



LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND THIRTIETH

GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 9, A. D.
1979

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 8, A. D.
1980

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CHAPTER 1

FORMERLY

SENATE BILL NO. 17

AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE, TO PERMIT THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ENTER INTO A 25-YEAR LEASE FOR THE USE OF CERTAIN LANDS UNDER ITS CONTROL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4701, Chapter 47, Title 7 of the Delaware Code by adding a new subsection (12) thereto to read as follows:

"(12) Enter into an agreement with the Barcroft Company of Lewes, Delaware, for a period not to exceed 25 years for the use of land presently leased to Barcroft as well as an adjoining triangular-shaped property containing approximately .76 acres; provided, however, that the funds received from said lease shall be appropriated to the Department of Natural Resources and Environmental Control to be used to rebuild and maintain for the use of the public a fishing pier located in the breakwater at Cape Henlopen State Park."

Approved February 6, 1979.

CHAPTER 2
FORMERLY
SENATE BILL NO. 40

AN ACT PURSUANT TO 22 DELAWARE CODE, SECTION 813(c), NEGATING THE VOTE ON NOVEMBER 7, 1978, BY THE CITIZENS OF THE CITY OF WILMINGTON ON THE QUESTION OF ADDING AN ANNEXATION AMENDMENT (PROPOSED SECTION 1-105) TO THE WILMINGTON HOME RULE CHARTER OF 1979.

WHEREAS, The General Assembly of the State of Delaware believes that the proposed Charter Section 1-105 of the Charter of the City of Wilmington proposes an unwise and inappropriate method for alteration of the boundaries of the City of Wilmington; and

WHEREAS, Section 835(a)(5), Title 22 of the Delaware Code, prohibits the amendment of a city charter so as to "enlarge or otherwise alter the power or procedure whereby a municipal corporation may enlarge its boundaries"; and

WHEREAS, the proposed City of Wilmington's Charter Section 1-1054 is invalid since it alters the procedures whereby the City of Wilmington may enlarge its boundaries.

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 General Assembly hereby negates the referendum regarding annexation (proposed Section 1-105) purportedly passed by the voters of the City of Wilmington on November 7, 1978, which reads as follows:

"Are you in favor of amending the Wilmington City Charter to provide methods for the extension of City boundaries by annexation of land by the City when approved by the owners and residents of the area annexed?"

Proposed Section 1-105 entitled, Extension of City of Wilmington, reads as follows:

"Section 1-105. Extension of City of Wilmington boundaries; Special Elections; Voting Rights"

(a) The City of Wilmington may, by ordinance, extend the boundary limits of the City so as to include any portion of the adjoining or adjacent territory provided that:

(1) When the territory to be annexed consists of two (2) or more separate parcels of real estate owned by two (2) or more different record owners, none being the City of Wilmington, twenty-five percent (25%) of the real estate owners in such territory have petitioned the City of Wilmington to request a special election to determine if a majority of said qualified voters of the territory to be annexed are in favor of being included in the limits of the City of Wilmington. At such election, if the majority of the qualified voters in such territory shall vote approval to be included within the limits of the City of Wilmington, then and only then shall such territory be included within the limits of the City of Wilmington. For the purposes of this subsection, 'qualified voter' shall mean:

(i) Each voter residing in the territory to be annexed who is qualified to vote at the next general election as of the date of a special election held pursuant to this section not being a property owner of real estate in such territory to be annexed shall have one (1) vote;

(11) Each owner of record of real estate situated in the territory to be annexed shall have one (1) vote. Such special election shall be held by the proper election officers of the district or districts embracing the territory.

(2) When the territory to be annexed consists of one (1) or more separate parcels of real estate owned by one (1) record owner, not being the City of Wilmington, the record owner shall have petitioned the City of Wilmington requesting that the territory be annexed and the City of Wilmington thereafter adopts an ordinance duly passed by the City Council. Annexation under this subparagraph shall be effected without an election.

(3) When the territory to be annexed is owned only by the City of Wilmington, the City of Wilmington adopts an ordinance duly passed by the City Council. Annexation under this subparagraph shall be effected without an election.

(4) The aforesaid ordinance shall provide for the zoning classification of the annexed territory and shall further specify of which of the eight (8) councilmanic districts the annexed territory shall become a part.

(b) As used in this section:

'Adjacent' means to lie upon or touch the boundary of the City of Wilmington.

'Adjoining' in addition to its general meaning shall also mean to lie upon or touch a highway, railway, or watercourse which lies upon the boundary line of the City of Wilmington and separates the City of Wilmington and the territory sought to be annexed by only the width of such highway, railway, or watercourse. If more than one (1) highway and/or railway and/or watercourse, or any combination of the same, separates the City of Wilmington and the territories to be annexed, and such highways and/or railways and/or watercourses lie upon or touch each other, then the City of Wilmington and the territory sought to be annexed shall be deemed to be adjoining."

Section 2. Nothing in this Act shall be construed as permitting municipal charter amendments by the City of Wilmington or by any other municipality which enlarge or otherwise alter the power or procedure whereby a municipal corporation may enlarge its boundaries.

Approved February 6, 1979.

CHAPTER 3

FORMERLY

HOUSE BILL NO. 29
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 30, Volume 49, Laws of Delaware, as amended, by striking Section 9 thereof in its entirety and substituting in lieu thereof a new Section 9 to read as follows:

"Section 9. Qualification of Voters

At any such election every person, male or female who was, on the first day of June prior to the election and is on the day of election, a freeholder, of the Town of Fenwick and the wife or husband of any such freeholder, although such wife or husband is not in his or her own right the owner of any real estate in said Town and whether or not the freeholder or his or her spouse is a resident or qualified voter of the State of Delaware, is entitled to vote. Also every person, male or female, who on a registration form to be completed by the last Friday before the last Saturday of January each year, declares that he or she is a resident in the Town of Fenwick Island, that he or she has no other voting residency for municipal elections, and that he or she is qualified to vote in the State of Delaware, and who is a resident of the Town of Fenwick Island on the day of the election is entitled to vote. Every person must be eighteen (18) years of age or older to be eligible to vote. The same qualifications as above shall apply to any person before he or she may be nominated and elected as a member of the Town Council."

Approved February 6, 1979.

CHAPTER 4

FORMERLY

HOUSE BILL NO. 25

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 PRESCRIBING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" TO PROVIDE A NEW TIME FOR FILING PETITIONS FOR NOMINATIONS, TO PROVIDE A NEW TIME FOR REVIEW OF PETITIONS FOR NOMINATIONS, AND TO PROVIDE A NEW TIME FOR 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. Subsection (a), Section 4, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out the word "September" as it appears in said Subsection and substituting in lieu thereof the word "August".

Section 2. Subsection (a), Section 6, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out the word "August" as it appears in said Subsection and substituting in lieu thereof the word "July".

Section 3. Subsection (b), Section 6, Chapter 197, Volume 54, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the word "August" as it appears in said Subsection and substituting in lieu thereof the word "July".

Section 4. Subsection (a), Section 7, Chapter 197, Volume 54, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the word "September" as it appears in said Subsection and substituting in lieu thereof the word "August".

Section 5. Subsection (d), Section 7, Chapter 197, Volume 54, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the word "August" as it appears in said Subsection and substituting in lieu thereof the word "July".

Approved February 6, 1979.

CHAPTER 5

FORMERLY

HOUSE BILL NO. 36

AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE, RELATING TO GROSS WEIGHTS ALLOWED ON 2-AXLE TRUCKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 4503, Chapter 45, Title 21 of the Delaware Code by renumbering subsection (f) as subsection "(n)".

Section 2. Amend Section 4503, Chapter 45, Title 21 of the Delaware Code by adding the following new subsection (f).

"(f) It shall be lawful to operate a vehicle equipped with two axles, having each of the two axles equipped with two hubs with a power brake on each hub, provided that the gross weight including the vehicle and load, does not exceed 40,000 lbs.; provided, however, that if there shall be any laws, rules or regulations of the United States of America or of any of its agencies or commissions which impose weight limitations or restrictions for any such vehicles on Federal Interstate highways which are a part of and which have been or are constructed pursuant to the Act creating the National System of Interstate and Defense Highways described in §103 (D) of Title 23, United States Code, as amended, (better known as the Interstate System) and if such weight limitations or restrictions shall be less than forty thousand (40,000) pounds, then no such vehicle shall lawfully be operated on any such Federal Interstate highway located in this State with a gross weight, including vehicle and load in excess of that permitted by such limitations and restrictions in force at the time."

Section 3. Amend Section 4503, Chapter 45, Title 21 of the Delaware Code by inserting the phrase "(f) or" after the words "defined in subsection" and before the words "(g) or (h) of this section" as they appear in subsection (a).

Section 4. Amend Section 4503, Chapter 45, Title 21 of the Delaware Code by inserting the phrase "(f) or" after the words "defined in subsections" and before the words "(g) or (h) of this section" as they appear in subsection (d).

Approved February 12, 1979.

CHAPTER 6

FORMERLY

SENATE BILL NO. 72

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1978 AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5532, Chapter 55, Title 29, Delaware Code, by adding a new subsection (e) to read as follows:

"(e) Any monthly service, survivor or disability pension which became effective before January 1, 1978, and is payable on the date this subsection is enacted into law shall be increased effective January 1, 1979, by \$1.00 per year of service to a maximum of \$20.00 per month, based on the number of years spent in State service, or 5 percent of the current monthly pension, whichever is greater. These increases shall continue to be paid through June 30, 1979, and every fiscal year thereafter provided that funds are appropriated in accordance with §5544(g) of this Chapter.

The percentage increases in pensions provided for herein shall be applied to the correct amount determined as a result of audits made between May 1971 and June 1972 and shall only be paid to an individual if such correct amount, inclusive of such increase exceeds the amount of any pension being paid in accordance with §5533(b) of this Title."

Section 2. The sum of \$700,000.00 is hereby appropriated to the State Employees Pension Trust Fund for Fiscal 1979 for the purpose of paying the benefits of this Act through June 30, 1979. These funds shall be paid by the State Treasurer out of monies not otherwise appropriated from the General Fund of the State of Delaware.

Section 3. Amend §5544, Chapter 55, Delaware Code, by adding thereto a new subsection to be designated as subsection (g) to read as follows:

"(g) The State's appropriation to the Fund, to implement the provisions of §5532(e), for the fiscal year 1980 and for each fiscal year thereafter shall be the payment required to amortize the unfunded accrued liability over two (2) years from July 1, 1979."

Section 4. The effective date of this Act shall be sixty (60) days after the date of its enactment into law.

Approved February 13, 1979.

CHAPTER 7

FORMERLY

HOUSE BILL NO. 82

AN ACT TO AMEND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE TO REVISE THE DEAD LINE FOR REPORTING ESTIMATES OF ANTICIPATED GENERAL FUND REVENUES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 9, Chapter 409, Volume 61, Laws of Delaware by striking the second sentence of said section in its entirety and substituting in lieu thereof the following sentence:

"Such report shall be made not later than the 15th day of September, December and June, and the 20th day of March, April and May."

Section 2. This Act shall be effective immediately upon its signature by the Governor for each month referred to in Section 1 hereof as the same shall occur during the fiscal year ending June 30, 1979.

Approved February 22, 1979.

CHAPTER 8
FORMERLY
HOUSE BILL NO. 102

AN ACT TO AMEND VOLUME 61, CHAPTER 376, LAWS OF DELAWARE, THE 1978 CAPITAL IMPROVEMENTS ACT, BY REPEALING A PORTION OF THE SUM AUTHORIZED FOR CONSTRUCTION OF A MULTI-PURPOSE CRIMINAL JUSTICE FACILITY AND THE SUM AUTHORIZED FOR SECURITY FENCING AND BY AUTHORIZING FUNDS FOR THE CONSTRUCTION OF A FACILITY AT DELAWARE CORRECTIONAL CENTER, AND TO APPROPRIATE SUCH FUNDS TO THE DEPARTMENT OF CORRECTION.

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 Volume 61, Chapter 376, Laws of Delaware, by repealing the authorization to issue obligations of the State in the amount and for the projects set forth below:

<u>Department</u>	<u>Project Account Code</u>	<u>Amount</u>
Department of Correction	38-08-003-78-88	\$ 300,000
Department of Correction	38-01-002-78-80	<u>310,000</u>
	Total	\$ <u>610,000</u>

Section 2. Further amend Volume 61, Chapter 376, Laws of Delaware, by authorizing the State to borrow the sum of \$610,000 by the issuance of bonds and bond anticipation notes upon the full faith and credit of the State of Delaware, subject to all terms and conditions set out in such Chapter, and to be used for the purposes set forth in Section 3 of this Act.

Section 3. The sum of \$610,000, authorized pursuant to Section 2 of this Act, is hereby appropriated to the Department of Correction for the purpose of supplementing previously appropriated funds to construct a new maximum security facility at the Delaware Correctional Center.

Approved February 22, 1979.

CHAPTER 9

FORMERLY

HOUSE BILL NO. 87
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 91, TITLE 9, DELAWARE CODE, RELATING TO CHIEF
DEPUTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §9125 (b), Chapter 91, Title 9, Delaware Code, by striking the second sentence of said subsection in its entirety and substituting in lieu thereof a new sentence to read as follows:

"However, the compensation shall not exceed the salary set by statute for the officeholder, except that the salary of the Sheriff's Chief Deputy shall not exceed the highest salary set pursuant to this subsection."

Approved February 22, 1979.

CHAPTER 10

FORMERLY

HOUSE BILL NO. 47
AS AMENDED BY HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO MAKE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PURPOSE OF PROVIDING THE COST OF INMATE BOARDING, TRAVEL, LITIGATION EXPENSES, AND MEDICAL EXPENSES.

