasibility, and of all safety aspects pertaining to the construction, in the Delaware Bay, of a State-owned, operated, leased or franchised, regulated, controlled, and enclosed Deepwater Oil Terminal.

The study shall include:

(a) Legal complications with Federal, State, and County laws, ordinances, compacts, rules, regulations, and jurisdiction of regulatory agencies;

(b) Economic impact for Delaware, the Delaware Valley, and Mid-Atlantic States, and the possibility of revenue bond issues to pay for construction of an enclosed Deepwater Oil Terminal with attendant equipment, including dredging, tugboats, pipelines, storage facilities, pumping stations, and land right-of-way;

(c) Environmental impact for marine and coastal areas of Delaware Bay, including tidal streams, marshes, wetlands, fishing grounds, spawning areas, shellfish beds, feeding areas, silting, current cleansing of deep channel, effect of pipelines, natural recovery from man's intrusion into the bottom of the Bay and onto the shore land. The foregoing shall include the Lewes and Rehoboth Canal and Rehoboth Bay to determine what precautions and/or safety measures should be exercised;

(d) Possibilities of a contract with the Delaware Valley refineries, including the probable demands in volume, cost estimates, savings, guarantee of usage, guarantee of supply, and

guarantee that users will conform to Delaware's regulations, controls, safety practices and inspections in both the controlled channel to the enclosed port and while in the enclosed port. Probabilities that refineries will contract for the pipelines through Delaware into neighboring states, and probable contracts with the Penn Central Railroad for rights-of-way, which pipelines would be built and regulated by Delaware safety code for pipelines.

Safety considerations shall command the Committee's attention with particular regard to a controlled channel from the Atlantic Ocean into the enclosed port.

(e) The advisability of having:

1. the channel clearly marked with lights and/or electronic fail-safe devices;
2. navigational guide signals such as are used in airport approach controls;
3. pilots from the Delaware River Pilots Association;
4. use of tugboats for assistance in turning and control.

Section 2. The Committee shall consider pipeline construction from the enclosed port to the short and inland to some point near the Penn Central Railroad, where storage facilities may be constructed and owned by either the State or the refineries. The storage facilities shall be designed and constructed to blend with the landscape and not be unduly esthetically displeasing to neighbors.

Section 3. The Committee shall solicit expert advice as to the proper and safe design of a port. The advice shall extend only to preliminary design, and not engineering design or construction. It is the intent of this legislation that the Committee shall be a fact-finding committee only, and it shall not formulate nor recommend legislation.

Section 4. The Committee shall make every effort to provide the General Assembly and the Governor with a report by April 1, 1975, and offer their recommendations.

Section 5. The Deepwater Terminal Committee shall consist of four members of the General Assembly, two members from each House and two members from each political party; two persons with known expertise and reputation as environmentalists; three members from the College of Marine Studies of the University of Delaware; and two citizens from each county. The Governor, in consultation with the leadership of both Houses of the General Assembly, shall appoint all members of the Deepwater Terminal Committee except the three members from the College of Marine Studies, and shall designate a member of the Committee as its Chairman. The College of Marine Studies shall appoint the three members representing that College on the Committee. No more than nine members of the Committee shall be from one political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Committee.

Section 6. The full resources of all State agencies shall be available to the Deepwater Terminal Committee, such as the Department of Natural Resources and Environmental Control, the University of Delaware, and especially its College of Marine Studies, and the Delaware Bay and Bridge Authority, and every agency which receives any State, Federal or local funds.

Section 7. The Committee shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers and documents necessary for the Committee to accomplish the purpose set forth herein. Subpoenas may be signed and oaths administered by any member of the Committee. Subpoenas so issued may be served by Committee employees or by a constable attached to a Court in the county where the person to be served resides.

Section 8. The nine member Deepwater Oil Terminal Committee herein established shall underwrite the cost of such study from whatever source or sources they can ascertain such funds; provided, however, that the necessary funds to perform the study herein authorized shall not come from any public funds of this State.

Approved June 25, 1974.

CHAPTER 384

FORMERLY SENATE BILL NO. 450

**AN ACT AMENDING TITLE 12 OF THE DELAWARE CODE
BY REPEALING AND REVISING CERTAIN LAWS RE-
LATING TO THE PROBATE OF WILLS AND ADMIN-
ISTRATION OF DECENDENTS' ESTATES, THE JURIS-
DICTION AND FUNCTIONS OF THE REGISTER OF
WILLS, AND THE JURISDICTION OF THE COURT OF
CHANCERY.**

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

Section 1. Amend Chapters 1, 5, 9, 13, 15, 17, 19, 21, 23, 25
and 27, Title 12 of the Delaware Code by striking said chapters in
their entirety and inserting in lieu thereof the following new
chapters:

"CHAPTER 1**Definitions****§101. Definitions**

For the purpose of wills, intestate succession and for all
other purposes under this title, the following definitions shall
apply:

"Child" includes any individual entitled to take as a child
under this Title by intestate succession from the parent whose
relationship is involved and excludes any person who is only a
stepchild, a foster child, a grandchild or any more remote des-
cendant.

"Issue" of a person means all his lineal descendants of all
generations, with the relationship of parent and child at each
generation being determined by the definitions of child and
parent contained in this Title.

"Parent" includes any person entitled to take, or who would
be entitled to take if the child died without a will, as a parent

under this Title by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent, or grandparent.

The definitions of "Child", "Issue" or "Parent" contained in this section shall not limit the right of a testator to provide by will for a definition different from those contained in this section.

"Personal Representative" includes executor, administrator, successor administrator and administrator with will annexed, and persons who perform substantially the same function under the law governing their status.

"Heir" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent and shall include kin and kindred.

PART I

WILLS

CHAPTER 2 GENERAL PROVISIONS

§201. Who may make a Will

Any person of the age of 18 years, or upwards, of sound and disposing mind and memory, may make a will of real and personal estate. No person under the age of 18 years shall be capable of making a will either of real or personal estate.

§202. Requisites and execution of Will

(a) Every will, whether of personal or real estate must be:

(1) In writing and signed by the testator or by some person subscribing the testator's name in his presence and by his express direction; and

(2) Subject to the provisions of section 1306, attested and subscribed in testator's presence by two or more credible witnesses.

(b) Any will not complying with the provisions of subsection (a) of this section shall be void.

§203. Witnesses; persons competent

(a) Any person generally competent to be a witness may act as a witness to a will.

(b) A will or any provision thereof is not invalid because the will is signed by an interested person.

§204. Devise of real estate

Lands, tenements and hereditaments are devisable by last will and testament.

§205. Devise of real estate without limitation

A devise of real estate, without words of limitation, shall be construed to pass the fee simple, or other whole estate, or interest, which the testator could lawfully devise in such real estate, unless a contrary intention appears by the will.

§206. After-acquired real estate

Any estate, right or interest, in lands acquired by a testator after the making of his will, shall pass thereby in manner as if possessed at the making of the will, unless a contrary intention appears by the will.

§207. Power of sale to executor or trustee; liability of purchaser

Where by the terms of a will a power of sale is granted to an executor or trustee such executor or trustee may sell both real and personal property of the estate not specifically devised or bequeathed and it shall not be necessary for the beneficiary of the property to join in the instrument transferring or conveying such property. In a sale made pursuant to this section there shall be no liability upon the purchaser to see to the application of the purchase money, unless the will shall expressly impose such liability.

§208. Revocation of Wills

A last will and testament, or any clause thereof, shall not be altered, or revoked, except by cancelling by the testator, or

by some person in his presence and by his express direction, or by a valid last will and testament, or by a writing signed by the testator, or by some person subscribing the testator's name in his presence and by his express direction, and attested and subscribed in his presence by two or more credible witnesses; but, this clause shall not preclude nor extend to an implied revocation.

§209. Revocation by divorce; no revocation by other changes or circumstances

If after executing a will, the testator is divorced or his marriage annulled, the divorce or annulment revokes any disposition or appointment of property made by the will to the former spouse, any provision conferring a general or special power of appointment on the former spouse, and any nomination of the former spouse, as executor, trustee, guardian or other fiduciary, unless the will expressly provides otherwise. Property prevented from passing to a former spouse because of revocation by divorce or annulment passes as if the former spouse failed to survive the decedent, and other provisions conferring some power or office on the former spouse are interpreted as if the spouse failed to survive the decedent. If provisions are revoked solely by this section, they are revived by testator's remarriage to the former spouse. A decree of separation which does not terminate the status of husband and wife is not a divorce for purposes of this section. No change or circumstances other than as described in this section revokes a will or any part thereof.

§210. Alteration, theft or destruction of will; Class E Felony

Whoever wilfully adds to, alters, defaces, erases, obliterates, mutilates, blots, blurs, hides, conceals, destroys, misplaces with intent to conceal or commits an act of theft of any instrument of writing purporting to be or in the nature of a last will and testament and intended to take effect upon the death of the testator, whether the person shall have been given custody or possession thereof by the testator, or shall have obtained custody or possession of the purported last will and testament in any other manner whatsoever, shall be guilty of a class E felony.

§211. Bequests or devises by will to trusts which are subject to amendment, modification or revocation

Whenever a testator bequeaths or devises property to the trustee of an inter-vivos trust which is evidenced by a written instrument in existence prior to the making of the will and identified in the will, and which may be subject to amendment, modification or revocation, the property so bequeathed or devised, unless the will provides otherwise, shall be governed by the provisions, effective at the testator's death, of the instrument creating such trust as the same may have been amended, even though any such amendment may have been made subsequent to the making of the will.

§212. Separate writing identifying bequest of tangible property

A will may refer to a written statement or list to dispose of items of tangible personal property not otherwise specifically disposed of by the will, other than money, evidences of indebtedness, documents of title, and securities, and property used in trade or business. To be admissible under this section as evidence of the intended disposition, the writing must either be in the handwriting of the testator or be signed by him and must identify the items and the legatees with reasonable certainty. The writing may be referred to as one to be in existence at the time of the testator's death; it may be prepared before or after the execution of the will; it may be altered by the testator after its preparation; and it may be a writing which has no significance apart from its effect upon the dispositions made by the will.

PART II

**DESCENT AND DISTRIBUTION:
ESCHEAT**

CHAPTER 5. Intestate Succession

§501. Intestate Estate

Any part of the real or personal estate of a decedent not effectively disposed of by will passes to the decedent's heirs as prescribed in the following sections of this Chapter.

§502. Share of Spouse

The intestate share of the surviving spouse is:

(a) If there is no surviving issue or parents of the decedent, the entire intestate estate;

(b) If there is no surviving issue but the decedent is survived by a parent or parents, the first \$50,000.00 of the intestate personal estate, plus one-half of the balance of the intestate personal estate, plus a life estate in the intestate real estate;

(c) If there are surviving issue all of whom are issue of the surviving spouse also, the first \$50,000.00, plus one-half of the balance of the intestate personal estate, plus a life estate in the intestate real estate;

(d) If there are surviving issue, one or more of whom are not issue of the surviving spouse, one-half of the intestate personal estate, plus a life estate in the intestate real estate.

§503. Share of Heirs other than Surviving Spouse

The part of the intestate estate not passing to the surviving spouse under Section 502, or the entire intestate estate if there is no surviving spouse, passes as follows;

(a) To the issue of the decedent per stirpes;

(b) If there is no surviving issue, to the decedent's parent or parents equally;

(c) If there is no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother or sister, per stirpes;

(d) If there is no surviving issue, parent or issue of a parent, then to the next of kin of the decedent, and to the issue of a deceased next of kin, per stirpes;

(e) Any property passing under this section to two or more persons passes to such persons as tenants in common.

§504. Requirement that Heir Survive Decedent for 120 Hours

Any person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of in-

testate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the State under this title.

§505. Posthumous Children

Posthumous children, born alive, shall be considered as though living at the death of their parent.

§506. Kindred of Half Blood

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

§507. Alienage

No person is disqualified to take as an heir because he or a person through whom he claims is or has been an alien.

§508. Meaning of Child and Related Terms

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person,

(a) An adopted person is the child of an adopting parent and not of the natural parent except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent.

(b) In cases not covered by (a), a person born out of wedlock is a child of the mother. That person is also a child of the father, if:

(1) the natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or

(2) the paternity is established by an adjudication before the death of the father or is established thereafter by preponderance of the evidence, except that the paternity established under this subparagraph (2) is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.

§509. Advancements

If a person dies intestate as to all his estate, property which he gave in his lifetime to an heir is treated as an advancement against the latter's share of the estate only if declared in a contemporaneous writing by the decedent or acknowledged in writing by the heir to be an advancement. For this purpose, the property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of death of the decedent, whichever first occurs. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the intestate share to be received by the recipient's issue, unless the declaration or acknowledgement provides otherwise.

§510. Debts owed to Decedent

A debt owed to the decedent is charged against the intestate share of the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's issue.

§511. Dower and curtesy abolished

The estates of dower and curtesy are abolished.

§512. Renunciation of Interstate Estate

(a) Any person or his personal representative entitled to the distribution of personal property as to which a decedent died intestate or the descent of real property as to which a decedent died intestate may renounce all right, title and interest or any part thereof in said intestate property which shall then descend or be distributed, pursuant to the provisions of this chapter, as if the person so renouncing had failed to survive the decedent.

(b) A renunciation described in subparagraph (a) of this section shall be valid only if (1) the same be irrevocable and unconditional and (2) it is filed with the Register of Wills and Estates for the county in which the decedent was domiciled within one hundred and twenty days subsequent to the death of the decedent or such greater period as may be allowed by the Court of Chancery.

CHAPTER 9

ELECTIVE SHARE

§901. Right to Elective Share

(a) If a married person domiciled in this state dies, the surviving spouse has a right of election to take an elective share of \$20,000 or one-third of the elective estate, whichever is less, less the amount of all transfers to the surviving spouse by the decedent, under the limitations and conditions hereinafter stated.

(b) If a married person not domiciled in this state dies, the right, if any, of the surviving spouse to take an elective share in property in this state is governed by the law of the decedent's domicile at death.

§902. Elective Estate

The elective estate means the amount of the decedent's adjusted gross estate for federal estate tax purposes, whether or not a federal estate tax return is filed for the decedent, from which is subtracted the sum of all transfers made by the decedent during his lifetime which are included for purposes of determining his federal adjusted gross estate and which were made with the written consent or joinder of the surviving spouse.

§903. Transfers to the Surviving Spouse by the Decedent

The value of the property transferred to the surviving spouse by the decedent for purposes of subsection (a) of section 901 is an amount which equals the value of the property derived from the decedent by virtue of his death. For purposes of this section:

(a) Property derived from the decedent by virtue of his death shall be: property which is part of the decedent's estate

which passes to the surviving spouse by testate or intestate succession and which has not been renounced, any property jointly owned with the decedent to the extent the surviving spouse did not contribute to the value of the property, any beneficial interest of the surviving spouse in a trust created by the decedent during his lifetime, any property appointed to the spouse by the decedent's exercise of a general or special power of appointment, any proceeds of insurance (including accidental death benefits) on the life of the decedent attributable to premiums paid by him, any lump sum immediately payable and the commuted value of the proceeds of annuity contracts under which the decedent was the primary annuitant attributable to premiums paid by him, the commuted value of amounts payable after the decedent's death under any public or private pension, disability compensation, death benefit or retirement plan, exclusive of the Federal Social Security system, by reason of service performed or disabilities incurred by the decedent, and the value of the share of the surviving spouse resulting from rights in community property in this or any other state formerly owned with the decedent. Premiums paid by the decedent's employer, his partner, a partnership of which he was a member, or his creditors, are deemed to have been paid by the decedent.

(b) Property owned by the spouse at the decedent's death is valued as of the date of death. Income earned by included property prior to the decedent's death is not treated as property derived from the decedent.

§904. Right of Election Personal to Surviving Spouse

The right of election of the surviving spouse may be exercised only during his lifetime by him. In the case of a protected person, the right of election may be exercised only by order of the court in which protective proceedings as to his property are pending, after finding that exercise is necessary to provide adequate support for the protected person during his probable life expectancy. For purposes of this section a "protected person" is a minor or other person for whom a guardian or trustee has been appointed or other protective order has been made.

§905. Waiver of Right to Elect and of Other Rights

The right of election of a surviving spouse may be waived, wholly or partially, before or after marriage, by a written con-

tract, agreement or waiver signed by the party waiving after fair disclosure. Unless it provides to the contrary, a waiver of "all rights" (or equivalent language) in the property or estate of a present or prospective spouse or a complete property settlement entered into after or in anticipation of separation or divorce is a waiver of all rights to the elective share by each spouse in the property of the other and a renunciation by each of all benefits which would otherwise pass to him from the other by intestate succession or by virtue of the provisions of any will executed before the waiver or property settlement.

§906. Proceeding for Elective Share; Time Limit

(a) The surviving spouse may elect to take his elective share in the elective estate by filing in the Court of Chancery and mailing or delivering to the personal representative a petition for the elective share within 6 months after the grant of Letters Testamentary or of Administration. The Court upon petition may extend the time for election as it sees fit for cause shown by the surviving spouse before the time for election has expire

(b) The surviving spouse shall give at least 10 days notice by certified mail of the time and place set for hearing to persons interested in the estate and to the distributees and recipients of portions of the elective estate whose interests will be adversely affected by the taking of the elective share.

(c) The surviving spouse may withdraw his demand for an elective share at any time before entry of a final determination by the Court of Chancery.

(d) After notice and hearing, the Court of Chancery shall determine the amount of the elective share and shall order its payment from the assets of the elective estate or by contribution as appears appropriate under §908. Except as provided in §908 (b), if it appears that a fund or property included in the elective estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the Court nevertheless shall fix the liability of any person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in

any greater amount than he would have been if relief had been secured against all persons subject to contribution.

(e) The order or judgment of the Court of Chancery may be enforced as necessary in suit for contribution or payment in other courts of this State or other jurisdictions.

§907. Effect of Election on Benefits by Will of Statute

(a) The surviving spouse's election of his elective share does not affect the share of the surviving spouse under the provisions of the decedent's will or intestate succession unless the surviving spouse also expressly renounces in the petition for an elective share the benefit of all or any of the provisions. If any provision is so renounced, the property or other benefit which would otherwise have passed to the surviving spouse thereunder is treated, subject to contribution under subsection (a) of §908, as if the surviving spouse had predeceased the testator.

(b) A surviving spouse is entitled to the surviving spouse's allowance whether or not he elects to take an elective share and whether or not he renounces the benefits conferred upon him by the will.

§908. Liability of Others for Elective Share

(a) The property of the decedent's contributing estate, other than the property which passes to the surviving spouse by testate or intestate succession and which has not been renounced, is so applied that liability for the elective share of the surviving spouse is apportioned among the recipients of the decedent's contributing estate in proportion to the value of their interests therein.

(b) For purposes of this section, the decedent's contributing estate constitutes only that portion of the elective estate of which the decedent was the sole legal owner at his death, and does not include any property of which he was a joint owner, any insurance proceeds which are payable other than to his estate, or any property held in trust.

(c) A person who would otherwise have received a portion of the elective estate but for the elective share of the surviving spouse may choose to give up the property he would have other-

wise received or to pay its value as of the time it is valued in computing the elective estate.

PART III ADMINISTRATION OF DECEDENTS' ESTATES

CHAPTER 13

§1301. Production of Will; Liability

(a) Any person, having the custody or possession of any instrument of writing purporting to be a Last Will and Testament and intended to take effect upon the death of the Testator therein named, shall produce and deliver the same to the Register of Wills and Estates for the County in which he resides, within ten days from the time he receives information of the death of the Testator.

(b) Any person who wilfully fails to deliver a will is liable to any person aggrieved for the damages which may be sustained by the failure. Also, any person who wilfully fails to deliver a Will after being ordered by the Court of Chancery in a proceeding brought for the purpose of compelling delivery is subject to penalty for civil contempt of Court.

§1302. Proving Will

(a) A will shall be proved before the Register of Wills and Estates of the County in which the testator was domiciled at the time of his death. If he was not domiciled in this State, it may be proved before the Register of any County in this State wherein are any goods or chattels, rights or credits, or lands or tenements of the deceased.

(b) To be effective to prove a transfer of any property or to nominate an Executor, a will must be declared to be valid by admission to Probate.

§1303. Notice and Subpoena to Persons Interested

Proof of a will may be taken without notice to persons interested, unless such a person requests it by petition filed with the Court of Chancery. Upon receiving such petition, the Court shall, and in any case it may, appoint a time for taking the proof, and issue subpoena, requiring any person to be present at the

taking of such proof. In respect to persons not within the State it may order such service or publication of notice as it deems proper.

§1304. Unavailability of Witnesses

(a) In case any attesting and subscribing witness to a will, at the time the will is presented for probate, is dead, is serving in the Armed Forces of the United States or is a merchant seaman, or is mentally or physically incapable of testifying or is not within the State, or is otherwise unavailable, proof of the signature of such witness shall be sufficient. Such proof shall be the testimony in person or by deposition of a credible disinterested person that the signature of the witness on the will is in the handwriting of the person whose signature it purports to be, or other sufficient proof of such handwriting.

(b) If a will cannot be proven because the signature of one or more of the attesting and subscribing witnesses to it cannot be proven, then proof of the signature of the testator shall be sufficient. In the case where the signature of one witness can be proven, the proof of the signature of the testator shall be the testimony in person or by deposition of a credible disinterested person that the signature of the testator on the will is in the handwriting of the person whose will it purports to be, or other sufficient proof of such handwriting. In the case where none of the signatures of the witnesses can be proven, the proof of the signature of the testator shall be the testimony in person or by disposition of two credible disinterested persons that the signature of the testator on the will is in the handwriting of the person whose will it purports to be, or other sufficient proof of such handwriting.

(c) The foregoing provisions of this section shall not preclude the Register of Wills and Estates from requiring, in addition, the testimony in person or by deposition of any subscribing witness, or proof of such other pertinent facts and circumstances as the Register deems necessary to admit the will to probate.

§1305. Self-Proved Will

An attested will may at the time of its execution or at any subsequent date be made self-proved, by the acknowledgement

thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this State, and evidenced by the officers' certificate, under official seal, attached or annexed to the Will in form and content substantially as follows:

STATE OF)
) SS
 COUNTY OF)

Before me, the subscriber, on this day personally appeared

..... and
 known to me to be the testator and the witnesses, respectively,
 whose names are signed to the attached or foregoing instrument
 and, all of these persons being by me first duly sworn

..... the testator, declared to me and to the witnesses
 in my presence that the instrument is his last will and that he
 had willingly signed or directed another to sign for him, and
 that he executed it as his free and voluntary act for the purposes
 therein expressed; and each of the witnesses stated to me, in
 the presence and hearing of the testator, that he signed the will
 as witness and that to the best of his knowledge the testator was
 eighteen years of age or over, of sound mind and under no con-
 straint or undue influence.

.....
 Testator

.....
 Witness

.....
 Witness

Subscribed, sworn and acknowledged before me by
 the testator, subscribed and sworn before me by
 and, witnesses, this day of
, A.D.,

(SEAL)

(SIGNED)
 (OFFICIAL CAPACITY OF OFFICER)

§1306. Choice of Law as to Execution of Wills

A written will signed by the testator, or by some person subscribing the testator's name in his presence and at his express direction, is valid if executed in compliance with Section 202 or if its execution complies with the law at the time of execution of the place where the will is executed, or of law of the place where at the time of execution or at the time of death the testator is domiciled, has a place of abode or is a national.

§1307. Will of Non-Domiciliary; Recording and Evidencing

(a) Any last will and testament in writing of a person not domiciled in this State at the time of his death, signed by the testator, and duly admitted to probate or admitted to record in the place of the testator's domicile, may be duly admitted to probate and recorded in this State by filing a copy of the will and a copy of the record admitting the same to probate, or if probate is not required, or cannot be had, under the law of the state of the testator's domicile, then by a copy of the record, of the mere filing of the will in conformity to the laws of such domicile, as hereinafter provided, and such will shall then have the same force and effect as if originally proved and allowed in this State.

(b) A copy, to be duly verified, must be certified by the proper officer under his hand and seal of office, if there be a seal of office, and there must also be a certificate, either under the great seal of such state, territory, or country or under the hand of the presiding judge of a court of record of the state, territory, or county, that such copy is certified in due form and by the proper officer; and in case of a certificate under the hand of the presiding judge, there must be an attestation of the officer keeping the seal of his court, under the hand of the office and the seal, that the certificate is under the hand of the presiding judge entitled to full faith and credit. If the will shall have been proved in a foreign country, the certificate under the hand of a presiding judge, as hereinbefore required, may be attested by the resident United States Consul-General, or his deputy, under the seal of the United States Consulate-General.

(c) A copy, verified as herein prescribed, may be recorded in the office of the Register of Wills and Estates of the county wherein are any lands, tenements or hereditaments of the testa-

tor, and in that case it shall be retained in the office, and the record, or an office copy thereof, shall be sufficient evidence. When a copy, so verified, is given in evidence, the Court of Chancery, on the application of the adverse party, may order it to be deposited and retained in the office of the Register of the county, and in that case an office copy thereof shall be sufficient evidence.

§1308. Caveat Against Allowance of Instrument as a Will; Procedure

(a) A caveat against the allowance of an instrument as a will shall be received by the Court of Chancery at any time before its proof; but unless the caveator or caveators shall, within ten days after the filing of such caveat, give bond to the State, jointly, and severally if more than one caveator, with such sureties and in such sum as the Court determines, conditioned for the payment of any and all costs occasioned by such caveat which may be decreed against such caveator or caveators, such caveat shall be considered as abandoned and shall be dismissed and proceedings may be had in all respects as though no such caveat had been filed. The bond having been given, the Court shall appoint a time for hearing and award citations for the parties interested, and order service or publication of notice to the parties not within the State in accordance with Section 1303 of this title. If, when a caveat is received, a time be appointed and process issued, it shall not be necessary to adjourn the taking of the proof and hearing; but an adjournment may be decreed, and other process awarded, or order made.

(b) The Court of Chancery may determine the costs occasioned by such caveat and decree the payment thereof.

§1309. Review of proof of Will; procedure

(a) Any person interested who shall not voluntarily appear at the time of taking the proof of a will, or be served with citation or notice as provided in section 1303 of this title, shall, at any time within six months after such proof or after delivery to the Register of Wills and Estates of self proved will, have a right of review which shall on his petition be ordered by the Court of Chancery; but unless the petitioner or petitioners shall, within ten days after such review shall have been ordered by

the Court, give bond to the State, jointly, and severally if more than one petitioner, with such sureties and in such sum as the Court determines, condition for the payment of any and all costs occasioned by such review which may be decreed against such petitioner or petitioners, such petition shall be considered as abandoned and shall be dismissed and proceedings may be had in all respects as though no such review had been ordered. Upon such review there shall be the same proceedings as upon a caveat, and the allowance of the will and granting of letters may be affirmed or the will rejected and the letters revoked.

(b) The Court of Chancery may determine the costs occasioned by such review and decree the payment thereof.

§1310. Formal testacy proceedings; contested cases; testimony of attesting witnesses

If the will is self-proved, compliance with signature requirements for execution is conclusively presumed and other requirements of execution are presumed subject to rebuttal without the testimony of any witness upon filing the will and the acknowledgment and affidavits annexed or attached thereto, and, unless there is proof of fraud or forgery affecting the acknowledgment or affidavit the will shall be admitted to probate subject to all other provisions of this Title.

CHAPTER 15

**LETTERS TESTAMENTARY
AND LETTERS OF ADMINISTRATION**

§1501. Necessity for letters testamentary or of administration

No one shall act as the executor or administrator of a domiciliary decedent's estate within this State without letters testamentary or of administration being granted to him or her in accordance with the provisions of this title.

§1502. Grant of letters testamentary

If a will of a domiciliary decedent is admitted to probate in accordance with the provisions of this Title, letters testamentary shall be granted by the Register of Wills and Estates of the

county in which the decedent was domiciled to the executor or executors thereof, upon their giving bond in accordance with the provisions of this title. If several are named as executors, and any are deceased, or fail to give the necessary bond, or renounce, or are incapacitated, letters testamentary shall be granted to the others so named. If all of them, or a sole executor, is deceased, or fails to give the necessary bond, or renounces, or is incapacitated, administration, with the will annexed, shall be granted in accordance with the provisions of this title.

§1503. Grant of letters to one under an incapacity who is named executor

If a person named executor shall be under an incapacity, either by reason of minority, physical disability or mental disability, letters testamentary shall be granted to him or her upon the removal of the incapacity and upon his or her giving bond in accordance with the provisions of this title. In the meantime, letters testamentary shall be granted to the co-executor or co-executors of the person under a disability, if there is one or more named who qualify in accordance with the provisions of this title, but if there is none, or if the co-executor or co-executors all fail to qualify, letters of administration, with the will annexed, shall be granted in accordance with the provision of this title.

§1504. Grant of letters of administration

(a) Letters of administration, with the will annexed, of the estate of a domiciliary decedent for whom a will has been admitted to probate in accordance with the provisions of this title, and letters of administration of the estate of a domiciliary decedent for whom no will shall have been admitted to probate in accordance with the provisions of this title, shall be granted by the Register of Wills and Estates of the county in which the decedent was domiciled.

(b) Letters of ancillary administration, with the will annexed, of a non-domiciliary decedent for whom a will has been admitted to probate in accordance with the provisions of this title, and letters of ancillary administration of the estate of a non-domiciliary decedent for whom no will has been admitted to

probate in accordance with the provisions of this title, shall be granted by the Register of Wills and Estates for any county. The administration which shall first be lawfully granted in either case shall extend to all the estate of the decedent within Delaware, and shall exclude the jurisdiction of the Register for any other county.

§1505. Persons entitled to letters of administration

(a) Letters of administration, with the will annexed; letters of administration; letters of ancillary administration, with the will annexed; and letters of ancillary administration shall be granted by a Register of Wills and Estates to such person or persons as shall be entitled to such letters under the provisions of this section upon their giving bond in accordance with the provisions of this title.

(b) (1) The persons entitled to letters of administration shall be those in the first of the following classes of persons which shall have a member of that class living and not under an incapacity: spouse of the decedent, children of the decedent, parents of the decedent, siblings of the whole blood and half blood of the decedent.