WHEREAS, the Department of Correction incurred additional operating expenses beyond its control due to the increase of boarding inmates out-of-state, and other expenses incurred by the Department.

WHEREAS, a supplemental appropriation of \$375,000 would provide adequate funds needed to permit payment of outstanding current year operating expenses.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

"Section 1. There is hereby appropriated to the Department of Correction, Office of the Commissioner and the Bureau of Adult Correction, the sum of \$343,000 to cover the cost of boarding inmates out-of-state, their transportation to and from Delaware, legal fees, and medical catastrophe cases. Said sum shall be allocated in the following manner:

(38-00-000) DEPARTMENT OF CORRECTION(38-01-000) Office of the Commissioner(38-01-000) Commissioner's Office

Contractual Services - Litigation Expenses	\$	10,000
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(38-01-004) Medical Services

Health Care Services		<u>21,000</u>
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TOTAL - Office of the Commissioner	\$	31,000
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38-08-000) Bureau of Adult Correction(38-08-001) Office of Bureau Chief

Contractual Services - Inmate Boarding	\$	302,000
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(38-08-012) Court and Transportation

Travel - Inmate Boarding		<u>10,000</u>
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TOTAL - Bureau of Adult Correction	\$	312,000
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TOTAL - DEPARTMENT OF CORRECTION	\$	343,000"
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Section 2. The sums appropriated herein shall be considered supplemental appropriations and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended and un-encumbered as of June 30, 1979, shall revert to the General Fund of the State of Delaware.

Approved February 22, 1979.

CHAPTER 11

FORMERLY

HOUSE BILL NO. 78

AN ACT TO AID THE WILMINGTON RAPE CRISIS CENTER, INC., BY MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of two thousand seven hundred fifty dollars (\$2,750.00) is hereby appropriated to the Wilmington Rape Crisis Center, Inc.

Section 2. This Act is a supplementary appropriation for the Fiscal Year ending June 30, 1979, 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 February 22, 1979.

CHAPTER 12

FORMERLY

HOUSE BILL NO. 49

AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2 AND 3

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUDICIAL COMPENSATION AND MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, recent litigation has established the right of the State Judiciary to cost of living allowances; and

WHEREAS, such litigation has resulted in a situation in which the compensation of the members of the State Judiciary will be unequal among members of the same court; and

WHEREAS, the said litigation has created a situation in which members of the Judiciary will be entitled to increases in their compensation at a time when other State employees will not be entitled to such increases; and

WHEREAS, the members of the General Assembly and the members of the State Judiciary desire to establish a fair system of compensation for the State Judiciary in which all members of the State Judiciary who are similarly situated shall be similarly compensated and shall be entitled to increases in compensation in the same manner in which other State employees are entitled to such increases in compensation.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §103, Title 10 of the Delaware Code, by striking said section in its entirety and inserting in lieu thereof a new §103 to read as follows:

"§103. Salaries of Justices

(a) Effective July 1, 1978, the Chief Justice shall receive annually the sum of \$49,500.00 as compensation for his services.

(b) Effective July 1, 1978, the Associate Justices of the Supreme Court shall receive annually the sum of \$49,000.00 as compensation for their services."

Section 2. Amend Section 304, Title 10 of the Delaware Code, by striking said section in its entirety and inserting in lieu thereof a new §304 to read as follows:

"§304. Salaries of Chancellor and Vice-Chancellors

(a) Effective July 1, 1978, the Chancellor shall receive annually as compensation for his services the sum of \$46,500.00.

(b) Effective July 1, 1978, each Vice-Chancellor shall receive annually as compensation for his services the sum of \$46,000.00."

Section 3. Amend §503, Title 10 of the Delaware Code, by striking said section in its entirety and inserting in lieu thereof a new §503 to read as follows:

"§503. Salaries of Superior Court Judges

(a) Effective July 1, 1978, the President Judge of the Superior Court shall receive annually as compensation for his services the sum of \$46,500.00.

(b) Effective July 1, 1978, each Associate Judge shall receive annually as compensation for his services the sum of \$46,000.00."

Section 4. Amend §906, Title 10 of the Delaware Code, by striking subsection (f) thereof in its entirety and inserting in lieu thereof a new subsection (f) as follows:

"(f) Effective July 1, 1978, the Chief Judge of the Family Court shall receive annually as compensation for his services \$45,500.00, payable by the State, and each Associate Family Court Judge shall receive annually as compensation for his services \$45,000.00, payable by the State."

Section 5. Amend §1303, Title 10 of the Delaware Code, by striking subsection (b) thereof and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Effective July 1, 1978, each Judge of the Court of Common Pleas shall receive annually as compensation for his services the sum of \$45,000.00, payable monthly in equal amounts by the State Treasurer out of the General Fund of the State, and the Chief Judge shall receive an additional sum of \$500.00 per annum."

Section 6. Any member of the State Judiciary who had not assumed the duties of his office and was not a member of the State Judiciary until after July 1, 1978, upon the Supreme Court of the State of Delaware, the Court of Chancery of the State of Delaware, the Superior Court of the State of Delaware, the Court of Common Pleas of the State of Delaware, or the Family Court of the State of Delaware shall receive compensation at the rate stated in this Act for his position from the date upon which he assumed the duties of his office.

Section 7. Each member of the State Judiciary who was serving upon the Supreme Court of the State of Delaware, the Court of Chancery of the State of Delaware, the Superior Court of the State of Delaware, the Court of Common Pleas of the State of Delaware, or the Family Court of the State of Delaware, as of December 31, 1976 through July 1, 1978, shall be paid the sum of \$5,300.00 in one payment for past judicial service in addition to salary adjustments provided in this Act. Each member of the State Judiciary who was serving on any of State Courts aforesaid as of December 31, 1976, but who retired or died prior to July 1, 1978, shall receive benefits pursuant to 29 Del. C. §6532, repealed by Volume 61, Laws of Delaware, Chapter 116 (effective July 1, 1977), as of the date of his retirement or death upon presentment of a written claim to the Treasurer of the State of Delaware.

Section 8. Each member of the State Judiciary who elects to receive the benefits provided by this Act, by his act of so electing, waives, releases, and gives up any claim or right which he may have had, or now has, as a result of any prior act, law, or provision of the Delaware Code with respect to annual compensation, including COLA, to the date of this Act. Each present or former member of the State Judiciary, or his personal representative, shall notify the State Treasurer, in writing, of his election to receive the benefits provided by this Act not later than February 28, 1979.

Section 9. The sum of \$399,405 is hereby appropriated to the State Treasurer and shall be paid out the General Fund of the State of Delaware from Funds not otherwise appropriated for the purposes of this Act.

Section 10. This is a supplementary appropriation for fiscal year 1979, 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. The funds herein appropriated remaining unexpended on June 30, 1979, shall revert to the General Fund of the State of Delaware.

Section 11. This Act shall become effective upon the signature of the Governor and the written election to accept all of the terms of this Act by the members of the judiciary. If the written acceptance of the terms of this Act by each of the members of the judiciary is not obtained on or before February 28, 1979, this Act, in its entirety, shall be automatically null and void and of no force or effect.

Approved February 22, 1979.

CHAPTER 13
FORMERLY
SENATE BILL NO. 16

AN ACT TO AID THE LAUREL SENIOR CENTER, BY MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of nine thousand dollars (\$9,000.00) is hereby appropriated to the Laurel Senior Center.

Section 2. This Act is a supplementary appropriation for the Fiscal Year ending June 30, 1979, 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 April 3, 1979.

CHAPTER 14

FORMERLY

SENATE BILL NO. 92

AN ACT TO AID THE BRIDGEVILLE SENIOR CENTER, BY MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of six thousand five hundred dollars (\$6,500.00) is hereby appropriated to the Bridgeville Senior Center to be expended in the following manner:

Salaries and Wages	\$3,860
Rent	1,000
Utilities	645
Telephone	120
Printing and Supplies	400
Program Supplies	400
Postage	<u>75</u>

\$6,500

Section 2. This Act is a supplementary appropriation for the Fiscal Year ending June 30, 1979, 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 April 3, 1979.

CHAPTER 15

FORMERLY

HOUSE BILL NO. 79

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

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. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Accounting Code35-14-000-Division of AgingSenior Centers

Howard Weston Senior Center	\$	30,000
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Miscellaneous

Mid-County Senior Center (bus)	15,000
Edgemoor Community Center (bus)	<u>15,000</u>

Total-Section 1	\$	60,000
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Approved April 3, 1979.

CHAPTER 16

FORMERLY

SENATE BILL NO. 71

AN ACT TO AMEND 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 314, Chapter 3, Title 9 of the Delaware Code by adding thereto a new subsection, designated as §314(e), which new section shall read as follows:

"§314(e). The provisions of this section shall not apply to the purchase of printed matter for public libraries. Printed matter shall be defined for purposes of this section as materials typically made available to the public by public libraries and shall include but not be limited to books and magazines."

Approved April 5, 1979.

CHAPTER 17

FORMERLY

SENATE BILL NO. 14

AN ACT TO AMEND CHAPTER 11, TITLE 28, DELAWARE CODE, RELATING TO
LICENSE FEE FOR BINGO GAMES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1133 of Chapter 11, Title 28, Delaware Code by designating all of the existing section as paragraph (a) and adding thereto a new paragraph to be designated as paragraph (b) to read as follows:

"(b) The Commission may issue a license without fee to any bona fide organization eligible to conduct bingo within the meaning of Article 2, §17A of the State Constitution, when such organization conducts bingo games for recreational purposes, does not intend to make a profit, does not make a profit, does not charge a fee for participation, and offers no prize in excess of \$5.00 for any single game."

Approved April 5, 1979.

CHAPTER 18

FORMERLY

HOUSE BILL NO. 231

AN ACT TO AMEND CHAPTER 5, TITLE 28 AND CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO THE STATE TAX AND LICENSEE'S COMMISSIONS ON CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT HARNESS RACING TRACKS, LICENSEE'S PAYMENTS TO THE DELAWARE STANDARD BRED DEVELOPMENT FUND AND STATE LICENSE FEES FOR HARNESS RACING MEET OPERATORS, HARNESS RACE HORSE OWNERS, TRAINERS AND DRIVERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 28, Delaware Code, by striking §530.

Section 2. Amend Chapter 5, Title 28, Delaware Code, by striking §555 and substituting in lieu thereof a new §555 as follows:

"§555. Tax on Pari-Mutuel and Totalizator Pools; Special Fund

(a) Every person engaged in the business of conducting a harness racing meet under this Chapter shall pay as a tax to this State an amount equal to .75% of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day prior to January 1, 1981 on any and every racetrack licensed under this Chapter and on all races that day at such tracks during any such day when a pari-mutuel racing meet (not including day-time thoroughbred racing) is being conducted outside this State within seventy-five miles of such person's harness racing meet.

(b) Every person engaged in the business of conducting a harness racing meet under this Chapter shall pay as a tax to this State a percentage of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day prior to January 1, 1981 on any and every racetrack licensed under this Chapter and on all races that day at such track during any such day when no pari-mutuel racing meet (not including day-time thoroughbred racing) is being conducted within seventy-five miles of such person's harness racing meet.

The percentage of such pari-mutuel and totalizator pools to be paid as such tax shall be as follows:

(1) .75% of the first \$400,000 of daily contributions to such pools or any portion thereof; plus

(2) 3% of daily contributions to such pools in excess of \$400,000 up to \$600,000; plus

(3) 5.5% of daily contributions to such pools in excess of \$600,000.

(c) On each racing day to which subsection (b) of this Section is applicable when the total contributions to all pari-mutuel and totalizator pools conducted or made at any racetrack licensed under this Chapter exceed \$400,000, every person engaged in the business of conducting a racing meet under this Chapter shall pay as an additional tax to this State:

(1) Two percent of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day on any and every racetrack licensed under this Chapter where the patron is required to select two or more horses in a single race having a field of eight or less horses declared 'in to go' by the track judges or where the patron is required to select two or more horses in more than one race where all of such races have a field of eight or less horses declared 'in to go' by the track judges.

(2) Four percent of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day on any and every racetrack licensed under this Chapter where the patron is required to select two or more horses in a single race having a field of nine or more horses declared 'in to go' by the track judges or where the patron is required to select two or more horses in more than one race where either one or more of such races has a field of nine or more horses declared 'in to go' by the track judges.

(3) One-half of the odd cents of all redistributions to be made on pari-mutuel or totalizator pool contributions exceeding the sum equal to the lowest multiple of ten such odd cents to be calculated on the basis of each dollar wagered. If a minus pool is created, the break shall be to the lowest multiple of five.

(d) The State Treasurer shall deposit the money received pursuant to subsections (a), (b) and (c) of this section in the General Fund of this State. In addition, (except as hereinafter provided), every person engaged in the business of conducting a harness race meet under this Chapter shall pay an amount equal to 1/2 of 1 percent of all contributions to all pari-mutuel and totalizator pools conducted or made on any and every racetrack licensed under this Chapter and every race at such track, and the State Treasurer shall deposit such amount to a special fund called the 'Delaware Standardbred Development Fund.' All fees received pursuant to §564 (b) and §567 of this title shall also be deposited to said special fund. Said special fund shall be administered pursuant to Subchapter V of this Chapter.

(e) Where the total contributions to pari-mutuel and totalizator pools conducted or made at a racing meet or meets during any fiscal year of any person licensed under this Chapter commencing subsequent to 1978 average \$300,000 or less per day during such fiscal year and the licensee conducting such meet or meets sustained a loss before taxes on income for such fiscal year, which loss shall be determined from a certificate from the licensees' independent public accountants and confirmed by the Delaware Harness Racing Commission, the licensee shall not be required to pay the additional amount set forth in subsection (d) of this section, for the meet or meets conducted in the fiscal year immediately following the fiscal year in which the loss occurred, to the extent of the loss sustained in the preceding year, nor shall the licensee be required to increase the base upon which purse money is computed to any amount greater than the base upon which the licensee would have computed the amount of purse money under the law in effect during the licensee's fiscal year ending in 1978.

(f) The tax payable under this section shall be computed daily and shall be paid by certified check on a weekly basis. Each check shall be transmitted by the licensee to the Secretary of Finance no later than Wednesday following the week for which the tax is due. Such tax is imposed upon and payable by the licensee and shall not be taken into account in determining the amount of any pari-mutuel or totalizator pool which is available for distribution among the contributors to such pool."

Section 3. Amend Chapter 5, Title 28, Delaware Code, by striking §556 and substituting in lieu thereof a new §556 as follows:

"§556. Licensee's Commissions on Pari-Mutuel and Totalizator Pools

(a) The Commission shall authorize commissions pursuant to this subsection and subsections (b) and (c) of this section on pari-mutuel or totalizator pools to all licensees operating a racing meet pursuant to this Chapter. The commission shall be 18% of the total daily contributions to all pari-mutuel or totalizator pools conducted or made at the racing meet and at every race at the meet, plus all of the odd cents of all redistributions to be made on all pari-mutuel or totalizator pool contributions, exceeding the sum equal to the next lowest of ten, such odd cents to be calculated upon the basis of each dollar wagered.

(b) In addition to the commissions authorized by subsection (a) of this section, the Commission shall authorize as commissions to the licensee operating a racing meet pursuant to this Chapter 2% of the total contributions to all pari-mutuel and

totalizator pools conducted or made on each racing day on any and every racetrack licensed under this Chapter where the patron is required to select two or more horses in a single race having a field of eight or less horses declared 'in to go' by the track judges or where the patron is required to select two or more horses in more than one race where all of such races have a field of eight or less horses declared 'in to go' by the track judges.

(c) In addition to the commissions authorized by subsections (a) and (b) of this section, the Commission shall authorize as commissions to the licensee operating a racing meet pursuant to this Chapter 7% of the total contributions to all pari-mutuel and totalizator pools conducted or made on each racing day on any and every racetrack licensed under this Chapter where the patron is required to select two or more horses in a single race having a field of nine or more horses declared 'in to go' by the track judges or where the patron is required to select two or more horses in more than one race where one or more of such races has a field of nine or more horses declared 'in to go' by the track judges."

Section 4. Amend Chapter 23, Title 30, Delaware Code, by adding a new section thereto to read as follows:

"§2305. Special Requirements for Harness Racing Meet Operators, Owners, Trainers and Drivers

(a) Definitions. For purposes of this Chapter, the following definitions shall apply:

(1) 'Harness racing meet operator' includes every person conducting a harness racing meet within this State and who has been licensed in accordance with Chapter 5 of Title 28.

(2) 'Gross receipts' includes the total contributions to all pari-mutuel and totalizator pools conducted or made at any racetrack licensed under Chapter 5 of Title 28, as well as all amounts received for admission, parking, catering, sale of programs or any other source at any harness race meet conducted at such racetrack.

(3) 'Harness race horse owner, trainer or driver' shall mean those persons who have been licensed as such in accordance with Chapter 25 of Title 28.

(4) 'Person' includes an individual partnership, firm, cooperative, corporation or any association of persons acting individually or as a unit.

(b) License fee for harness horse racing meet operators. Every harness racing meet operator shall pay to the Secretary of Finance, in lieu of any other license fees under this part, a license fee at the rate of 75/100 of one percent of the aggregate gross receipts paid to such operator in connection with any harness racing meet commencing after December 31, 1978, which license fee shall be payable monthly on or before the twentieth day of each month with respect to the aggregate gross receipts for the immediately preceding month. The monthly returns shall be accompanied by a certified statement on such forms as the Department of Finance shall require in computing the license fee due; provided that gross receipts from all pari-mutuel and totalizator pools conducted or made at any racetrack licensed under Chapter 5, of Title 28, shall not be included if received prior to January 1, 1981.

(c) License fees for harness race horse owners, trainers and drivers. Every harness race horse owner, trainer and driver shall be liable, in lieu of any other license fees under this part, for a license fee at the rate of 4/10 of one percent of the aggregate gross receipts paid to such person as purse money in connection with any harness racing meet conducted within this State. The harness racing meet operator licensed to conduct any such harness racing meet shall withhold a sum equal to the aggregate liability imposed under the preceding sentence with respect to the aggregate purse money paid to all harness race horse owners collectively during each month, and shall pay the amount thereof on or before the twentieth day of the immediately succeeding month. The monthly returns shall be accompanied

by a certified statement on such forms as the Department of Finance shall require in computing the license fee due."

Section 5. This act shall take effect for harness horse racing meetings commencing after December 31, 1978.

Approved April 5, 1979.

CHAPTER 19

FORMERLY

HOUSE BILL NO. 153
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 25, TITLE 12, DELAWARE CODE, RELATING TO THE
FEES OF THE REGISTER OF WILLS IN NEW CASTLE COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2510, Chapter 25, Title 12, Delaware Code, by designating the paragraphs therein as subsection (a) and by adding thereto new subsections (b) and (c) to read as follows:

"(b) This section shall not apply to the Register of Wills in New Castle County.

(c) The fees of the Register of Wills in New Castle County shall be established by ordinance of the governing body of New Castle County."

Section 2. This Act shall become effective on the date the governing body of New Castle County establishes, by ordinance, a fee schedule for the Register of Wills in New Castle County.

Approved April 6, 1979.

CHAPTER 20

FORMERLY

HOUSE BILL NO. 154
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE
FEES OF THE SHERIFF OF NEW CASTLE COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8702, Chapter 87, Title 10, Delaware Code, by designating the paragraphs therein as subsection (a) and by adding thereto new subsections (b) and (c) to read as follows:

"(b) This section shall not apply to the Sheriff of New Castle County.

(c) The fees of the Sheriff of New Castle County shall be established by ordinance of the governing body of New Castle County."

Section 2. This Act shall become effective on the date the governing body of New Castle County establishes, by ordinance, a fee schedule for the Sheriff of New Castle County.

Approved April 6, 1979.

CHAPTER 21

FORMERLY

HOUSE BILL NO. 155
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CRIMINAL PROCEEDINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8706, Chapter 87, Title 10, Delaware Code, by designating the paragraphs therein as subsection (a) and by adding thereto a new subsection (b) and (c) to read as follows:

"(b) This section shall not apply to the Prothonotary of New Castle County.

(c) The fees of the Prothonotary of New Castle County shall be established by ordinance of the governing body of New Castle County."

Section 2. This Act shall become effective on the date the governing body of New Castle County establishes by ordinance, a fee schedule for the Prothonotary of New Castle County in Criminal Proceedings."

Approved April 6, 1979.

CHAPTER 22

FORMERLY

HOUSE BILL NO. 156
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 87, TITLE 10, DELAWARE CODE, RELATING TO THE FEES OF THE PROTHONOTARY OF NEW CASTLE COUNTY IN CIVIL PROCEEDINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8705, Chapter 87, Title 10, Delaware Code, by adding thereto new subsections (f) and (g) as follows:

"(f) This section shall not apply to the Prothonotary of New Castle County.

(g) The fees of the Prothonotary of New Castle County shall be established by ordinance of the governing body of New Castle County."

Section 2. This Act shall become effective on the date the governing body of New Castle County establishes, by ordinance, a fee schedule for the Prothonotary of New Castle County in Civil Proceedings.

Approved April 6, 1979.

CHAPTER 23

FORMERLY

HOUSE BILL NO. 129
AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE BY IMPOSING INCOME TAX AT A LOWER RATE ON LUMP SUM DISTRIBUTIONS FROM PENSION PLANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1102, Chapter 11, Title 30, Delaware Code, by redesignating subsection (b) thereof as subsection (c), and adding a new subsection (b) as follows:

"(b) Imposition of separate tax on lump-sum distributions:

(1) In addition to the tax imposed under subsection (a) hereof, there is hereby imposed a separate tax in the amount determined in paragraph (2) of this subsection, on the ordinary income portion of a lump-sum distribution received by every resident individual, estate or trust.

(2) The amount of the tax imposed by this subsection for any taxable year shall be an amount equal to the amount of the initial separate tax for such year, multiplied by a fraction, the numerator of which is the ordinary income portion of a lump-sum distribution for the taxable year, and the denominator of which is the total taxable amount of such distribution for such year.

(3) The initial separate tax for any taxable year is an amount equal to ten times the tax which would be imposed by subsection (a) of this section if the taxable income referred to were equal to one-tenth of the total taxable amount of the lump-sum distributed for the taxable year.

(4) The recipient of a lump-sum distribution shall be liable for the tax imposed by this subsection.

(5) For purposes of this subsection the rules concerning multiple distributions and distributions of annuity contracts as specified in Section 402 (e)(2) of the Internal Revenue Code shall be applicable.

(6) For purposes of this subsection the definition and special rules applying to the tax on lump-sum distributions as specified in Section 402 (e)(4) of the Internal Revenue Code shall be applicable.

(7) For purposes of this subsection the rules relating to roll-over as specified in Section 402 (a)(5), (6), and (7) of the Internal Revenue Code shall be applicable."

Section 2. Amend §1106, Chapter 11, Title 30 of the Delaware Code by striking paragraph (3) of subsection (a) thereof in its entirety.

Section 3. This Act shall be applicable to lump sum distributions on or after December 30, 1977.

Approved April 10, 1979.

CHAPTER 24**FORMERLY****HOUSE BILL NO. 238****AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF STATE POLICE.****BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. The sum of Three hundred sixty-two thousand five hundred twenty dollars (\$362,520) is hereby appropriated to the Department of Public Safety, Division of State Police to provide for the purchase of 60 full-size police patrol vehicles.

Section 2. This Act is a supplemental appropriation for the fiscal year ending June 30, 1979, 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. Any funds remaining unexpended or unencumbered as of June 30, 1979 shall revert to the General Fund of the State of Delaware.

Approved April 10, 1979.

CHAPTER 25

FORMERLY

HOUSE BILL NO. 267
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 19 AND 20, TITLE 14, OF THE DELAWARE CODE RELATING TO THE USE OF VOTING MACHINES IN CERTAIN SCHOOL DISTRICT ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1908, Title 14, of the Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§1908. Method of Voting; Referendum to Transfer Tax Funds

(a) For an election under this Chapter, the vote shall be by voting machine or by printed ballot. If the vote is by machine the phrases 'For additional tax' and 'Against additional tax' shall be placed next to the appropriate lever for the purposes of voting. If the vote is by printed ballot, the following shall appear thereon:

For additional tax ☐

Against additional tax ☐

(b) Any school board authorizing a referendum to be held for the purpose of increasing the real estate tax rate under this Chapter, while simultaneously decreasing the real estate tax rate under Chapter 21 of this title by the same amount, shall conduct the election under this Chapter by voting machines or printed ballot. If the vote is by machine the phrases 'For additional tax' and 'Against additional tax' shall be placed next to the appropriate lever for the purposes of voting. If the vote is by printed ballot, the following shall appear thereon:

For tax transfer ☐

Against tax transfer ☐

(c) In any election or referendum where printed ballots are used, the voter in said election or referendum shall place a mark in the square ☐ after the item for which the vote is to be cast."

Section 2. Amend §2122, Title 14, of the Delaware Code, by striking subsection (g) thereof in its entirety and substituting in lieu thereof the following:

"(g) For an election under the provisions of this Chapter, the vote shall be by voting machine or by printed ballot. If the vote is by machine the phrases 'For additional tax' and 'Against additional tax' shall be placed next to the appropriate lever for the purposes of voting. If the vote is by printed ballot, the following shall appear thereon:

For the bond issue ☐

Against the bond issue ☐

If the vote is by printed ballot, the voter in said election shall place a mark in the square ☐ after the item for which the vote is to be cast."

Approved April 10, 1979.

CHAPTER 26

FORMERLY

HOUSE BILL NO. 314

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROVIDING OVERTIME PAY FOR SNOW REMOVAL AND EMERGENCY ROAD PATCHING WORK, AND FOR CERTAIN HIGHWAY AND BRIDGE MAINTENANCE AND REPAIRS, AND FOR ACQUISITION OF LONG-LIFE, HEAVY EQUIPMENT THROUGH LEASE PURCHASING CONTRACTS, FOR SALARIES AND WAGES OF EMPLOYEES, AND MAKING A SUPPLEMENTAL APPROPRIATION TO VARIOUS MUNICIPALITIES AND TO THE STATE TREASURER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of \$8,894,000 is hereby appropriated to the Department of Transportation, Division of Highways, for the purpose of paying for overtime incurred in snow removal and patching operations, making emergency repairs and short term improvements to roads and bridges, and acquiring long life, heavy equipment through lease purchase agreements. The amounts appropriated shall be as set forth below:

(55-05-000) Division of Highways

Salaries - Overtime	\$	440,000
Other Employment Costs		84,000
Capital Outlay - Equipment		1,000,000
Operations		
Maintenance and Improvements		620,000
Emergency Bridge Repairs		250,000
Patching - North District		1,350,000
Patching - Central District		1,950,000
Patching - South District		2,950,000
Drainage		250,000
TOTAL	\$	8,894,000

Section 2. The sum of \$65,500 is hereby appropriated to the Department of Transportation, Division of Highways, for the purpose of hiring additional employees effective May 1, 1979. The Department is, therefore, authorized to increase the number of its General Fund positions for fiscal year 1979 by an additional 30 positions:

18 Equipment Operator II
12 Auto Mechanic I

The amounts appropriated shall be as set forth below:

Salaries and Wages of Employees	\$	55,000
Other Employment Costs		10,500
TOTAL	\$	65,500

Section 3. The amount of \$250,000 appropriated in Section 1 of this Act for Drainage shall be used as follows:

At locations where flooding of roads and adjacent property occurred, to clean, shape, dig, or regrade ditches within the right-of-way or carrying water away from the right-of-way except where such ditch is the responsibility of a Tax Ditch Company. Cross road pipe may be included, but no paving of the roadway or raising of the grade of the roadway is intended.