(2) If there shall be more than one person living in the first qualifying class mentioned in (1) above, letters of administration shall be granted to all of those persons in the class who give the necessary bond, do not renounce, or who are not incapacitated.

(3) If all of the persons in the first qualifying class mentioned in (1) above shall fail to give the necessary bond, renounce, or are incapacitated, a Register of Wills and Estates shall grant letters of administration to such person or persons as all of them in that class who are not under an incapacity shall have agreed to in writing.

(c) If all of the persons specified in the first class in (b) (1) above which shall have a member of that class living and not under an incapacity shall fail to give the necessary bond, renounce, or are incapacitated, and if all of them who are not under an incapacity fail to agree in writing on a person or persons to whom letters of administration shall be granted as provided in (b) (3) above, then any or all of those who fail to agree

may petition the Court of Chancery for the grant of letters of administration to their nominee or nominees, and the Court shall grant letters of administration to such person or persons as it, in its discretion, shall determine.

(d) If there shall be no person living in any of the classes specified in (b) (1) above who is not under an incapacity, or if no petition for administration is filed within 60 days from the date of death, then the Register of Wills and Estates shall grant letters of administration to such person or persons as he, in his discretion, shall determine.

(e) Any interested person may petition the Register of Wills and Estates of a proper county for the appointment of an administrator.

§1506. Power of attorney by non-domiciliary executor or administrator

In case of the grant of letters testamentary or of administration, the person designated as an executor or administrator, if a non-domiciliary, or if a corporation not incorporated under the laws of Delaware, shall file in the office of the Register of Wills and Estates granting such letters, before the issuance of the letters, an irrevocable power of attorney designating that Register and his successors in office as the person upon whom all notices and process issued by any Court in this State may be served, with like effect as personal service in relation to any suit, matter, cause or thing affecting or pertinent to the estate in which the letters are issued. The Register shall forward forthwith, by certified mail, return receipt requested, to the address of such executor or administrator, which shall be stated in the power of attorney, any notices or process served upon the Register.

§1507. Successor administrator; personal representative of an executor or administrator; administration during the pendency of litigation

(a) Upon the removal or resignation from office, or upon the death or incapacity of a sole executor or administrator, or if there are more than one, all of them, administration shall be granted to a successor administrator or administrators in ac-

cordance with the provisions of this title as though such administration were an original administration.

(b) A personal representative of a deceased executor or administrator shall not represent (unless expressly appointed) and shall have no personal liability or responsibility with respect to the estate being executed or administered by such decedent, other than to notify the Register of Wills and Estates of the death of the decedent's executor or administrator.

(c) Administration during the pendency of litigation concerning proof of a will or the right to administer, or during the absence of a personal representative appointed in accordance with the foregoing provisions of this title, may be granted by the Register of Wills and Estates of the county in which the decedent was domiciled, in the case of a domiciliary decedent, or by the Register of any county, in the case of a non-domiciliary decedent, as such Register, in his discretion, may deem appropriate. In the case of a non-domiciliary decedent, the administration which shall first be lawfully granted shall extend to all the estate of the decedent within Delaware, and shall exclude the jurisdiction of the Register for any other county during the pendency of such litigation or during the absence of such a personal representative.

§1508. Persons not qualified to receive letters testamentary or of administration

Letters testamentary, or of administration, shall not be granted to a minor, to a person who is mentally incapacitated, or to a person convicted of a crime disqualifying him from taking an oath.

§1509. Oath of executor or administrator

Every executor or administrator shall take and subscribe an oath, to be affixed to his bond, to perform the duties of his office with fidelity.

SUBCHAPTER II. BOND

§1521. Requirement of bond

Upon being granted letters, each executor or administrator shall, with sufficient surety, become bound to the State in a

joint and several bond to be in an amount and form as provided in Sections 1522, 1523 and 1524 of this title.

§1522. Amount of bond; where no bond exemption, where will exempts executor from bond; additional bond; minimum bond; reduction of amount of bond

(a) The amount of the security of the bond required in Section 1521 shall be fixed by the Register of Wills and Estates in an amount which shall not be less than the best estimate that can be made of the decedent's personal estate.

(b) Whenever a testator shall, by his will, signify it to be his desire that any executor or executors thereof shall not be required to give bond with surety before receiving letters testamentary, as by law is required, the Register shall, upon the grant of letters testamentary to such executor or executors, require of him or them only a bond with surety in an amount which is the lesser of (1) the testator's personal estate, or (2) double the amount of the indebtedness incurred by the testator, as such amount shall be estimated by the Register upon the best information he can obtain, for which purpose he may take the affidavit of the executor or executors as to the amount of such indebtedness, to the best of his or their knowledge or belief.

(c) If in any case it appears that the bond or security originally was or has since become insufficient, the Register, in whose office the letters were granted, shall order other bond, with sufficient surety to be given, observing all of the following requirements with respect to bonds; except that the Register may omit the clause concerning the inventory and appraisement and list of debts. The taking of another bond shall not affect that before taken. In the case of refusal or neglect to comply with the order requiring additional bond, the Court of Chancery shall remove the executor or administrator from office.

(d) In no event shall the amount of bond provided in Sections 1522 and 1524 of this title be less than the sum of \$1,000.

(e) Upon the renewal of the premium payable on any bond required under Section 1521 of this title, if there has been a reduction in the amount of indebtedness of the decedent, or a reduction in the amount of the personal estate chargeable to the executor or administrator, such executor or administrator may

petition the Register for an appropriate reduction in the amount of the bond.

§1523. Forms of bond; scope; modification of bond where will exempts executor from bond

(a) The condition of an executor's or administrator's bond shall be substantially in the following form:

"The condition of this obligation is such, that if the above named, (executor of the will of, deceased, or administrator of the goods and chattels, rights and credits of, deceased, or as the case may be), shall cause a true and perfect inventory and appraisalment to be made of all and singular the goods and chattels of the deceased, whereof the said, or either of them shall have knowledge, and the same, with a true and perfect list of all his debts and credits, whereof the said or either of them shall have knowledge, to be delivered into the Office of the Register of Wills and Estates of County, in the State of Delaware, on or before the day of, next, and shall well and faithfully administer according to law, all the goods and chattels, rights and credits of the deceased, which shall have come to the possession, or knowledge of the said, or either of them, and shall render a just and true account of such administration by the day of next, and shall distribute and pay all the residue of said goods and chattels, rights and credits, after all demands and charges to which they are subject, are deducted, to the person or persons entitled to receive the same; and also in case the said, or either of them, shall be removed from office, or before closing the concerns of the estate of the deceased, shall die, then if the said, or either of them, respectively, in case of such removal, or the executors or administrators of the said or either of them, respectively, in case of such death, shall without delay, deliver to the person or persons, entitled to receive the same, all the unadministered goods and chattels, rights and credits, money, securities, books and papers, belonging to the estate of said deceased, or with which the said or either of them, respectively, at the time of such removal, or decease, shall be chargeable, all just allowances being

made, then this obligation shall be void; or otherwise it shall remain in force."

If but one person is executor, or administrator, the words "or either of them", wherever they occur in said form, shall be omitted; and also the words "or either of them respectively."

(b) If letters are granted to several, all or any number may join in the bond, or they may execute separate bonds; but joint executors, or administrators, shall not be deemed sufficient sureties of a co-executor or administrator, unless they have renounced.

(c) Payment of and assent to legacies, as well as payment of debts and demands against the deceased, shall be a part of the administration; and accordingly the clause in the foregoing form, "shall well and faithfully administer according to law," shall bind to a faithful application of the assets to such demands and legacies as the law prescribes.

(d) The condition of the bond shall, in all cases, extend to the rents and profits of real estate of the deceased received by the executor or administrator; but this provision shall not require him to collect them, nor vest him with any right of possession of such estate.

(e) In the entry of the grant of letters, the Register shall state the giving of the bond, the names of the sureties, and the penalty.

(f) In the taking of bond of an executor exempted under will, there shall be omitted from the form prescribed by this section of this title, the words "and shall distribute and pay all the residue of said goods and chattels, rights and credits, after all demands and charges to which they are subject are deducted, to the person or persons entitled to receive the same," and such bond, when taken, shall be for the use of creditors of the testator, and for the use of no other person interested in his estate.

§1524. Objection to amount or form of bond determined by Court of Chancery

If any person, including a creditor, having an interest in the estate objects to the amount of the bond as provided in Sec-

tion 1522 or the conditions of the bond as provided in Section 1523, such person may petition the Court of Chancery and the Court shall fix the amount and condition of the bond.

§1525. Liability on bond for inheritance taxes and duties related thereto

The bond of an executor or administrator shall be liable for all money he may receive for taxes, for any penalty assessed against him for failure to file an inventory of goods and chattels, list of debts and credits and statement of real estate with the Division of Revenue and with the Register of Wills and Estates within the three-month period prescribed by law, or for the proceeds of the sale of any estate or interest received by him under Chapter 13 of Title 30.

§1526. Grant of letters without proper bond

If letters be granted without proper bond, the Register of Wills and Estates and his sureties shall be liable for all damages thence arising.

§1527. Certificate of approval, the required bond preservation

(a) The execution of the required bond shall be sufficient, without any certificate of approval by the Register of Wills and Estates.

(b) The Register shall provide safekeeping for every bond.

**SUBCHAPTER III. DEATH, REMOVAL OR
DISCHARGE OF EXECUTOR OR ADMINISTRATOR**

§1541. Removal for neglect of duties

(a) If an executor or administrator neglects his duties, the Court of Chancery may remove him from his office.

(b) If any executor or administrator fails to perform any of the duties imposed upon him under the provisions of Chapter 13 of Title 30, the Court of Chancery may, upon petition of the Division of Revenue, revoke the same, and his bond shall be liable, and the same proceedings shall be had as if his administration had been revoked for other cause.

§1542. Removal of executor or administrator upon subsequent probate of will

If after the grant of letters testamentary or the grant of letters of administration, a will of the deceased is admitted to probate and letters testamentary or of administration with the will annexed are thereupon granted, the prior executor or administrator shall by such grant be removed from office. All the previous lawful acts of the removed executor or administrator shall be valid as provided in Section 1545 of this title.

§1543. Rights of co-executor, co-administrator or successor upon death or removal of an executor or administrator

Whenever an executor or administrator is removed or dies before he closes the estate of the deceased, his co-executor or co-administrator, or if there be none such, his successor shall be entitled to receive all the unadministered effects, including books and papers, which, at the time of such removal or death, shall be in his hands, or for which he is answerable, just allowances being made.

§1544. Commissions; allowance and apportionment

When part of the effects of the deceased passes from one executor or administrator to another under the provisions of Section 1543 of this title, commissions shall not be twice allowed, but may be apportioned or the whole may be allowed to the one who, according to the circumstances, ought to have the same. When commissions have been once allowed, there shall be no more allowed upon the same subject matter, except in cases of apportionment, unless the first allowance is annulled.

§1545. Validity of acts of removed or deceased executor or administrator

Any act done by an executor or administrator in the due course of administration, and any payment made by him on account of a legacy or distributive share shall be valid, until it appears to have been erroneously or unlawfully done or made although he shall be removed from office or shall die before closing the estate.

§1546. Refusal of removed executor or administrator or of personal representative of a deceased executor or administrator to deliver unadministered assets

(a) If any executor or administrator who has been removed refuses to deliver to his co-executor or co-administrator, if there be such, and if not, to his successor, all the unadministered effects, belonging to the deceased, which shall be in his hands, the Court of Chancery may, in a summary proceeding, upon the petition of such co-executor, administrator, or successor, hear the parties, and make an order for such delivery, and enforce the same by attachment, sequestration or any other process.

(b) The Court of Chancery may also proceed, in like manner, against the personal representative of a deceased executor or administrator, refusing to deliver, according to law, any such effects belonging to the estate of the first testator or intestate which shall come to his hands.

§1547. Discharge of executor or administrator upon his petition; procedure; appeal

(a) An executor or administrator may, by petition to the Court of Chancery, apply to be discharged from his office of executor or administrator. Upon such petition and upon it appearing to the Court that the discharge of the executor or administrator will be for the benefit of the parties interested in the estate of the deceased, the Court may grant such discharge and revoke the letters testamentary or of administration, upon such terms and conditions as he deems necessary for the security of the estate of the decedent. Notice of such application and of the time and place of hearing the same shall be given to parties interested, by citation served on such as reside within this State, and as to non-resident parties by such publication as the Court directs.

(b) The provisions of law relating to the acts of a removed executor or administrator, the delivery of unadministered effects, books, and papers, the remedies for enforcing such delivery and the apportionment of commissions and the fees of the Register of Wills and Estates in the proceedings for the removal of an executor or administrator, shall apply to the case of an executor or administrator discharged under this section.

(c) The Court of Chancery may make any order upon a discharged executor or administrator which may be necessary to carry into effect the provisions of this section, and may enforce such order by attachment, sequestration or any other process.

SUBCHAPTER IV. LIFE INTEREST IN PERSONALTY WHERE WILL APPOINTS NO TRUSTEE TO ADMINISTER

§1551. Appointment of trustee upon petition of executor or administrator; bond, duties and release of trustee

(a) When any person, other than the person who during life, shall be entitled under the will of any deceased testator to the income on the personal estate of such deceased testator or any part thereof, shall be the executor or administrator with the will annexed of the estate of such deceased testator, such executor or administrator with the will annexed, may, if no trustee is named in such will, after having passed his or her final account of administration on the estate before the Register of Wills and Estates, petition the Court of Chancery for the appointment of a trustee to receive from such executor or administrator with the will annexed, the fund to which the person named in the will is entitled during his or her life.

(b) The Court of Chancery, upon petition being presented to it as provided in subsection (a) of this section, shall appoint a trustee to receive, manage and invest the fund, and the trustee shall give bond as the Court may order and direct.

(c) The trustee shall manage and invest the fund, and pay over to the person entitled for life to the fund, the profits and income arising thereout; and after the death of the person entitled for life, shall pay the fund to the person entitled absolutely.

(d) The trust shall terminate upon the death of the person entitled during life to the fund, and the release of the person entitled absolutely to the fund shall discharge and release the trustee from all liability for or concerning the same.

§1552. Receipt of trustee

The receipt of the trustee, appointed under Section 1551 of this title, to the executor or administrator with the will annexed for the fund, shall release and discharge the executor or ad-

ministrator with the will annexed of and from all liability for or concerning the fund.

§1553. Personalty in possession of life tenant; discharge of executor or administrator with the will annexed; liability of life tenant

When the executor or administrator with the will annexed, in cases where the will so provides, leaves in the possession of the person entitled for life, perishable personal property, live stock, household goods, family stores and farming implements, together with the crops saved for the maintenance of such stock, the receipt of such person entitled for life to such executor or administrator with the will annexed, shall discharge the executor or administrator with the will annexed of and from all liability for or concerning the goods and chattels and crops so devised and the appraised value thereof. The Register of Wills and Estates shall allow the amount of the appraisement of the goods and chattels in the account of the executor or administrator as a credit to him upon the production, at the time of passing the account, of the receipt; but such release shall not discharge the person so entitled for life, his or their executor or administrators, from liability to the person entitled to such personal property absolutely, after the death of the person entitled thereto for life, or prevent such action at law or in equity as is necessary to secure the delivery of such personal property or payment therefor, at its appraised value, to the person entitled thereto absolutely, after the death of the person entitled to such property for life.

SUBCHAPTER V. FOREIGN REPRESENTATIVES

§1561. Definitions

(a) "Personal representative" includes executor, administrator, administrator with the will annexed and successor personal representatives and persons who perform substantially the same function under the law governing their status.

(b) "Local administration" means administration by a personal representative appointed in this state pursuant to appointment proceedings described in this title.

(c) "Local personal representative" includes any personal representative appointed in this state pursuant to appointment proceedings described in this title and excludes foreign personal representatives who acquire the power of a local personal representative pursuant to Section 1566.

(d) "Resident creditor" means a person domiciled in, or doing business in this state, who is, or could be, a claimant against an estate of a non-resident decedent.

§1562. Payment of debt and delivery of property to domiciliary foreign personal representative without local administration

At any time after the expiration of sixty days from the death of a non-resident decedent, any person indebted to the estate of the non-resident decedent or having possession or control of property of such non-resident decedent or having possession or control of an instrument evidencing a debt, obligation, stock or chose in action belonging to the estate of the non-resident decedent may pay the debt, deliver the property, or the instrument evidencing the debt, obligation, stock or chose in action, to the domiciliary foreign personal representative of the non-resident decedent upon being presented with proof of his appointment and an affidavit made by or on behalf of the representative stating:

- (1) the date of the death of the non-resident decedent,
- (2) that no local ancillary administration, or application or petition therefor, is pending in this state,
- (3) that the domiciliary foreign personal representative is entitled to payment or delivery.

§1563. Payment or delivery discharges

Payment or delivery made in good faith on the basis of the proof of authority and affidavit releases the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative.

§1564. Resident creditor notice

Payment or delivery under Section 1562 may not be made if a resident creditor of the non-resident decedent has notified the debtor of the non-resident decedent or the person having possession of the personal property belonging to the non-resident decedent that the debt should not be paid nor the property delivered to the domiciliary foreign personal representative.

§1565. Proof of authority-bond

If no local ancillary administration or application or petition therefor is pending in this state, a domiciliary foreign personal representative may file with the Register of Wills and Estates in this State in a county in which property belonging to the decedent is located, exemplified copies of his appointment and of any official bond he has given.

§1566. Powers

A domiciliary foreign personal representative who has complied with Section 1565 may exercise as to assets in this State all powers of a local personal representative and may maintain actions and proceedings in this State subject to any conditions imposed upon non-resident parties generally and provided that such domiciliary foreign personal representative:

(1) Complies with the provisions of Section 2101 of this title governing publication of notice to creditors, and

(2) Complies with the provisions of Section 1905 of this title governing the filing of an inventory and appraisal of estate assets consisting of tangible personal property and real estate actually situated within this State.

§1567. Power of representatives in transition

The power of a domiciliary foreign personal representative under Section 1562 or 1565 shall be exercised only if there is no administration or application therefor pending in this State. An application or petition for local administration of the estate terminates the power of the foreign personal representative to act under Section 1566, but the Court of Chancery may allow the foreign personal representative to exercise limited powers to pre-

serve the estate. No person who, before receiving actual notice of a pending local administration, has changed his position in reliance upon the powers of a foreign personal representative shall be prejudiced by reason of the application or petition for, or grant of, local administration. The local personal representative is subject to all duties and obligations which have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for him in any action or proceeding in this State.

§1568. Ancillary and other local administrations; provisions governing

In respect to the local administration of the estate of a non-resident decedent, the provisions of this title govern (1) proceedings, if any, before a Register of Wills and Estates or the Court of Chancery in this State, for probate of the will, appointment, removal, supervision, and discharge of the local personal representative, and any other order concerning the estate; and (2) the status, powers, duties and liabilities of any local personal representative and the rights of claimants, purchasers, distributees and others in regard to a local administration.

§1569. Jurisdiction by act of foreign personal representative

A foreign personal representative submits himself to the jurisdiction of the Courts of this State by (1) filing exemplified copies of his appointment as provided in Section 1565, (2) receiving payment of money or taking delivery of personal property under Section 1562, or (3) doing any act as a personal representative in this State which would have given the State jurisdiction over him as an individual. Jurisdiction under (2) is limited to the money or value of personal property collected.

§1570. Jurisdiction by act of decedent

In addition to jurisdiction conferred by Section 1569, a foreign personal representative is subject to the jurisdiction of the Courts of this State to the same extent that his decedent was subject to jurisdiction immediately prior to death.

§1571. Service on foreign personal representative

(a) Service of process may be made upon the foreign personal representative by certified mail, addressed to his last rea-

sonably ascertainable address, requesting a return receipt signed by addressee only. Notice by ordinary first class mail is sufficient if certified mail service to the addressee is unavailable. Service may be made upon a foreign personal representative in the manner in which service could have been made under other laws of this State on either the foreign personal representative or his decedent immediately prior to death.

(b) If service is made upon a foreign personal representative as provided in subsection (a), he shall be allowed at least thirty (30) days within which to appear or respond.

§1572. Effect of adjudication for or against personal representative

In the absence of fraud or collusion, an adjudication rendered in the domiciliary jurisdiction or any ancillary jurisdiction in favor of or against any personal representative of the estate is as binding on the local person representative as if he were a party to the adjudication.

CHAPTER 17.

ABSENTEES AND PRESUMED DECEDENTS

§1701. Presumption of death from absence, exposure to specific peril or finding pursuant to Federal Missing Persons Acts

(a) When the death of a person or the date thereof is in issue, his unexplained absence from his last know place of residence and the fact that he has been unheard of for seven years may be a sufficient ground for finding that he died seven years after he was last heard of.

(b) The fact that a person was exposed to a specific peril of death may be sufficient ground for finding that he died less than seven years after he was last heard of.

(c) A written finding of missing in action or presumed death made by the Secretary of the Army, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act, as now or hereafter amended, or a duly certified copy of

such finding shall be received in any court, office or other place in this State as prima facie evidence of the death of the person therein found to be missing in action or dead, and the date, circumstances and place of his disappearance.

§1702. Petition for adjudication of presumed death; notice of hearing

(a) Whenever any person is presumed to be dead on account of absence for seven years or more, exposure to specific peril or pursuant to a finding under Federal Missing Persons Act, whether such person was domiciled within this State or in some other state, territory or possession of the United States or in any foreign country, any person entitled under the last will and testament of such presumed decedent or under the intestate laws to any share of his estate within this State, or under any deed, will or other instrument in writing or in any other way, method or manner to any share or interest in any estate held by or for such presumed decedent for years or for the term of his natural life, or the escheator for the State, or any creditor of the presumed decedent may present a petition to the Court of Chancery, setting forth the facts which raise the presumption and praying for an adjudication thereon declaring such person to be presumed to be deceased.

(b) The Court of Chancery, if satisfied as to the interest of the petitioner, shall cause to be advertised in a newspaper of general circulation in the County of the principal residence of the presumed decedent (or if non-resident then in such County as the Court shall direct), once a week for three consecutive weeks, together with such other advertisement as the Court, according to the circumstances of the case, deems expedient or advisable, the fact of such application, together with notice that on a day certain, which shall be at least two weeks after the last appearance of the advertisement, the Court shall hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof.

§1703. Petition for ancillary letters on estate of non-domiciliary presumed decedent; notice of hearing

(a) Whenever letters of administration or letters testamentary have been granted in any other state, territory, or possession

of the United States, or in any foreign county, on the estate of a domiciliary thereof, presumed to be dead, the person to whom such letters have been granted, may present a petition to the Court of Chancery, accompanied by a complete exemplification of the record of the grant of such letters, praying for the grant of ancillary letters testamentary or of administration upon the estate of such presumed decedent, situate, owing, or belonging to him within this State.

(b) The Court of Chancery, if satisfied that the person proposed in such petition would be a fit person to whom such letters might be issued, shall cause publication to be made, in the manner and for the period as provided in section 1702 of this title, of the fact of such application, together with notice that on a day certain, which shall be at least two weeks after the last appearance of the advertisement, the Court of Chancery shall hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof.

§1704. Hearing; competency of witnesses

At the hearing in either of the cases provided for in sections 1702 and 1703 of this title, the Court of Chancery shall take such legal evidence as shall be offered, for the purpose of ascertaining whether the presumption of death is established; or he may appoint a master to take such testimony, and report his findings thereon. No person shall be disqualified to testify by reason of his or her relationship as husband or wife to the presumed decedent, or of his or her interest in the estate of the presumed decedent.

§1705. Search for absentee

The Court of Chancery, on its own motion or upon the application of any party in interest, may appoint a master, investigator or appropriate agency to search for the presumed decedent in any manner which the Court shall deem appropriate, and the expenses of such search shall be paid out of the property of the absentee.

§1706. Decree of presumed death; admission of will to probate and grant of letters

(a) If satisfied, upon the hearing, or upon the report of a master, that the death of the presumed decedent has been estab-

lished, the Court of Chancery shall so decree, and the Court shall determine in such decree the date of such death.

(b) The Register of Wills and Estates shall issue letters of administration to the person thereto entitled; or receive for probate the last will and testament of such presumed decedent, and, if duly proved, admit the same to probate and issue letters testamentary thereunder. The letters, until revoked, and all acts done in pursuance thereof and in reliance thereon, shall be as valid as if the presumed decedent were actually dead.

§1707. Title to real estate of presumed decedent; recording of decree

(a) Whenever the Court of Chancery enters a decree that the presumption of death of any person has been established, the real estate of the presumed decedent shall pass and devolve as in the case of actual death, and the person entitled by will or under the intestate laws may enter and take possession. In case the presumption of death is thereafter rebutted by adequate proof that the presumed decedent is in fact alive, and the decree is vacated, the real estate shall revert to him as fully as though such decree had never been entered, subject, however, to the provisions of subsection (b) of this section and to payment of the costs and expenses of the proceedings and advertisement.

(b) The decree may be recorded in the Office of the Recorder of Deeds of the proper county, in the deed book, and shall be indexed by the Recorder in the grantors' index under the names of the persons taking the real estate; and if so recorded, and the persons taking the real estate sell or mortgage the same, the purchaser or mortgagee shall take a good title or security interest, free and discharged of any interest or claim of the presumed decedent.

§1708. Duties of executor or administrator

The executor or administrator to whom letters have been issued upon the estate of a presumed decedent shall administer the estate in the same manner and with the same effect as the same would be administered under existing laws of this State if the presumed decedent were in fact dead.

§1709. Security given by beneficiaries

(a) Before any distribution is made of the assets of the estate of the presumed decedent or before the decree is recorded in the Office of the Recorder of Deeds as provided in section 1707

(b) of this Chapter, the persons, other than creditors, entitled to receive the same, shall, respectively, give sufficient real or personal security, to be approved by the Court of Chancery, in such sum and form as the Court directs, with condition that, if the presumed decedent shall in fact be at the time alive, they will respectively refund the assets received by each, on demand.

(b) If any person entitled to receive assets refuses or neglects, or is unable to enter such security, the Court of Chancery may, upon petition of any person interested, and upon due notice to all persons interested, so far as such notice can reasonably be given, appoint a suitable person or corporation as trustee to receive and hold the share of the distributee refusing or neglecting, or being unable to enter security until further order of the Court. Such trustee shall not be an insurer of the trust fund, and shall be liable to the person interested therein only for such care, prudence and diligence in the execution of the trust as trustees are liable for.

(c) If the Court of Chancery shall be satisfied, from the evidence at the hearing to ascertain whether the presumption of death is established, or from the report of the master, that there is no likelihood of the presumed decedent's being still alive, then the court may accept refunding bonds from the distributees of the presumed decedent's estate without requiring sureties thereon.

§1710. Revocation of letters and vacation of decree of presumed death; effect

The Court of Chancery may revoke the letters and vacate the decree that the presumption of death has been established, at any time, on due and satisfactory proof that the presumed decedent is in fact alive. After such revocation all the powers of the executor or administrator shall cease, but all receipts or disbursements of assets, and other acts previously done by him, shall remain as valid as if the letters were unrevoked. The executor or administrator shall settle an account of his administra-

tion down to the time of such revocation, and shall transfer all assets remaining in his hands to the person as whose executor or administrator he has acted, or to his duly authorized agent or attorney. Nothing contained in this chapter shall validate the title of any person to any money or property received as surviving spouse, next of kin, heir, legatee, or devisee of such presumed decedent, but the same may be recovered from such person in all cases in which such recovery would be had if this chapter had not been passed.

§1711. Same; effect upon pending actions and upon judgments rendered

After revocation of the letters, and vacation of the decree that the presumption of death has been established, the person erroneously presumed to be dead may, on the suggestion filed of record of the proper facts, be substituted as plaintiff or petitioner in all actions or proceedings at law or in equity brought by the executor or administrator, whether prosecuted to judgment or decree, or otherwise; he may, in all actions or proceedings previously brought against the executor or administrator, be substituted as defendant or respondent, on proper suggestion filed by himself, or by proper service of writ or other process, but shall not be compelled to go to trial in less than three months from the time of such suggestion filed or process served. Judgments or decrees recovered against the executor or administrator before revocation and vacation of the letters and decree may be opened on application by the presumed decedent, made within three months from the revocation, and supported by affidavit denying specifically, on the knowledge of the affiant, the cause of action, or specifically alleging the existence of facts which would be a valid defense; but, if within three months, such application shall not be made, or being made the facts exhibited shall be adjudged an insufficient defense, the judgment or decree shall be conclusive to all intents, saving the defendant's right to have it reviewed as in other cases on appeal. Notwithstanding the substitution of the presumed decedent as defendant in any judgment or decree, it shall continue as a lien upon his real estate in the county, as other judgments.

§1712. Probate of will produced after issuance of letters upon estate of presumed decedent; effect upon prior administration

(a) Whenever letters testamentary or of administration shall be issued upon the estate of any person presumed to be dead, in accordance with the provisions of this chapter, the person having custody of any will which may have been left by such presumed decedent, in case letters of administration have been issued, or of any later will, in case letters testamentary have been issued, or any creditor of any person interested in the estate, may file a petition with the Court of Chancery in which the proceedings to establish the death by presumption have been held, setting forth the facts of the case, a copy of the will or later will, or an averment that such will exists, and the names of all persons interested in the estate of the presumed decedent.

(b) Upon the filing of such petition the Court of Chancery shall issue a citation to the person to whom letters of administration or letters testamentary have been issued, and to all persons interested in the estate of the presumed decedent, to appear upon a day fixed, and to show cause why the alleged will or later will should not be admitted to probate.