Section 4. The Department of Transportation shall provide each member of the General Assembly and the Controller General with a status report detailing the

individual projects and accomplishments to the date of the report, as well as other information or data to explain adequately the projects and accomplishments. Said status report shall be provided each on June 15, 1979, and September 14, 1979.

Section 5. The amount of \$1,000,000 appropriated in Section 1 of this Act for Capital Outlay shall be used for leverage-lease purchasing of long life, heavy equipment.

Section 6. Of the \$1,350,000 appropriated in Section 1 of this Act for Patching - North District, the Department of Transportation is directed to allocate \$400,000 to the City of Wilmington for the purpose of resurfacing and repairing State-Maintained Streets in the City of Wilmington.

Section 7. The sum of \$500,000 is hereby appropriated to the Office of State Treasurer, as set forth below:

(12-05-000) State Treasurer

(12-05-001) Administration

Municipal Street Aid	\$	500,000
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Section 8. Chapter 51, Title 30, Delaware Code, to the contrary notwithstanding, the amount of \$500,000 appropriated in Section 7 of this Act for Municipal Street Aid shall be allocated and distributed to the eligible recipients in the proportions set forth in House Bill No. 1139 (129th General Assembly). This allocation shall be used for the repair of winter and storm damaged streets and drainage and shall not be used for unrelated items, such as police, signing, or the purchase of equipment. Each municipality shall make a report to the Department of Transportation in accordance with Section 4 for inclusion in the report to the General Assembly and the Controller General. This allocation will conform to the terms and conditions expressed in Section 9 of this Act.

Section 9. The sums appropriated herein shall be considered a supplemental appropriation and shall be paid by the State Treasurer from funds of the General Fund not otherwise appropriated. Any funds remaining unencumbered on September 30, 1979, shall revert to the General Fund. Any funds remaining unexpended on December 31, 1979, shall revert to the General Fund.

Approved April 10, 1979.

CHAPTER 27

FORMERLY

HOUSE BILL NO. 243

AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF DELAWARE TO BE USED AT THE SWINE RESEARCH AND DEMONSTRATION FACILITY AT THE GEORGETOWN SUBSTATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated to the University of Delaware to be used for programs at the University's Swine Research and Demonstration Facility at the Georgetown Substation.

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

Section 3. The funds so appropriated shall be used only for the purposes specified in Section 1 of this Act, and any funds so appropriated but unexpended or unencumbered by July 1, 1979, shall thereupon revert to the General Fund of the State of Delaware.

Approved April 17, 1979.

CHAPTER 28

FORMERLY

HOUSE BILL NO. 71
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE, RELATING TO INSPECTIONS OF MOTOR VEHICLES.

WHEREAS, prior to 1932 most motor vehicles were built with mechanical instead of hydraulic brakes, bulk and lens head lights instead of sealed beam lights, safe driving speeds less than today's standards, hand signals instead of electric turn signals, vacuum windshield wipers instead of electric wipers; and

WHEREAS, the Motor Vehicle Division has testing apparatus not designed for nor intended to test motor vehicles built prior to 1932; and

WHEREAS, it is beneficial to limit the use of these slower moving motor vehicles on the highways for non-essential purposes for safety considerations.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2199, Chapter 21, Title 21, Delaware Code, by designating the existing paragraph of said section as subsection "(a)" and by adding thereto a new subsection (b) to read as follows:

"(b) Antique automobiles or motor vehicles built prior to 1943 shall not require inspection on an annual basis, after the initial inspection and registration within the State. However, the said motor vehicles shall be subject to an annual physical inspection to insure against gross safety violations that would affect the road worthiness or safety of the motor vehicle. The Secretary shall determine the type and nature of such inspection and shall accordingly promulgate appropriate regulations. License fees shall be in accordance with §2198 or §2151 of this Title as applicable."

Approved April 17 1979.

CHAPTER 29

FORMERLY

HOUSE BILL NO. 68

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE USED FOR PROGRAMS AT THE BLACKMAN'S DEVELOPMENT CENTER, 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 \$30,927 is hereby appropriated to the Department of Health and Social Services to be used for the Blackman's Development Center, Inc., programs.

Section 2. This act is a supplementary appropriation act and the sum appropriated shall be paid out of the General Fund of the State of Delaware from funds not otherwise appropriated.

Section 3. Any funds appropriated herein and unexpended or unencumbered on June 30, 1979, shall revert to the General Fund.

Approved April 17, 1979.

CHAPTER 30

FORMERLY

SENATE BILL NO. 34

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF DOVER AND KENT COUNTY.

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 hereby appropriated to the Young Men's Christian Association of Dover and Kent County the sum of Twenty Thousand Dollars (\$20,000) to be used for partial funding of the National Youth Project Using Minibikes (NYPUM) Program.

Section 2. This Act is a supplemental appropriation and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund not otherwise appropriated. Any funds remaining unexpended or unencumbered by June 30, 1980, shall revert to the General Fund of the State of Delaware.

Approved April 17, 1979.

CHAPTER 31

FORMERLY

HOUSE BILL NO. 92

AN ACT TO AMEND CHAPTER 71, TITLE 29, DELAWARE CODE, RELATING TO THE MILEAGE RATE FOR STATE EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7102, Chapter 71, Title 29, Delaware Code, by striking the figure "10" as the same appears in said section and substituting in lieu thereof the figure "15".

Section 2. This Act shall become effective with the Governor's signature.

Approved April 17, 1979.

CHAPTER 32

FORMERLY

HOUSE BILL NO. 66

AN ACT AWARDING SPECIAL PENSION BENEFITS TO ELTON R. WOOD, A FORMER STATE EMPLOYEE PERMANENTLY INJURED ON THE JOB. APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

WHEREAS, Elton R. Wood was working for the State of Delaware in a hazardous-duty position when he was permanently and totally disabled at the Stevenson House by an inmate who attacked him with a pool cue; and

WHEREAS, Mr. Wood, at the time of the attack, had worked for the State for five years and one month and was employed by the Division of Juvenile Corrections of the Department of Corrections; and

WHEREAS, Mr. Wood receives only \$50 a month from the State under a rule in effect at the time of his injury; and

WHEREAS, simple justice dictates that a State employee savagely injured in an on-the-job beating should receive more than \$50 a month.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to accept and approve Elton R. Wood's application for a disability pension of \$150 a month, said pension to be based on the minimum criterion of fifteen years of service, waiving eligibility criteria and statutory provisions.

Section 2. The sum of \$13,706 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware to implement the provisions of Section 1 of this Act.

Section 3. 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.

Approved April 17, 1979.

CHAPTER 33

FORMERLY

HOUSE BILL NO. 32
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF EMERGENCY PLANNING AND OPERATIONS OF THE DEPARTMENT OF PUBLIC SAFETY FOR THE INSTALLATION OF A WARNING SIREN AT PORT PENN.

WHEREAS, the completion of the nuclear-energy plant on Artificial Island, which impinges close to the Delaware side of the Delaware River at Port Penn, has caused considerable alarm among the residents of Port Penn and nearby communities; and

WHEREAS, a siren has been made available to the State through federal distribution and has been installed at a cost of \$1,920 to the Port Penn Fire Company; and

WHEREAS, both the Port Penn Fire Company and the Port Penn Civic Association supported the installation as a means of providing a warning signal should there be an accident at the nuclear-energy plant; and

WHEREAS, the Port Penn Fire Company should be reimbursed for the funds it spent on the installation.

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. There is hereby appropriated to the Division of Emergency Planning and Operations of the Department of Public Safety the sum of \$1,920 to be used for the installation of a warning siren at Port Penn.

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

Section 3. Any part of this appropriation not expended or encumbered on June 30, 1979, shall revert to the General Fund.

Approved May 9, 1979.

CHAPTER 34

FORMERLY

HOUSE BILL NO. 41

AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIEL AND AWARD OF CONTRACTS FOR PUBLIC WORKS BY STATE AGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6906 (c), Chapter 69, Title 29 of the Delaware Code by striking the word "deposit" as the same appears in the second sentence of said subsection and substituting in lieu thereof the word "security".

Approved May 9, 1979.

CHAPTER 35

FORMERLY

HOUSE BILL NO. 111
AS AMENDED BY HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND CHAPTER 13, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL EMPLOYEES; AND PROVIDING FOR THE ACCUMULATION OF ANNUAL LEAVE AND ABSENCES FOR OTHER REASONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1318, Chapter 13, Part I, Title 14 of the Delaware Code by re-designating present subsection (h) as new subsection (i), and by adding a new subsection (h) which shall read as follows:

"(h) The maximum amount of annual leave permitted to any employee shall be 1-3/4 days per month. At the end of each fiscal year, the accumulated annual leave of each employee shall equal not more than 42 days. Where, prior to the end of a fiscal year, an employee has accumulated more than 42 days' annual leave, such annual leave shall be adjusted to 42 days at the end of such fiscal year."

Section 2. Persons having more than 42 days accrued annual leave at the time this bill is enacted into law shall have until June 30, 1981, to use said leave under the laws and regulations in existence prior to the enactment of this bill. Any such employee who shall have accumulated annual leave time in excess of 42 days as of June 30, 1981 shall have such annual leave time adjusted to 42 days.

Approved May 12, 1979.

CHAPTER 36

FORMERLY

HOUSE BILL NO. 60

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, TO PROVIDE A NURSE FOR EACH VOCATIONAL-TECHNICAL HIGH SCHOOL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1310, Chapter 13, Title 14, Delaware Code, by striking the period "." at the close of subsection (c) and adding the following:

"and provided that each vocational-technical high school shall have a nurse."

Approved May 12, 1979.

CHAPTER 37

FORMERLY

HOUSE BILL NO. 160

AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY" RELATING TO THE PLANNING COMMISSION; INDEMNIFICATION OF OFFICIALS AND EMPLOYEES; AND PETITIONS.

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, Chapter 251, Volume 61, Laws of Delaware, by striking the last sentence of the first paragraph of Sec. 11-01 of the Charter ("Planning Commission"), and substituting in lieu thereof the following:

"The compensation of the Planning Commission, if any, shall be determined by the Mayor and Council. They shall receive reimbursement for actual and necessary expenses incurred in traveling on official business approved by the Mayor and Council."

Section 2. Amend Section 1, Chapter 251, Volume 61, Laws of Delaware, by adding thereto after paragraph E. of Sec. 12-06 ("General Prohibitions"), which is one paragraph, the title to the subsequent 16 lines:

"Sec. 12-07. Indemnification of Officials and Employees".

Section 3. Amend Section 1, Chapter 251, Volume 61, Laws of Delaware, by striking subsection A. of Sec. 13-03 of the Charter ("Petitions"), and substituting in lieu thereof the following:

"A. Number of Signatures. Initiative and Referendum petitions must be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of the total number of qualified voters registered to vote at the last regular municipal election, or thirty percent (30%) of the total number of voters who voted at the last regular municipal election.

B. Form and Content. All papers of a petition shall be uniform in size 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."

Approved May 12, 1979.

CHAPTER 38

FORMERLY

SENATE BILL NO. 124

AN ACT TO AMEND CHAPTER 144, VOLUME 41, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD," AS AMENDED, BY CHANGING THE DATES OF THE FISCAL YEAR.

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 20 of Chapter 144, Volume 41, Laws of Delaware, entitled "An Act to Reincorporate the Town of Frankford," by striking the first sentence of the said section and inserting in lieu thereof the following:

"The fiscal year of the said Town shall begin the first day of July in each year and shall end with the next succeeding thirtieth day of June."

Approved May 12, 1979.

CHAPTER 39

FORMERLY

SENATE BILL NO. 123
AS AMENDED BY SENATE AMENDMENT NO. 1

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, AND RELATING TO RESIDENCY OF COMMISSIONERS, TIME AND PLACE OF ANNUAL ELECTIONS, MEETING OF COMMISSIONERS, AUTHORITY OF COMMISSIONERS, AND AUTHORITY TO BORROW FUNDS.

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 2. Amend Section 9 of Chapter 212, Volume 25, Laws of Delaware, as amended, by striking subsection (a) and substituting in lieu thereof the following:

"(a) Annual elections for Commissioners shall be held on the first Saturday after Labor Day at such time and place as shall be determined by the Commissioners, due notice of which shall be given by posting notices thereof in five (5) public places in the Town not less than twenty (20) days before the day of such annual election; provided, however, that in the event that there is no contest for any of the several offices to be elected in any year the polls shall not remain open more than one hour."

Section 3. Amend Section 13 of Chapter 212, Volume 25, Laws of Delaware as amended, by striking all of the said section and inserting in lieu thereof the following:

"Section 13. The said Commissioners shall provide for regular and special meetings of the Board and shall prescribe the time and place of such meetings, and the manner of calling the same. Said Commissioners may also hold adjourned meetings from time to time. The meetings of the Board shall be held in the Town of Bethany Beach."