(c) Upon the return of the citation, if the Court of Chancery shall be satisfied from all the evidence that may be adduced that the proposed will was, in fact, the last will and testament made by the presumed decedent before his departure or disappearance from his residence, the will shall be admitted to probate as if the testator were in fact dead. If, upon such probate, it appears that an executor is named in the will, the letters of administration previously granted shall be revoked, and letters testamentary shall be issued to the executor, in the same manner and form as if the testator were in fact dead; but, if no executor shall be named in such will, then a certified copy of the will shall be attached to the letters of administration theretofore issued, or to a certified copy of such letters. Thereafter the executor or administrator shall execute the will according to its terms, and all property of the decedent shall be distributed and passed as provided by the will to the several legatees and devisees named therein. In case an earlier will shall have been admitted to probate, the letters testamentary issued thereunder shall be revoked, and letters shall be issued under the last will, or if no executor

shall be named in the last will, then letters of administration with the will annexed shall be issued to the person entitled thereto. All the previous lawful acts of the removed executor or administrator shall be valid as provided in Section 1545 of this Title.

§1713. Costs

The costs attending the issuance or revocation of letters shall be paid out of the estate of the presumed decedent, and costs arising upon an application for letters which shall not be granted shall be paid by the applicant.

CHAPTER 19.

ASSETS OF ESTATES: INVENTORY AND APPRAISAL

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

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

(b) The following articles shall not be included in the inventory: the family Bible, clothes of the decedent, and the family stores laid in before the death of the decedent.

(c) If, under the terms of any insurance policy or contract, pension, bonus, stock option, or other employee benefit or incentive plan, a person, trust or corporation, other than the decedent or his estate's personal representative, is designated to receive, upon or after the death of the decedent, any property or other death benefit, such property or death benefit shall not be included in the inventory of the decedent as chargeable to his personal representative; and such person, trust or corporation shall be entitled to such property or death benefits as against the claim of any personal representative, creditor, legatee or next-of-kin of the decedent.

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

§1902. Rents and profits of deceased's real estate as estate assets; possession and repair of real estate

(a) The rents and profits of the real estate of the deceased which shall come to the hands of the executor or administrator shall be assets for the payment of debts, and he shall be chargeable therewith accordingly; and upon a demand of the heir or devisee for such rents and profits it shall be a sufficient answer that the same have been applied to debts against the deceased, or that there are such debts to which they are applicable.

(b) Nothing in this section shall give to the executor or administrator any right of possession of the real estate; but if he be in possession, he shall, with the rents and profits, keep the premises in tentable repair.

§1903. Growing crops

When there is a crop growing or begun the executor or administrator may finish or sell it as he deems best for the estate. If he finish the crop, his account shall comprehend the proceeds and expenses.

§1904. Appraisers; appointment

The personal representative may employ one or more qualified and disinterested appraisers to assist him in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The names and addresses of any appraiser shall be indicated on the inventory with the item or items he appraised.

§1905. Inventory and appraisal; filing requirements, form contents and supporting affidavits

(a) Every executor or administrator shall, within three

months after the granting of letters testamentary or administration, file in the office of the Register of Wills and Estates of the county in which the letters have been granted, and also the Division of Revenue, an inventory and appraisal, on forms furnished by the Division of Revenue, which shall contain an inventory of all goods and Chattels of the decedent, a list of all debts and credits due or belonging to the decedent or to his estate, and a statement setting forth a general description of every parcel of real estate in this State of which the decedent died seized, and the name of each party entitled to any estate or interest in any part of such real or personal estate and the relationship, if any, of each such party to the decedent. Each item of property included in such inventory, list and statement, shall be separately valued at its fair market value as of the date of death of the decedent and such value shall be stated in the inventory and appraisal.

(b) The inventory and appraisal shall be supported by an affidavit of each executor or administrator.

(c) The executor's or administrator's affidavit shall be as follows: "....., makes solemn oath (or affirmation), that he has made due inquiry concerning the goods, chattels and money of, and the debts and credits due or belonging to deceased, and that this inventory and list contains all the goods, chattels and money of, and debts or credits due or belonging to the said, which have come to the knowledge of the deponent (or affirmant) and that the information contained in the statement of real estate and the information pertaining to transfers of property, powers of appointment, entireties and jointly owned real and personal property and annuity contracts is true to the best of deponent's (or affirmant's) knowledge and belief."

§1906. Failure to file inventory, etc.; civil and criminal penalties; removal

(a) Any executor or administrator who fails to file the inventory, list and statement with the Register of Wills and Estates and with the Division of Revenue within three months after the granting of letters testamentary or of administration shall be subject, personally and individually, to a penalty of \$1.00 per day for each day delinquent. This penalty shall not apply until

one month after notice by the Division of Revenue of such delinquency.

(b) Any executor or administrator who fails to file the inventory, list and statement as required by section 1905 of this title, after being ordered to do so by the Court of Chancery, shall be subject to penalty for contempt of court.

§1907. Refusal of a co-executor or co-administrator to file inventory

Where there are several executors or administrators, if either of them refuse or neglect to join in the inventory or list of debts, the Court of Chancery shall remove him from office, unless he shall cause an inventory or list to be made and delivered on his own behalf.

§1908. Affidavit of diligent inquiry

An affidavit, signed by the executor or administrator and declaring upon oath or affirmation that he has diligently inquired and can obtain no knowledge of any goods or chattels of the decedent, shall be a sufficient excuse for not delivering an inventory; and a like affidavit that he has diligently inquired and can obtain no knowledge of any debts or credits due or belonging to the decedent, shall be a sufficient excuse for not delivering a list. Such affidavit shall be certified by the Register of Wills and Estates and filed with the bond.

§1909. Executor's debt to decedent

The making of a person executor shall not extinguish any demand of the decedent against him, but the same shall be truly inserted in the list of debts.

§1910. Additional inventory; after discovered assets

If, after the return of an inventory or list of debts, personal estate or debts due the decedent, not included therein, shall come to the knowledge of the executor or administrator he shall cause an additional inventory or list to be made and returned into the Register of Wills and Estates' office.

§1911. Power of Court to suppress, reject and order another inventory or list

The Court of Chancery may order an inventory or list of debts to be suppressed, or adjudged the same imperfect and order another to be made and filed in the Office of the Register of Wills and Estates. No inventory or list of debts shall be suppressed or adjudged imperfect because of any defect in the affidavit or in any certificate of any oath or affirmation.

§1912. Recording inventory and notation of inheritance tax status in Inheritance and Succession Docket

(a) Every inventory, list and statement filed pursuant to section 1905 of this title, shall be recorded and indexed by the Register of Wills and Estates in the "Inheritance and Succession Docket."

(b) Whenever any parcel or real estate or any estate or interest therein, described in the statement of the executor or administrator, shall be subject to inheritance or estate taxes under Title 30, the Register of Wills and Estates shall make an entry in the Inheritance and Succession Docket that the real estate is subject to tax; and in the event of an appeal to the Superior Court from a determination by the State Tax Appeal Board of the amount of inheritance or estate taxes to be paid, shall further note in said docket the fact of appeal. When any inheritance or estate tax due this State shall be paid and discharged, the Register shall make a note thereof in the docket, upon notice from the Division of Revenue of payment.

CHAPTER 21.**DEBTS OF AND CLAIMS AGAINST ESTATE****§2101. Notice to creditors to probate claims; publication**

(a) The Register of Wills and Estates shall give notice as provided in this section of the granting of letters and the date thereof, and requiring all persons having claims against the decedent to exhibit the same to the executor or administrator or abide by the law in this behalf.

(b) Such notice shall be given in all cases by advertisements to be posted within 40 days from the grant of letters in the

County Court House in the county in which the decedent resided at the time of his death, or, in the case of non-resident decedents, in the county in which letters testamentary or of administration shall have been granted; and such notice shall also be published in any one or more newspapers approved by the Register of Wills and Estates published in such county at least three times within the same period not less frequently than once a week for three successive weeks; except that if the Register of Wills and Estates at the time of granting of letters shall determine from evidence satisfactory to him that the gross personal estate of the decedent does not exceed \$7,500, and also that the gross real and personal estate of the decedent does not in the aggregate exceed \$10,000, the Register may give such notice solely by the posting of advertisements as aforesaid, and not by publication in a newspaper or newspapers.

(c) The Register of Wills and Estates may require that the actual costs and expenses of such posting and publication be advanced to him prior to the grant of letters. The Register shall note or record in his docket the giving of notice and the form of notice given.

(d) The Register of Wills and Estates shall send a copy of the notice, described in this section, to the State Treasurer, within 40 days from the grant of letters. The State Treasurer, within 40 days from the receipt of notice, and at least monthly, shall send the information included therein in a convenient or summary form to each state agency which requests the information, without charge.

§2102. Limitations on claims against estate

(a) All claims against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if the Register of Wills and Estates observes the requirements of §2101 of this title, are barred against the estate, if not barred earlier by other statute of limitations, the personal representative and the heirs and devisees of the decedent, unless within six months from the date of granting of letters to the executor or administrator notice is given in compli-

ance with §2104 of this title or unless notice is presumed under §2103 of this title.

(b) All claims against a decedent's estate which arise at or after the death of the decedent, including claims of the state or any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, unless presented in accordance with the provisions of §2104 of this title, are barred against the estate, the personal representative and the heirs and devisees of the decedent, as follows:

(1) A claim based on a contract with the personal representative, within six months after performance by the personal representative is due;

(2) Any other claim, within six months after it arises.

(c) Any claim not barred under subsection (a) and (b) of this section, which has been rejected by an executor or administrator shall be barred forever unless an action or suit be commenced thereon within three months after the executor or administrator has notified the claimant of such rejection by writing delivered to him in person or mailed to his last address known to the executor or administrator; provided, however, in the case of a claim which is not presently due or which is contingent or unliquidated, the executor or administrator may consent to an extension of the three month period, or to avoid injustice the Court of Chancery, on petition, may order an extension of the three month period, but in no event shall the extension run beyond the applicable statute of limitations.

(d) The provisions of subsection (a), (b) and (c) of this section shall not apply to claims for legacies or shares of an estate of a decedent.

(e) No claim for a deficiency or otherwise, based on a bond which has been secured by a mortgage on real estate, shall be entertained against a decedent's estate unless such claim has been presented to the executor or administrator within six months after the date of the granting of letters to the executor or administrator.

The failure to present a claim on a bond secured by a mortgage on real estate, in accordance with the foregoing provisions,

shall not invalidate the bond so as to prevent the foreclosure of the mortgage on real estate at any time thereafter, but no claim may be asserted against the decedent's estate on or by reason of the bond.

(f) Nothing in this section affects or prevents, to the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he is protected by liability insurance.

(g) No claim against the estate of any decedent in which letters were granted prior to the effective date of this Act, shall be in any wise affected by this section, but as to all such claims the provisions of §2102 of this title as they existed prior to the effective date of this Act shall apply.

§2103. Debts of which notice is presumed

An executor or administrator shall be deemed to have notice only to mortgages (but not of the bonds accompanying such mortgages) and of such judgments as would be liens against real estate at the date of death of the decedent, which mortgages and judgments are of record in the county of this State in which letters were granted upon the estate of the decedent, unless there has been a failure to insert them in the general indices of the office wherein it is proper that they be recorded.

§2104. Manner of presentation of claims

Claims against a decedent's estate may be presented as follows:

(a) The claimant may deliver or mail to the personal representative a written statement of claim indicating its basis, the name and address of the claimant, and the amount claimed, or may file a written statement of claim, in the form prescribed by rule of the Court of Chancery, with the Register of Wills and Estates. The claim is deemed presented on the first to occur of the receipt of the written statement of claim by the personal representative, or the filing of the claim with the Register of Wills and Estates. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe

correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(b) The claimant may commence a proceeding against the personal representative in any court where the personal representative may be subject to jurisdiction, to obtain payment of his claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim. No presentation of claim is required in regard to matters claimed in proceedings against the decedent which were pending at the time of his death.

§2105. Order of preference of claims against estate

(a) Executors and administrators after payment of all administration expenses, fees and commissions shall pay claims against the decedent in the following order:

(1) Surviving spouse's allowance as provided in section 2307 of this title;

(2) Funeral expenses;

(3) The reasonable bills for medicine and medical attendance during the last sickness and for nursing and necessities for the last sickness of the decedent;

(4) Wages of servants and labors employed in household affairs or in the cultivation of a farm; but no servant or laborer shall be allowed this preference for more than one year's wages;

(5) Taxes imposed by the State of Delaware;

(6) Rent for not exceeding one year; and this, at the election of the party entitled, may be of rent in arrear or rent growing due;

(7) Judgments against the decedent, which shall include judgments before justices of the peace and decrees of a court of equity against him for the payment of money;

(8) Recognizances, mortgages, and other obligations of record, for the payment of money;

(9) Obligations and contracts under seal;

(10) Contracts under hand for the payment of money, or delivery of goods, wares or merchandise;

(11) Other demands.

(b) No preference shall be given in the payment of any claims over any other claims of the same class, and a claim due and payable shall not be entitled to a preference over claims not due.

§2106. Petition to Court of Chancery to determine order of preference

Whenever an executor or administrator is unable to determine between two or more creditors the order of preference to be given to their respective demands, he may, upon petition to the Court of Chancery, have the parties in interest summoned to appear in the Court, and upon hearing duly had the Court shall determine the order of preference to be given to the respective demands of the creditors who may have been made parties to the proceeding. Upon compliance with such determination the petitioner and his sureties shall be discharged from all further liability in respect to the preference made by the Court.

§2107. Payment of Claims after three months without notice of claim of higher priority

If an executor or administrator, after the expiration of three months from the grant of letters, pays a claim of lower preference, before presentation pursuant to §2104 of this title of a claim of a higher preference, such payment shall be allowed him.

§2108. Report of deductions for inheritance tax purposes

Every executor or administrator shall file with the Division of Revenue a report of deduction for inheritance tax purposes. The report shall be filed within the time and shall contain the information prescribed by Chapter 13 of Title 30.

§2109. Barring of claims against estates when no letters have been granted within ten years from death

If no letters have been granted upon the estate of any person within ten years from the date of his or her death, all claims of

creditors and persons otherwise beneficially interested in the estate, except those evidenced by mortgage or judgment which shall be controlled by the law applicable to mortgages and judgments as heretofore, shall be thereafter barred.

CHAPTER 23. ACCOUNTING AND DISTRIBUTION

Subchapter I. General

§2301. Rendering of accounts; extension of time; appeal; authority of Register of Wills and Estates and Court of Chancery

(a) Every executor or administrator shall render an account of his administration to the Court of Chancery, in money, every year from the date of his letters until the estate is closed and a final account passed by the Court.

(b) If an executor or administrator fails to perform this duty, the Court of Chancery shall issue process of attachment against him, and may enforce his compliance by imprisonment.

(c) The Register of Wills and Estates may, for sufficient cause, extend the time for accounting, not to exceed six months; and he may, upon the affidavit of an executor or administrator, and on its appearing to him that there are no transactions or matters for an account in any year, dispense with an account; but from his determination in this respect an appeal may be taken by any interested party to the Court of Chancery.

(d) The Register of Wills and Estates shall receive all accountings filed for approval by the Court of Chancery but shall have no power to deny any debt, expense or other item for which allowance is sought. The Court may, however, refuse to allow any item indicative of fraud, illegality or negligent failure to fulfill fiduciary obligations or, may further refuse to allow any item representing a debt or expense incurred solely for the purpose of avoiding any tax.

§2302. Notice of filing of account; waiver; exceptions

(a) Every account filed by an executor or administrator shall be accompanied by a statement of the names and mailing addresses of each beneficiary entitled to share in the distribution

of the estate. In addition, such statement shall indicate (i) the name and address of any beneficiary who is subject to a legal incapacity and the name and address of the guardian or trustee for such beneficiary, if any, and if none, the name and address of a parent, natural or adoptive, of such beneficiary, and (ii) the name and address of any beneficiary who has waived the notice to beneficiary as provided in subparagraph (c) of this Section.

(b) Upon the filing of an account with the statement of names and addresses of beneficiaries as provided in subparagraph (a) of this Section, the Register of Wills and Estates shall forthwith mail to such beneficiaries or to the guardian, trustee or parent of any legally incapacitated beneficiary, a notice in writing of the filing of the account and that the same shall be open for inspection and exception for sixty (60) days from the mailing of the notice. Such notice need not be mailed to any beneficiary who has waived the notice to beneficiary as provided in subparagraph (c) of this Section. The Register shall certify on the account that he did mail the notices required by this subparagraph and the date of such mailing.

(c) Any beneficiary entitled to share in the distribution of an estate may waive in writing any notice of the filing of an account to which such beneficiary is entitled. The beneficiary by such waiver shall consent that the account be approved by the Court. The waiver of a beneficiary subject to a legal incapacity shall be executed by the guardian, trustee or parent, natural or adoptive, of such beneficiary.

(d) Within sixty (60) days of the mailing of such notice, any beneficiary entitled to share in the distribution of the estate, who has not waived the notice of the filing of the account pursuant to subparagraph (c) of this Section may file in the Office of the Register of Wills and Estates exceptions in writing to the account of an executor or administrator. Exceptions not filed within such sixty-day period shall not be considered by the Court. If no exception to the account is filed within such sixty-day period, the account shall, subject to the power of the Court to disallow items of the account pursuant to Section 2301 (d) of this Title, be approved.

§2303. Recording of Account; fees; evidence

(a) All accounts and settlements of executors and administrators as the same shall be passed by the Court of Chancery shall be recorded by the Register of Wills and Estates of the several counties in uniform books. The Register shall also maintain an alphabetical index of all such settlements and accounts.

(b) The cost of recording and indexing the settlements and accounts shall be paid out of the funds of the estate to which they relate. The Register shall receive for recording and indexing the accounts and settlements the fees provided by this Title.

(c) A certified copy of such record of settlement and accounts of executors and administrators shall be received as evidence in the several courts of the State of Delaware.

§2304. Payment of Inheritance tax before final approval

No final approval of the account of any executor or administrator shall be granted by the Court of Chancery until the Court has ascertained that all taxes imposed under the provisions of Chapter 13 of Title 30 with interest, if any is due, have been paid. A certificate of the Division of Revenue filed with the Register shall be proof of such payment.

§2305. Allowance of commissions and attorney's fees

(a) Commissions and attorney's fees shall be allowed as provided by Rule of the Court of Chancery.

(b) No commission shall be allowed by the Court of Chancery to any executor or administrator who has not complied with the requirements of Chapter 13 of Title 30. This penalty shall not apply until one month after notice by the Division of Revenue of such delinquency.

(c) The Court of Chancery may reduce commissions and attorney's fees if the accounts required to be filed by this Chapter are not filed within the required time period.

§2306. Distribution of decedent's property without grant of letters where estate assets do not exceed \$7500.00

The following classes of distributees of an estate: wife or husband, children, father or mother, brother or sister (preference

being given each class of distributees in the order named) shall be entitled to the personal estate without awaiting the appointment of a personal representative or the probate of a will when:

(1) no petition for the appointment of a personal representative is pending or has been granted, and

(2) thirty days have elapsed since the death of the decedent, and

(3) the value of the entire assets of the personal estate, not including exempt property and jointly owned property, does not exceed \$7,500, and

(4) all known debts have been paid or provided for, and

(5) decedent did not own solely owned real estate, and

(6) there is furnished to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property or right, an affidavit showing the existence of the foregoing conditions and the right of the distributees to receive such money or property or to have such evidence transferred.

§2307. Effect of payment pursuant to Section 2306; actions by distributees

(a) The person making payment, delivery, transfer or issuance pursuant to the affidavit described in Section 2306 of this title, shall be released to the same extent as if made to the personal representative of the decedent and he shall not be required to see to the application thereof or to inquire into the truth of any statement in the affidavit, but the distributees to whom payment, delivery, transfer or issuance is made, shall be answerable therefor to any person having a prior right and be accountable to any intestate distributee or to any personal representative thereafter appointed.

(b) If the person to whom an affidavit is delivered pursuant to section 2306 refuses to pay, deliver, transfer or issue the property, it may be recovered or compelled in an action brought in the Court of Chancery for such purposes by or on behalf of the distributees entitled thereto, upon proof of the facts required to be stated in the affidavit.

§2308. Surviving spouse's allowance

(a) The surviving spouse of any decedent shall be entitled to receive and the executor or administrator shall pay to such spouse as soon as convenient, in the manner provided in this section, cash up to the amount of \$2000 out of the estate of the decedent, which payment shall be made in the order of preference of claims against the estate in section 2105 of this Title, as amended. The foregoing provision shall not affect any other rights to which such spouse may be entitled, either under the will of the decedent or the provisions of the intestacy laws of this State.

(b) The allowance to the surviving spouse of a decedent provided for in subsection (a) of this section, shall be of no effect unless and until such spouse shall, within six months from the date of the granting of letters testamentary or of administration, notify in writing the Register of Wills and Estates of the county wherein the letters were granted and the executor or administrator of such spouse's demand that a specific sum not exceeding \$2000 be so set aside out of the proceeds of the estate of the decedent.

(c) The allowance provided for in subsection (a) of this section, shall be considered to be a debt of the estate, and the executor or administrator may sell so much of the property of the decedent as will enable him to pay the allowance in the same manner as he may be enabled to do by law for the payment of other debts of the decedent or of the estate.

SUBCHAPTER II**Payment of Legacies or Distributive Shares****§2311. Time for settling estate; accounting for interest or earnings pending settlement**

Except where circumstances justify a longer period, an executor or administrator shall have one year from the date of letters for settling the estate of the decedent; and until the expiration of that time, he shall not be required to make distribution, nor be chargeable with interest upon the assets in his hands; but if any part of the estate carry interest or be productive he shall account for the interest or produce.

§2312. Payment of legacies; refusal to pay or deliver; bond; interest

(a) Any legacy, if no time is appointed, shall be payable one year from the date of the first appointment of a personal representative.

(b) Payment or delivery of any legacy may be refused if it is apparent that there are not assets for the purpose; and a personal representative, if he knows of any demand, whether outstanding or potential, shall not be obliged to pay or deliver a legacy or distributive share unless the person entitled shall, with sufficient security, become bound to the executor or administrator by a joint and several obligation, in a penalty double the value of the legacy or share, with condition to be void if the person receiving the legacy or share, or his executors or administrators, in case of a deficiency of assets of the decedent for the payment of all the just demands and charges his estate and all legacies by him duly given, without such share or legacy or part thereof, shall refund and pay to the executor or administrator, or his executors, administrators, or assigns, the sum or value of the legacy or distributive share, with interest, or such portion thereof as justly and lawfully ought to be contributed on occasion of such deficiency.

(c) Except where circumstances justify a longer period, pecuniary legacies shall bear interest at the rate of 4 percent per annum payable from the estate beginning 13 months after the first appointment of a personal representative until payment unless a contrary interest is indicated by the Will.

(d) If a legacy is to be paid before the expiration of the first year from the date of the first appointment of a personal representative, security may be required, although no claim against the estate is known.

§2313. Anti-lapse; deceased devisee; class gifts

If a devisee or legatee who is a grandparent or lineal descendant of a grandparent of the testator is dead at the time of the execution of the will, fails to survive the testator, or is treated as if he predeceased the testator, the issue of the deceased devisee or legatee who survived the testator by 120 hours take in place of the deceased devisee or legatee, per stirpes. One who would

have been a devisee or legatee under a class gift if he had survived the testator is treated as a devisee or legatee for purposes of this section whether his death occurred before or after the execution of the will.

This section shall not apply in the case of wills wherein provisions have been made for distribution of property different from the provisions of this section.

§2314. Legacy to creditor of testator

A legacy shall not be deemed to be in satisfaction of a debt due from the testator to the legatee, unless the intention of the testator that it shall be so accepted shall appear upon the will expressly or by manifest implication.

§2315. Payment of legacies or distributive shares to minors or persons absent from the State

(a) If an executor or administrator cannot pay over money in his hands as such because of the infancy or absense from the State of a person entitled to a legacy or distributive share of personal estate, or any part thereof, he may deposit the same in the Farmers Bank of this State to the credit of the person so entitled; and he shall take from the cashier a certificate of the deposit, and deliver the same to the Register of Wills and Estates for the county where the deposit is made, to be by him recorded in accordance with section 2320 of this Title; and the record of the certificate, or a certified copy thereof, shall be evidence.

(b) Whenever the party entitled to any deposit under subsection (a) of this section is a minor, the executor or administrator shall, in respect to him, make a report to the Court of Chancery in the county where the deposit is made of his proceedings under subsection (a) of this section, and shall exhibit to and file in the Court, the original certificate of deposit, which shall be recorded in the Court.

(c) A deposit under this section and a compliance with its provisions shall be a sufficient discharge of the executor or administrator, and of his sureties, for the money so deposited.

§2316. Payment of legacy, distributive share or trust fund where person entitled is out of State, unknown, incompetent or shares uncertain; proceedings

(a) If an executor, administrator or trustee cannot pay over a legacy, residue of intestate personal estate, distributive share, or trust fund in his hands, because the person entitled to the same, or any part thereof, is absent from the State, unknown or incompetent to receive the same or because the shares of the persons entitled to the same are unknown, such executor, administrator or trustee may present to the Court of Chancery a petition setting forth the facts and praying relief. The Court, upon being satisfied that it is a proper case for relief, shall order the petitioner to pay into the Court of Chancery the amount in his hands, with the interest which may have accrued thereon, less such costs, expenses and counsel fees as may be allowed by the Court. Upon compliance with such order the petitioner and his sureties shall be discharged from all further liability in respect to the money so paid.

(b) Any money so paid into Court may, by order of the Court, be deposited in the name of the Court, in the Farmers Bank of this State, or in any savings bank in this State, or invested in the name of the State in the funded debt of this State or of the United States, or upon bond or mortgage or both for the benefit of the parties entitled to the same. The costs of such investment shall be payable out of the fund.

(c) The Court may direct such proceedings, issue such writs, and make such orders as it deems expedient for ascertaining the parties entitled to the money paid into Court, and for the payment and distribution of the same: and for this purpose the Court may cause notice to parties interested, residing out of this State or whose residences are unknown, to be given by publication or otherwise as it directs and may appoint an auditor to investigate and report to the Court as to any matter necessary to be determined in the premises. Any proceeding, writ, or order authorized by this section may be taken, directed, issued, returned or made as well in vacation at chambers as at term time.

(d) Any payment or distribution of money paid into Court and made by order of the Court under the provision of this sec-

tion, shall be final and conclusive as to the right of the parties interested therein.

§2317. Abatement

(a) Except as provided in subsection (b) and except as provided in connection with the elective share of the surviving spouse who elects to take an elective share, shares of distributees abate, without any preference or priority as between real and personal property, in the following order :

- (1) property not disposed of by the will;
- (2) residuary bequests and devises;
- (3) general bequests and devises;
- (4) specific bequests and devises.

For purposes of abatement, a general bequest or devise charged on any specific property or fund is a specific bequest or devise to the extent of the value of the property on which it is charged, and upon the failure or insufficiency of the property on which it is charged, a general bequest or devise to the extent of the failure or insufficiency. Abatement within each classification is in proportion to the amounts of property each of the beneficiaries would have received if full distribution of the property had been made in accordance with the terms of the will.

(b) If the will expresses an order of abatement, or if the testamentary plan or the express or implied purpose of the devise would be defeated by the order of abatement stated in subsection (a), the shares of the distributees abate as may be found necessary to give effect to the intention of the testator.

(c) If the subject of a preferred bequest or devise is sold or used incident to administration, abatement shall be achieved by appropriate adjustments in, or contribution from, other interests in the remaining assets.

§2318. Proportional contribution of legatees

If there are several legacies, and a return of part of a legacy which has been paid becomes necessary, the legatee shall only be required to return a proportional part of his legacy towards making up the whole sum wanting.

§2319. Transfer to guardian or trustee of investments or other property in payment of specific legacy or distributive share; receipt

Whenever an executor or administrator makes an assignment of any investment or transfers or delivers any personal property of any testator or intestate to a guardian or trustee as payment in whole or in part of a specific legacy or of a distributive share, such guardian or trustee shall give to the executor or administrator, for the purpose of accounting by the executor or administrator, for the purpose of accounting by the executor or administrator in the settlement of the estate only, a receipt therefor at the valuation fixed in the appraisement of the estate of such testator or intestate. The receipt, when filed with the Court of Chancery, shall be a sufficient discharge of such executor or administrator and of his sureties for any property so transferred or delivered, and such guardian or trustee may take over such property and may, without liability for any loss or depreciation therein, continue to hold the same, until in the exercise of due care it shall become no longer wise so to do. Nothing herein contained shall permit or require a guardian or trustee to take over in settlement of a distributive share of an estate property at a value less than the distributive portion of the estate to which such guardian or trustee would otherwise be entitled. In case a guardian or trustee is acting under authority of an instrument or a court order, the terms and provisions of such instrument or court order shall be controlling as to the powers and duties of such guardian or trustee.

§2320. Release, acquittance or receipt to executor or administrator; form, execution, recording and evidence

(a) Any release, acquittance, or receipt, being executed under hand and seal by any legatee, next of kin, or interested person, of full age, to an executor or administrator, for any property or sum of money due by virtue of a will or upon a testamentary or administration account passed before the Register of Wills and Estates, and acknowledged before any justice or judge, Register of Wills, justice of the peace, notary public of any state or territory of the United States or of the District of Columbia, or before any consul general, consul, vice-consul, consular agent or commercial agent of the United States duly appointed in any

foreign country, and certified under the hand of such officer and the seal of his office, shall upon being filed with the Court of Chancery in and for the County in which such Will or Account is recorded or filed, be recorded in a book for that purpose, which shall have direct and reversed alphabetical indices. Such record or a duly certified copy thereof under the hand and official seal of the Register of Wills and Estates shall be competent evidence in all cases.

(b) The following form of acknowledgment shall be sufficient in all cases:

"State of)

ss.

County of)

Acknowledged by to be his voluntary act and deed, before me (here state the official character of the person before whom the acknowledgment is made) this day of, 19

Witness my hand and seal."

Justices of the Peace of this State need only sign their name, there being no seal of office.

§2321. Distributions by fiduciaries in satisfaction of pecuniary bequests

(a) Where a will or a trust agreement authorizes the executor or trustee (hereinafter called the "fiduciary") to satisfy wholly or partly in kind a pecuniary bequest or transfer in trust of a pecuniary amount, unless the will or trust agreement otherwise expressly provides, the assets selected by the fiduciary for that purpose shall be valued at their respective values on the date or dates of their distribution.

(b) Where a will or a trust agreement authorizes the fiduciary to satisfy wholly or partly in kind a pecuniary bequest or a transfer in trust of a pecuniary amount, and the will or trust agreement requires the fiduciary to value the assets selected for such distribution by a formula using a date other than the date or dates of their distribution, unless the will or trust agreement otherwise expressly provides, the assets selected by the fiduciary for distribution, together with any cash to be distributed, shall

have an aggregate value on the date or dates of their distribution equal to the amount of such bequest or transfer in trust as determined by the formula stated in the will or trust agreement.

SUBCHAPTER III. DECREE OF DISTRIBUTION

§2331. Jurisdiction of Court of Chancery

The jurisdiction of the Court of Chancery shall extend to and embrace the distribution of the assets and surplusage of the estates of decedents among the persons entitled thereto in all cases where such jurisdiction is invoked as provided in this subchapter.

§2332. Petition for decree of distribution; notice required by constitution

(a) An executor or administrator or any person claiming to have an interest in the estate to be distributed may, at any time after any account has been filed by an executor or administrator, apply to the Court of Chancery in the county in which letters testamentary or of administration were granted upon the estate to be distributed, by a written petition filed in the Court for a decree of distribution of the estate among the person entitled thereto. Such petition shall have attached to it a certified copy of all accounts that have been theretofore filed by the executor or administrator in the office of the Register of Wills and Estates for the county. The petition shall contain the names of all persons known to the petitioner who claim or may claim an interest in the estate to be distributed, together with their post office addresses so far as known, and shall state whether the executor or administrator of the estate has given the notice required to be given by section 32 of Article IV of the Constitution of this State, and shall be duly verified.

(b) If at the time the petition is filed the executor or administrator of the estate shall not have given the notice required to be given by section 32 of Article IV of the Constitution, the Court shall forthwith order such notice to be given by such executor or administrator within such time as shall be fixed by the Court.

§2333. Order fixing hearing date and providing for notice

(a) Upon the filing of the petition provided for under section 2332 of this title, the Court of Chancery, after having satisfied itself of the sufficiency of the petition, shall make an order -

(1) Taking jurisdiction of the proceeding;

(2) Setting the application for a decree of distribution down for a hearing before the Court, at a time fixed in such order;

(3) Providing for written notice and delivery of a copy of the petition by certified mail to each person who is named in the petition as a person who claims or may claim an interest in the estate to be distributed, and each such person of whom the Court otherwise has knowledge, and also to the personal representative of the decedent, if he is not the petitioner in the proceeding;

(4) Providing for the publication of the notice in a newspaper published in the county, at least once a week for at least four weeks before the date of such hearing.

(b) The notice shall be mailed and published by and in the name of the Register of Wills and Estates of the county in which the proceeding is pending, and shall be in substantially the following form:

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE IN AND FOR COUNTY

TO ALL PERSONS CLAIMING TO HAVE INTEREST IN THE DISTRIBUTION OF THE ESTATE OF DECEASED, INCLUDING PERSONS CLAIMING TO BE HEIRS, LEGATEES, BENEFICIARIES OR OTHER DISTRIBUTEES OF SAID ESTATE.

YOU ARE HEREBY NOTIFIED that an application has been made to the Court of Chancery of the State of Delaware, in and for County, for a decree of distribution of the estate of said decedent and that the application has been set down for a hearing before the Court on the day of A.D. 19, at M, in the court room of the Court of Chancery in the County Court House in the City of Delaware.

You are further notified that if you desire to make any claim to an interest in the distribution of the estate, or to all or

any part of the distributable amount of the estate, you must appear before the Court at the time and place aforesaid and present such claim together with any evidence you desire to present to sustain such claim.

Your failure to appear and present your evidence at the time and place aforesaid will be at your peril.

.....
Register of Wills and Estates of
..... County.

§2334. Hearing and evidence

At the hearing of the application or any adjournment thereof, the Court of Chancery shall consider the sworn petition of the applicant and any sworn answer or answers that have been filed in the proceeding and shall take and receive any and all pertinent evidence that may be offered by the petitioner or by the personal representative of the decedent or by any person appearing and claiming to have an interest in the estate to be distributed. The evidence so taken shall be recorded stenographically and, if required by the Court or if an appeal is taken from any decree of distribution that may be made on the application, shall be transcribed.

§2335. Decree of distribution; reservation for contingent liabilities

If, upon the hearing, the Court of Chancery shall be satisfied that the estate or any part thereof may then be distributed, the Court shall make a decree determining the distribution of the estate then available for distribution to the person or persons who are by law entitled to the same. If it appears that a portion of the estate may then be distributed and the balance of the estate should be reserved for contingent liabilities against the estate, such decree may, if the Court deems proper, determine the distribution of such balance if and to the extent that the same may thereafter become available for distribution.

§2336. Distribution of assets in kind

Whenever it appears in any proceeding under this subchapter, that the balance of the estate, after the payment of debts,

includes stocks, bonds or other securities, the Court may direct distribution of such assets in kind to and among those lawfully entitled thereto, including fiduciaries. Such distribution in kind shall specify what stocks, bonds or other securities shall be distributed to each distributee separately. Any fiduciary to whom such a distribution in kind has been made may accept the stocks, bonds or other securities so distributed, but, with respect to the retention thereof after such distribution, such fiduciary shall be governed by the general law applicable thereto.

§2337. Appointment of master; exceptions to master's report

The Court of Chancery, instead of hearing in the first instance an application for a decree of distribution under this subchapter, may appoint a master to hear the same who shall thereafter proceed in accordance with the provisions of this subchapter, and thereupon he shall make a report to the Court recommending the decree to be entered in the proceeding. Such report shall be subject to exceptions by the personal representative of the estate or any person claiming to have an interest therein and such exceptions shall be heard by the Court and thereafter a decree shall be entered by the Court in the proceeding.

§2338. Finality of decree; appeal to Supreme Court; record on appeal

(a) Every decree of distribution made by the Court of Chancery in a proceeding initiated under this subchapter shall be a final decree, but the personal representative of the decedent or any person claiming to have an interest in the estate thereby decreed to be distributed shall have the right, at any time within 30 days after the making and entry of such decree, to take an appeal therefrom to the Supreme Court. After the expiration of the period of 30 days such decree of distribution, with respect to all matters contained therein, if no appeal has been taken therefrom, shall become and be conclusive and binding upon the executor or administrator of the estate of the decedent and upon every person claiming to have an interest in the estate thereby distributed.

(b) If an appeal is taken from any such decree, the decree or judgment made and entered by the Supreme Court on such

appeal shall likewise be conclusive and binding upon the executor or administrator and every person claiming as aforesaid, from the date of the making and entry of the decree or judgment by the Supreme Court.

(c) Any appeal taken to the Supreme Court shall be heard by that Court upon the record of the proceeding in the Court of Chancery and the procedure on such appeal shall be in accordance with the rules of the Supreme Court.

§2339. Rule-making power of Court of Chancery

The Court of Chancery may make all necessary rules of procedure before the master and other rules governing the proceeding not inconsistent with the provisions of this subchapter.

SUBCHAPTER IV.

NON-DOMICILIARY DECEDENTS' ESTATES

§2351. Definitions

As used in this subchapter

"Death tax" and "death taxes," include inheritance and estate taxes and any taxes levied against the estate of a decedent upon the occasion of his death;

"Domiciliary state" means the jurisdiction in which the decedent was domiciled at the time of his death.

§2352. Proof of payment of domiciliary death taxes

At any time before the expiration of 18 months after the qualification before any Register of Wills and Estates in this State of any executor of the will or administrator of the estate of any non-domiciliary decedent, such executor or administrator shall file with such Register proof that all death taxes, together with interest or penalties thereon, which are due to the domiciliary state of such decedent, or to any political subdivision thereof, have been paid or secured, or that no such taxes, interest or penalties are due, as the case may be, unless it appears that letters testamentary or of administration have been issued on the estate of such decedent in the domiciliary state. The proof

may be in the form of a certificate issued by the official or body charged with the administration of the death tax laws of the domiciliary state.

§2353. Notice to the domiciliary state

If the proof required by section 2352 of this title has not been filed within the time prescribed by that section, and if within such time it does not appear that letters testamentary or of administration have been issued in the domiciliary state, the Register of Wills and Estates shall forthwith upon the expiration of such time notify by mail the official or body of the domiciliary state charged with the administration of the death tax laws thereof with respect to such estate, and shall state in such notice so far as is known to him (a) the name, date of death and last domicile of such decedent, (b) the name and address of each executor or administrator, (c) a summary of the values of the real estate, tangible personalty, and intangible personalty, wherever situated, belonging to such decedent at the time of his death, and (d) the fact that such executor or administrator has not filed theretofore the proof required by section 2352 of this title. The Register shall attach to such notice a plain copy of the will and codicils of such decedent, if he died testate, or, if he died intestate, a list of his heirs and next of kin so far as is known to such Register.

§2354. Accounting and decree of Court of Chancery upon petition of domiciliary state

Within 60 days after the mailing of the notice required by section 2353 of this title, the official or body charged with the administration of the death tax laws of the domiciliary state may file with the Court of Chancery in this State a petition for an accounting in such estate, and such official or body of the domiciliary state shall, for the purposes of this section, be a party interested for the purpose of petitioning the Court for such accounting. If such petition be filed within said period of 60 days, the Court shall decree such accounting, and upon such accounting being filed and approved shall decree either the payment of any such tax found to be due to the domiciliary state or subdivision thereof or the remission to a fiduciary appointed or to be appointed by the probate court, or other court charged with the

administration of estates of decedents, of the domiciliary state, of the balance of the intangible personalty after the payment of creditors and expenses of administration in this State.

§2355. Prerequisites of approval of final account

No final account of an executor or administrator of a non-domiciliary decedent shall be approved unless either (1) proof has been filed as required by section 2352 of this title or (2) notice under section 2353 of this title has been given to the official or body charged with the administration of the death tax laws of the domiciliary state, and such official or body has not petitioned for an accounting under section 2354 of this title within 60 days after the mailing of such notice, or (3) an accounting has been had under section 2354 of this title, a decree has been made upon such accounting and it appears that the executor or administrator has paid such sums and remitted such securities, if any, as he was required to pay or remit by such decree, or (4) it appears that letters testamentary or of administration have been issued by the domiciliary state and that no notice has been given under section 2352 of this title.

§2356. Applicability of subchapter

This subchapter shall apply to the estate of a non-domiciliary decedent, only in case the laws of the domiciliary state contain a provision, of any nature or however expressed, whereby this State is given reasonable assurance, as finally determined by the Division of Revenue, of the collection of its death taxes, interest and penalties from the estates of decedents dying domiciled in this State, when such estates are administered in whole or in part by a probate court, or other court charged with the administration of estates of decedents, in such other state.

§2357. Construction of subchapter

The provisions of this subchapter shall be liberally construed in order to ensure that the domiciliary state of any non-domiciliary decedent whose estate is administered in this State shall receive any death taxes, together with interest and penalties thereon, due to it from the estate of such decedent.

CHAPTER 25

REGISTER OF WILLS AND ESTATES

§2501. Register of Wills and Estates is a Clerk of Court of Chancery

In performing the functions of his office, the Register of Wills and Estates of each County shall act only as a Clerk of the Court of Chancery.

§2502. Powers of Register of Wills and Estates

(a) The Register of Wills and Estates shall have power to take acknowledgments, administer oaths, certify and authenticate copies of instruments, documents and records of the Court, and perform the usual functions of his office.

(b) Subject to control of the Court of Chancery, the Register of Wills and Estates shall have power to issue notices and to make all necessary orders for the hearing of any petition or other matter to be heard in the Court.

(c) If a matter is not contested, except as otherwise provided in this title, the Register of Wills and Estates may hear and determine it and make all orders, adjudgments and decrees in connection therewith which the Court of Chancery could make, subject to be set aside or modified by the Court at any time within 30 days thereafter; and if not so set aside or modified such orders, adjudgments and decrees shall have the same effect as if made by the Court.

(d) Without limiting the generality of the foregoing, the Register of Wills and Estates shall have such further powers and duties as may be specifically conferred upon him by statute or by Rule of the Court of Chancery.

§2503. Commission to take deposition

If the attendance of a witness to a will cannot be procured because of his sickness, age, infirmity, imminent departure from the State, being beyond the reach of process, or any other reason deemed satisfactory to the Register of Wills and Estates, the Register may award a commission to take the deposition of such witness.

The commission may be issued on interrogatories filed, or the Register may make any order he deems proper concerning the issuance or execution of the commission.

§2504. Compensation

The Registers of Wills and Estates in respective Counties shall receive the following annual salaries -

- (1) New Castle County, \$12,000.00.
- (2) Kent County, \$6,000.00.
- (3) Sussex County, \$6,000.00.

§2505. Register's bond

The official bond of every Register of Wills and Estates of this State shall embrace and include the faithful performance by the Register of all the duties imposed upon the Register by law.

§2506. Deputy Register; powers; recording appointment

In all cases where, in the administration of the affairs of the Office of Register of Wills and Estates in several Counties of the State, it is necessary or proper to administer an oath of affirmation, such oath of affirmation may be administered by a Deputy Register; and, where the Register might have done so, such Deputy Register may probate Wills and grant Letters Testamentary and of Administration. The appointment of each Deputy shall be recorded in the Office of the Recorder of Deeds of the County for which the Deputy shall be appointed.

§2507. Deputies and Clerks

(a) The Chancellor shall name a chief deputy Register of Wills and Estates for each county who shall perform such duties as shall from time to time be assigned by the Court of Chancery. The Chancellor shall set the annual compensation of such chief deputy, but such compensation shall not exceed the statutory compensation of the Register of Wills and Estates in that county or \$7,200.00 per year, whichever is greater. A chief deputy Register of Wills and Estates when appointed and qualified shall not be removed from office except for good and sufficient cause.

(b) The Register of Wills and Estates in each county may employ such number of deputies and clerks at such salaries as shall be fixed by the governing body of such county.

§2508. Report of real estate transfers to Board of Assessments

Each Register of Wills and Estates shall furnish to the Board of Assessments of each county a description of each parcel of real estate devised or descending by virtue of Will or by operation of law insofar as the records of his office enable him. He shall also furnish the date of the transfer, the name of the deceased and the name and the address of the transferee. The Register shall furnish such information promptly after the filing in his office of an inventory and appraisalment.

§2509. Delivery of record to Public Archives Commission, photostats; evidence

(a) Each Register of Wills and Estates upon the advice and approval of the Court of Chancery, may deliver to the Division of Archives and Cultural Affairs of the Department of State any volume of probate records in his official custody, the aging condition of which render its continued use by the public inadvisable, and the Register shall take the receipt for the same and the receipt shall be recorded in the Office from which such volume or record is taken.

(b) Within a reasonable time after any such volume or record has been delivered to the Commission, the State Archivist shall make a photostat copy of its contents and shall certify that such contents are complete and correct, and such certificate shall be included in such photostat copy. Such photostat copy shall be substantially bound, shall match the current volumes of probate records so far as is practicable, and shall be delivered to the Register of Wills and Estates from whom the original volume was received, and the Register may issue certified copies of any photostat copy of any records contained in such volume, and any such certified copy shall be admissible evidence in any judicial or administrative proceeding in the same manner and entitled to the same weight as certified copies made from the original volume.

§2510. Fees of the Registers of Wills and Estates

The fees of the Registers of Wills and Estates shall be uniform throughout the State and such fees shall be as follows:

For filing petition for granting letters of administration or testamentary	\$ 1.00
For granting letters of administration under seal, taking bond and making registry thereof, if the estate is under \$100	1.25
Over \$100 and less than \$500	2.00
Over \$500 and less than \$1,000	3.00
Over \$1,000 and less than \$5,000	5.00
Over \$5,000 and less than \$10,000	8.00
Over \$10,000 and less than \$20,000	12.00
Over \$20,000 and less than \$50,000	15.00
Over \$50,000 and less than \$75,000	20.00
Over \$75,000 and less than \$100,000	25.00
Each additional \$100,000 over the first \$100,000	10.00
Taking and registering probate of will	2.00
For granting letters testamentary under seal, same as for letters of administration	
Copy of will annexed to letters testamentary	1.00
Entering renunciation	1.00
Making and registering order for advertising letters of administration or testamentary	2.00
Hand bills	2.00
Filing inventory, and making registry of such filing and of appraised value of goods and chattels therein ..	1.00
For recording and indexing accounts	2.00
For adjusting, settling and certifying accounts, 1% of the amount of net personal estate (disregarding all disbursements made, or to be made, for legacies, be- quests or distributive shares due to legatees, heirs at law, or persons otherwise entitled)	
Entering caveat	1.00
Issuing citation	1.00
Issuing subpoena to give evidence, all witnesses named before the issuing of the subpoena to be named therein	.50
Issuing an attachment	1.00
Entering sentence or decree upon the actual litigation of a cause	1.00

Filing petition or application for revoking letters of administration or testamentary	1.00
For sitting in trial of cause, per day	5.00
For recording release, acquittance or receipt	1.00
For acknowledging an acquittance, or any paper necessary to have acknowledgment thereto .....	.50
For recording will and probate, or any other writing proper to be recorded, and not provided for in this section	1.00
Affixing seal of office to any writing not hereinbefore mentioned, and for which no other fee is allowed	1.00
Making search	1.00
Copy not before provided for	1.00

§2511. Posting of fee list

Every Register of Wills and Estates shall keep for public inspection in his office a printed or written list of the fees then in effect.

§2512. Refusal to pay fees; penalty

Whoever neglects or refuses to pay the fees provided for in this Chapter, for any service performed, within thirty days after written demand from the Register of Wills and Estates to whom such fees are due, shall be fined \$20.00 besides costs of suit unless the Court of Chancery, upon application within such thirty-day period for good cause shown, grants an extension of time for payment of such fees.

CHAPTER 27

SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS

§2701. Petition for sale of realty to pay decedent's debts; notice

(a) When the personal estate of a decedent is not sufficient to pay his debts, his executor or administrator may present to the Court of Chancery of the county wherein there is any real estate of the decedent, a petition stating the facts, and praying an order for the sale of the whole, or such part thereof for that purposes if the personal estate is not sufficient to pay.

(b) Written notice of intention to present such petition, and of the day and place of doing so, shall be given by the executor or administrator at least ten days in advance to the parties interested or if any of the parties be minors and have guardians, to such guardians if such parties and guardians reside in the State, and also to the tenants in possession of the premises intended to be sold. If any of the parties or guardians do not reside in the State, there shall, in such case, be such publication or service of notice in respect to them, as shall be prescribed by the Court of Chancery, by general rule, or specially directed in any case.

(c) Where the decedent has real estate in more than one of the counties of this State the petition may be presented to the Court of Chancery of any of the counties wherein such real estate is located. The Court may, in such action, make an order in relation to any real estate of the decedent located within this State. The Court shall order the part of the proceedings which relates to real estate in a county other than that where the petition is presented, to be certified and recorded in the Court of Chancery in that county; and the record shall have all the effect of an original record. The sale of any such real estate shall be conducted only in the county wherein such real estate is located.

§2702. Application by creditor to compel sale of realty; procedure

A creditor of the decedent may apply to the Court of Chancery of the county wherein the letters were granted, to issue a citation to an executor or administrator to appear before it, on a day to be therein mentioned, to show cause why he shall not present a petition to the Court for the purpose mentioned in section 2701 of this title. The citation shall be served at least ten days before its return. If upon a hearing, it appears that there is a deficiency of assets for the payment of the decedent's debts, and that the creditor will be remediless without the sale of the real estate, or part thereof, then the Court may order the executor or administrator to present such petition to it on or before such date to be fixed by the Court as will enable the notice required by section 2701 of this title to be given.

§2703. Proof in action to compel sale of realty

In cases of a petition for an order for sale of realty, the executor or administrator shall exhibit to the Court of Chancery,

on oath, a true account of all the personal estate of the decedent, and of all debts outstanding against the estate of the decedent which shall have come to his knowledge, stating therein the amount of the inventory and appraisal, the amount of the debts due to the decedent, and all other property, rights and credits belonging to the decedent's personal estate of which the executor or administrator has knowledge; and he shall also exhibit the inventory, list and statement filed pursuant to section 1905 of this title, or certified copies thereof.

§2704. Order of sale; realty to be sold

The Court of Chancery may, if it appears that there is a deficiency of personal estate for the payment of the decedent's debts, order that the executor or administrator, shall sell the real estate, or a part thereof to be specified in the order, for the purpose of supplying the deficiency. No more shall be sold than the Court deems sufficient for that purpose, unless the Court considers that the condition of any premises is such that a part thereof, merely sufficient, could not be laid off and sold without injury to the whole, in which case the Court may order the whole, or any part of such premises to be sold, as may be deemed best for the parties interested.

§2705. Partition no bar to sale

The fact that partition has been made of the real estate shall be no bar to an order for sale.

§2706. Manner of sale; notice and adjournment in case of public auction

Every sale under this chapter shall be by public auction or by private sale with the approval of the Court of Chancery. If the sale is by public auction, the Court shall direct the executor or administrator to give notice thereof by advertisements, made and signed by the clerk, describing the land to be sold and appointing the day, hour and place of such sale, posted, as least ten days before the day of sale, at such places in the country as the order specifies, and also in such other manner as may be deemed proper in a particular case. The executor or administrator may adjourn the sale.

§2707. Effect of contribution in advance of sale by devisee or other person in interest to payment of debts; contribution to equalize burden after sale

If any devisee, or person holding any part of the real estate, contributes so much as the Court of Chancery adjudges to be his proportionable part towards payment of the outstanding debts, no order shall be made for the sale of the premises owned or held by him. A devisee or other owner of premises which shall be sold pursuant to an order under this chapter may compel contribution to equalize the burden from any other owner if more than his proportionate share towards payment of the debts is raised by the sale.

§2708. Return of sale; deed

(a) An executor or administrator shall return his proceedings to any adjourned or regular term of the Court of Chancery after the making or renewing of an order of sale; and if the return is approved, he shall make a deed to the purchaser for the premises sold.

(b) If an order is made to several executors or administrators, upon the death of any, it shall survive.

(c) A successor administrator may return a sale made by a former executor or administrator and make a deed to the purchaser, if the Court of Chancery approves the sale and orders him to make a deed. He may, under order of the Court, make a deed pursuant to a sale returned by such former executor or administrator and duly approved.

(d) A deed may also be made, by order of the Court of Chancery, to the heirs or to the assigns of a deceased purchaser.

(e) The Court of Chancery shall not order a deed to be made in any case, unless the purchase money is first paid.

§2709. Title of purchaser

The grantee in any deed made in pursuance of this chapter, shall take all the estate, title and claim which the decedent, at the time of his death, had to the real estate thereby conveyed, either at law or in equity, with the benefit of all acts and matters done after his death for perfecting or securing the title, and shall

hold the same paramount to all incumbrances created or suffered by, and all right and title of the devisees or heirs of the decedent, and all persons claiming through them, and also discharged from the lien of all judgments against decedent, or his executors or administrators, and also of all the mortgages and recognizances entered into or executed by the decedent for the payment of money or interest, absolutely and not dependent on a contingency. But neither the sale nor the deed shall impair or affect the lien of any recognizance or obligation entered into or executed by the decedent with condition for the performance of any official duties, or of any recognizance or mortgage, entered into or executed by him with any other condition than for the absolute payment of money, or interest.

§2710. Application of proceeds of sale; order of payment of debts

The purchase money of a sale, made by authority of this chapter, (all just charges to be allowed by the Court of Chancery, being first deducted) shall be applied to outstanding debts against the decedent in the following order:

FIRST CLASS: To judgments against the decedent, which, before the sale, were liens on the premises sold, and to recognizances and mortgages entered into or executed by him with condition for the payment of money or interest, absolutely, and not dependent on a contingency, and which, before the sale, were liens on the premises sold; such judgments, recognizances and mortgages shall be of equal grade, but shall be preferred in payment according to the legal priority of their lien respectively; and if in an action or proceeding upon a recognizance, obligation, or mortgage entered into or executed by the decedent with other condition than for the absolute payment of money or interest (but which was by its own force or legal effect, without judgment thereon, a lien on the premises sold), a sum shall have been assessed or ascertained as payable or recoverable by virtue thereof, and judgment or decree, at the time of the sale, has been thereupon given or pronounced the sum so assessed or ascertained with the costs, shall stand in priority, according to the date of the obligation or recognizance, or of the depositing of the mortgage duly acknowledged or proved in the proper Recorder's office to be recorded, and shall be preferred in payment according

to such priority; but in no other case, shall the proceeds of such sale be applied or retained for the purpose of being applied to any recognizance, obligation or mortgage entered into or executed by the decedent with other condition than for the absolute payment of money or interest, in preference to, or to the postponement of, any debt outstanding against the decedent.

But no debt shall be regarded as within this class unless it was before the sale a lien on the premises sold; a sum assessed or ascertained, as mentioned, under this class, being here understood to be demandable by virtue of the mortgage, recognizance, or obligation, upon which the action or proceeding was instituted.

SECOND CLASS: To other debts outstanding against the decedent, observing the same rule of priority as prescribed by section 2105 of this title.

§2711. Disposition of surplus after paying debts

If there is any surplus of the sale, after paying all the debts, it shall belong to the person to whom the premises sold belonged at the time of the sale, who shall have the same proportion, quantity, and manner of interest in the surplus, as he had in the premises sold; and an executor or administrator shall not detain the surplus, or any part of it, on account of any mortgage, obligation, or recognizance entered into or executed by the decedent with other condition than for the absolute payment of money or interest and which was a lien on the premises sold.

§2712. Order for disposition of surplus

The Court of Chancery, upon the petition of an executor or administrator, shall give direction for the payment or disposal of the surplus.

§2713. Bond to be given by executor or administrator before executing order of sale

Every executor or administrator before proceeding to execute an order of sale, in the Court of Chancery, with one or more sufficient sureties to be approved by the Court, enter into bond to the State in a penal sum to be determined by the Court, with

condition, in substance to account truly for all money to arise from the sale, and (the just charges to be allowed by the Court being first deducted) to apply all the balance thereof to the payment of the outstanding debts against the decedent, according to their legal priority, and to pay the surplus, if any, according to law, and to perform his duty in the premises with fidelity.

§2714. Purchase money payable to a successor administrator

If a sale, made by an executor or former administrator, shall be returned by a successor administrator, the purchase money shall be payable to the latter, but such payment shall not be made nor the sale approved, until he gives bond in the Court of Chancery as prescribed in section 2713 of this title; and in that case, the Court may discharge the bond of the executor or former administrator upon such terms as may be deemed proper.

§2715. Refund of purchase money when sale not returned or not approved

If the purchase money arising from any sale under this chapter, shall be paid to the executor or administrator before the sale is approved, he shall refund the same without delay if such sale is not returned or shall not be approved. If he does not refund the money, it shall be a breach of the condition of the bond prescribed in section 2713 of this title, although he shall have died before the time for returning such sale, for such death shall not excuse him from the strict performance of his duty.

§2716. Charges of sale; taxing and payment

All the charges of any sale under this chapter, whether under the name of commissions or otherwise, shall be taxed by the Court of Chancery and paid to the clerk before approving the sale; and no other charges shall be allowed on account of the sale, or of receiving or paying the purchase money, but the account shall be passed before the Register of Wills and Estates, as other accounts.

§2717. Power to refuse order for sale or to approve a sale

The Court of Chancery may refuse an order for sale of real estate or may refuse to approve a sale, if under the circumstances

it is considered improper that such sale should be made, although it should sufficiently appear that the personal estate is not sufficient for the payment of the debts, or that the sale was regularly conducted.

§2718. Appeal to Supreme Court

Any person aggrieved by an order or decree of the Court of Chancery made in any proceeding under this chapter, may appeal therefrom to the Supreme Court; and no such order or decree shall be drawn in question except upon appeal.

§2719. Power of sale in will; execution; liability of purchaser for application of purchase money

(a) If, by any will, authority is given to several executors, or other persons, to sell real estate, and, if one or more of them die before the complete execution of the authority, such authority shall survive.

(b) If, by any will, real estate is devised to be sold, and no person is authorized to make the sale, the person, or persons, having the execution of the will, or the survivor or survivors of them, if several, may sell the real estate in execution of the devise.

(c) If, by any will, real estate is devised to a person or persons for life and after the death of such life tenant or life tenants to be sold, and no person is authorized to make the sale, the person or persons who have the execution of said will at the period when such sale is directed to be made, or the survivor or survivors of them, if several, may sell the real estate in execution of the devise.

(d) If, by any will, authority is given to an executor to sell real estate, and the person so named as executor therein dies, or is removed or discharged from his office of executor before the execution of the authority, or refuses or neglects to give bond, or renounces, or is incapable, the person or persons having the execution of the will, or the survivor or survivors of them, if several, may sell the real estate in execution of the devise.

(e) Whenever real estate is sold and conveyed in any such case as mentioned and provided for in this section, the purchaser or purchasers thereof shall take the same free and discharged

from any liability as to the application, misapplication or non-application of the purchase money or any part thereof. Nothing in this section shall contravene any express direction contained in any will.

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. The provisions of this Act shall become effective 6 months after enactment and shall apply to decedents dying on or after the effective date of this Act.

Approved June 25, 1974.

CHAPTER 385

FORMERLY SENATE BILL NO. 594

AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO NAVIGATION AND WATERS, AND PROVIDING PILOTAGE RATES FOR DULY LICENSED PILOTS.

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

Section 1. Amend §131, Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking §131 in its entirety and substituting in lieu thereof a new §131 to read as follows:

§131. Pilotage Rates

For services rendered on and after July 1, 1974, the rates of pilotage for conducting a vessel from the Capes of the Delaware to a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, or from a point on the River Delaware no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, shall be in either case, the total of the charges resulting from the two following computations:

(a) (1) A charge, to be known as a unit charge, will be made for each pilotage, determined by length overall (in feet) multiplied by the extreme breadth (in feet) of the vessel, divided by 100.

(2) For the purposes of this Act, the following definitions shall be applied:

"Length Overall" shall be the distance between the forward and after extremities of the vessel.

"Extreme Breadth" shall be the maximum breadth between the outside of the shell platings of the vessel.

All measurements shall be in feet and in inches (U.S.).