Section 4. Amend Section 14 of Chapter 212, Volume 25, Laws of Delaware, as amended, by adding the following sentence thereto:

"The Commissioners shall also have the power and authority to locate, lay out, construct, widen, extend, improve, repair, vacate or abandon jetties, groins, bulkheads, embankments, boardwalks and piers within the limits of the Town."

Section 5. Amend Section 15 of Chapter 212, Volume 25, Laws of Delaware, as amended, by striking the sentence, "To establish a building line for buildings hereafter to be erected; provided that such building line shall not be established more than ten feet back from the front line of the lots.," and inserting in lieu thereof the following sentence:

"To establish a building line for buildings hereafter to be erected."

Section 6. Amend Section 15 of Chapter 212, Volume 25, Laws of Delaware, as amended, by striking the last paragraph starting with the words, "The said Commissioners shall have the power to borrow money", and inserting in lieu thereof the following:

"The Commissioners shall have the power to borrow money on the full faith and credit of the Town, such sum or sums not exceeding Two Hundred Thousand Dollars (\$200,000.00), for general purposes and an additional sum or sums not exceeding Nine Hundred Fifty Thousand Dollars (\$950,000) for the specific purpose of improving or expanding the water plant and system, when, in the opinion of a majority of the Commissioners elected, the needs of the Town require it. Any sum or sums so borrowed shall be secured by a promissory note or notes or other indebtedness of the Commissioners duly authorized by Resolution of the Commissioners and signed by the President and attested by the Secretary of the Commissioners with the corporate seal affixed. No Commissioner shall be liable

for the payment of any such note or other indebtedness because it is signed by him as a Commissioner, provided that he is so authorized by Resolution of the Commissioners.

Any such sum of money borrowed on the full faith and credit of the Town shall be paid from the general funds of the Town. At no time shall the amount of outstanding principal from any such borrowing or borrowings exceed the sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000)."

Approved May 12, 1979.

CHAPTER 40

FORMERLY

HOUSE BILL NO. 235

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE RELATING
TO FEES CHARGED BY THE SECRETARY OF STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2315, Chapter 23, Title 29 of the Delaware Code by striking all of the paragraph starting with the words "For commission to prothonotaries, recorders,".

Section 2. Amend §2315, Chapter 23, Title 29 of the Delaware Code by striking the words "registers in chancery" from the paragraph starting with the words "For commission to attorney general,".

Approved May 12, 1979.

CHAPTER 41
FORMERLY
SENATE BILL NO. 229

A CAPITAL IMPROVEMENT ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF OBLIGATIONS TO FINANCE THE RECONSTRUCTION AND RESURFACING OF ROADS AND BRIDGES, APPROPRIATING THE PROCEEDS TO THE DEPARTMENT OF TRANSPORTATION FOR APPLICATION TO SUCH PURPOSES, AND TEMPORARILY REVOKING CERTAIN AUTHORITY OF THE STATE AND THE DEPARTMENT OF TRANSPORTATION TO CONTRACT FOR CAPITAL IMPROVEMENTS PREVIOUSLY AUTHORIZED TO BE FUNDED FROM THE PROCEEDS OF OBLIGATIONS AND TO ISSUE BONDS WITH RESPECT THERETO.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The State of Delaware hereby authorizes the issuance of \$6,974,000 bonds to finance all or a portion of the cost of the projects set forth in the project schedule, attached hereto.

Section 2. The State hereby appropriates the proceeds of such obligations for application by the Department of Transportation to the costs incidental to the uses set forth in Section 5 of this Act, to include, but not be limited to, design, construction, repairing, remodeling, and inspection costs, but not for ordinary or normal maintenance expense of highways, bridges or other properties.

Section 3. None of the monies appropriated by this Act shall be encumbered after December 31, 1980, on any of the individual projects authorized unless contracts for construction have been awarded prior to December 31, 1980.

Section 4. The bonds authorized to be issued hereby shall mature not later than ten (10) years from their date of issuance, except, however, that bonds authorized for the Emergency Surface Treatment Program shall not mature later than five (5) years. No bonds, notes or other obligations shall be issued on or after December 31, 1980, to finance the costs of such projects except in an amount necessary to meet the costs of such projects incurred prior to December 31, 1980.

Section 5. The monies appropriated herein shall be expended by the Department of Transportation according to the following tabulation:

<u>Emergency Paving and Rehabilitation Program</u>		
North District	\$	3,203,000
Central District		1,196,000
South District		1,075,000
State wide Contingency		<u>500,000</u>
Sub-Total	\$	5,974,000
<u>Emergency Surface Treatment Program</u>		
	\$	<u>1,000,000</u>
GRAND TOTAL	\$	6,974,000

Section 6. The monies allocated in Section 5 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 1 of this Act and allocated as Contingencies in Section 5 shall be accounted for by project.

Section 7. In the event that the Secretary of the Department of Transportation (Secretary) determines that an individual project listed in the Project Schedule will have

a funding balance remaining upon completion, the Secretary may, with the approval of the Director of the Office of Management, Budget and Planning, transfer any surplus funds from that individual project listed herein to another such project within the same program.

Section 8. The Secretary shall make progress reports on the schedule of projects to the members of the 130th General Assembly. Such reports shall be delivered not later than September 14, 1979, June 1, 1980, and October 1, 1980.

Section 9. The State hereby pledges its faith and credit to the payment of the principal of and interest on any bonds, notes or other obligations issued pursuant to this Act. The Budget Appropriation Bills which shall be enacted by the General Assembly for each State fiscal year after the adoption of this Act shall contain under the debt service item provisions for the payment of principal of and interest on the bonds or other obligations and interest on any notes or other obligations issued in anticipation of the issuance of such bonds payable in each such fiscal year.

Section 10. The proceeds of obligations remaining unexpended after completion of the projects authorized by this Act or remaining unexpended because no costs for such projects (other than the costs of issuing obligations) have been incurred by December 31, 1980, shall be deposited in a special fund and applied, at the discretion of the State Treasurer with the prior approval of the Bond Issuing Officers, to the cost of other capital road projects authorized to be undertaken by the General Assembly, except that all previous actions notwithstanding, the unexpended money remaining in the contingency line on December 31, 1980, after all obligations against that line have been met for continuing contracts, shall revert to the Department of Transportation for use in the continuing Paving and Rehabilitation Program.

Section 11. Neither the State nor the Department of Transportation shall encumber or create a lien or charge against the following "Project Account Codes" prior to July 1, 1979, unless the amount remaining unencumbered and against which no lien or charge shall have been created equals the following amounts for the following "Project Account Codes":

<u>Volume and Chapter</u>	<u>Project Account Code</u>	<u>Amount</u>
60-271	55-05-000-76-81	\$ 2,500,000
60-691	55-05-000-77-81	1,500,000
61-376	55-05-000-78-80	500,000
61-408	55-05-000-79-80	2,474,000
		\$ 6,974,000

On or after the effective date of this Act and prior to July 1, 1979, no bonds, notes or other obligations shall be issued by the State, its agencies or departments to provide funds to meet the cost of such projects.

Section 12. This Act shall take effect in the manner provided by law.

Approved May 14, 1979.

CHAPTER 42

FORMERLY

HOUSE BILL NO. 385

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF MAKING REPAIRS TO THE STANTON UNDERPASS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of Twenty Thousand Dollars (\$20,000) is hereby appropriated to the Department of Transportation for the purpose of making emergency repairs to the Stanton underpass..

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

Section 3. The funds so appropriated shall be used only for the purposes set forth in Section 1 of this Act, and any funds so appropriated but unexpended or unencumbered by June 30, 1979, shall thereupon revert to the General Fund of the State of Delaware.

Approved May 14, 1979.

CHAPTER 43

FORMERLY

SENATE BILL NO. 239

AN ACT RELATING TO A TEMPORARY CHANGE IN THE OBSERVANCE OF
MEMORIAL DAY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Anything in the Delaware Code to the contrary, notwithstanding, the legal holiday known as "Memorial Day" shall be observed in this State on the last Monday in May in the 1979 calendar year.

Approved May 17, 1979.

CHAPTER 44

FORMERLY

HOUSE BILL NO. 473

AN ACT TO AMEND CHAPTER 47, PART V, TITLE 7 OF THE DELAWARE CODE RELATING TO STATE PARKS; AND EXTENDING PARK USE PRIVILEGES FOR PURCHASERS OF CERTAIN ANNUAL PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4701 (a) (5), Title 7 of the Delaware Code by striking the words "Monday through Friday of each week" as the same appear in the fourth sentence of sub-paragraph (B), and substituting the words "for any day," in lieu thereof.

Section 2. Amend §4701, (a), (5), Title 7 of the Delaware Code by striking the words "present in such" as the same appear in the fifth sentence of sub-paragraph (B), and substituting the words "the operator of the" in lieu thereof.

Approved May 26, 1979.

CHAPTER 45

FORMERLY

HOUSE BILL NO. 146

AN ACT TO AUTHORIZE THE CONVEYANCE OF THE PROPERTY KNOWN AS 308 WEST STREET IN THE CITY OF WILMINGTON FROM THE STATE OF DELAWARE TO THE CITY OF WILMINGTON.

WHEREAS, the State of Delaware obtained title to the property situate at 308 West Street in the City of Wilmington by deed recorded on January 22, 1924 as more fully appears in Deed Record Book Q, Volume 32, Page 100 of the Office of the Recorder of Deeds for New Castle County; and

WHEREAS, said property and the improvements thereon were from that time forward utilized by the Department of Correction for various correctional programs; and

WHEREAS, the age and decrepitude of the subject property now renders it unsuitable for any further use by the Department of Correction; and

WHEREAS, the City of Wilmington and its Department of Planning and Development are desirous of securing title to the property for rehabilitation as part of its Urban Renewal Program.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Governor is hereby authorized to execute a good and sufficient deed on behalf and under the Great Seal of the State of Delaware conveying to the City of Wilmington all of the right, title and interest of the State in that certain parcel of real estate, together with the improvements thereon, known as 308 West Street in the City of Wilmington, the metes and bounds of which are more particularly described in New Castle County Deed Record Book Q, Volume 32, Page 100, for and in consideration of the payment by the City of Wilmington to the State of Delaware of one dollar.

Section 2. The conveyance authorized by Section 1 of this Act shall be deemed to be for a public purpose.

Approved May 29, 1979.

CHAPTER 46

FORMERLY

SENATE BILL NO. 118

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE BOWERS BEACH VOLUNTEER FIRE COMPANY.

WHEREAS, the Bowers Beach Volunteer Fire Company was recently destroyed by an act of arson, the last of which included the entire fire hall, vital records, and destruction of several pieces of equipment; and

WHEREAS, the insurance coverage on the building and equipment will not cover the extensive loss incurred by the fire; and

WHEREAS, federal aid is being sought at the present time; however, to date no favorable consideration has been made manifest; and

WHEREAS, economically speaking the Bowers Beach community is not a wealthy area and consequently, volunteer contributions are not expected to be of a substantial nature.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of \$25,000 is hereby appropriated to the Bowers Beach Volunteer Fire Company to assist the company in its efforts to restore the loss incurred by the fire.

Section 2. This is a supplementary appropriation and the funds herein appropriated shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated. Any funds remaining unexpended or unencumbered as of June 30, 1979 shall revert to the General Fund of the State of Delaware.

Approved May 29, 1979.

CHAPTER 47

FORMERLY

HOUSE BILL NO. 202

AN ACT TO PERMIT FACSIMILE SIGNATURE BY THE SECRETARY OF STATE UNDER CERTAIN CONDITIONS.**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. Amend §2309, Chapter 23, Title 29, Delaware Code by striking the last sentence thereof in its entirety and substituting in lieu thereof the following:

"The signature may be a printed facsimile, except when the signature of the Secretary is requested or required by law, or when the Great Seal of the State is affixed thereto, or when the document is to be authenticated, in which case the signature may be a printed facsimile when attested by the Assistant to the Secretary of State."

Approved May 31, 1979.

CHAPTER 48

FORMERLY

HOUSE BILL NO. 237
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 58A, PART V, TITLE 29 OF THE DELAWARE CODE
RELATING TO THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5853, Chapter 58A, Part V, Title 29 of the Delaware Code by striking subsection (7), and substituting in lieu thereof the following:

"(7) 'State agency' shall mean the State, including the offices, departments, boards, commissions, committees, courts, school districts, boards of education and all public bodies existing by virtue of an Act of the General Assembly or of the Constitution of this State, excepting only political subdivisions of this State, their agencies and other public agencies not specifically included in this definition which exist by virtue of State law, and whose jurisdiction is either:

(i) limited to a political subdivision of the State, or to a portion of such subdivision, or

(ii) extends beyond the boundaries of this State."

Approved May 31, 1979.

CHAPTER 49

FORMERLY

HOUSE BILL NO. 198

AN ACT RELATING TO THE NAME OF THE FERRIS SCHOOL FOR BOYS.

WHEREAS, the Ferris School for Boys is a venerable institution among the State's schools for assisting young persons who are experiencing serious difficulties in accepting our system of rules and laws; and

WHEREAS, in recent years the Ferris School for Boys has been incorrectly designated as "Youth Development Center - Ferris Campus"; and

WHEREAS, it is the desire of the General Assembly to provide a legal, correct name for the Ferris School for Boys.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 51, Title 31 of the Delaware Code, by adding the following new section:

"§5112. Name of Ferris School

The Ferris School for Boys, in New Castle County, a facility of the Division of Juvenile Correction of Delaware, shall be officially known as The Ferris School for Boys."

Approved May 31, 1979.