Inches shall be converted as follows:

1" = .1	4" = .3	7" = .6	10" = .8
2" = .2	5" = .4	8" = .7	11" = .9
3" = .3	6" = .5	9" = .8	

(3) The charges per unit shall be as follows:

Vessels not in excess of 300 units: \$.60 per unit.

Vessels in excess of 300 units, but not in excess of 600 units:

\$180 plus \$.50 per unit in excess of 300 units.

Vessels in excess of 600 units: \$330 plus \$.40 per unit in excess of 600 units.

There shall be a minimum unit charge of 200 units (\$120.).

(b) A charge, related to length and draft, shall be determined as follows:

Vessels with a length overall not in excess of 550 feet: \$5.00 per half foot of draft.

Vessels with a length overall in excess of 550 feet, but not in excess of 800 feet: \$5.50 per half foot of draft.

Vessels with a length overall in excess of 800 feet: \$6.00 per half foot of draft.

All charges related to draft shall be based upon the charge of the nearest one-half foot of draft; thus there shall be no charge for the first three inches above any foot draft; above three inches, up to and including nine inches, the charge shall be for one-half foot of draft; above nine inches, the charge shall be for the next higher foot. Provided, however, that any vessel with a draft of less than twelve feet shall pay pilotage under this computation as though the draft of the vessel were twelve feet.

Every such vessel bound to the Breakwater for orders shall pay pilotage fees as follows: a sum equal to one-half of the inward rates of pilotage to the Port of Philadelphia, and the same fees when outwardbound from the Breakwater; provided, however, if the pilot bringing such ship or vessel to the Breakwater be there discharged, and the ship or vessel afterward proceed to Philadelphia or any other port or place on the Bay or River

Delaware, she shall make the usual signal for a pilot, and continue to make such signal till reaching Brandywine Light, and if spoken by, or offered the services of, a duly licensed Delaware pilot before reaching Brandywine Light, shall be obliged to employ such pilot and pay him for services rendered as follows: On and after July 1, 1974, the rates of pilotage for conducting a vessel from the Capes of the Delaware to a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, or from a point on the Delaware River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania, and Delair, New Jersey, to the Capes of the Delaware, shall be in either case, the total of the charges resulting from the two following computations:

(c) (1) A charge, to be known as a unit charge, will be made for each pilotage, determined by length overall (in feet) multiplied by the extreme breadth (in feet) of the vessel, divided by 100.

(2) For the purposes of this Act, the following definitions shall be applied:

"Length Overall" shall be the distance between the forward and after extremities of the vessel.

"Extreme Breadth" shall be the maximum breadth between the outside of the shell platings of the vessel.

All measurements shall be in feet and in inches (U.S.).

Inches shall be converted as follows:

1" = .1	4" = .3	7" = .6	10" = .8
2" = .2	5" = .4	8" = .7	11" = .9
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(3) The charges per unit shall be as follows:

Vessels not in excess of 300 units: \$.60 per unit.

Vessels in excess of 300 units, but not in excess of 600 units: \$180 plus \$.50 per unit in excess of 300 units.

Vessels in excess of 600 units: \$330 plus \$.40 per unit in excess of 600 units.

There shall be minimum unit charge of 200 units (120.).

(d) A charge, related to length and draft, shall be determined as follows:

Vessels with a length overall not in excess of 550 feet: \$5.00 per half foot of draft.

Vessels with a length overall in excess of 550 feet, but not in excess of 800 feet: \$5.50 per half foot of draft.

Vessels with a length overall in excess of 800 feet: \$6.00 per half foot of draft.

All charges related to draft shall be based upon the charge of the nearest one-half foot of draft; thus there shall be no charge for the first three inches above any foot draft; above three inches, up to and including nine inches, the charge shall be for one-half foot of draft; above nine inches, the charge shall be for the next higher foot. Provided, however, that any vessel with a draft of less than twelve feet shall pay pilotage under this computation as though the draft of the vessel were twelve feet.

Approved June 25, 1974.

CHAPTER 386

FORMERLY HOUSE BILL NO. 661

AN ACT TO AMEND CHAPTER 1, TITLE 16, DELAWARE CODE, ENTITLED STATE BOARD OF HEALTH, TO PROVIDE FOR THE TRANSFER OF WILMINGTON DEPARTMENT OF HEALTH PERSONNEL TO STATE SERVICE.

WHEREAS, the 125th General Assembly amended Section 108, Title 16, Delaware Code, to provide for the transfer of responsibilities for public health matters within the City of Wilmington from the Wilmington Department of Health to the then State Board of Health; and

WHEREAS, several employees of the Wilmington Department of Health were transferred to the then State Board of Health in connection with the transfer of functions; and

WHEREAS, no provisions were made at that time for those employees to transfer accumulated vacation leave and sick leave and to be given credit for the time they were employed by the City of Wilmington when computing State pension benefits, and seniority for Merit System purposes;

NOW, THEREFORE:

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

Section 1. Chapter 1, Title 16, Delaware Code, is amended by adding thereto a new Section 116 as follows:

§116. Transfer of Wilmington Department of Health Personnel to State Service

Any former or present employee of the State Division of Public Health who was employed by the Wilmington Department of Health in the conduct of public health matters within the City of Wilmington and was so employed at the time the responsibility for the conduct of public health matters within the City of Wilm-

ington was transferred to the State Division of Public Health (then State Board of Health) in implementation of Senate Bill No. 133 of the 125th General Assembly shall, subject to Merit System maximums, be authorized to transfer vacation leave and sick leave then accumulated; receive full credit for the time employed by the City of Wilmington in computing seniority for Merit System purposes; and receive full credit for time so employed and compensated in computing the number of years service required to receive pension benefits and in computing the amount of such pension benefits under the provisions of Chapter 55, Title 29, Delaware Code.

Section 2. The provisions of this Act shall be retroactively effective as of April 1, 1969.

Approved June 25, 1974.

CHAPTER 387

FORMERLY HOUSE BILL NO. 1029

**AN ACT TO AMEND CHAPTER 74, TITLE 29, DELAWARE
CODE RELATING TO BOND ANTICIPATION NOTES
OF THE STATE AND ELIMINATING THE INTEREST
RATE LIMITATION ON BOND ANTICIPATION NOTES
OF THE STATE OF DELAWARE.**

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

Section 1. Section 7404 (a), Title 29, Delaware Code, is amended by striking the first sentence thereof which reads "In anticipation of the issuance of bonds, the Issuing Officers may issue and sell notes of the State at either public or private sale for not less than par and accrued interest and at a rate which shall not exceed 6% per annum.", and substituting therefor the following sentence: "In anticipation of the issuance of bonds, the Issuing Officers may issue and sell notes of the State at either public or private sale for not less than par and accrued interest, at a rate to be determined by the Issuing Officers."

Approved June 25, 1974.

CHAPTER 388

FORMERLY SENATE BILL NO. 603

**AN ACT TO AMEND CHAPTER 171, VOLUME 58, LAWS OF
DELAWARE, 1971, ENTITLED "AN ACT TO REINCOR-
PORATE THE TOWN OF CHESWOLD" BY AUTHOR-
IZING THE APPOINTMENT OF A VICE MAYOR.**

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. Amend Section 5 of Chapter 171, 58 Laws of Delaware, by redesignating paragraph (b) to read paragraph (c) and substitute a new paragraph (b) to read as follows:

"(b) Vice Mayor, Duties of. At the annual meeting the Council shall elect one of their members to the Office of Vice Mayor. During a vacancy in the Office of Mayor or during the absence or disability of the Mayor, the Vice Mayor shall have all the powers and duties of the Mayor."

Approved June 27, 1974.

CHAPTER 389

FORMERLY HOUSE BILL NO. 672
AS AMENDED BY SENATE AMENDMENT NO. 1**AN ACT AUTHORIZING THE PURCHASE AND PLACEMENT OF A TOMBSTONE MARKING THE GRAVE OF FORMER GOVERNOR WILLIAM TEMPLE, AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.**

WHEREAS, it is right and proper that devoted public servants, namely former Governors of the State of Delaware, should be especially honored and the remembrance of their good deeds preserved for the encouragement of public service in future generations; and

WHEREAS, William Temple was born February 28, 1814, in Queen Anne County, Maryland and moved to Smyrna, Delaware at age 18 where he became a successful merchant; and

WHEREAS, William Temple, at age 30, was elected to the State House of Representatives from Kent County as a member of the Whig Party and was subsequently elected House Speaker; and

WHEREAS, William Temple served only 5 months as a legislator when, by virtue of his being House Speaker, he succeeded to the Governor's chair as a result of the death of Governor Joseph Maull; and

WHEREAS, William Temple was the youngest Governor ever elected in Delaware at age 32 and the last member of the Whig Party to be elected to public office; and

WHEREAS, William Temple served as Governor of Delaware at the time in which Delaware experienced great agriculture advances, particularly the peach industry; and

WHEREAS, William Temple served as Governor of Delaware when the United States was at war with Mexico and the

United States Secretary of State called upon Delaware to furnish 390 volunteers to fight Mexico; and

WHEREAS, William Temple was subsequently elected to the State Senate and many other posts after serving as Governor of Delaware; and

WHEREAS, in 1862 William Temple changed his registration from Whig to Democrat because he thought Republicans were too radical; and

WHEREAS, the Democrats nominated William Temple for United States Congressman in 1862 whereupon he defeated his old gubernatorial secretary George P. Fisher by 32 votes; however, he died on May 28, 1863 before he could take his seat; and

WHEREAS, the house on the northeast corner of Main and Mt. Vernon Streets (104 N. Main) was once the home of Governor Temple; and

WHEREAS, Governor Temple was buried in the northeast corner of old St. Peter's at Duck Creek; and

WHEREAS, the grave is unmarked and should be so marked in honor and in remembrance of this great Delawarean and former Governor.

NOW THEREFORE,

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

Section 1. A Joint Committee is hereby created for the purpose of selecting an appropriate tombstone to mark the grave of Governor Temple and also the selection of an appropriate epitaph for said grave stone. The Committee shall consist of the Director, Division of Archives and Cultural Affairs, representing the State, Senator J. Donald Isaacs, representing the Senate, and whose Senatorial district Governor William Temple is interred, Representative Winifred Spence, representing the House of Representatives and in whose representative district Governor

Temple is interred; Representative Thomas Temple, a relative representing the family of Governor William Temple.

Section 2. The sum of \$700.00 is hereby appropriated to the Department of State, Division of Archives and Cultural Affairs for the purpose of carrying out this Act.

Section 3. Funds appropriated herein shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 4. This is a supplementary appropriation Act and funds appropriated herein which remain unexpended or unencumbered on June 30, 1975 shall revert to the General Fund.

Approved June 27, 1974.

CHAPTER 390

FORMERLY SENATE BILL NO. 86
AS AMENDED BY SENATE AMENDMENTS NOS. 2, 3 and 4
AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 4, TITLE 24 OF THE DELAWARE CODE RELATING TO BARBERS AND BARBER SCHOOLS.

Be it enacted by the General Assembly of the State of Delaware (Two-thirds of the Members of each House concurring therein):

Section 1. Amend Section 401, Chapter 4, Title 24 of the Delaware Code, by striking therefrom the paragraph beginning with the words "Practicing the occupation of barber", and substituting in lieu thereof the following:

"Barber" shall mean any person who, for a monetary consideration, shaves or trims men's beards, cuts or dresses hair, gives facial or scalp massaging, treats beard or scalp with oils, creams and other preparations made for this purpose, and singes or dyes the hair.

"Practicing the occupation of barber" shall include shaving or trimming the beard or cutting the hair; giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or with mechanical appliances; the singeing, shampooing or dyeing the hair or applying tonics to the hair; applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body.

Section 2. Amend §402, Chapter 4, Title 24 of the Delaware Code, by striking paragraphs (b), (c) and (d) and substituting in lieu thereof, the following:

"(b) Any person appointed to the State Board of Examiners of Barbers shall:

1. Hold a valid Delaware barber's license;

2. Have been a resident of this State for at least five years immediately preceding his appointment;

3. Have been engaged in the actual practice of barbering for at least five years immediately preceding his appointment;

4. Not be connected directly or indirectly with the manufacture, renting, or selling of barber appliances and supplies.

(c) In the event of a vacancy occurring in the Board, whether by reason of death, resignation, or removal for cause, or upon the expiration of a member's term, such a vacancy shall be filled by the Governor from a selected list supplied by the Delaware Association of Barbers.

(d) Before entering upon his duties, each member shall be duly sworn or affirmed to faithfully and impartially perform duties of his office."

Section 3. Amend §403, Chapter 4, Title 24 of the Delaware Code, by striking the first sentence in said Section, and substitute in lieu thereof the following:

"The Board shall choose one of its members as President, one as Vice-President, and one as Secretary thereof."

Section 4. Amend §404, Chapter 4, Title 24 of the Delaware Code, by striking said Section in its entirety, and substituting in lieu thereof a new Section 404 which shall read as follows:

§404. Receipts; disbursements

All money or income received by the Board shall be paid to the State Treasurer through the Division of Public Health as the revenue is received, and shall be credited to the General Fund. All disbursements authorized by the Division of Public Health for salaries, expenses or other authorized expenditures shall be paid by the Division of Public Health through the State Treasurer, out of funds appropriated by the General Assembly for such purpose.

Section 5. Amend §405, Chapter 4, Title 24 of the Delaware Code, by adding the following new paragraphs to said Section 405:

"Further, the Board may suspend or revoke any permit or certificate of registration granted by the Division of Public Health under this Chapter to any person who:

a. Habitually indulges in the use of ardent spirits, narcotics, or other stimulants to such an extent as, in the opinion of the Board, incapacitates such person from the duties of a barber;

b. Has or imparts any contagious or infectious disease to any recipient of such person's services as a barber;

c. Performs work in an insanitary or filthy manner or in-sanitary or filthy place of business;

d. Who is grossly incompetent;

e. Who engages in unethical or dishonest practice or conduct;
or

f. Who employs an unlicensed person.

Any person whose permit or certificate of registration has been so suspended or revoked may, upon application, have the same reissued to him or her upon satisfactory showing that the disqualification has ceased, except where such a certificate was suspended or revoked for having or imparting any contagious or infectious disease, in which case a new certificate shall not be issued for a period of a least one year, and then only after the provisions of this Chapter have been fully complied with by such person in the same manner as if he or she had never been registered.

Section 6. Amend §406, Chapter 4, Title 24 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof a new Section 406 which shall read as follows:

§406. Examination of Shops; failure to keep sanitary

The Division of Public Health, in joint authority with members of the State Board of Examiners of Barbers, shall have the power to enter and make reasonable examination of any barber shop in this State during business hours, for the purpose of ascertaining the sanitary conditions thereof. Any barber shop in which tools, appliances and furnishings in use therein are kept

in an unclean and unsanitary condition is hereby declared to be a public nuisance.

Section 7. Amend §408, Chapter 4, Title 24 of the Delaware Code, by striking said section in its entirety.

Section 8. Amend Section 409, Chapter 4, Title 24 of the Delaware Code, by striking said Section in its entirety, and substituting in lieu thereof a new Section 409 which shall read as follows:

§409. Examination fee; qualification; certificate; renewal fee

Any person not within the provisions of §408 of this Chapter, or not registered thereunder, who desires to obtain a certificate of registration under this Chapter shall:

1. Have at least an eighth grade grammar school education, and shall make application to the Board, and shall pay a fee of sixty dollars (\$60.00), which fee shall cover both the examination and license fee for the remainder of that year. Upon paying such fee, the applicant shall present himself at a regular meeting of the Board during which applicants are examined. The Board shall proceed to examine each applicant, both by written and oral examinations, in scientific fundamentals of barbering and barber science, histology of the hair, skin, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, hygienic sanitation and bacteriology, massaging and manipulating the muscles of the scalp, face or neck. Each applicant must be above the age of nineteen years, of good moral character, and free from contagious disease. Each applicant must have studied the trade for at least three years as an apprentice under a qualified and practicing barber, or practiced the trade in another state for at least two years. Each applicant must have the requisite skill in his trade to properly perform all the duties thereof, including his ability in the preparation of tools, shaving hair, cutting hair, and all the duties and services incident thereto.

2. Has a license or certificate of registration as a practicing barber from another State or country which has substantially the same requirements for licensing or registering barbers as are

required by this Chapter, has studied barbering, and has trained as a registered student in a registered barber's school for a period of at least twenty consecutive weeks;

3. Each such application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens living in the community in which the applicant now resides, or has recently resided, that he is of good moral character. Applicants for both a Master Barber license and an Apprentice Barber license must file a declaration of intent to become a citizen of the United States of America; and

4. Shall, upon the payment of the required fee, be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering.

(b) All persons who have passed the examination shall be entitled to receive a certificate thereafter annually upon the payment of a fee of ten dollars (\$10.00). Persons who do not pay the annual renewal fee within thirty days from the due date shall be assessed an additional five dollars (\$5.00).

Section 9. Amend §415, Subchapter 1, Chapter 4, Title 24, of the Delaware Code, by striking said §415 in its entirety.

Section 10. Amend paragraph (b), §416, Chapter 4, Title 24, of the Delaware Code, by striking the said paragraph, and substituting in lieu thereof a new paragraph (b) which shall read as follows:

"(b) Justices of the Peace shall have jurisdiction over all violators of the provisions of this Chapter."

Section 11. Amend §422, Subchapter II, Chapter 4, Title 24, of the Delaware Code, by striking the second paragraph therein, and substituting in lieu thereof the following paragraph:

"The proper place for the equipment will require at least fifty (50) square feet of floor space per chair."

Section 12. Amend Subsection (b), §423, Chapter 4, Title 24, of the Delaware Code, by striking the following paragraph in its entirety:

"3. Every school shall employ at least one full-time registered barber for every five students."

Section 13. Amend Subsection (a), §424, Chapter 4, Title 24, of the Delaware Code, by striking the last two sentences therein, and substituting in lieu thereof the following:

"A student shall be at least sixteen years of age in order to register in a barber school; provided, however, that students enrolled in the Public School Curriculum may begin in the September of their high school sophomore year. A student permit fee shall be ten dollars (\$10.00)."

Section 14. Amend Subsection (d), §426, Chapter 4, Title 24, of the Delaware Code, by striking in its entirety the sentence which reads: "shaving mugs and brushes shall be thoroughly rinsed in boiling water before each separate use" and substitute in lieu thereof the sentence: "the use of electric latherizers shall be the only lather mechanism used."

Section 15. Amend §431, Chapter 4, Title 24, of the Delaware Code, by striking said Section 431 in its entirety.

Section 16. Amend §402, Chapter 4, Title 24, Delaware Code, by striking paragraph (a) in its entirety and substitute a new paragraph (a) to read as follows:

"(a) The Board of Examiners of Barbers is continued as the State Board of Examiners of Barbers to consists of 7 reputable barbers whose duty it shall be to carry out the purposes and enforce the provisions of this Chapter. The members of the Board shall be appointed by the Governor, who shall select them from 3 barbers residing in New Castle County, 1 of whom shall be selected from the barbers residing in the City of Wilmington, and 2 from the barbers residing in New Castle County outside of the City of Wilmington; 2 in Kent County and 2 in Sussex County. The term for which the members shall hold their office shall be for 3 years, unless sooner removed by the Governor."

Approved June 27, 1974.

CHAPTER 391

FORMERLY SENATE BILL NO. 376

**AN ACT TO AMEND CHAPTER 29 AND CHAPTER 42,
TITLE 21 OF THE DELAWARE CODE RELATING TO
THE REPORTING OF MOTOR VEHICLE ACCIDENTS
BY CHANGING THE MINIMUM DAMAGE REPORT-
ABLE FROM \$100.00 TO \$250.00.**

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

Section 1. Amend §2921, Subchapter II, Chapter 29, Title 21 of the Delaware Code, by striking the figure "\$100" as the same appears in the first sentence of said section, and substituting the figure "\$250" in lieu thereof.

Section 2. Amend §4203, Subchapter I, Chapter 42, Title 21 of the Delaware Code, by striking the figure "\$100" as the same appears in subsection (a) of said section, and substituting the figure "\$250" in lieu thereof.

Approved June 27, 1974.

CHAPTER 392

FORMERLY SENATE BILL NO. 596

AN ACT TO ALLOW THE DEPARTMENT OF PUBLIC INSTRUCTION TO TRANSFER FUNDS FROM EDUCATIONAL CONTINGENCY FUNDS TO THE VARIOUS SCHOOL DISTRICTS FOR THE PURPOSE OF DEFRAYING THE INCREASED COST OF HEATING FUELS AND ELECTRICITY.

WHEREAS, the energy crisis caused the cost of heating fuels and electricity to rise to unprecedented levels; and

WHEREAS, the contingency fund for fuel price increases of \$510,000 in the 1974 budget is insufficient to cover the actual price increases; and

WHEREAS, the educational contingency has surplus funds available to defray the increased cost of heating fuels and electricity for the various school districts;

NOW, THEREFORE:

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

Section 1. The Department of Public Instruction is hereby authorized to transfer to the various school districts from the Educational Contingency fund, sums, not to exceed \$745,000, to assist in defraying increased costs for heating fuels and electricity during fiscal year 1974.

Section 2. This transfer will be made on a basis, as determined by the Department of Public Instruction, that will be equitable to all school districts.

Approved June 27, 1974.

CHAPTER 393

FORMERLY SENATE BILL NO. 467
AS AMENDED BY
SENATE AMENDMENT NOS. 1 & 3**AN ACT TO AMEND TITLE 17 AND TITLE 26 OF THE
DELAWARE CODE, REMOVING CERTAIN AUTHORITY
FROM THE PUBLIC SERVICE COMMISSION AND
TRANSFERRING THIS AUTHORITY TO THE DEPART-
MENT OF HIGHWAYS AND TRANSPORTATION.**

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. Amend §710, Chapter 7, Title 17 of the Delaware Code, by striking said section in its entirety.

Section 2. Amend Chapter 7, Title 17 of the Delaware Code, by adding thereto a new section, designated as §712, which shall read as follows:

§712. Railroad Crossings; Construction and Protection

(a) No public carrier engaged in the transportation of passengers or property shall, without prior order of the Department, construct its facilities across the facilities of any other such public utility or across any public 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 Department 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 Department 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 Department. The Department 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 carrier or municipal corporation or county concerned or by the Department, or, in the case of any crossing on private land, by the owner thereof; provided, however, that when the Department or other governmental authority maintaining any public highway determines to use Federal Aid moneys in the construction, relocation, alteration, protection or abolition of any crossing aforesaid, then the Department shall take this into account in allocating costs.

(d) The term "public highway" as used in this section means any road, lane or street maintained by the State or any municipal corporation or county for use by the travelling public, that abuts any railroad track or immediately abuts the right of way thereof.

Section 3. Amend §101, Chapter 1, Title 17 of the Delaware Code, by adding thereto the following new definitions to subsection (a) :

" 'Public carrier' includes every individual, partnership, association, corporation, joint stock company, agency or department of the State, or any association of individuals engaged in the prosecution in common of a productive enterprise (commonly called a 'cooperative'), their lessees, trustees, or receivers appointed by any court whatsoever, that now operates or hereafter may operate, within this State, any railroad, street, railway, traction railway, motor bus or electric trackless trolley coach service, system, plant or equipment for public use.

'Railroad' means a road, the cars, carriages and coaches on which are propelled by steam power, electricity, cable, motor or any improved motive power."

Section 4. Amend §132, Chapter 1, Title 17 of the Delaware Code, by adding thereto a new subsection, designated as subsection (g), which new subsection shall read as follows:

“(g) The Department shall have exclusive original supervision and regulation of all public carriers and also over their property, property rights, equipment, facilities, franchises, rates, fares, tariffs, regulations, practices, measurements and services.”

Section 5. Amend Title 17 of the Delaware Code, by adding thereto a new chapter, which shall read as follows:

CHAPTER 8 - PUBLIC CARRIERS

§801. Regulation of Ticket Agents; penalties for violations

(a) Each agent who is authorized to sell tickets or other evidence entitling the holder to travel on any railroad, steamboat or public conveyance, shall be provided with a certificate setting forth his authority to make such sales, duly attested by the seal of the owner or persons operating such railroad, steamboat or public conveyance, and also by the signature of the officer whose name is signed upon the tickets or coupons which such agent may sell. Such agent shall exhibit to any person desiring to purchase the ticket, or to any officer of the law who may request him the certificate of his authority thus to sell, and shall keep the certificate conspicuously posted in his office for the information of travelers. No person not possessed of such authority shall sell or transfer any coupon or part of any ticket, or other evidence of the holder's title to travel on any railroad, steamboat or other public conveyance, whether the same is situated, operated or owned within or without this State.

(b) Whoever sells, barter or transfers any such coupon or part of any ticket, or evidence, in violation of this section shall be fined not more than \$500, or imprisoned not more than 1 year, or both.

§802. Redemption of unused tickets

The owner or person operating any railroad, steamboat or other public conveyance shall provide for the redemption at his or its general office of the whole or such parts of coupons of any ticket sold as the purchaser has not used, and shall redeem the same at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the portion of the ticket was actually used.

§803. Erection and maintenance of telegraph and telephone lines by railroad

Every railroad corporation existing under the laws of this State may erect, establish and maintain telegraph or telephone lines for their own use, along and upon the lands and right of way of such railroad corporations.

§804. Fences and cattle guards; liability for damages; trespass with animals; walking on tracks; penalties

Every railroad corporation shall erect and maintain fences on both sides of its road, of the height and strength of a fence required by law, with openings, gates or bars therein at farm crossings or the roads for the use of proprietors of lands adjoining such railroad. Every such corporation shall also construct and maintain cattle guards at all the road crossings suitable and sufficient to prevent cattle and other animals from getting on the railroad. Until such fences and cattle guards have been duly made the corporation shall be liable for all damages which are done by their engines and cars to cattle, horses or other animals thereon.

After such fences and guards are duly made and maintained the corporation shall not be liable for any such damages, unless negligently or wilfully done. If any person rides, leads or drives any horse or other animal upon such railroad and within such fences and guards other than at farm crossings without the consent of the corporation, he shall for every such offense forfeit not more than \$10 and shall also pay all damages which are sustained thereby to the party aggrieved. No person other than those connected with or employed upon the railroad shall walk along the tracks of any such railroad, except when the same are laid along public roads or streets.

§805. Liability of those damaging railroad property

Any person who wilfully impairs, injures, destroys or obstructs the use of any railroad enjoyed under the provisions of this title or any of its necessary works, wharves, bridges, carriages, engines, cars, machines, or other property, shall forfeit and pay to the corporation the sum of \$50, to be by it recovered

in any court having competent jurisdiction in any civil action and shall be liable for all damages sustained.

§806. Badges of Railroad Conductor, Baggage Master and Brakeman

Every conductor, baggage master or brakeman, of any railroad corporation employed in a passenger train, shall wear upon his hat or cap a badge which shall indicate his office and the initial letters of the name of the corporation by which he is employed. No conductor or collector of fares or tickets without such badge shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any powers of his office, and no officer without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

§807. Railroad car brakes

No passenger train on any railroad shall be run without an air brake, or some equally effective appliance for controlling the speed of trains, which may be applied by the engineer to each car composing the train, and which shall at all times be kept in good condition and ready for use at the discretion of the engineer.

§808. Penalties for violations of Section 806-807

Any corporation failing to comply with, violating or permitting any of its employees or agents to violate any of the provisions of Sections 806-807 of this Title shall, in addition to subjecting itself to any damage that may be caused by such failure or violation, be fined not less than \$100 nor more than \$500.

§809. Free passes and franks; transportation without fare

(a) This chapter shall in no wise be construed to prevent the issuance by any public carrier of free passes or franks to its employees, officers, agents, and their families, and the interchange between public carriers of passes or franks for their employees, officers, agents, and their families, nor to prevent the carrying without fare upon electric trackless trolley coaches, street railways, or buses, of policemen, firemen, health officers and park guards in uniform, or plain clothes detectives, sheriffs,

deputy sheriffs, and other public employees wearing official badges.

(b) Nothing in this Title shall be construed to prohibit the carriage or handling of persons or property free or at reduced rates by railroads for the United States, State or municipal governments, or to or from fairs and expositions for exhibitions thereof; or the free carriage of destitute and homeless persons transported by charitable societies and the necessary agents employed in such transportation; or the issuance of mileage, excursion, or commutation passenger tickets; nor to prohibit any such corporation from giving reduced passenger rates to ministers of religion solely engaged in ministerial duties or to the United States, State or municipal governments; nor to prohibit any such corporation from giving free carriage to their own officers and employees; nor to prohibit the principal officers of any such corporation from exchanging passes or tickets with other railroad corporations for their officers and employees; nor to prohibit any such corporation from giving reduced rates of transportation to other railroad corporations for railroad construction, material, equipment or supplies.

§810. Transportation utilities; intra and interline connections; switch connections

The Department may, after hearing, upon notice, by order in writing, direct any railroad, street railway, traction company, motor bus or passenger line, to establish and maintain at any junction or point of connection or intersection with any other line of such company, or with any line of any other railroad, street railway, traction company, motor bus, electric trackless trolley coach, or passenger line, such just and reasonable connection as is necessary to promote the convenience of shippers of property, or of passengers, and in like manner may direct any railroad, street railway, or traction company, engaged in carrying merchandise, to construct, maintain and operate upon reasonable terms a switch connection with any private side track which may be constructed by any shipper to connect with the railroad, street railway or traction railway where, in the judgment of the Department, such connection is reasonable and practicable, and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same.

§811. Public carriers operating buses public liability insurance

The Department may prescribe by regulation or order, as to public carriers operating motor buses, such requirements as it deems necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All such motor carriers, whose current liquid assets do not exceed their current liabilities by at least \$100,000, shall cover each and every vehicle transporting passengers or property, with a public liability and property damage insurance policy or policies issued by an insurance company authorized to do business in this State, in such amounts as the Department may prescribe, but not less than \$25,000 for one and \$50,000 for more than one person injured or killed in any one accident, and not less than \$10,000 for loss or damage in any one accident to property of others, excluding cargo.

Section 6. Section 701, Title 26 of the Delaware Code, is repealed.

Section 7. Section 702, Title 26 of the Delaware Code, is repealed.

Section 8. Section 703, Title 26 of the Delaware Code, is repealed.

Section 9. Section 705, Title 26 of the Delaware Code, is repealed.

Section 10. Section 706, Title 26 of the Delaware Code, is repealed.

Section 11. Section 707, Title 26 of the Delaware Code, is repealed.

Section 12. Section 710, Title 26 of the Delaware Code, is repealed.

Section 13. Section 711, Title 26 of the Delaware Code, is repealed.

Section 14. Section 712, Title 26 of the Delaware Code, is repealed.

Section 15. Section 137, Title 26 of the Delaware Code, is repealed.

Section 16. Section 138, Title 26 of the Delaware Code, is repealed.

Section 17. Section 141, Title 26 of the Delaware Code, is repealed.

Section 18. Section 167, Title 26 of the Delaware Code, is repealed.

Section 19. Chapter 3, Title 26 of the Delaware Code, is repealed.

Section 20. Chapter 5, Title 26 of the Delaware Code, is repealed.

Section 21. 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 judgments 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 effective date of this Act and judgments thereon or appeals therefrom are saved and preserved.

Approved June 28, 1974.

CHAPTER 394**FORMERLY SENATE BILL NO. 578
AS AMENDED BY
SENATE AMENDMENT NO. 1**

AN ACT TO AMEND TITLE 31, CHAPTER 5, SECTION 503 OF THE DELAWARE CODE BY PROVIDING THAT THE AMOUNT OF ASSISTANCE GRANTED AS AN AID TO FAMILIES WITH DEPENDENT CHILDREN SHALL BE 100 PERCENT OF THE 1968 COST OF LIVING FORMULA.

WHEREAS, the Public Assistance Law of Delaware requires that aid to families with dependent children shall be sufficient to provide families with "a reasonable subsistence compatible with decency and health"; and

WHEREAS, the Delaware Standard of Need defines the "subsistence level" as that required for "a decent and healthful standard of living"; and

WHEREAS, Delaware grants to families with dependent children are based on a percentage of the 1968 Cost of Living Formula which is far short of the actual need.

NOW THEREFORE:

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

Section 1. Title 31, Chapter 5, Section 503 of the Delaware Code, is amended by adding the following sentence to Subsection (d):

"But in no case shall the amount of assistance or supplementary services granted as aid to such families fall below 80 percent of need based on the 1968 Cost of Living Formula."

Approved June 28, 1974

CHAPTER 395

FORMERLY SENATE SUBSTITUTE NO. 1
TO
SENATE BILL NO. 637
AS AMENDED BY
SENATE AMENDMENT NO. 1

**AN ACT TO AUTHORIZE THE PURCHASE OF CERTAIN
LAND BY THE STATE OF DELAWARE AND APPROVE
THE TRANSFER OF THAT REAL PROPERTY SITU-
ATED IN NEW CASTLE COUNTY TO NEW CASTLE
COUNTY.**

WHEREAS, the State of Delaware and the Penn Central Company recently concluded litigation in which the State unsuccessfully claimed title to land along the Delaware River in New Castle County; and

WHEREAS, upon completion of that litigation the parties entered into active negotiation for the purchase of the land by the State of Delaware; and

WHEREAS, in furtherance of those negotiations, the Fiscal Year 1973 Bond Bill, (Chapter 578, Volume 58; Laws of Delaware) provided an appropriation of \$250,000 to be used toward the purchase of the land by the State; and

WHEREAS, the Bureau of Outdoor Recreation of the United States Department of the Interior entered into a Project Agreement (#10-000-57) with the State of Delaware in which the Bureau of Outdoor Recreation agree to pay 50% of the purchase price of said land, subject to its acceptance of appraisals of the fair market value of said real property; and

WHEREAS, negotiations for the purchase of approximately 171 acres along the Delaware River from Edgemoor to Claymont are now in the final stages, for a purchase price of something less than \$500,000 authorized by the 1973 Bond Bill and the Bureau of Outdoor Recreation Commitment; and

WHEREAS, it has been determined by the Department of Natural Resources and Environmental Control and the State

Planning Office that the maximum, most economical recreational use of this land can be best obtained by New Castle County; and

WHEREAS, New Castle County agrees with the above premise and has obtained a continuing commitment from the Bureau of Outdoor Recreation that the Bureau of Outdoor Recreation will provide 50% of the purchase price subject to its approval of the appraisals of the fair market value of said real property, although the land is thereafter transferred by the State to New Castle County; and

WHEREAS, these lands could serve as a recreational facility for the people of the area; and

WHEREAS, New Castle County is desirous of using said lands for recreational purposes; and

WHEREAS, the State of Delaware is desirous of consummating the purchase and subsequently transferring said lands to New Castle County; and

WHEREAS, it is the intent of the General Assembly that said lands are to be used by New Castle County primarily for recreational purposes;

NOW THEREFORE:

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

Section 1. The Governor and the Secretary of the Department of Natural Resources and Environmental Control are hereby authorized to contract with the Penn Central Company for the purchase of said lands in the name of the State of Delaware at a price not to exceed funds authorized by the State and the Bureau of Outdoor Recreation.

Section 2. On the completion of the purchase authorized by Section 1 hereof, the transfer of the real property to New Castle County for the consideration of one dollar (\$1.00), subject to the conditions hereinafter referred to, is hereby specifically approved.

Section 3. The said real property is to be transferred and conveyed to New Castle County upon the condition that it is to be used solely for recreational purposes, and when it is no longer used solely for recreational purposes, the property shall revert to the State.

Section 4. The said real property is to be transferred and conveyed to New Castle County subject to easements and rights of way of record.

Section 5. The Governor and the Secretary of the Department of Natural Resources and Environmental Control are authorized and empowered to execute and deliver to New Castle County a good and sufficient deed transferring and conveying the said real property to New Castle County subject to the above mentioned conditions.

Approved June 28, 1974.

CHAPTER 396

FORMERLY SENATE BILL NO. 471

**AN ACT TO AMEND CHAPTER 14, TITLE 24 OF THE
DELAWARE CODE RELATING TO JURISDICTION
OVER INSPECTION AUTHORITIES.**

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

Section 1. Amend §1434, Chapter 14, Title 24 of the Delaware Code, by deleting the words "Public Service Commission" and inserting in lieu thereof the words "State Board of Electrical Examiners" in subsection (b) thereof.

Approved June 28, 1974.

CHAPTER 397

FORMERLY SENATE BILL NO. 469
AS AMENDED BY
SENATE AMENDMENTS NOS. 2, 6, 7, 8, 10, 11, 14
AND
HOUSE AMENDMENT NOS. 1 & 2

**AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE
RELATING TO THE PUBLIC SERVICE COMMISSION.**

WHEREAS, the present laws of this State governing the regulation and control of public utilities have not been substantially revised and updated since their original enactment; and

WHEREAS, there is a substantial need for revised statutory authority and a streamlined administrative structure to provide the Public Service Commission with more modern tools to effectively regulate public utilities in order to balance the interests of the consuming public and of the regulated public utilities.

NOW, THEREFORE,

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

Section 1. Amend Title 26 of the Delaware Code by striking Chapters 3, 5 and 7 in their entirety; by striking §1304 of Chapter 13 in its entirety; by striking all sections in Chapter 1 except §142; and substituting in lieu thereof a new Chapter 1 of Title 26, which shall read as follows:

**TITLE 26. PUBLIC UTILITIES
CHAPTER 1. PUBLIC SERVICE COMMISSION
SUBCHAPTER I. GENERAL PROVISIONS**

§101. Short Title

This Act shall be known and referred to as the *Public Utilities Act of 1974*.

§102. Definitions

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

(a) "Commission" means the Public Service Commission;

(b) "Public utility" includes every individual, partnership, association, corporation, joint stock company, agency or department of the State, or any association of individuals engaged in the prosecution in common of a productive enterprise (commonly called a "cooperative"), their lessees, trustees, or receivers appointed by any court whatsoever, that now operates or hereafter may operate, within this State, any taxicab, steam, manufactured gas, natural gas, electric light, heat, power, water, telephone, including domestic public land mobile radio service, telegraph, or heating oil (for residential consumption directly to residences by means of a pipeline) service, system, plant or equipment, for public use.

(c) Rate base means:

(1) The original cost of all used and useful utility plant and intangible assets either to the first person who committed said plant or assets to public use or, at the option of the Commission, the first recorded book cost of said plant or assets; less:

(2) Related accumulated depreciation and amortization; less:

(3) The actual amount received and unrefunded as customer advances or contributions in aid of construction of utility plant; and less:

(4) Any accumulated deferred and unamortized income taxes and investment credits related to plant included in subsection (1) above; plus:

(5) Accumulated depreciation of customer advances and contributions in and of construction related to plant included in subsection (1) above; and plus:

(6) Materials and supplies necessary to the conduct of the business and investor supplied cash working capital; and plus:

(7) Any other element of property which, in the judgment of the Commission, is necessary to the effective operation of utility.

(d) "Cable Television System", "community antenna television", "cable system" or "system" shall mean a facility within this State which is constructed in whole or in part in, on, under or over any highway, road, street, alley, or other public place and which is operated to perform the service of receiving and amplifying the signals of one or more radio and or television broadcasting stations and distributing such signals by cable, wire or other means to members of the public who subscribe to such service; provided that nothing herein is intended to prohibit any system from engaging in any other activity not expressly prohibited by law; except that such definition shall not include; (1) any system which serves fewer than fifty subscribers; or (2) any system which serves only the residents of one or more apartment dwellings or mobile home or trailer parks under common ownership, control or management, and commercial establishments located on the premises of such dwellings; or (3) telephone, telegraph or electric utilities in those cases where the activity of such utility in connection with a cable system is limited to leasing or renting to cable systems, cables, wires, poles, towers or other electronic equipment or rights to use real property as part of, or for use in connection with, the operation of a cable system.

(e) The term "franchise" shall mean authorization lawfully adopted or agreed to by the Commission pursuant to the provisions of this Act to construct or operate a cable television system or systems in whole or in part within a county of this State.

(f) The term "franchisee" shall mean the person, persons or entity holding a franchise.

(g) The term "public notice" shall mean publication in a newspaper of general circulation within a county in which a franchise is to be granted.

(h) The term "written notice" shall mean notice in writing which is hand-delivered or mailed by certified mail, to the person who is to be given notice.

§103. Composition; appointment; term; qualifications; vacancies; chairman

(a) The Public Service Commission is continued except that it shall consist of only five (5) members, each of whom shall have

been or shall be appointed by the Governor and confirmed by a majority of the members elected to the Senate. The terms of office of the members of the Commission serving as of the effective date of this chapter shall not be affected. Subject to the provisions of paragraph (d) of this section, each member shall continue to serve out the term for which he was originally appointed, and until his successor shall have been appointed and qualified. Each member of the Commission appointed after the effective date of this chapter, except a member appointed pursuant to paragraph (d) of this section to fill an unexpired term, shall be appointed for a term of five (5) years from the first day of May in the year of his appointment, and until his successor shall have been appointed and qualified.

(b) Not more than three (3) of the members of the Commission shall be a member of the same political party. One (1) of the members shall be a resident of the City of Wilmington, two (2) shall be residents of New Castle County outside of Wilmington, one (1) shall be a resident of Kent County and one (1) shall be a resident of Sussex County; provided, however, that beginning with the appointment of the member for a term of five (5) years beginning as of the first day of May, 1976, and continuously thereafter, one (1) of the members shall be a resident of the City of Wilmington, one (1) shall be a resident of New Castle County outside of Wilmington, one (1) shall be a resident of Kent County, one (1) shall be a resident of Sussex County and one (1) shall be a member at large who shall be a practicing member of the Bar of this State resident of this State.

(c) A commissioner shall continue to reside in the political subdivision of which he was a resident at the time of his appointment.

(d) In case of a vacancy on the Commission for any reason other than expiration of the term of office, the Governor shall fill such vacancy for the unexpired term by and with the consent of a majority of the members elected to the Senate.

(e) The Governor shall designate one (1) of the Commissioners as Chairman of the Commission who shall serve as Chairman at the pleasure of the Governor.

§104. Removal of Commissioner

The Governor, with the advice and consent of the Senate, may remove any member of the Commission for neglect of duty or misconduct in office, giving to the member a copy of the charges against such person and affording an opportunity of being publicly heard in person or by counsel, upon 10 days' notice.

§105. Compensation of Commissioners

The members of the Commission shall each receive a salary of \$4,500 per year, to be paid in equal monthly payments by the Treasurer of the State.

§106. Office, seal, rules and meetings

The Commission shall have such office or offices as may be necessary and shall be provided with all necessary furniture, stationery and supplies, and office appliances. It shall provide itself with a seal for the authentication of its proceedings and orders. It may make all needful rules for its government and other proceedings not inconsistent with this title. It shall meet at such times and places within this State as it may provide by rule or by special order.

§107. Quorum

A majority of the members of the Commission shall constitute a quorum and shall be sufficient for any action by the Commission; provided, however, that a single Commissioner may sit for the purpose of hearing testimony in any matter provided

(a) the parties consent; and

(b) any final decision in the matter must be approved by a majority of the members of the Commission.

§108. Personnel

Subject to the provision of Delaware Code, Title 29, Chapters 25 (Department of Justice) and 59 (Merit System of Personnel Administration), the Commission may appoint, fix the compensation and terms of service, and prescribe the duties and powers of, an executive director, a secretary and such officers, accountants, attorneys, experts, engineers, inspectors, clerks and

other persons, as it deems necessary for the proper conduct of the work of the Commission.

§109. Disqualification for Serving As Member or Employee of Commission

No person shall be eligible for appointment to or shall hold the office of Commissioner, or be appointed by the Commission to or hold any office or position under it, who is a director, officer or employee of any public utility or owns or directly or indirectly controls more than one per cent (1%) of the stock of any public utility entitled to vote for election of directors. No Commissioner, and no employee, appointee or official engaged in the service of, or in any manner connected with the Commission shall hold any office or position, or be engaged in any business, employment or vocation, the duties of which are incompatible with the duties of his office as Commissioner, or his employment in the service or in connection with the work of the Commission.

§110. Travel expense

The Commissioners, executive director, secretary and other persons engaged in the service of the Commission shall be entitled to receive from the State their necessary traveling expenses while traveling on the business of the Commission.

§111. Expenditures

All expenditures of the Commission, within the limits of its appropriations, including the necessary traveling expenses of the Commissioners, Executive Director, Secretary and other persons engaged in the service of the Commission shall, prior to April 1, 1975, be paid by the State Treasurer out of the general funds of the State on proper voucher therefor approved by the Chairman of the Commission or, at the direction of the Chairman, by the Executive Director. On and after April 1, 1975, said expenditures of the Commission, within the limits of its appropriations, shall be paid by the State Treasurer out of the Delaware Public Service Commission Regulatory Revolving Fund on proper voucher therefor approved by the Chairman of the Commission or, at the direction of the Chairman, by the Executive Director.

§112. Copies of official documents and orders as evidence

Copies of all official documents and orders filed or deposited in the office of the Commission, certified by the chairman or the secretary to be true copies of the original and given under the official seal of the Commission, shall be evidence in like manner as the original in all courts of this State. Such charges may be taxed and collected for such copies as are taxed and collected for like services in the Superior Court of this State.

§113. Testimony by member, employee or investigator of Commission

No member, employee or investigator of the Commission shall be required to give testimony in any court suit to which the Commission is not a party with regard to information obtained by such member or employee in the discharge of official duty.

§114. Charges and fees, and cost and expenses of proceedings

(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 106 of this title.

(b) (1) Whenever the Commission, in a proceeding upon its own initiative or upon complaint or upon written application to it, shall deem it necessary in order to carry out its statutory duties, to investigate the operations, services, practices, accounting records and/or procedures, rates, charges, rules and regulations, of any public utility, and/or to make valuations or revaluations of the property of any public utility, and/or to enter into and hold a hearing or hearings in connection therewith, such public utility shall be charged with and pay such portion of the expenses of the Commission, and the compensation and expenses of its agents, representatives, consultants and employees, including but not limited to those temporarily employed or retained, as is reasonably attributable to such investigation, valuation and revaluation, hearing or hearings, provided that notice of the Commission's intent so to charge such public utility shall be given to such public utility or to its counsel of record at such time as the Commission determines that such charge will be re-

quired. No charge shall be made for the compensation of Commissioners. No charge shall be made for the compensation of full time employees of the Commission except compensation thereof attributable to time spent with respect to proceedings whereby a public utility seeks to establish or change its rates.

(2) From time to time as the investigation, valuation, revaluation, hearing or hearings progresses, or upon completion thereof, the Commission shall ascertain its costs incurred in connection therewith, including but not limited to the expenses of the Commission and the compensation and expenses of its agents, representatives, consultants and employees, including those temporarily employed or retained, and shall determine the amount thereof to be paid by the public utility and shall render a bill therefor by certified mail to the public utility. The Commission shall furnish the public utility such itemization of said bill as may be requested by said public utility. The public utility shall have the right to audit said bill within a reasonable period after its rendition by the Commission and shall have the opportunity to be heard as to any or all of the items included in the bill. The amount of such bill as finally determined by the Commission following such hearing and any appeal therefrom shall be paid by such public utility to the Commission with thirty (30) days from the date of its determination. If any amount so assessed against a public utility is not paid within thirty (30) days after the date of rendition of the bill with respect thereto, the utility shall pay a penalty to the Commission of one per cent (1%) of the amount due for each month or fraction thereof that such amount is unpaid.

(3) The expenses of the Commission and the compensation and expenses of its agents, representatives, consultants and employees, including but not limited to those temporarily employed or retained, reasonably attributable to any appellate court proceedings in either or both the Superior or Supreme Court of the State growing out of any order, opinion, decision or findings of the Commission shall also be ascertained, charged, billed to and paid for by the public utility in accordance with the foregoing conditions and procedures.

(4) Whenever the investigation, valuation, revaluation, hearing, hearings or appellate court proceedings involves the affairs and operations of two or more public utilities jointly, the charges

made under this section for such investigation, valuation, re-valuation, hearing, hearings, or appellate court proceedings shall be prorated among such public utilities upon the basis of their gross intrastate operating revenues for the last preceding calendar year.

(5) The total aggregate amount to be charged by the Commission to any public utility under authority of this subsection (b) in any calendar year shall not exceed one per cent (1%) of such public utility's gross operating revenues derived from intrastate utility operations in the last preceding calendar year.

§115. 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 this State and the public utilities as well, the public utilities subject to regulation of the Public Service Commission 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 hereinafter 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 102 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 or municipality for resale by such public utility or electric cooperative or municipality.

(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 .002 (2 mills) multiplied by its gross operating revenue for each calendar year, commencing with the calendar year beginning January 1, 1974. No assessment shall be imposed upon a public utility having a gross operating revenue of less than \$10,000 in any calendar year.

(e) On or before March 31 of each year, each public utility subject to the provisions of this title shall file with the Commission an annual gross revenue return containing a statement of the amount of its gross revenue for the immediately preceding calendar year, and a statement of the amount of assessment due for such calendar year accompanied by a check in payment thereof. 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) Each payment of the assessment imposed by subsection (d) of this section becomes delinquent at midnight of the date that it is due. If upon filing a return or an amended return it shall appear that a public utility has failed to pay, or has underpaid, the proper amount, it shall pay a penalty to the Commission of one per cent (1%) of the amount due for each month or fraction thereof that such amount is unpaid. 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.

§116. Delaware Public Service Commission Regulatory Revolving Fund; monies to be deposited therein

(a) There is hereby created within the State Treasury a special fund to be designated as the Delaware Public Service

Commission Regulatory Revolving Fund which shall be used in the operation of the Commission in the performance of the various functions and duties required of it by law.

(b) All fees, licenses, assessments and other charges, collected by the Commission pursuant to this title shall be deposited in the State Treasury to the credit of said Delaware Public Service Commission Regulatory Revolving Fund to be used in the operation of the Commission as authorized by the General Assembly in its annual operating budget; however, if the General Assembly is not in session any funds requested by the Department for the performance of the various functions and duties provided by this Act, and which exceed the Department's annual operating budget, shall be officially submitted for approval or disapproval to the Controller General of the State of Delaware and the Budget Director of the State of Delaware. All penalties or fines assessed and collected by the Commission shall not be deposited in said fund but shall be deposited in the General Fund of the State.

(c) All payments to the Commission under sections 114 and 115 of this title shall be deposited in the State Treasury to the credit of the Delaware Public Service Commission Regulatory Revolving Fund to be used in the operation of the Commission as authorized by the General Assembly. However, if the General Assembly is not in session any funds requested by the Department for the performance of the various functions and duties provided by this Act, and which exceed the Department's annual operating budget, shall be officially submitted for approval or disapproval to the Controller General of the State of Delaware and the Budget Director of the State of Delaware.

(d) Monies reposing in the Delaware Public Service Commission Regulatory Revolving Fund shall be used by the Commission in the performance of its various functions and duties as provided by law; subject always to annual appropriations by the General Assembly for salaries and other routine operating expenses of the Commission. If the General Assembly is not in session any funds requested by the Department for the performance of the various functions and duties provided by this Act and which exceed the Department's annual operating budget, shall be officially submitted for approval or disapproval to

the Controller General of the State of Delaware and the Budget Director of the State of Delaware.

(e) Annual appropriations from the General Fund of the State for the operation of the Commission shall be credited to the Delaware Public Service Commission Regulatory Revolving Fund in appropriated monthly amounts and all expenditures authorized by the General Assembly for the operation of the Commission shall be made from said revolving fund. If the General Assembly is not in session any funds requested by the Department for the performance of the various functions and duties provided by this Act and which exceed the Department's annual operating budget, shall be officially submitted for approval or disapproval to the Controller General of the State of Delaware and the Budget Director of the State of Delaware.

(f) The maximum unencumbered balance which shall remain in the Delaware Public Service Commission Regulatory Revolving Fund at the end of any fiscal year shall be \$500,000 and any amount in excess thereof shall be reverted to each public utility in an amount proportionate to the sum paid by that public utility in the previous calendar year pursuant to Section 115(d).

SUBCHAPTER II. JURISDICTION AND POWERS

§201. General jurisdiction and powers

The Commission shall have exclusive original supervision and regulation of all public utilities and also over their rates, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this title. Further, the Commission shall have exclusive original jurisdiction and regulation of every Cable Television System outside the boundaries of incorporated municipalities which on the date of this Act have the power either express or implied under their charters to grant franchises for a cable system, and the Commission shall have supervision and review jurisdiction and regulation over any action taken by incorporated municipalities, which on the date of this Act have the power either express or implied under their charters to grant franchises for a cable system, with respect to the regulation of Cable Television Systems, including the grant of or failure to grant franchises for a cable system by such municipality or the terms of any

franchise now or hereafter granted for a cable system by such a municipality or the conduct of any franchisee holding a franchise from such a municipality, provided that the Commission's original and review jurisdiction and regulation shall be conducted solely in accordance with the provisions of Subchapter VI of this Act.

§202. Jurisdiction over Municipally owned Public Utilities

The Commission shall have no supervision or regulation over any public utility or over the rates, property, property rights, equipment, facilities or franchises of any public utility that is municipally owned.

§203. Certificate of Public Convenience and Necessity; When Required

(a) Subject to the provisions of subsection (b) of this section and of sections 102, 201, and 202 of this title, no individual, copartnership, association, corporation, joint stock company, agency or department of the State, cooperative, or the lessees, trustees or receivers thereof, shall begin the business of a public utility nor shall any public utility begin any extension of its business or operations without having first obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the operation of such business or extension. This section shall not be construed to require any public utility to secure such a certificate for any extension within the perimeter of any territory already served by it. The Commission, after hearing, on the complaint of any public utility claiming to be adversely affected by any proposed extension, may make such order and prescribe such terms and conditions with respect to the proposed extension as may be required by the public convenience and necessity.

(b) If any individual, copartnership, association, corporation, joint stock company, agency or department of the State, cooperative, 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 this State on the effective date of this chapter of any electronic communication in whole or in part by wire (other than telephone including domestic public land mobile radio or telegraph service, system, plant or equip-

ment) including, (but not limited to) cable television service, system, plant or equipment, for public use, the Commission shall issue a Certificate of Public Convenience and Necessity authorizing such person, party or legal entity without further proceedings to continue operating the said service, system, plant or equipment, to the same extent as said operations were being operated on the effective date of this chapter, 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 the Commission on a form approved by the Commission within 120 days after the effective date of this chapter. 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 over 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 such operations. In issuing any Certificate of Public Convenience and Necessity under this subsection, the Commission, in its discretion, may define or limit the territory or territories in this State within which the activities authorized by the Certificate may be conducted, but in no case shall such territory or territories be smaller than the territory or territories in this State in which the applicant was in actual bona fide operation on the effective date of this chapter. 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 was not engaged merely in isolated, incidental, intermittent, sporadic and infrequent operations. The Commission may adopt and approve such forms as it deems necessary for this purpose.

§204. Extension of Utilities Facilities

(a) The Commission may, after hearing, upon notice, by order in writing, require every public utility to establish, construct, maintain and operate any reasonable extension of its existing facilities where, in the judgment of the Commission, such extension is reasonable and practicable and will furnish sufficient revenue to justify the construction and maintenance of the same, and when the financial condition of the public utility

reasonably warrants the original expenditures required in order to make and operate such extension; provided, however, the Commission shall consider, among other things, the size and amount of additional and potential customers to be served, whether the new customers will contribute to any capital expenditures required by the extension and whether the public utility must borrow funds to provide the extension of service.

§205. Reports by Public Utilities

The Commission may require every public utility to file with the Commission such annual and other periodical or special reports, at such times, in such form and of such content, and covering such period or periods of time, as the Commission may by rules and regulations or by order prescribe. The Commission may require any public utility to file with it a copy of any report filed by such public utility with any State or Federal department or regulatory body, including, but not limited to, copies of its Delaware and Federal income tax returns. A public utility that is a subsidiary of a corporation that files consolidated State or Federal income tax returns shall file with the Commission, when so requested by the Commission, proforma Delaware and Federal income tax returns based solely upon said public utility's operations in Delaware. All reports shall be made under oath or affirmation unless the Commission otherwise specifies.

§206. Investigations

The Commission may investigate, upon its own initiative or upon complaint in writing, any matter concerning any public utility.

§207. Access to, Inspection and Examination of Utility's Property and Records

The Commission, by or through its members or duly authorized representatives, shall at all times have access to and the right to inspect and examine any and all books, accounts, records, memoranda, property, plant, facilities and equipment of public utilities. Every public utility shall furnish to the Commission, within such reasonable time as the Commission may order, any information with respect to its books, accounts, records, memo-

randa, property, plant, facilities, equipment, service, and operations, which the Commission may require in aid of any inspection, examination, inquiry, investigation, or hearing, or in aid of any determination of the value of its property, or any portion thereof, including copies of accounts, records, books, maps, inventories, appraisals, valuations, contracts, reports of engineers, and other data, records and papers; and shall grant to all authorized agents of the Commission access to its premises, property, plant, facilities and equipment and its books, accounts, records and memoranda when requested to.

§208. Books, Records, Accounts and Systems of Accounts of Utility

(a) The Commission may, after hearing, upon notice, by order in writing, require every public utility to make, keep, and preserve for such periods of time, such accounts, records of cost accounting procedures, correspondence, memoranda, papers, books and other records as the Commission may by rules and regulations or order prescribe as necessary or appropriate for purposes of the administration of this chapter. The Commission may prescribe systems of accounts and records to be kept by public utilities, or may classify public utilities and prescribe a system of accounts and records for each class, and the manner and form in which such accounts and records shall be kept. The accounting system of any public utility also subject to the jurisdiction of a Federal regulatory body shall correspond, as far as practicable, to the system prescribed by such Federal regulatory body. The Commission may require any such public utility to keep and maintain supplemental or additional accounts to those required by any such regulatory body. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular expenditures and receipts shall be entered, charged or credited.

(b) Every public utility shall keep such books, accounts, papers, records and memoranda, as are required by the Commission, in an office within this State, and shall not remove the same, or any of them, from this State, except upon such terms and conditions as may be prescribed by the Commission. Such public utility, when required by the Commission, shall furnish to the Commission, within such reasonable time as it shall fix,

certified copies of its books, accounts, papers, records and memoranda, relating to the business done by such public utility within this State.

§209. Standards, Classifications, Regulations, Practices, Measurements, Services, Property and Equipment of Public Utility

(a) The Commission may, after hearing, by order in writing,

(1) Fix just and reasonable standards, classifications, regulations, practices, measurements or services to be furnished, imposed, observed and followed thereafter by any public utility.

(2) Require every public utility to furnish safe and adequate and proper service and keep and maintain its property and equipment in such condition as to enable it to do so.

(b) Nothing contained in this section shall be construed to conflict with the power of the Commission to consider the efficiency, sufficiency, consistency and adequacy of the facilities provided and the services rendered by any public utility as a factor in rate determination.

§210. Standards for measurement of supply of products; tests

The Commission may, after hearing, by order in writing, ascertain and fix adequate and reasonable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility, and may prescribe reasonable regulations for examinations and test of such product or service and for the measurement thereof.

§211. Meters and measuring appliances

(a) The Commission may, after hearing, by order in writing, establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements and may provide for the examination and test of all appliances used for the measuring of any products or service of a public utility.

(b) The Commission may enter, by and through its agents, experts or examiners, upon any premises occupied by any public

utility for the purpose of making the examination and tests provided for in this section and may set up and use on such premises any apparatus and appliances necessary therefor.

(c) The Commission may fix the fees to be paid by any consumer or user of any products or services of a public utility, who may apply to the Commission for an examination or test to be made of the meters or other measuring appliances of the utility. If the meter or other measuring appliance so tested shall be found to be accurate within such commercially reasonable limits as the Commission may by general or special order fix for such meters or class of meters or other measuring appliances, the fee shall be paid by the consumer requiring such test, but if not so found then the cost thereof shall be borne by the public utility furnishing the meter or other measuring appliance.