CHAPTER 50

FORMERLY

SENATE BILL NO. 257

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 PROVIDE FOR AN ABATEMENT OF TAXES FOR PROMPT PAYMENT.

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 25, Chapter 197, Volume 54, Laws of Delaware, by striking subsection e. in its entirety, and substituting in lieu thereof the following:

"e. In the collection of said taxes, the City Manager shall deduct two percent (2%) from the amount of taxes assessed against the real property of any person who pays said taxes on or before the first day of August, next succeeding the delivery of the duplicate annual tax list to the City Manager. There shall be no abatement nor any penalty on any taxes paid on or after the first day of August next succeeding the delivery of the duplicate annual tax list to the City Manager and prior to the first day of September next succeeding the delivery of the duplicate annual tax list to the City Manager. On all taxes paid on or after the first day of September next succeeding the delivery of the annual duplicate tax list to the City Manager, there shall be added an amount equal to one percent (1%) per month for each month or part thereof such taxes shall remain unpaid, and said penalty shall be collected in the same manner as the original amount of the tax."

Approved May 31, 1979.

CHAPTER 51

FORMERLY

SENATE BILL NO. 33

AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO TRUST FUNDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 17, Delaware Code by adding thereto a new Section 148 to read as follows:

"§148. Monies as Trust Funds

All monies received pursuant to this Title as proceeds from the sale, lease or rental of land with or without improvements, regardless of the source of funding for the original purchase of the aforesaid land or improvements, shall be deemed to be trust funds to be held and applied by the Department pursuant to this Title subject to other trust fund provisions contained within this Title. The trust fund established herein shall be utilized by the Department for purposes set forth in this Title. The trust fund established herein shall be utilized by the Department for the purposes set forth in this Title including the purchase, sale or lease of real property and the incidental costs, expenses and obligations related thereto. The Department shall establish rules and regulations for administration and management of the trust fund created herein, consistent with the intent and purpose of this Title."

Approved May 31, 1979.

CHAPTER 52

FORMERLY

HOUSE BILL NO. 95

AN ACT TO AMEND CHAPTER 1 AND CHAPTER 92, TITLE 10, DELAWARE CODE, TO PROVIDE FOR A CHIEF MAGISTRATE TO ADMINISTER THE JUSTICE OF THE PEACE COURT SYSTEM THROUGHOUT THE STATE; TO ABOLISH THE OFFICE OF DEPUTY ADMINISTRATOR OF THE JUSTICE OF THE PEACE COURTS AND MAKING AN APPROPRIATION FOR THE POSITION OF CHIEF MAGISTRATE FOR THE REMAINDER OF THE FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Sections 126 and 127, Chapter 1, Title 10, Delaware Code, are hereby repealed.

Section 2. Amend Section 128, Chapter 1, Title 10, Delaware Code, by striking subsection (f) in its entirety.

Section 3. Amend Section 9201, Chapter 92, Title 10, Delaware Code, by striking subparagraph (5) thereof in its entirety.

Section 4. Amend Section 9202, Subchapter 1, Chapter 92, Title 10, Delaware Code, by adding a new subsection (c) thereto to read as follows:

"(c) In addition to the number of Justices specified by Section 9203 of this Chapter, the Governor, by and with the consent of a majority of all the members elected to the Senate, shall appoint a Justice of the Peace who shall serve as Chief Magistrate and administrative head of the Justice of the Peace Court System throughout the State."

Section 5. Amend Section 9206, Chapter 92, Title 10, Delaware Code, by striking the words "by the Deputy Administrator" as the same appear in the first sentence of said section.

Section 6. Amend Section 9209 (a), Chapter 92, Title 10, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Chief Magistrate shall receive as annual compensation for his services the sum of \$30,000. Each of the other Justices of the Peace shall receive as annual compensation for his services the sum of \$13,000."

Section 7. Subchapter III, Chapter 92, Title 10, Delaware Code, is hereby repealed in its entirety.

Section 8. The sum of \$14,869 is hereby appropriated to the Judicial Department, Justice of the Peace Courts to be used as follows:

(02-13-000) Justice of the Peace Courts

Salary of Chief Magistrate (1)	\$	12,500
F.I.C.A.	\$	756
Pension	\$	1,613

Section 9. The aforesaid appropriation is a supplementary appropriation for the fiscal year ending June 30, 1979, and the money appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated. Any funds appropriated herein which remain unexpended on June 30, 1979 shall revert to the General Fund.

Approved June 1, 1979.

CHAPTER 53

FORMERLY

HOUSE BILL NO. 59

AN ACT TO AMEND CHAPTERS 41 AND 45 OF TITLE 21, DELAWARE CODE, RELATING TO COMBINATION OF VEHICLES USED FOR TRANSPORTATION OF MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4191, Chapter 41, Title 21 of the Delaware Code by striking subsection (a) of said section in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) No vehicle shall be driven upon any highway drawing or having attached thereto more than 1 other vehicle, provided that a vehicle with semitrailer may draw in addition thereto, 1 other vehicle, and provided further, that driveway operations in transit may transport by means of saddlemount and fullmount mechanisms, utilizing the motive power of one of the vehicles in combination. This subsection shall not apply to farm tractors."

Section 2. Amend §4502, Chapter 45, Title 21 of the Delaware Code by adding thereto a new subsection to read as follows:

"(i) Notwithstanding any other provisions of this chapter a number of motor vehicles may be transported over the highways of this State in combination, utilizing saddlemount and fullmount mechanisms and utilizing the motive power of one of the vehicles in combination, provided such combination of vehicles shall not exceed a length of 65 feet and provided further, that the equipment used in such combinations shall comply with the safety regulations of the U. S. Department of Transportation."

Approved June 1, 1979.

CHAPTER 54

FORMERLY

SENATE BILL NO. 93
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 17, OF THE DELAWARE CODE, RELATING TO THE NAMING OF THE NEW THIRD STREET BRIDGE IN WILMINGTON IN HONOR OF THE LATE REPRESENTATIVE WILLIAM J. WINCHESTER.

WHEREAS, the late William J. Winchester of Wilmington was the first Black elected to the General Assembly of Delaware; and

WHEREAS, William J. Winchester, who served the First Representative District of Wilmington in the 115th and 116th General Assemblies after first being elected in 1948, was an outstanding citizen of that part of Wilmington known as Across the Third Street Bridge; and

WHEREAS, the State Department of Transportation will soon finish construction of a new bridge, to replace the old Third Street Bridge, across the Christina River; and

WHEREAS, completion and dedication of the new bridge offer the opportunity to honor a Black citizen who was a leading advocate of civil rights.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 17, Delaware Code, by adding the following new section:

"§519. Representative William J. Winchester Bridge

The Department of Transportation is hereby directed to name the bridge which crosses the Christina River at Third Street in the City of Wilmington the 'William J. Winchester Bridge.'"

Section 2. The effective date of this Act shall be the day the Department declares the new bridge complete and formally open for traffic.

Approved June 1, 1979.

CHAPTER 55

FORMERLY

HOUSE BILL NO. 94

AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5918, Title 29, Delaware Code, by adding thereto a new sentence as follows:

"Any promotional competition for a position funded solely by general funded appropriations, involving two or more candidates and a qualifying examination certified by the Director, shall be considered a competitive examination under §5917 of this Chapter."

Approved June 5, 1979.

CHAPTER 56

FORMERLY

HOUSE BILL NO. 334
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND HOUSE AMENDMENT NO. 1
TO HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE REDUCTION OF EACH PERSONAL INCOME TAX RATE AND EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD; TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE DETERMINATION OF THE ENTIRE NET INCOME OF A CORPORATION AS IT RELATES TO THE COST OF MODIFICATION FOR HANDICAPPED PERSONS; AND TO AMEND CHAPTER 13, TITLE 30, DELAWARE CODE, PERTAINING TO THE VALUATION OF CERTAIN FARM AND SMALL BUSINESS REAL PROPERTY FOR INHERITANCE TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (a), Section 1102, Chapter 11, Title 30 of the Delaware Code by striking the subsection in its entirety and substituting in lieu thereof the following:

"(a) A tax is hereby imposed for each taxable year on the entire taxable income of every resident of this State and on the taxable income of every nonresident which is derived from sources within this State.

(1) For taxable years beginning before January 1, 1979, the amount of tax shall be determined as follows:

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.

(2) For taxable years beginning in 1979, the amount of tax shall be determined as follows:

1.5% of the amount of taxable income not in excess of \$1,000, 2.1% of the amount of taxable income in excess of \$1,000, but not in excess of \$2,000; 3.15% of the amount of taxable income in excess of \$2,000, but not in excess of \$3,000; 4.3% of the amount of taxable income in excess of \$3,000, but not in excess of \$4,000; 5.35% of the amount of taxable income in excess of \$4,000, but not in excess of \$5,000; 6.4% of the amount of taxable income in excess of \$5,000, but not in excess of \$6,000; 7.45% of the amount of taxable income in excess of \$6,000, but not in excess of \$8,000; 8.4% of the amount of taxable income in excess of \$8,000, but not in excess of \$10,000; 8.5% of the amount of taxable income in excess of \$10,000, but not in excess of \$15,000; 8.6% of the amount of taxable income in excess of \$15,000, but not in excess of \$20,000; 9.05% of

the amount of taxable income in excess of \$20,000, but not in excess of \$25,000; 9.65% of the amount of taxable income in excess of \$25,000, but not in excess of \$30,000; 11.55% of the amount of taxable income in excess of \$30,000, but not in excess of \$40,000; 12.8% of the amount of taxable income in excess of \$40,000, but not in excess of \$50,000; 14.45% of the amount of taxable income in excess of \$50,000, but not in excess of \$75,000; 15% of the amount of taxable income in excess of \$75,000, but not in excess of \$100,000; 16.65% of the amount of taxable income in excess of \$100,000.

(3) For taxable years beginning after 1979, the amount of the tax shall be determined as follows:

1.4% of the amount of taxable income not in excess of \$1,000; 2.0% of the amount of taxable income in excess of \$1,000, but not in excess of \$2,000; 3.0% of the amount of taxable income in excess of \$2,000, but not in excess of \$3,000; 4.2% of the amount of taxable income in excess of \$3,000, but not in excess of \$4,000; 5.2% of the amount of taxable income in excess of \$4,000, but not in excess of \$5,000; 6.2% of the amount of taxable income in excess of \$5,000, but not in excess of \$6,000; 7.2% of the amount of taxable income in excess of \$6,000, but not in excess of \$8,000; 8.0% of the amount of taxable income in excess of \$8,000, but not in excess of \$10,000; 8.2% of the amount of taxable income in excess of \$10,000, but not in excess of \$15,000; 8.4% of the amount of taxable income in excess of \$15,000, but not in excess of \$20,000; 8.8% of the amount of taxable income in excess of \$20,000, but not in excess of \$25,000; 9.4% of the amount of taxable income in excess of \$25,000, but not in excess of \$30,000; 11.0% of the amount of taxable income in excess of \$30,000, but not in excess of \$40,000; 12.2% of the amount of taxable income in excess of \$40,000, but not in excess of \$50,000; 13.5% of the amount of taxable income in excess of \$50,000."

Section 2. Amend Section 1154, Chapter 11, Title 30 of the Delaware Code by striking subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Every employer required to deduct and withhold tax under this Chapter shall, for each calendar month, on or before the 15th day of the month following the end of such calendar month, file a withholding return as prescribed by the Division of Revenue and pay over to the Division of Revenue or to a depository designated by the Division of Revenue, the tax as so required to be deducted and withheld; provided, however, that where the aggregate amount of taxes required to be deducted and withheld during the first two months of any calendar quarter will not exceed \$200, such employer may file and pay the tax for such quarter on or before the 15th day of the month following the close of such quarter. The Division of Revenue may, if it believes such action necessary for the protection of the revenue, require any employer to make such return and pay the tax deducted and withheld at any time, or from time to time. When the amount of wages paid by an employer is not sufficient under this Chapter to require the withholding of tax from the wages of any of his employees, the Division of Revenue may permit such employer to file an annual return on or before January 31 of the succeeding calendar year."

Section 3. Amend subsection (a) of Section 1903, Chapter 19, Title 30 of the Delaware Code to add subparagraph 7 to read as follows:

"7. The cost, not to exceed \$5,000, of a renovation project to remove physical design features in a building, that restrict the full use of the building by physically handicapped persons. The modification shall be allowed for the taxable year in which the renovation project is completed and is in addition to any depreciation or amortization of the cost of the renovation project. 'Building' means a building or structure or that part of a building or structure and its related sidewalks, curbing, driveways and entrances that are located in Delaware and open to the general public."

Section 4. Amend Chapter 13, Title 30 of the Delaware Code by adding a new Section numbered 1314 to read as follows:

"Section 1314. (a) If (1) the decedent was, at the time of his death, a resident of the State of Delaware and (2) the person filing the return of tax imposed by this Chapter elects the application of this Section, the value of qualified real property shall be its value for use under which it qualified, under subsection (b), as qualified real property. The aggregate decrease in the value of qualified real property which results from the application of this Section with respect to the gross estate of any decedent shall not exceed five hundred thousand dollars (\$500,000).

(b) For purposes of this Section: (i) "Qualified real property" means real property located in the State which, on the date of the decedent's death, was being used for a qualified use, but only if:

(A) Fifty percent (50%) or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(i) On the date of the decedent's death, was being used for a qualified use; and

(ii) was acquired from or passed from the decedent to a qualified heir of the decedent;

(B) Twenty-five percent (25%) or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of subparagraphs (A) (i) and (C) of the subsection (b).