(d) All measuring devices installed subsequent to the effective date of this Act for the purpose of ascertaining bills presented by and on behalf of public utilities providing steam, manufactured gas, natural gas, electric light, heat, power and water shall be installed in a manner permitting readings from the exterior of the customer's premises. All such public utilities having measuring devices that, as of the effective date of this Act, permit only readings from the interior of the customer's premises shall, when so requested in writing by the owner of said premises, substitute measuring devices permitting exterior readings, said substitution to be effected at cost payable by the owner.

§212. Compliance with Laws, ordinances and charter

The Commission may, after hearing, upon notice, by order in writing, require every public utility to comply with the laws of this State and any ordinance of any political subdivision thereof relating thereto, and to conform to the duties imposed upon it thereby or by the provisions of its own charter, whether obtained under any general or special law of any State.

§213. Notice and report of accidents; admissibility as evidence

(a) The Commission may require every public utility to give immediate notice to the Commission of the happening of any accident in or about, or in connection with, the operation of its

service and facilities, wherein any person has been killed or apparently injured, or where complaint of injuries has been made, and to furnish such full and detailed report of such accident within such time and in such manner as the Commission shall prescribe.

(b) The report required by subsection (a) of this section shall not be open for public inspection, except by order of the Commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in such report.

§214. Joint investigations, hearings and orders; cooperation with agencies of other States or of the United States

The Commission may make joint investigations, hold joint hearings within or without this State, and issue joint or concurrent orders in conjunction with any official, board, commission or agency of any State or of the United States. Whether in the holding of such investigations or hearings, or in the making of such orders, the Commission shall function under agreements or compacts between states or under the concurrent powers of states to regulate the interstate commerce, or as an agency of the Federal Government, or otherwise.

§215. Merger, mortgage or transfer of property: issuance of securities; assumption of obligation of another; exceptions

(a) No public utility, without having first obtained the approval of the Commission, shall (1) directly or indirectly merge or consolidate with any other person or company, or sell, lease, assign, or mortgage except by supplemental indenture in accordance with the terms of a mortgage outstanding September 1, 1949, or otherwise dispose of or encumber any essential part of its franchises, plant, equipment or other property, necessary or useful in the performance of its duty to the public; or (2) issue any stocks, stock certificates, or notes, bonds or other evidences of indebtedness payable in more than one year from the date thereof; or (3) assume any obligation or liability as guarantor, endorser, surety or otherwise in respect of any security of any other person or corporation, payable or maturing more than one year after the date of such issue or assumption of liability.

(b) Application for any such approval or authorization shall be made to the Commission in writing, verified by oath or affirmation, and be in such form and contain such information as the Commission requires.

(c) The Commission shall approve of any such proposed merger, mortgage, transfer, issue or assumption when it finds that the same is to be made in accordance with law, for a proper purpose and is consistent with the public interest. The Commission may make such investigation and hold such hearings in the matter as it deems necessary, and thereafter may grant any application under this section in whole or in part and with such modification and upon such terms and conditions as it deems necessary or appropriate. The Commission shall grant, modify, refuse or prescribe appropriate terms and conditions with respect to every such application or proposed merger, mortgage, transfer, issue or assumption, within 30 days after the filing of the application therefor, and in the absence of any such action within such period of time, any such proposed merger, mortgage, transfer, issue or assumption shall be deemed to be approved.

(d) Nothing contained in this section shall be construed in any wise to prevent the sale or lease or other disposition by any public utility of any of its property in the ordinary course of its business.

§216. Free passes and franks; transportation without fare

This chapter shall in no wise be construed to prevent the issuance by any public utility of free passes or franks, products or services to its employees, officers, agents, and their families, subject to such conditions as the Commission may prescribe by rule or regulation.

§217. Compliance with commission's orders; penalty

In default of compliance with any order of the Commission when the same becomes effective, the public utility affected thereby shall be subject to a penalty of up to \$1,000 per day for every day during which such default continues, to be recovered in an action in the name of the State and observance of the orders of the Commission may be compelled by mandamus or injunction in appropriate cases, or by an action to compel the specific per-

formance of the orders so made or of the duties imposed by law upon such public utility.

§218. Violations and penalties

(a) Whoever knowingly performs, commits, or does, or participates in performing, committing or doing, or knowingly causes, participates or joins with others in causing any public utility to do, perform or commit, or advises, solicits, persuades, or knowingly instructs, directs or orders any officer, agent or employee of any public utility to perform, commit or do any act or thing forbidden or prohibited by this chapter, shall be fined not more than \$1,000 or imprisoned not more than 6 months or both.

(b) This section shall not apply to violations for which another specific penalty is provided in this chapter.

§219. Powers of Commission over Public Water Supplies

(a) Notwithstanding any provision of this chapter to the contrary, the Commission may upon its own motion, in an emergency situation, or after hearing upon notice, by written order require any public water supplier to comply with the regulations adopted by the State Board of Health in conformance with Title 16, Delaware Code, Section 122(3) (c).

(b) (1) The term "public water supplier" as used in this section means any person that furnishes water for potable or domestic purposes for consumption in more than three dwelling units, or furnishes water for potable or domestic purposes to employees, tenants, members, guests or the public at large in commercial offices, industrial areas, multiple dwellings or semi-public buildings, including, but not limited to, rooming and boarding houses, hotels, motels, tourist cabins, mobile home parks, restaurants, camps of all types, day and boarding schools, club-houses, hospitals and other institutions or for use in connection with the manufacture or handling of ice, dairy products, food or drink, or offers any water for sale for potable or domestic purposes.

(2) "Person" shall include corporations, companies, associations, firms, municipally owned water utilities, partnerships, societies and joint stock companies, as well as individuals.

(3) "Dwelling Unit" means one or more rooms arranged for the use of one or more individual as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

(c) In default of compliance with any order of the Commission issued pursuant to subsection (a) of this section, the public water supplier affected thereby shall be subject to a penalty of up to \$1,000 per day for every day from and after the effective date of said order during which such default continues, to be recovered in an action in the name of the State, and observance of the orders of the Commission may be compelled by mandamus or injunction in appropriate cases, or by an action to compel the specific performance of the orders so made or of the duties imposed by law upon such public water supplier.

SUBCHAPTER III. RATES

§301. Rate schedule and rate classifications

The Commission may require every public utility to file with the Commission complete schedules of every classification employed and of every individual or joint rate, fare, or charge made, charged or executed by the public utility for any product supplied or service rendered within this State or specified in such requirement. Every application for a certificate of public convenience and necessity shall include a proposed tariff requiring approval by the Commission. A copy of all tariffs then in effect shall be available for inspection by customers at each public office of the utility where applications for service are received.

§302. Valuation of rate base

The Commission may, from time to time, ascertain and determine the rate base of any public utility whenever, in the judgment of the Commission, it is necessary so to do for the purpose of carrying out any of the provisions of this chapter, and in making such determination the Commission may have access to and use any books, documents, or records in the possession of any department, board, commission or agency of this State or any political subdivision thereof. In ascertaining and determining the rate base, the Commission may determine every fact, matter, or thing which, in its judgment, does or may have any bearing thereon.

§303. Unjust or unreasonable rates and preferences

No public utility shall make, impose or exact any unjust or unreasonable or unduly preferential or unjustly discriminatory individual or joint rate for any product or service supplied or rendered by it within the State, or adopt, maintain or enforce any regulation, practice or measurement which is unjust, unreasonable, unduly preferential or unjustly discriminatory or otherwise in violation of law, or make, or give, directly or indirectly, any undue or unreasonable preference or advantage to any person or corporation or to any particular description of traffic, in any respect whatsoever.

§304. Rate changes; notice

Unless the Commission otherwise orders, no public utility shall make any change in any existing rate except after 60 days' notice to the Commission, which notice shall plainly state the changes proposed to be made in the rates then in force and the time when the changes will go into effect. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules filed and in force at the time and kept open to public inspection. All proposed changes shall be published in a newspaper of county-wide circulation serving the area in which the proposed changes will take effect in a form approved by the Commission. The Commission, for good cause shown, may allow changes in rates without requiring the 60 days' notice and or publication under such conditions as it may prescribe. All such changes shall be immediately indicated upon its schedules by such public utility.

§305. Hearing on rate change

Whenever there is filed with the Commission by any public utility any schedule stating a new rate, the Commission may, either upon complaint or upon its own initiative, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate.

§306. Effective date of rate change; refund bond

(a) The Commission, upon the filing of a petition for a proposed change to any rate, may within sixty days after said filing:

(1) suspend the operation of such rate change for a period not to exceed five (5) months beyond the proposed effective date of such change or

(2) determine that a portion of such change shall become effective not later than sixty (60) days after the filing of the petition on a temporary basis pending the final decision of the Commission.

(b) Notwithstanding the entry of an order as authorized by subsection (a) of this section the public utility may put all or a portion of such proposed rate into effect, on the date when it would have become effective, by filing with the Commission a bond in a reasonable amount approved by the Commission with sureties approved by the Commission, conditioned upon the refund, in a manner to be prescribed by order of the Commission, to the persons entitled thereto of the amount of the excess, if the rate so put into effect is finally determined to be excessive; or there may be substituted for such bond, other arrangements satisfactory to the Commission for the protection of the parties interested. In no event shall a public utility put a rate into effect under bond as authorized in this subsection (b) that would constitute an increase in excess of fifteen percent (15%) of the public utility's gross intrastate operating revenues.

§307. Burden of proof; speedy determination

(a) In any proceeding upon the motion of the Commission, or upon complaint, or upon application of a public utility, involving any proposed or existing rate of any public utility, or any proposed change in rates, the burden of proof to show that the rate involved is just and reasonable is upon the public utility.

(b) The public utility shall have the burden of proof in justifying every accounting entry of record questioned by the Commission which may suspend any charge or credit pending submission of satisfactory and sufficient proof in support thereof by the public utility.

(c) The Commission shall give preference to the hearing and decision of any rate proceeding over all other proceedings and decide the same as speedily as possible.

§308. Service as a factor in the Commission's Regulation of a Public Utility

(a) In exercising the jurisdiction and power conferred upon the Commission by §201 of this Act, the Commission, upon its own motion at any time it deems such action to be in the public interest or upon complaint duly filed with it, may take into consideration, among other things, the efficiency, sufficiency, and adequacy of the facilities and products provided and services rendered by the public utility, the value of such services, products and facilities to the public, and the ability of the public utility to improve such services, products and facilities. During such proceeding, the Commission may consider any service complaints by subscribers and the public. If the Commission finds that the public utility's facilities, products or services are inefficient, insufficient or inadequate, it may impose such penalty upon the public utility as may be necessary to restore such facilities, products or services to a state of efficiency, sufficiency or adequacy. Upon significant improvement in such services, products or facilities, the Commission may, after hearing, remove or reduce the penalty imposed.

(b) The power and authority herein conferred upon the Commission shall not be construed in any way to limit the general jurisdiction and power conferred upon the Commission by §201 of this Act, it being the legislative intent that efficient, sufficient and adequate services, products, and facilities shall be provided by public utilities.

§309. Rate change by Commission initiative

(a) The Commission may, after hearing, upon notice, by order in writing, fix just and reasonable individual rates, joint rates, charges or schedules thereof, as well as commutation, mileage and other special rates, which shall be imposed, observed and followed thereafter by any public utility whenever the Commission determines any existing individual rate, joint rate, toll, charge or schedule thereof, or commutation, mileage, or other special rate to be unjust, unreasonable, insufficient, or unjustly discriminatory or preferential.

(b) No order of the Commission requiring a change in rates shall become operative until at least 30 days after service thereof except upon the written consent of the public utility affected.

§310. Temporary rate reduction on order of commission

Whenever the Commission, after due consideration of pertinent facts and information, is of the opinion that any rates of any public utility are producing a return in excess of a reasonable rate of return upon its rate base, or when appropriate, its operating ratio, and that a proceeding to determine all of the issues involved in a final determination of such rates will require more than 90 days, the Commission may, after reasonable notice to the public utility and opportunity to be heard thereon, if the public interest so requires, immediately enter a temporary order fixing a temporary schedule of rates to be charged by such public utility pending the final determination of such rate proceeding, which order shall become operative and binding upon such public utility at the time prescribed by the Commission. The power of the Commission to order reductions in rates and charges of any public utility by means of such temporary order shall be limited to reductions which will absorb not more than the amount found to be in excess of the amount of operating income, as determined by the Commission, necessary to provide a reasonable rate of return on the rate base of the public utility or when appropriate, its operating ratio. The temporary rate so prescribed shall be effective until the final determination of the rate proceeding, unless sooner terminated or changed by the Commission. If, upon final disposition of the issues involved in such proceeding, the rates as finally determined are in excess of the rates prescribed in such temporary order, then such public utility may amortize and recover by means of a temporary increase over and above the rates finally determined, such sum as represents the difference between the operating revenues obtained from the rates prescribed in such temporary order and the operating revenues which would have been obtained under the rates finally determined if applied during the period such temporary order was in effect.

§311. Determination of rate by Commission

If, after hearing, the Commission finds any existing or proposed rate unjust, unreasonable or unjustly discriminatory, or in any wise in violation of law, the Commission shall determine the just and reasonable rate to be charged or applied by the utility for the service in question, and shall fix the same by order to be

served upon the utility; and such rate shall thereafter be observed until changed, as provided in this chapter. In determining the just and reasonable rate to be charged, the Commission shall consider the revenue needs of the utility, its past and projected rates of return on its rate base, or, when appropriate, its operating ratio.

§312. Action for refund of unauthorized rate increase

If the public utility fails to make refund within 90 days after final determination by the Commission or by the Court on appeal from the Commission's order that the rate is excessive, any person entitled to such refund may sue therefor in any court of this State of competent jurisdiction and shall be entitled to recover, in addition to the amount of the refund due, all court costs and reasonable attorney's fees, but no action may be maintained for that purpose unless instituted within two years after such final determination. Any number of persons entitled to such refund may join as plaintiffs and recover their several claims in a single action, and in such action the court shall render a judgment severally for each plaintiff as his interest may appear.

§313. Depreciation account

The Commission may, after hearing, by order in writing, require every public utility to carry a reasonable and adequate depreciation account in accordance with such rules, regulations, order and forms of account as the Commission may prescribe. The Commission may, from time to time, ascertain and determine, and by order fix, the proper and adequate rates of depreciation of the several classes or property of each public utility or class of public utilities. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed.

SUBCHAPTER IV. REGULATORY PROVISIONS

§401. Resident Agent

Every public utility shall file with the Commission a designation in writing of the name and post office address of a person resident within this State upon whom service of any

notice, order or process may be made under this chapter. Such designation may, from time to time, be changed by like writing similarly filed.

§402. Previous and Current Meter Readings

All bills presented by and on behalf of all public utilities providing steam, manufactured gas, natural gas, electric light, heat, power or water based on meter readings shall, before being honored, show the previous and current meter readings.

§403. Expansion of facilities and services of water companies in New Castle County

(a) No water company doing business in New Castle County shall expand its facilities within New Castle County in order to service new customers or subscribers in New Castle County, or shall any such company supply water to any new or additional customers or subscribers in New Castle County until the company is furnishing water to its present customers or subscribers in New Castle County in such fashion that water pressure at every house supplied is at least 25 pounds at all times at the service connection.

(b) No water company doing business in New Castle County shall expand its facilities in order to service new customers or subscribers unless it shall furnish water to the house of each new customer or subscriber in New Castle County at the pressure of at least 25 pounds at each house at all times at the service connection while continuing also to supply each old customer or subscriber at the pressure of at least 25 pounds at each house at all times at the service connection.

SUBCHAPTER V. HEARINGS AND APPEALS

§501. Persons conducting investigations, inquiries or hearings

Any investigation, inquiry or hearing which the Commission has power to undertake or hold, may be undertaken or held by or before the Commission, or any member or representative of the Commission designated by it. All investigations, inquiries or hearings before a commissioner, shall be and be deemed to be the investigations, inquiries and hearing of the Commission. Any

determination or order of a commissioner upon any such investigation, inquiry or hearing undertaken or held by him shall not become and be effective until approved and confirmed by at least a quorum of the Commission; and upon such confirmation, such determination or order shall be the determination or order of the Commission.

§502. Investigation, inquiry or hearing conducted by examiner

In any investigation, inquiry or hearing, the Commission may designate any qualified officer or employee of the Commission as an examiner who may administer oaths, examine witnesses and receive evidence in any locality which the Commission, having regard to the public convenience and the proper discharge of its functions and duties, may designate. The testimony or evidence so taken or received shall have the same force and effect as if taken or received by the Commission, or by any one of the members thereof. Upon completion of such hearing or the taking of such testimony and evidence, the Examiner shall submit to the Commission his finding and recommendations thereon, which findings and recommendations shall be considered by the Commission and such action taken with respect thereto by the Commission as it decides to be proper.

§503. Rules Governing Conduct of Hearings; Finding and Order

(a) All hearings before the Commission, or its designated representative, shall be public, and shall be conducted in accordance with the rules of practice and procedure prescribed by the Commission. In the conduct of such hearings, the Commission shall not be bound by the technical rules of evidence. A full and complete record shall be kept of all proceedings had before the Commission, or its representative, in any formal hearing, and all testimony shall be either recorded or taken down by a reporter designated by the Commission, and a verbatim transcript prepared and the parties shall be entitled to be heard in person or by attorney, and to introduce evidence.

(b) After the conclusion of the hearing, the Commission shall make and file its findings with its opinion, if any, and its order thereon. Its findings shall be in sufficient detail to enable the Court on appeal to determine the controverted question pre-

sented by the proceeding, and whether proper weight was given to the evidence.

§504. Compelling Attendance of Witnesses and Production of Documents; Oaths; Subpoenas

(a) The Commission may compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts, and all other documents.

(b) Any member of the Commission, or any examiner or employee designated by it, may administer oaths to all witnesses who may be called before the Commission, any member thereof, or any examiner, as the case may be.

(c) Subpoenas issued by the Commission shall be signed by a member thereof or an examiner designated by it and attested by the secretary, and may be served by any sheriff, deputy sheriff, constable, or any employee of the Commission and return thereof made to the Commission.

§505. Witness Fees and Mileage

The fees and mileage of witnesses required to attend before the Commission shall be computed at the rate allowed to witnesses in the Superior Court, such fees to be paid when the witness is excused from further attendance. The disbursements made in payment of such fees shall be audited and paid in the same manner provided for the payment of expenses of the Commission. No witness subpoenaed at the instance of parties other than the Commission shall be entitled to compensation from the State for attendance or travel unless the Commission certifies that the testimony was material to the matter investigated.

§506. Refusal to Obey Subpoena, Answer Question or Produce Documents; Contempt

If a person subpoenaed to attend before the Commission, any member or examiner thereof, fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the Commission, any member or examiner thereof, refuses without lawful cause to be examined or to answer a legal or pertinent question, or to produce a book or paper when ordered to do so by the Commission, any member or examiner thereof, the

Commission or any member thereof may apply to the Superior Court in and for the county where such hearing or investigation is being held or any Judge thereof in vacation, who shall have the power of the Court for such purpose, for an order returnable in not less than 2 or more than 10 days, directing such person to show cause before the Court, or any Judge thereof in vacation, why he should not comply with the subpoena or order of the Commission. Upon the return of such order the Court or Judge, before whom the matter comes on for hearing, shall examine under oath the persons whose testimony may be relevant, and such person shall be given an opportunity to be heard, and if the Court or Judge determines that the person refused without legal excuse to obey the command of such subpoena or to be examined, or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to produce, the Court or Judge may order such person to comply forthwith with the subpoena or order of the Commission, and any failure to obey such order of the Court or Judge may be punished by the Court or Judge as a contempt of the Superior Court.

§507. Privilege Against Self-Incrimination

No person shall be excused from testifying or producing any book, document or paper in any investigation or inquiry by or upon hearing before the Commission, or any member or examiner thereof, upon the ground that the testimony, evidence, book, document or paper required of such person may tend to incriminate such person or subject such person to penalty, or forfeiture, but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath, have testified or produced incriminating evidence. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in his testimony. Nothing contained in this section is intended to give, or shall be construed in any manner to give any corporation immunity of any kind.

§508. Depositions of Witnesses

The Commission, or any party to proceedings before the Commission, may cause the deposition of witnesses residing within or without this State to be taken in the same manner as

prescribed by law or by rules of the Superior Court for taking depositions in civil actions.

§509. Effective Date and Service of Orders

(a) Every order made by the Commission shall be served upon the person or public utility affected thereby, within 10 days from the time the order is filed, by personally delivering or sending by certified mail a certified copy thereof to the person to be affected thereby, or in case of a public utility to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the law of this State, or to the person designated by such public utility to accept service as provided in this chapter. In any proceeding in which such person or public utility shall be represented by an attorney, service may be made upon such attorney of record.

(b) All orders of the Commission shall become effective within such reasonable time as it prescribes.

§510. Appeal from Commission's Order

(a) Any public utility affected by any final order made by the Commission, or any other original party to or any intervenor in the proceedings before the Commission in which such order was entered and affected thereby, may appeal from such order to the Superior Court within 30 days from the date upon which such order is served. The appeal shall be filed with the Prothonotary of the Court and summons in the appeal shall be served upon the secretary of the Commission either personally or sent by certified mail to the office at Dover, Delaware, and shall be served upon all other parties to the proceeding below, other than the appellant.

(b) The appeal shall not be a trial de novo but shall be based upon the record before the Commission.

(c) The scope of review before the Court shall be that the Commission's findings shall be upheld if they are supported by sufficient evidence, free of error of law and not arbitrary or capricious. When factual issues are reviewed the Court shall take due account of the presumption of official regularity and the quasi-legislative function and specialized competence of the Commission.

§511. Stay Pending Appeal

The filing of an appeal from any order of the Commission shall in no case supersede or stay the order of the Commission, unless the Superior Court so directs, and the appellant may be required by the Court to give bond in such form and of such amount as the Court, allowing the stay, requires.

SUBCHAPTER VI.**REGULATION OF CABLE TELEVISION SYSTEMS****§601. Cable television franchise; requirement therefor; authority to issue; application, notice and hearing requirements**

(a) No person or entity shall hereafter commence the construction of, or operate a cable television system, in whole or in part within this State outside the boundaries of incorporated municipalities which on the date of this Act have the power either express or implied under their charters to grant franchises for a system, without first obtaining a franchise under this Act for such construction and operation.

(b) The Commission is hereby authorized to grant franchises for cable television systems to be constructed or operated in whole or in part within the State outside the boundaries of incorporated municipalities which on the date of this Act have the power either express or implied under their charters to grant franchises for a system. The procedure prescribed by this subchapter for granting franchises shall be followed by the Commission and all franchises shall comply with the requirements hereof.

(c) The Commission may not grant a franchise to a system without first giving at least ninety days' public notice of its intention to receive and consider applications for a franchise, and written notice to any person constructing or operating a system in any county in which the franchise is to be granted. The public and written notice shall specify the date and procedures for filing applications, and in general terms the geographic area and conditions of the proposed franchise.

(d) The Commission may not grant a franchise except upon written application therefor filed on or before the date specified

in the public notice. All applications shall be accompanied by a certified check in the amount of the filing fee, if any, specified in the public notice. All applications shall be made available by the Commission for public inspection promptly following the filing thereof and no application once filed may be amended to make substantive changes in the proposals or qualifications of the applicant if more than one application has been filed for the same franchise territory.

§602. Contents of application

All franchise applications shall consist only of the following:

(a) A description of the territory proposed to be served by the applicant.

(b) A description of station signals as required to be carried by the Federal Communications Commission.

(c) A description of locally originated program service required by the Federal Communications Commission and of the applicant's plans, time schedule and facilities for providing such service.

(d) A schedule of presently proposed maximum rates and charges for each subscriber classification, and each classification of service.

(e) A description of facilities and service not described in subsections (b) and (c) above which at the time of the application the applicant desires to offer to the community, its governmental, educational or service agencies, including complete information concerning any applicable charges for such facilities and services.

(f) A copy of the proposed standard subscriber contract, if any.

(g) A statement demonstrating the applicant's financial qualifications include: (1) balance sheet and profit and loss statements of the applicant current within 90 days of the filing of the application; (2) estimated total cost of construction of the proposed cable system when completed to serve the entire proposed franchised area; (3) a complete financial plan for construction and operation of the proposed cable system demon-

strating the applicant's financial ability to construct the system within the time specified by the applicant and in accordance with any Federal Communications Commission schedule of construction and to operate at the rates and charges proposed in the application during the first five franchise years commencing on the date service is first furnished to any subscriber. If the applicant relies on others for loans credit, advances or other means of financial assistance, the applicant must demonstrate the actual availability of such sources of financial assistance.

(h) A plat or plats showing proposed location or existing location of the receiving antennas, head-end equipment, studio, office, maintenance and construction facilities and proposed trunk routes for cable.

(i) A statement by the applicant that the cable system described in its application is and will be in full compliance with all technical rules, regulations, standards and operating policies for facilities and service of the Federal Communications Commission for community antenna television systems or cable television systems in effect at the time the proposed system is placed in operation.

(j) Full ownership identification of the applicant including: (1) name and business address and, if other than a natural person, a description of the legal nature of the applicant stating the jurisdiction and laws under which it was formed; (2) the name, address and position held in the applicant of all officers, directors, trustees, general or limited partners, or persons having an ownership or beneficial interest of five percent (5%) or more in the applicant or in the application; (3) identification of all other cable television interests including franchises, and the extent thereof, held by the applicant or any officer, director, trustee, or general partner of the applicant, and by any person having a five percent (5%) or greater ownership or beneficial interest in the applicant or in the application; and (4) copies of the most recent Report of Cable Television Systems and Cable Television Annual Financial Statement filed with the Federal Communications Commission by the applicant and/or any parent, subsidiary, officer, director, trustee or other person having an ownership or beneficial interest of five percent (5%) or greater in the applicant.

(k) If the system is not fully constructed, a schedule, in phases, for construction of the system in the franchise area and for extending service throughout the franchise area.

(l) A statement by the applicant that he has read and is familiar with the provisions of this Act.

(m) At the option of the applicant, a precise statement of each term of the franchise as specified in Section 604 hereof as proposed by the applicant.

§603. Hearing and franchising procedures

(a) Upon the filing of an application or applications as provided in this subchapter, the Commission shall fix the time and place for a public hearing thereon, and give at least fourteen days' public notice of such hearing and written notice thereof to each applicant and to any person constructing or operating a system in any county in which a franchise is to be granted. At such hearing, any applicant or any member of the public desiring to be heard, shall be heard.

(b) After such hearing the Commission may grant a franchise which shall state in writing its terms as specified in Section 604; provided that, if such terms differ from those set forth in the successful applicant's application for a franchise, then that application must consent in writing to such terms before the franchise is effective. In determining whether and to whom to issue a franchise, the Commission may base its decision only on the application filed; the presentations made at public hearings by the applicant, by members of the public or by the staff of the Commission; the public need for the proposed franchise; and the likelihood that the applicant will fulfill the terms of the franchise giving consideration to the financial qualifications of the applicant, and the character of the applicant.

(c) The Commission simultaneously with the grant or denial of a franchise pursuant to this subchapter shall issue a written report setting forth the criteria upon which it based its selection or denial of the applicants for a franchise. The votes on the grant or denial of a franchise of each member of the Commission shall be recorded and made public.

§604. Franchise terms

The terms of any franchise issued under this subchapter shall be only the following:

(a) A requirement that station signals carried, local origination, services and facilities will comply with all lawful rules, regulations and laws of the Federal government then applicable to the franchisee's construction and operation of a system.

(b) Designation of the area franchised.

(c) Except where construction has commenced, dates for the commencement of initial construction, and initial service to subscribers, and, except where construction is complete, fixing the dates for the several reasonable phases whereby construction and service will be extended when and to the extent required by the Federal Communications Commission to the entire franchise area.

(d) The duration of the franchise which shall be fifteen years or such other maximum term as the Federal Communications Commission will allow with rights of renewal in the franchise for the maximum term allowed by the Federal Communications Commission upon application to the Commission not later than 6 months prior to the expiration of the current term of the franchise and upon a public hearing for the sole purpose of reviewing the franchisees performance and current qualifications.

(e) A requirement for the maintenance by the franchisee of adequate liability insurance in such amount as the Commission deems adequate, insuring the franchisee with regard to all liability for bodily injury, death and property damage. Copies of such insurance policies shall be filed and maintained with the Commission during the term of the franchise, together with written evidence of payment of required premiums.

(f) A requirement that the franchisee interrupt service only for a good cause and make repairs promptly.

(g) A requirement that the franchisee shall maintain an office open during all regular business hours, and which shall have a listed telephone toll free in the franchise area, and operated so that complaints and requests for repairs may be received

at any time that television or other communications services are being furnished.

(h) A requirement that the franchisee promptly attempt to resolve service complaints and to maintain records with respect thereto for a period of one year. Such records should include the original complaint if in writing or a brief description if made orally, the date filed, the corrective action taken and the date thereof.

(i) A requirement that the franchisee furnish one standard cable television reception service outlet to each public school within reasonably proximity of existing cable lines for educational purposes upon request by but without cost to the public school system, to designated public buildings such as police and fire stations, and to a reasonable number of designated locations for the monitoring of performance of the system; provided, however, that nothing in this Act shall prevent the franchise from voluntarily providing service without cost to other educational, public or charitable institutions, and for reasonable promotional undertakings.

(j) A requirement that, in the case of any emergency or disaster, the franchisee shall, upon request of the Commission, make available its facilities to the Federal, State, County or local governmental units for emergency use.

(k) A requirement that the franchisee install and maintain all cables, wires, fixtures and other equipment or facilities in accordance with the National Electrical Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters, and that all structures, lines, equipment and connections in, on, under or over the highways, roads, streets, alleys or other public or private rights-of-way at all times be kept and maintained in a safe condition and in good order and repair.

(l) Designation of the site or sites for head-end, studio, office, maintenance, and construction facilities which designation shall supersede any requirements of laws or ordinances pertaining to land use.

(m) A schedule of present maximum rates and charges for all services and facilities provided by the franchisee and a re-

quirement that the franchisee shall not discriminate or give any undue preferences or advantage to similarly situated persons in respect to such rates and charges.

(n) A requirement that the franchisee obtain approval from the Commission, after a public hearing of which public notice shall be given at least fourteen days in advance, for any increase, other than one resulting from an increase in taxes or license charges imposed on cable television facilities, operations or income, in the maximum rates and charges in excess of five percent (5%) in any one twelve-month period.

(o) A requirement that the franchisee file with the Commission maps or plats showing all existing streets or subdivisions served by the system within a reasonable time after construction, and that such be kept current.

(p) At the option of the Commission, any additional terms expressly proposed by the franchisee in its application.

(q) A provision that each term of the franchise is separate and severable and in the event that any term of the franchise is held to be unconstitutional or invalid, the franchise and its remaining terms shall remain in full force and effect.

§605. Additional powers of the Commission

In addition to its powers to issue franchises, the Commission shall have the power and jurisdiction to:

(a) Conduct such investigations as may be necessary to determine compliance by a franchise with this subchapter and the terms of any franchise granted.

(b) Prescribe a nonrefundable application fee in sufficient amount, but no more, to meet the costs necessary for processing the franchise applications.

(c) Examine, upon reasonable written notice and during regular business hours, subscriber lists, repair records, service complaints, rates charged, and facilities and interview management personnel of all franchisees or applicants for franchises for the purpose of verifying applications or compliance with the terms of a franchise and of this subchapter.

(d) Intervene as a party in any action, in any court of competent jurisdiction, relating to the grant or performance of any franchise.

(e) Modify the terms of any franchise upon good cause shown by the franchisee.

§606. Termination of a franchise for failing to comply with its terms

A franchise granted pursuant to the terms of this subchapter may be revoked or terminated in whole or in part but only for failure of the franchisee to comply with the terms of the franchise, and only if the following procedure is observed:

(a) The Commission shall hold a public hearing upon fifteen days' public notice and written notice to the franchisee, which notice shall specify precisely the manner or way in which the franchisee is failing to comply with the terms of the franchise.

(b) Following the public hearing, the Commission by a majority vote of its members, by order, a copy of which shall be mailed by certified mail to the franchisee, may direct the franchisee to perform specific acts to bring itself into compliance with the terms of its franchise and may fix a reasonable time in which the franchisee may perform such acts. The franchisee either may comply with the foregoing compliance order or, within thirty days from the date of mailing of the order to it, may institute proceedings to review the compliance order by the filing of a complaint in the Court of Chancery for any county in which the franchise is located. Such proceedings shall be in accordance with the rules of procedure of the Court of Chancery. The Commission shall be the defendant in such proceedings. The filing of the complaint shall not act as a stay of the compliance order, but the Court of Chancery may, on application with notice to the Commission, and on due cause shown, grant such a stay. If, upon a hearing, it shall appear to the Court of Chancery that testimony is necessary for the proper disposition of the proceedings, it may take evidence or appoint a master to take such evidence as it may direct and report the same to the Court of Chancery, together with findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the Court of Chancery shall be made. The

Court of Chancery may reverse or affirm, wholly or in part, or may modify the order brought up for review.

(c) If the franchisee fails to comply with the compliance order as entered by the Commission, or in the event of a review proceedings, as affirmed or modified by the Court of Chancery, then the Commission by a majority vote of its members, by order, a copy of which shall be mailed by certified mail to the franchisee, may direct that the franchise is terminated in whole or in part and shall specify a reasonable time by which the franchisee shall remove its facilities from any public property. There shall be no review by any court in any proceedings of such a termination order, except that by the filing of a complaint, within thirty days of the date of the mailing of the termination order, in the Court of Chancery for any county in which the franchise is located, the franchisee may obtain a review of such order limited to the issue of whether or not the franchisee, at the date of the resolution terminating the franchise, had complied with the terms of the compliance order.

§607. Franchising of existing unfranchised Cable Television Systems

Notwithstanding any other provisions of this Act, the Commission shall issue a franchise to any person or entity operating or constructing prior to the effective date of this Act a system within this State outside of the boundaries of incorporated municipalities which on the date of this Act have the power either express or implied under their charters to grant franchises for a system. An application for such a franchise shall be filed within ninety days of the effective date of this Act. The application shall be in the form prescribed in Section 602 of this subchapter. A franchise granted hereunder may be conditioned upon compliance by the franchisee with such requirements of the Federal Communications Commission as may be applicable to such an existing cable system within the time specified by the Federal Communications Commission for compliance by such an existing system. The terms of a franchise under this section shall be only the designation of the area franchised which shall be at least co-extensive with any portion of the State in which the system is operating or under construction and the terms specified in Section 604 (c) through 604 (q) provided that such

terms do not require the franchisee to perform any act which would conflict in any way with any contract it may have on the effective date hereof or to charge rates for services different than any rates now being charged for services or to diminish or increase any services provided or any areas served on the effective date hereof. Construction and operation of such systems may lawfully be continued pending the filing of such application, the issuance of a franchise, and the acceptance thereof by the applicant. If the franchise issued under this section is not accepted by the applicant within sixty days from the date of issuance, all construction and operating authority shall terminate, unless the Commission shall otherwise order.

§608. Municipal franchises

The Commission may review any franchise now or hereafter granted by incorporated municipalities of this State which, on the effective date of this Act, have the power either express or implied under their charters to grant franchises for a system for the construction or operation of cable television systems within their boundaries, and whenever the public interest requires, change or modify such franchise or the conduct of the franchisee thereunder so that such franchise or such conduct complies with the provisions of this subchapter governing franchises granted by the Commission if such a municipality refuses to grant a franchise and the Commission finds that such refusal is not in the public interest, the Commission may award a franchise under this subchapter.

§609. Transfer of franchise or control of franchise

(a) No franchise shall be transferred, otherwise than by operation of law, or assigned to a person or entity without prior approval of the Commission.

(b) No transfer of legal control of a franchise to a person or entity not a party to the original franchise application shall be made without prior approval of the Commission.

(c) Applications for approval of transfer or assignments must be made in writing and shall contain such information about the transferee or assignee as would be required about an

applicant in an application for a franchise under Section 602 of this chapter.

(d) Approval of applications for transfers and assignments shall be granted, unless after hearing, which shall not otherwise be required, the Commission shall find that service to subscribers of the franchise would be affected adversely. Any denials under this section shall be accompanied by a report of the Commission in writing setting forth in detail the facts upon which the denial is based.

(e) This section shall not apply to or restrict transfers or assignments between parent and subsidiary corporations or between entities of which at least fifty percent (50%) of the beneficial ownership is held by the same persons or entities.

§610. Payments to Commission

(a) Subject to any restrictions imposed by the Federal Communications Commission, the Commission is authorized to prescribe an annual payment by every franchisee to the Commission in such sum as will equal the necessary costs incurred by the Commission in performing its duties hereunder, but in no event shall such sum exceed two percent (2%) of the gross subscription receipts of any franchisee or shall any franchisee pay a greater percent of its gross subscription receipts than any other franchisee pays. Gross subscription receipts shall include the basic monthly service charges for cable television reception service outside the boundaries of incorporated municipalities which on the date of this Act have the power either express or implied to grant franchises for a system but shall not include monies received as installation charges, charges for reconnection, inspection, repairs, or modifications of any installation, or local, State or Federal taxes, relating thereto, or monies received from: (1) sale of advertising time on cable channels; (2) rental or deposits on equipment or facilities; (3) the furnishing of special programming not covered by the basic monthly service charge; (4) the furnishing of other communications services either by private contract or as a carrier, including by way of example but not limited to leasing of channels, burglar alarm, AM or FM radio broadcast, data transmission information storage and retrieval, and facsimile reproduction services; and (5) any source other than directly from the carriage of television signals.

(b) No fees or payments other than those specifically provided in this subchapter may be levied by or collected on behalf of the Commission.

§611. Certificate of Compliance

(a) Upon substantial completion of construction and when service is available in a substantial portion of the franchised territory, the franchisee shall certify to the Commission that (i) the Cable Television System has been constructed and is operating in full compliance with technical performance standards as prescribed by the Federal Communications Commission; (ii) that all services required to be furnished under the rules and regulations of that Commission are being furnished, or, if not, the date upon which such services will be available, and that all services comply with all applicable rules and regulations of the Commission; and (iii) that the system and services comply in all respects with the provisions of the franchise and this subchapter.

(b) In the event such certification cannot be made, temporary waiver of the requirements of any provision of the franchise or of this subchapter shall be granted by the Commission to a date specified on a showing of good cause.

§612. Occupancy of public ways

All cable systems holding a franchise granted under this Act or by a municipality having the power either express or implied under its charter to grant a franchise to a system shall have the right to occupy the public highways, streets, roads, alleys, turnpikes and waterways within this State, provided that within incorporated municipalities, they shall have received permission to do so from the municipality, and without incorporated municipalities, they shall have complied with such written regulations established by the State Highway Department for the occupancy and use of such public ways by telephone corporations and such occupancy and use will not unduly interfere with pre-existing use of such public ways by any public utility.

§613. Acquisition of franchisees of easements

Any franchisee may acquire an easement across, in or on public or private lands or waterways in this State which already

have thereon or therein poles, wires, conduits, pipes, cables or other such facilities owned or maintained by a public utility, for the purpose of erecting, constructing, maintaining or operating any facilities to provide cable television or communications service to the public, including poles, wires, cables, guides, conduits and apparatus, which can be installed in the same manner, above or below ground, as the public utility facilities already on or in the property, by a taking in accordance with Chapter 61 of Title 10 which provides a method of fixing fair compensation if the easement should impose any additional burden on the property interest of the utilities or any other concern or person.

§614. Criminal penalties

(a) Any applicant for a cable television franchise, or any franchisee who knowingly makes any false statement in any application, or in support thereof, or who knowingly falsifies any records required by this subchapter to be kept, shall be deemed to have committed a misdemeanor.

(b) Any person who knowingly attaches or causes to be attached to any cable system, television receiving devices without the consent in writing of the cable system, shall be deemed to have committed a misdemeanor.

(c) The Superior Court may impose or fine not to exceed two thousand dollars (\$2,000.00) for each act which constitutes a misdemeanor under this section.

§615. Judicial review and enforcement of acts by a Commission

(a) Except where judicial review is otherwise expressly provided for herein, in the event that the Commission by action or inaction, shall fail to comply with the terms of this subchapter, the exclusive remedy for any aggrieved person shall be to file, within thirty days of the act or failure to act complained of, a complaint in the Court of Chancery. In such proceedings, the jurisdiction of the Court of Chancery shall be limited to determining whether or not the Commission has complied with the terms of this subchapter, and, upon a finding that the Commission has not complied with the terms of the subchapter, to entering such order, including one for the payment of damages, as it deems appropriate.

(b) Except where a franchise is to be terminated, where the procedures of Section 606 apply, whenever any person shall fail to comply with the terms of this subchapter, or with the terms of any order or directive of the Commission made in compliance with the terms of this subchapter, the Commission may file a complaint in the Court of Chancery seeking such relief as is appropriate to compel compliance.

§616. Preemption

Any provision of this Act, or of any franchise issued pursuant thereto, or any rule, regulation or practice, adopted or imposed by the Commission, which is inconsistent with any provision of the Communications Act of 1934, as amended, or any final rule or regulation now or hereafter adopted by the Federal Communications Commission shall be null and void. This Act is intended to preempt any County franchising or regulation of cable television or communication systems.

Section 2. Within one hundred eighty (180) days from the effective date of this Act, the Commission shall make rules and regulations governing the filing of applications and complaints.

Section 3. This Act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

Section 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Approved June 28, 1974.

Chapter 398

FORMERLY SENATE BILL NO. 619

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DIVISION OF MAINTENANCE AND COMMUNICATIONS, DEPARTMENT OF ADMINISTRATIVE SERVICES, TO PAY A PRIOR YEAR'S OBLIGATION FOR ELECTRICITY AND HEATING FUEL EXPENSES INCURRED AT THE WILMINGTON ARMORY.

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

Section 1. There is hereby appropriated the sum of \$2,396 to the Division of Maintenance and Communications, Department of Administrative Services, to pay a prior year's obligation:

Contractual Services — \$2,396

Section 2. The sums appropriated herein shall be considered a supplementary appropriation and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended as of June 30, 1974, shall revert to the General Fund of the State.

Approved June 28, 1974.

Chapter 399

FORMERLY SENATE BILL NO. 644

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DIVISION OF MAINTENANCE AND COMMUNICATIONS, DEPARTMENT OF ADMINISTRATIVE SERVICES, FOR OPERATIONAL COSTS THROUGH JUNE 30, 1974.

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

Section 1. There is hereby appropriated the sum of \$11,700 to the Division of Maintenance and Communications, to meet operational deficiencies for the Fiscal Year ending June 30, 1974, in the following categories:

Contractual Services	\$ 6,300
Supplies and Materials	5,000
Capital Outlay	400
Total	<u>\$11,700</u>

Section 2. The sums appropriated herein shall be considered a supplementary appropriation and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended as of June 30, 1974, shall revert to the General Fund of the State.

Approved June 28, 1974.

Chapter 400

FORMERLY SENATE BILL NO. 561

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DIVISION OF REVENUE, DEPARTMENT OF
FINANCE.**

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

Section 1. The sum of thirty-nine thousand one hundred twenty-four dollars (\$39,124.00) is hereby appropriated to the Division of Revenue, Department of Finance (25-06-000) for the following purposes:

Seasonal — Part-time Salaries and Wages	\$25,600.00
Contractual Services	3,524.00
Materials and Supplies	10,000.00
Total	<u>\$39,124.00</u>

Section 2. This Act is a supplementary appropriation 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 herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended by June 30, 1974 shall thereupon revert to the General Fund of the State Treasury.

Approved June 28, 1974.

Chapter 401

FORMERLY SENATE BILL NO. 595

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DIVISION OF REVENUE, DEPARTMENT OF
FINANCE, FOR THE PURPOSE OF EXPEDITING PER-
SONAL INCOME TAX REFUNDS.**

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

Section 1. The sum of thirty thousand eight hundred and seventy-five dollars (\$30,875.00) is hereby appropriated to the Division of Revenue, Department of Finance (25-06-000), for the following purposes:

Salaries and Wages — Overtime	\$ 5,000.00
Contractual Services	25,875.00
Total	<u>\$30,875.00</u>

Section 2. This Act is a supplementary appropriation 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 herein appropriated shall be expended only in the manner set forth in Section 1. and any funds appropriated but unexpended by June 30, 1974 shall thereupon revert to the General Fund of the State Treasury.

Approved June 28, 1974.

Chapter 402

FORMERLY SENATE BILL NO. 541

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DIVISION OF TRANSPORTATION OF THE
DEPARTMENT OF HIGHWAYS AND TRANSPORTA-
TION.**

WHEREAS, the Secretary of the U. S. Department of Transportation and the Rail Service Planning Office of the Interstate Commerce Commission have recommended the abandonment of certain rail facilities in Zones 84, 85, 86 and 182, pursuant to Public Law No. 93-236; and

WHEREAS, as the result of said recommendations, the Delmarva Peninsula is in eminent danger of losing its railroad service; and

WHEREAS, the retention of interstate rail service is essential to the economy of Delaware; and

WHEREAS, the loss of rail service by Maryland or Virginia will have a deleterious effect upon the economy of Delaware because it is so intertwined with the economies of those states; and

WHEREAS, this is a tri-state problem and must be confronted by the three states acting in concert rather than independently; and

WHEREAS, a railroad committee has been formed under the auspices of the Delmarva Advisory Council which is operating to seek a rescission of the U. S. Department of Transportation's recommendations; and

WHEREAS, Delaware industry is represented on the Council in equal proportion with Maryland and Virginia; and

WHEREAS, certain expenditures in the defense of continued rail service on the Eastern Shore are necessary and desirable; and

WHEREAS, Maryland and Virginia have expressed official and monetary support of the Delmarva Advisory Council Railroad Committee's activity to achieve a recession of the recommendations regarding abandonment of certain rail facilities in Zones 84, 85, 86 and 182; and

WHEREAS, it is the plan and intent that the expenses of this effort be equally shared among the three participating states;

NOW, THEREFORE:

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

Section 1. There is hereby appropriated to the Division of Transportation of the Department of Highways and Transportation (55-05-000) the sum of \$15,000 to defray one-third of the expenses incurred on behalf of the three participating states, through the auspices of the Delmarva Advisory Council Railroad Committee, in seeking a rescission or reversal of the recommendation that certain rail facilities be abandoned on the Delmarva peninsula.

Section 2. This Act is a supplementary appropriation and the funds appropriated shall be paid from the General Fund of the State Treasury from moneys not otherwise appropriated and any funds remaining unexpended or unencumbered as of June 30, 1975 shall thereupon revert to the General Fund.

Approved June 28, 1974.

Chapter 403

FORMERLY SENATE BILL NO. 621

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF STATE POLICE, DEPARTMENT OF PUBLIC SAFETY, FOR OPERATIONAL COSTS THROUGH JUNE 30, 1974.

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

Section 1. There is hereby appropriated the sum of \$20,000 to the Division of State Police to meet operational deficiencies for the Fiscal Year ending June 30, 1974 in the following categories:

Contractual Services	\$12,000
Supplies and Materials	8,000
Total	<u>\$20,000</u>

Section 2. The sums appropriated herein shall be considered a supplementary appropriation and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended as of June 30, 1974 shall revert to the General Fund of the State.

Approved June 28, 1974.

Chapter 404

FORMERLY HOUSE BILL NO. 969

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF JUSTICE.**

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

Section 1. The sum of nine thousand five hundred dollars (\$9,500) is hereby appropriated to the Department of Justice for operation expenses for fiscal year ending June 30, 1974.

Section 2. The funds appropriated shall be used as follows:
Operations

Travel	\$ 700.00
Contractual Services	
Rental	2,571.75
Other	6,228.25
	<u>\$9,500.00</u>

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasury out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 28, 1974.

Chapter 405

FORMERLY HOUSE BILL NO. 915

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF HIGHWAYS AND TRANS-
PORTATION FOR THE DELAWARE AUTHORITY FOR
REGIONAL TRANSIT DURING THE FISCAL YEAR
ENDING JUNE 30, 1974.**

WHEREAS, the Delaware Authority for Regional Transit has been required to increase its bus fleet by 27% to meet increased demands due to the recent energy crisis; and

WHEREAS, fuel costs have risen 158% during the current fiscal year which resulted in \$81,000 additional expenses; and

WHEREAS, to meet the demands imposed by the energy crisis and provide additional service to the citizens of New Castle County, it was necessary to increase the number of bus operators by 30%; and

WHEREAS, conditions imposed through the Union Contract with the bus operators and maintenance employees, dictated a cost of living increase of 5% to those employees; and

WHEREAS, the rent at 1609 Delaware Avenue was increased threefold and the increasing physical deterioration combined to force the Delaware Authority for Regional Transit to relocate and incur costs for moving, and converting their current headquarters for bus operations; and

WHEREAS, the Delaware Authority for Regional Transit, in order to maintain mass transit service to the residents of Delaware, requires funds presently and during the fiscal year ending June 30, 1974;

NOW, THEREFORE:

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

Section 1. The sum of \$276,000 is hereby appropriated to the Department of Highways and Transportation to be paid to the Delaware Authority for Regional Transit for the fiscal year ending June 30, 1974.

Section 2. This act is a supplementary appropriation for the fiscal year 1974 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 28, 1974.

Chapter 406

FORMERLY HOUSE BILL NO. 1021

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HIGHWAYS AND TRANSPORTATION TO BE USED FOR EXPENSES INCURRED BY EMPLOYEES OF THE DEPARTMENT WHILE ENGAGED IN STATE EMPLOYMENT.

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

Section 1. The sum of eight thousand ninety-six dollars and eighty-six cents (\$8,096.86) is hereby appropriated to the Department of Highways and Transportation, which money shall be paid to the State employees listed below for expenses incurred by, and paid from, private litigation for injuries received while operating a State-owned motor vehicle:

James Dukes	\$4,291.98
Allen Sneed	1,927.76
Ronald Ford	998.25
Harry E. Starkey	878.87

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 moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved June 28, 1974.

Chapter 407

FORMERLY HOUSE BILL NO. 947

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO PAY CERTAIN EMPLOYEES SALARIES PREVIOUSLY EARNED.

WHEREAS, because the merit increment was incorrectly denied to Chester Harris on February 16, 1973; and

WHEREAS, due to the ruling by the State Personnel Commission on July 26, 1973, back pay must be paid to Morton Spielman.

WHEREAS, the amount underpaid to the aforementioned employees is one-hundred-ninety-seven and 09/100 (\$197.09) dollars plus fringe benefits.

NOW THEREFORE,

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

Section 1. The sum of two-hundred-thirty-two and 86/100 (\$232.86) dollars is hereby appropriated to the Department of Administrative Services, which funds shall be used to pay one-hundred-thirty-seven and 25/100 (\$137.25) dollars to Chester Harris and the fringe benefits for the period February 16, 1973 through June 30, 1973, an employee for the Division of Maintenance and Communications; and fifty-nine and 84/100 (\$59.84) dollars to Morton Spielman and the fringe benefits, an employee for the Division of Purchasing which are due and owing to the employees.

Salaries	\$197.09
F.I.C.A. — Employers' Share	11.53
Pensions	24.24
	<u>\$232.86</u>

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 herein appropriated shall be expended only in the manner set forth herein, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved June 28, 1974.

Chapter 408

FORMERLY HOUSE BILL NO. 930

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE DEPARTMENT OF AGRICULTURE TO BE
USED FOR SALARY REIMBURSEMENT FOR AN EM-
PLOYEE.**

WHEREAS, on March 31, 1973, the position of Veterinarian II held by Dr. Russell Laslocky in the Department of Agriculture was abolished; and

WHEREAS, Dr. Laslocky appealed to the Personnel Commission of the State of Delaware the abolition of his position and subsequent layoff; and

WHEREAS, the layoff of Dr. Laslocky was determined by the State Personnel Commission of the State of Delaware to be subject to merit system rules 14.0200 and 14.0240; and

WHEREAS, the State Personnel Commission, in its opinion and order of April 23, 1974, ordered that Dr. Laslocky be "re-instated to his position as Veterinarian II with back pay from March 31, 1973, such pay to be reduced by the amount of earnings which Dr. Laslocky has made during that time"; and

WHEREAS, the Attorney General's Office which represented the Department of Agriculture at said hearing has recommended that the Commission's decision not be appealed; and

WHEREAS, the Department of Agriculture has calculated that it requires a supplemental appropriation of \$21,890.78 to satisfy the Commission's order for the period of April 1, 1973 through May 15, 1974;

NOW, THEREFORE:

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

Section 1. The sum of \$21,890.78 is appropriated to the Department of Agriculture which money shall be used to satisfy

any and all claims Dr. Russell Laslocky has or may have against the period April 1, 1973 through May 15, 1974, for which he has not yet received payment.

Section 2. This Act is a supplementary appropriation act and funds hereby appropriated shall be paid from the General Fund of the State Treasury from moneys not otherwise appropriated.

Section 3. The funds herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund.

Approved June 28, 1974.

Chapter 409

FORMERLY HOUSE BILL NO. 746
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENTS
NOS. 1, 2 AND 3

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE STATE JUDICIARY AGENCIES.

WHEREAS, current operating expenses of certain State judiciary agencies will exceed their operating budget for FY 1974 covering expenses not previously anticipated nor budgeted.

NOW, THEREFORE,

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

Section 1. The sum of sixty thousand one hundred twenty-eight dollars (\$60,128) is hereby appropriated to the State judiciary agencies for the following purposes:

(02-02-000) Court of Chancery

Contractual Services	\$	200
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(02-03-000) Superior Court

Personal Services		
Travel	\$	4,000
Capital Outlay	1,044	5,044

(02-04-000) Court of Common Pleas - Kent County

Salary of Judge	\$	1,834
Contractual Services — Jury Costs	8,000	
Supplies and Materials	300	10,134

(02-05-000) Court of Common Pleas - Sussex County

Salary of Judge	\$	1,834
Salaries and Wages of Employees	665	
Travel	300	

Contractual Services		
Jury Costs	5,000	
Other Contractual Services	<u>2,800</u>	\$10,599
(02-06-000) Court of Common Pleas - New Castle County		
Salaries of Judges	\$ 4,125	
Travel	950	
Contractual Services	<u>1,650</u>	6,725
(02-09-000) Kent County Law Library		
Capital Outlay (Books)		3,200
(02-11-000) New Castle County Law Library		
Capital Outlay (Books)		3,000
(02-13-000) Justice of Peace Courts		
Travel -- Constable Travel	\$11,500	
Contractual Services -- Other	<u>1,300</u>	12,800
(02-17-000) Administrative Office of Courts		
Contingency -- Court on the Judiciary		426
TOTAL -- State Judiciary Agencies		<u>\$52,128</u>

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 herein appropriated shall be expended only in the manner set forth in Section 1, and any funds appropriated but unexpended by June 30, 1974, shall thereupon revert to the General Fund of the State Treasury.

Approved June 29, 1974.

CHAPTER 410

FORMERLY HOUSE BILL NO. 1101

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR THE PURPOSE OF PAYING THE STATE CHEMIST, MR. JAMES B. KILVINGTON WHO WAS INADVERTENTLY NOT PAID FOR OVERTIME DUTY.

WHEREAS, Mr. James B. Kilvington served as State Chemist under the Department of Agriculture from 1953 to 1973, a period of approximately 20 years; and

WHEREAS, Mr. Kilvington performed multiple duties, many of which included blood, breath, urine analysis for alcohol for those suspected of driving a motor vehicle under the influence of alcohol; and

WHEREAS, Mr. Kilvington's duties as State Chemist included testifying in various courts from one end of the State to the other, all of which were after normal duty hours; and

WHEREAS, the period in which Mr. Kilvington did not receive overtime compensation is as follows:

1971	=	168	hours
1972	=	January - May	295 hours
		June	59.5 hours
		July - December	431.25 hours
1973	=	329	hours

WHEREAS, Mr. Kilvington's overtime hours based on his merit system rating computes to the amount of \$7,528.75; and

WHEREAS, Mr. Kilvington, was a dedicated public servant who did a commendable job as State Chemist as can be attested to not only by the Courts, but the Delaware State Police as well and is therefore deserving of this overtime pay.

NOW THEREFORE,

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

Section 1. The sum of \$7,528.75 is hereby appropriated to the Department of Agriculture for the purpose of paying Mr. James B. Kilvington, former State Chemist, for overtime performance while serving as State Chemist during 1971-1973 for which he was never paid.

Section 2. Funds appropriated herein shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 3. This is a Supplementary Appropriation Act, and funds appropriated herein which remain unexpended on June 30, 1974 shall revert to the General Fund.

Approved June 29, 1974.

CHAPTER 411

FORMERLY HOUSE BILL NO. 873

**AN ACT MAKING A SUPPLEMENTARY APPROPRIATION
TO THE LEGISLATIVE COUNCIL FOR FISCAL '74
SUPPLIES AND MATERIALS.**

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

Section 1. The sum of \$8000 is hereby appropriated to the Legislative Council (01-08-001) to be used for payment of the purchase of supplies and materials through June 30, 1974.

Section 2. This Act is a supplementary appropriation and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware from moines not otherwise appropriated.

Section 3. The monies appropriated by this Act which remain unexpended or unencumbered by June 30, 1974 shall revert to the General Fund.

Approved June 29, 1974.

CHAPTER 412

FORMERLY HOUSE BILL NO. 763

**AN ACT TO AID DELAWARE CITY FIRE COMPANY
WHICH IS ORGANIZED TO OPERATE AND MAINTAIN
AN AMBULANCE IN THE PUBLIC SERVICE, BY MAK-
ING AN APPROPRIATION THEREFOR.**

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

Section 1. There is appropriated to Delaware City Fire Company, the sum of \$1,250 to be used for the maintenance and operation of an ambulance in the public service.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1974, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved June 29, 1974.

CHAPTER 413

FORMERLY SENATE BILL NO. 565

AN ACT TO PROVIDE A PENSION FOR MRS. MARGARET S. GEBHART, A FORMER STATE EMPLOYEE.

WHEREAS, Margaret S. Gebhart, a former nurse with the Wilmington Public School System, had been employed by various agencies of the State of Delaware for a period exceeding 29 years; and

WHEREAS, Margaret S. Gebhart terminated employment as a nurse in the Wilmington Public School System with the idea of being eligible for pension benefits commencing in February of 1974, only to subsequently discover that she is now ineligible because of an interpretation of part-time vs. full-time with the Smyrna School District; and

WHEREAS, under current rules and regulations of the Board of Pension Trustees, time in which Mrs. Margaret Gebhart served as a nurse in the Smyrna School District is discounted; and

WHEREAS, Margaret S. Gebhart is deserving of pension benefits for her long years of dedicated public service to the State of Delaware, notwithstanding the few months in which she falls short of compliance.

NOW THEREFORE,

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

Section 1. The Board of Pension Trustees is hereby directed to accept the application of Margaret S. Gebhart for service pension benefits and further directed to determine that Margaret S. Gebhart is eligible for a service pension, all statutory provisions and regulations to the contrary notwithstanding.

Section 2. This Act shall be retroactive to February 1, 1974, the initial date of the application.

Approved June 29, 1974.

CHAPTER 414

FORMERLY HOUSE BILL NO. 874

**AN ACT TO AMEND CHAPTER 11, SUBCHAPTER IV,
TITLE 9, DELAWARE CODE, RELATING TO THE CRE-
ATION OF AND ASSIGNMENT OF FUNCTIONS TO DE-
PARTMENTS, OFFICES AND AGENCIES BY THE
COUNTY COUNCIL OF NEW CASTLE COUNTY.**

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

Section 1. Amend Section 1167, Title 9, Delaware Code, by striking said section in its entirety and inserting in lieu thereof a new section to read as follows:

§1167. Creation of departments and agencies

The County Council, by ordinance, may establish departments, offices or agencies of the County in addition to those created by this title and may prescribe the functions of all departments, offices and agencies, except that no function prescribed by this title to a particular department, office or agency may be discontinued or assigned by the County Council to any other department, office or agency without the concurring approval of the County Executive.

Approved June 30, 1974.

**END
OF
VOLUME**