(C) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five (5) years or more, or during any period ending prior to the date of the decedent's death there have been periods aggregating ten (10) years or more, during which:

(i) Such real property was owned by the decedent or a member of the decedent's family and used for a qualified use; and

(ii) there was material participation by the decedent or a member of the decedent's family in the operation of the farm or other business.

(2) "Qualified use" means the devotion of the property to any of the following:

(A) Use as a farm for farming purposes; or

(B) use in a trade or business other than the trade or business of farming.

(3) "Adjusted value", for purposes of paragraph (1) of this subsection (b), means:

(A) In the case of the gross estate, the value of the gross estate, determined without regard to this Section, reduced by any amounts allowable as a deduction under paragraph (4) of Section 1323 (a), or

(B) In the case of any real or personal property, the value of such property for purposes of this Act, determined without regard to this Section, reduced by any amounts allowable as a deduction in respect to such property under paragraph (4) of Section 1323 (a).

(C) Election. The election under this Section shall be made not later than the time prescribed by Sections 1342 and 1343 for filing the return of the tax

imposed by this Chapter and shall be made in such manner as the Secretary of Finance shall prescribe by rules and regulations.

(D) Definitions. For purposes of this Section:

(1) "Qualified heir" means, with respect to any property, a member of the decedent's family who acquired such property, or to whom such property passed, from the decedent. If a qualified heir disposes of any interest in qualified real property to any member of his or her family, such member shall thereafter be treated as the qualified heir with respect to such interest.

(2) "Member of the family" means, with respect to any individual, only such individual's ancestor or lineal descendant, a lineal descendant of a grandparent of such individual, the spouse of such individual, or the spouse of any such descendant. For purposes of the preceding sentence, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) In the case of real property which meets the requirements of subparagraph (C) of subsection (b) (1), residential buildings and related improvements on such real property occupied on a regular basis by the owner or lessee of such real property or by persons employed by such owner or lessee for the purpose of operating or maintaining such real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use.

(4) "Farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards and woodlands.

(5) "Farming purposes" means:

(A) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training, and management of animals on a farm;

(B) handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than one-half (1/2) of the commodity so treated; and

(C) (i) the planting, cultivating, caring for, or cutting of trees, or (ii) the preparation, other than milling, of trees for market.

(6) Material participation shall be determined in a manner similar to the manner used for purposes of paragraph (1) of 26 U.S.C. 1402 (a) as such section existed on December 31, 1979.

(7) (A) Except as provided in subparagraph (B), the value of a farm for farming purposes shall be determined by dividing (i) the excess for the average annual gross cash rental for comparable land used for farming purposes and located in the locality of such farm over the average annual state and local real estate taxes for such comparable land, by (ii) the average annual effective interest rate for all now federal land bank loans. For purposes of the preceding sentence, each average annual computation shall be made on the basis of the five (5) most recent calendar years ending before the date of the decedent's death.

(B) The formula provided by subparagraph (7) (A) shall not be used (i) where it is established that there is no comparable land from which the average annual gross cash rental may be determined, or (ii) where the

executor elects to have the value of the farm for farming purposes determined under paragraph (8).

(8) In any case to which paragraph (7) (A) does not apply, the following factors shall apply in determining the value of any qualified real property:

(A) The capitalization of income which the property can be expected to yield for farming or closely held business purposes over a reasonable period of time under prudent management using traditional cropping patterns for the area, taking into account soil capacity, terrain configuration, and similar factors;

(B) The capitalization of the fair rental value of the land for farmland or closely held business purposes;

(C) Assessed land values in the State pursuant to use value appraisal for farmland or closely held business;

(D) Comparable sales of other farm or closely held business land in the same geographical area far enough removed from a metropolitan or

resort area so that nonagricultural use is not a significant factor in the sales price; and

(E) Any other factor which fairly values the farm or closely held business value of the property.

(9) The method elected for valuing any qualified real property under the provisions of this Section shall be the same method as that elected for valuing said property for federal estate tax purposes if an election is made to value such property under the provisions of 26 U.S.C. 2032 (a), as said Section existed on December 31, 1977.

(e) Additional Tax in the Case of Dispositions and Failures to use for Qualified Use -

(1) If, within 15 years after the decedent's death before the death of the qualified heir -

(A) The qualified heir disposes of any interest in qualified real property (other than by a disposition to a member of his family), or

(B) The qualified heir ceased to use for the qualified use the qualified real property which was acquired (or passed) from the decedent, then there is hereby imposed an additional inheritance tax.

(2) Amount of additional Tax -

(A) The amount of the additional tax imposed by paragraph (1) with respect to any interest shall be the amount equal to the lesser of -

(i) the adjusted tax difference attributable to such interest, or

(ii) the excess of the amount realized with respect to the interest (or, in any case other than a sale or exchange at arm's length, the fair-market value of the interest) over the value of the interest determined under subsection (a) of this Section.

(B) For purposes of subparagraph (A), the adjusted tax difference attributable to an interest is the amount which bears the same ratio to the adjusted tax difference with respect to the estate (determined under subparagraph (C) as -

(i) the excess of the value of such interest for purposes of this Chapter (determined without regard to subsection (a) over the value of such interest determined under subsection (a), bear to

(ii) a similar excess determined for all qualified real property.

(C) For purposes of subparagraph (B), the term "adjusted tax difference with respect to the estate" means the excess of what would have been the inheritance tax liability but for subsection (a) over the inheritance tax liability imposed by Section 1322 reduced by the credits allowable against such tax.

(D) For purposes of this paragraph, where the qualified heir disposes of a portion of the interest acquired by (or passing to) such heir (or a predecessor qualified heir) or there is a cessation of use of such a portion -

(i) the value determined under subsection (a) taken into account under subparagraph (A) (ii) with respect to such portion shall be its pro rata share of such value of such interest; and

(ii) the adjusted tax difference attributable to the interest taken into account with respect to the transaction involving the second or any succeeding portion shall be reduced by the amount of the tax imposed by this subsection with respect to all prior transactions involving portions of such interest.

(3) Phaseout of Additional Tax Between 10th and 15th Years, -

If the date of the disposition or cessation referred to in paragraph (1) occurs more than 120 months and less than 180 months after the date of the death of the decedent, the amount of the tax imposed by this subsection shall be reduced (but not below zero) by an amount determined by multiplying the amount of such tax (determined without regard to this paragraph) by a fraction -

(A) the numerator of which is the number of full months after such death in excess of 120, and

(B) the denominator of which is 60.

(4) In the case of an interest acquired from (or passing from) any decedent. If subparagraphs (A) or (B) of paragraph (1) applies to any portion of an interest, subparagraph (B) or (A), as the case may be, of paragraph (1) shall not apply with respect to the same portion of such interest.

(5) Due Date. The additional tax imposed by this subsection shall become due and payable on the day which is 6 months after the date of the disposition or cessation referred to in paragraph (1).

(6) Liability for Tax. The qualified heir shall be personally liable for the additional tax imposed by this subsection with respect to his interest.

(7) Cessation of Qualified Use. For purposes of paragraph (1) (B), real property shall cease to be used for the qualified use if -

(A) such property cease to be used for the qualified use set forth in subparagraph (A) or (B) of subsection (b) (2) under which the property qualified under subsection (b), or

(B) during any period of 8 years ending after the date of the decedent's death and before the date of the death of the qualified heir, there had been periods aggregating 3 years or more during which -

(i) in the case of periods during which the property was held by the decedent, there was no material participation by the decedent or any member of his family in the operation of the farm or other business, and

(ii) in the case of periods during which the property was held by any qualified heir, there was no material participation by such qualified heir or any member of his family in the operation of the farm or other business."

Section 5. This Act shall become effective January 1, 1979.

Approved June 6, 1979.

CHAPTER 57

FORMERLY

SENATE BILL NO. 275

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE REDUCTION OF EACH PERSONAL INCOME TAX RATE AND EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD; TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE DETERMINATION OF THE ENTIRE NET INCOME OF A CORPORATION AS IT RELATES TO THE COST OF MODIFICATION FOR HANDICAPPED PERSONS; AND TO AMEND CHAPTER 13, TITLE 30, DELAWARE CODE, PERTAINING TO THE VALUATION OF CERTAIN FARM AND SMALL BUSINESS REAL PROPERTY FOR INHERITANCE TAX", FORMERLY KNOWN AS HOUSE BILL NO. 334 OF THE 130TH GENERAL ASSEMBLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. An Act entitled, "An Act to amend Chapter 11, Title 30, Delaware Code, relating to the reduction of each personal income tax rate and employer's return and payment of tax withheld; to amend Chapter 19, Title 30, Delaware Code, relating to the determination of the entire net income of a corporation as it relates to the cost of modification for handicapped persons; and to amend Chapter 13, Title 30, Delaware Code, pertaining to the valuation of certain farm and small business real property for inheritance tax", formerly know as House Bill No. 334 of the 130th General Assembly is hereby amended by adding thereto two new sections to be denominated as Section 6 and Section 7 to read as follows:

"Section 6. In the event that a general sales tax is enacted after the effective date of this Act, the provisions of this Act shall be repealed and the provision of Chapter 11 of Title 30 that were amended by this Act shall be reinstated in full force and effect. For the purpose of this section, the term 'general sales tax' means a tax imposed at one rate in respect of the sale at retail of a broad range of classes of items. In the case of items of food, clothing, medical supplies and motor vehicles — (a) the fact that the tax does not apply in respect of some or all of such items shall not be taken into account in determining whether the tax applies in respect of a broad range of classes of items, and (b) the fact that the rate of tax applicable in respect of some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate. The repeal resulting from this section shall be effective for taxable years beginning after December 31st of the calendar year in which such general sales tax is effective.

Section 7. If any provision, section, subsection, sentence, phrase, or word contained in this Act or the application thereof to any person or substance is held invalid, such invalidity shall not affect any of the provisions, sections, subsections, sentences, phrases, 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 6, 1979.

CHAPTER 58

FORMERLY

SENATE BILL NO. 288

AN ACT TO AUTHORIZE "THE CITY OF HARRINGTON" TO PURCHASE CERTAIN REAL ESTATE, WITH IMPROVEMENTS, KNOWN AS 27 CLARK STREET, HARRINGTON, DELAWARE, TO BE USED AS A CITY HALL AND TO AUTHORIZE THE CITY TO BORROW \$40,000 FROM THE FARMERS HOME ADMINISTRATION IN ORDER TO FINANCE SAID PURCHASE.

WHEREAS, the City of Harrington is desirous of purchasing a lot with a building for the amount of \$35,000 in the City of Harrington for purposes of using said building as a City Hall; and

WHEREAS, the City of Harrington is further desirous of financing the purchase of said real estate through a loan from the Farmers Home Administration in the amount of \$40,000, \$5,000 of which will be used to renovate said building; and

WHEREAS, it is in the best interest of the residents of the City of Harrington to acquire said real estate.

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 City of Harrington by and through the Mayor and Members of the City Council is hereby authorized to purchase the following described real estate from the sellers Suzanne C. Jones and Kenneth R. Jones, her husband, for the sum of \$35,000:

"All that certain lot or parcel of land, with the improvements erected thereon, lying at the southeast corner of Clark Street and Ward Street in The City of Harrington, Mispillion Hundred, Kent County and State of Delaware, bounded on the west by Ward Street, on the north by Clark Street, on the east by lands of Robert L. Kopp, and on the south by lands of Ethel Stubbs, more particularly described as follows, to-wit:"

"Beginning at the point where the east line of Ward Street intersects the south line of Clark Street; thence binding with the south line of Clark Street south 70 degrees 43' east 110 feet to said Kopp lands; thence turning and binding with the west line of said Kopp lands south 19 degrees 32' west 130.25 feet to said lands of Stubbs; thence turning and binding with the north line of said Stubbs lands north 72 degrees 45' west 81.10 feet to another point in the east line of Ward Street; thence binding with the east line of Ward Street north 7 degrees 15' east 136.1 feet back to the place of beginning, and containing 12,599 square feet of land, more or less."

Section 2. The City of Harrington is hereby further authorized to borrow the sum of \$40,000 from the Farmers Home Administration in order to purchase said real estate and renovate the same and is authorized to execute any and all documents, including a mortgage and bond secured by said real estate and, pledge the full faith and credit of the City of Harrington for the due payment of said mortgage and bond, in order to effectuate said purchase.

Section 3. The City of Harrington is further authorized to borrow \$40,000 from a commercial bank until Farmers Home Administration funds become available. This provision is valid only if formal approval from Farmers Home Administration is received.

Approved June 8, 1979.

CHAPTER 59

FORMERLY

HOUSE BILL NO. 283

AN ACT TO AMEND CHAPTER 7, SUBCHAPTER 1, TITLE 7, OF THE DELAWARE
CODE RELATING TO METHODS OF HUNTING FOR DISABLED PERSONS.

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 Subchapter 1, Chapter 7, of the Delaware Code, by adding a new
§727 to read as follows:

"§727. Conditional Permits for Disabled Persons to Shoot from Vehicles

Notwithstanding the provisions of §708, §709 and §726 of this Chapter, the Director of the Division of Fish and Wildlife, Department of Natural Resources and Environmental Control, upon written application and presentation of a medical doctor's written statement that the applicant is unable to walk or is otherwise physically disabled to the extent that he or she cannot safely hunt except from a vehicle, may issue a conditional permit to shoot wild birds and wild animals from a stationary vehicle during established hunting seasons and in accordance with other existing laws and regulations."

Approved June 8, 1979.

CHAPTER 60

FORMERLY

HOUSE BILL NO. 261

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT
OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO MAINTAIN AN
ADEQUATE SERVICE LEVEL.

WHEREAS, the importance of economic growth in Delaware is recognized as necessary to the well being of the citizens of the State; and

WHEREAS, there is a paramount need for the creation of new jobs in Delaware for those persons now unemployed; and

WHEREAS, the demand for travel information made by potential visitors to Delaware has substantially increased in the first three quarters of this fiscal year seriously drained the financial resources of the Division to respond; and

WHEREAS, failure to respond to the requests for information could result in the loss of thousands of potential visitors and millions of dollars in expenditures in travel related facilities.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$26,216 is hereby appropriated to the Department of Community Affairs and Economic Development.

Travel	4,000
Contractual Services	18,000
Supplies and Materials	3,216
Capital Outlay	1,000

Section 2. This is a supplemental appropriation and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 3. The funds so appropriated shall be used only for the purposes set forth in Section 1, herein, and any funds appropriated and not expended or encumbered by June 30, 1979, shall revert to the General Fund of the State of Delaware.

Approved June 8, 1979.

CHAPTER 61

FORMERLY

HOUSE BILL NO. 495

AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE TO BETTER PROVIDE FOR THE CUSTODY OF INMATES.

WHEREAS, the United States District Court for the District of Delaware, by the Order of Judge Murray M. Schwartz dated March 1977 in the case styled as Anderson, et. al. v. Redman, et al., applying Delaware law, directed and required a substantial reduction in the inmate population at the Delaware Correctional Center such that said population did not exceed the "classification capacity" of that institution; and

WHEREAS, by reason of the enactment of an amendment to §6529 of Title 11, Delaware Code (61 Del. L. Ch. 193), the United States District Court for the District of Delaware modified its previous order to permit the use of "design capacity" rather than "classification capacity" as the ceiling for the inmate population at the Delaware Correctional Center, thereby permitting the housing of additional inmates at that institution; and

WHEREAS, notwithstanding the modification of its Order by the Court, together with the creation of approximately 360 additional beds by action of the State, the inexorable increase in inmate population again poses the threat of contempt citations and substantial fines against senior personnel of the Department of Correction because of the "design capacity" limitation; and

WHEREAS, at no time has the United States District Court for the District of Delaware found or suggested that the housing of inmates in excess of the design capacity of the Delaware Correctional Center would constitute a per se violation of the constitutional rights of the inmates; and

WHEREAS, the General Assembly of the State of Delaware expressly finds and warrants that the security and safety of the people of Delaware, and the financial integrity of the State of Delaware, require that the laws of the State clearly mandate that there be secure housing for every inmate who requires it, subject only to whatever standards the United States and Delaware Constitutions might conceivably impose.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6502 of Chapter 65, Title 11, Delaware Code by inserting the punctuation and letter "(a)" immediately prior to the word "A" beginning that Section.

Section 2. Further amend §6502 of Chapter 65, Title 11, Delaware Code by adding subsections (b), (c), (d) and (e) thereto, which said subsections shall read in their entirety as follows:

"(b) The Department of Correction shall accept custody of all persons committed to it by courts of competent jurisdiction. Persons committed to the custody of the Department of Correction shall not be released from custody except in accordance with the provisions of this Title or by order of a court of competent jurisdiction.

(c) Nothing in this Title shall be construed to require the release of persons committed to the custody of the Department of Correction, nor shall anything in this Title be construed as a limitation on the inmate population at any of the facilities maintained by the Department.

Nothing in any regulation promulgated by the Department shall be construed as a limitation on the inmate population at any of the facilities maintained by the Department.

(d) In the event that:

(i) the number of persons housed by the Department at any of its facilities exceeds the design capacity of that facility; and

(ii) because the inmate population at that facility exceeds the design capacity of that facility the Department is unable to provide conditions of confinement as may otherwise be required by this Title or by the regulations promulgated by the Department, then the Department shall not be required to provide said conditions of confinement to the extent it is unable to do so because of the inmate population at that facility. The Commissioner shall determine the design capacity of each of the facilities maintained by the Department.

(e) For purposes of this Section, the term "inmate population" shall include both convicted and pre-trial detentioners."

Approved June 8, 1979.

CHAPTER 62

FORMERLY

HOUSE BILL NO. 348
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE ISSUANCE OF A MIGRATORY WATERFOWL STAMP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Amend Subchapter I, Chapter 5, Title 7, Delaware Code, by adding thereto a new section to be designated as §518 to read as follows:

"§518. Migratory Waterfowl Stamp; Definitions; License Fee; Earmarking of Funds; Selection of Stamp

(a) As used in this section:

(1) 'Migratory waterfowl' means a wild goose, brant or wild duck.

(2) 'Division' means the Division of Fish and Wildlife of the Department of Natural Resources and Environmental Control.

(3) 'Stamp' means the migratory waterfowl stamp provided for by this Chapter.

(b) Except as otherwise provided herein, no person may hunt or take any migratory waterfowl within this State without first procuring a Migratory Waterfowl Stamp as provided for by this Section. Such stamp must be in the possession of every person when hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. Such stamp shall be designed and produced in accordance with Division regulations and shall expire annually on the same date each year that all hunting licenses expire. Any person who is exempt from payment or charge for a hunting license shall also be exempt from the fee imposed by this Section. Any person who is under the age of sixteen (16) years shall be exempt from the requirements of this subsection.

(c) A stamp shall be issued to each hunting license applicant upon written request on the forms furnished by the Division and payment of a fee of Five Dollars (\$5.00), together with any license agent fees imposed by this Chapter.

(d) All funds derived from the issuance of migratory waterfowl stamps shall be deposited by the Division with the State Treasurer and shall be specifically set aside and earmarked as State Duck Stamp Account to permit separate accountability for the receipt and expenditure of funds derived from the sale of State Duck Stamps.

(1) The Division shall contract annually fifty percent (50%) of the revenue collected and deposited in the State Duck Stamp Account with an appropriate non-profit organization to utilize fifty percent (50%) of the revenue collected pursuant to this Section for the development of waterfowl propagation areas in Canada from which comes substantial numbers of waterfowl migrating to and through Delaware. Before paying such revenue to any non-profit organization developing waterfowl areas, the Division shall obtain evidence, that the project is acceptable to the appropriate agency having a jurisdiction over the lands and waters affected by the project.

(2) The remaining fifty percent (50%) of the funds in the State Duck Stamp Account shall be used for the purpose of protection, preserving, restoring, enhancing and developing waterfowl habitat in Delaware.

(e) The Division is hereby granted the authority to establish, by regulation, the method for selecting appropriate designs for the migratory waterfowl stamp."

Section 2. This Act shall become effective July 1, 1980.

Approved June 8, 1979.

CHAPTER 63

FORMERLY

HOUSE BILL NO. 230
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE 14 OF THE DELAWARE CODE, TO PROVIDE SUPERINTENDENTS OF SCHOOLS WITH SUBPOENA POWER IN DEALING WITH UNCOOPERATIVE PARENTS.

WHEREAS, recent studies of parent-school relationships demonstrate that in many instances parents do not cooperate with school officials, making it extremely difficult for such officials to maintain discipline in their districts; and

WHEREAS, without some additional authority school superintendents will continue to be unable to establish and maintain such discipline as is required if our schools are to improve their ability to bring education to the students; and

WHEREAS, giving the superintendents of schools in each district subpoena power in dealing with uncooperative parents will be helpful.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 41, Title 14 of the Delaware Code by adding the following section:

"§4112. Subpoena Power for Superintendents

The authority of the superintendents of schools in each district and the superintendent of each attendance zone of the New Castle County School District shall include that of issuing subpoenas as such may be required, in his opinion, to compel the presence of a parent, parents or person having custody of a child going to school in such school district or attendance zone to discuss matters involving violations of school rules and regulations by such child, provided, however, before the issuance of such subpoena the superintendent shall first schedule a conference with such parent, parents or custodian of such child at a time that does not conflict with the employment hours of such parent, parents or custodian of such child."

Approved June 11, 1979.

CHAPTER 64

FORMERLY

HOUSE BILL NO. 174

AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE AND AN AD HOC COMMITTEE HEREIN ESTABLISHED TO CONTINUE THE PILOT PROJECT ON THE CONCEPTS OF DYNAMIC SEEDING (WEATHER MODIFICATION); AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

WHEREAS, the United States Department of Interior, Bureau of Reclamation, Division of Atmospheric Water Resources Management, is convinced that weather modification does work and produces significant results; and

WHEREAS, the boost in natural precipitation ranges from 10 to 30 percent; and

WHEREAS, cloud seeding does not have a negative effect on weather downwind from the area seeded, and the notion that taking moisture from the atmosphere in one area decreases the amount available to areas further down the line - the idea that seeding is robbing Peter to pay Paul - is false; and

WHEREAS, there is persuasive statistical evidence that dynamic seeding is effective in increasing the size and rain production of individual convective clouds, promoting cloud mergers, and increasing the rainfall from groups of convective clouds; and

WHEREAS, an analysis by the University of Delaware Agricultural Experimental Station for the years 1972 through 1976 provides encouraging results; and

WHEREAS, the study indicated that the environment appears favorable about half the time in May through August for successful cloud seeding to increase rain in Delaware, provided that suitable clouds are present; and

WHEREAS, positive results achieved are encouraging and all facts, statistics and data seem to point to real economic advantages to be gained from dynamic seeding; and

WHEREAS, hail suppression operations have demonstrated that crop damage from hail storms can be significantly reduced, the result being a decrease in the size of hail stones, thus minimizing the damage — hail stones fall as slushy stones or completely dissipate into rain; and

WHEREAS, the first year's use of the pilot study indicated that the weather modification program had been successful and should be continued.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Department of Agriculture in cooperation with an *ad hoc* committee herein established is hereby authorized and directed to continue a Pilot Project of Dynamic Seeding during the summer of 1978, the results of which shall be reported to the Governor and members of the General Assembly, as soon thereafter as practicable.

Section 2. There is hereby established an *ad hoc* committee to assist, advise, and consult with the Department of Agriculture in this pilot project of dynamic seeding. The committee shall be comprised of seven members to be appointed by the Delaware Weather Modification Association Steering Committee. Representation shall be as follows: two members from New Castle County; and two members from Kent County and three members from Sussex County. The Secretary of the Department of Agriculture and the Director of the Agricultural Experimental Station in Georgetown or their designee shall be *ex-officio* members of the committee.

Section 3. The sum of \$184,000 is hereby appropriated to the Department of Agriculture for the purpose of continuing the Pilot Program to be expended in the following manner:

3-month project	\$	120,000
Rain Gauge Network & cooperation with the University of Delaware in the evaluation		24,000
Airborne instrumentation and radar system for evaluation		40,000
TOTAL:	\$	184,000

Section 4. 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 5. The funds herein appropriated remaining unexpended or unencumbered on January 1, 1980, shall revert to the General Fund of the State of Delaware.

Section 6. In the interest of expediting the pilot project herein authorized, the provisions of Chapter 69, Title 29 of the Delaware Code are hereby waived.

Approved June 11, 1979.

CHAPTER 65

FORMERLY

HOUSE BILL NO. 271

AN ACT TO MAKE AN APPROPRIATION TO THE DIVISION OF SOIL AND WATER CONSERVATION OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FOR MAINTENANCE DREDGING OF CEDAR CREEK IN SUSSEX COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of eighty thousand dollars (\$80,000.00) is hereby appropriated to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control for the sole purpose of maintenance dredging of Cedar Creek in Sussex County.

Section 2. This is a supplementary appropriation and the funds appropriated shall be paid by the State Treasurer from the General Fund of the State of Delaware from monies not otherwise appropriated.

Section 3. Any part of this appropriation not expended or encumbered on June 30, 1979, shall revert to the General Fund.

Approved June 13, 1979.

CHAPTER 66

FORMERLY

SENATE BILL NO. 44

AN ACT TO AMEND CHAPTER 72, TITLE 16, DELAWARE CODE RELATING TO THE
REMOVAL OF LIQUIFIED PETROLEUM GAS CONTAINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7208 of Chapter 72, Title 16, Delaware Code by adding thereto
a new sentence to read as follows:

"The owner of any liquified petroleum gas container removed from any
property under the provisions of this section shall be responsible for filling in the
hole resulting from the removal of such container."

Approved June 15, 1979.

CHAPTER 67

FORMERLY

SENATE BILL NO. 110

AN ACT TO AMEND AN ACT BEING CHAPTER 34, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES" TO ELIMINATE THE QUALIFICATION OF BEING A FREE-HOLDER FOR MAYOR AND TOWN COUNCILMAN, TO REDUCE THE LENGTH OF RESIDENCE FOR THE MAYOR AND COUNCILMAN, TO ELIMINATE THE PAYMENT OF TAXES AS A QUALIFICATION FOR MAYOR AND TOWN COUNCILMAN, TO MAKE THE WORD "FREEHOLDER" APPLICABLE TO ALL SECTIONS OF THE CHARTER, TO REDUCE THE AGE FOR VOTING IN THE ANNUAL MUNICIPAL ELECTION TO EIGHTEEN (18) YEARS, TO ALLOW VACANCIES TO BE FILLED BY THE REMAINING MEMBERS OF THE TOWN COUNCIL, TO ELIMINATE QUALIFICATION OF BEING A FREEHOLDER FOR THE ASSESSOR, AND TO ALLOW THE COUNTY ASSESSMENT TO BE THE TOWN ASSESSMENT.

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 §5 (a), Chapter 34, Volume 58, Laws of Delaware, as amended, by striking said subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) A bonafide citizen of the United States and of the State of Delaware and a resident of The Town of Blades for at least three (3) months next preceding the Annual Municipal Election."

Section 2. Amend §5 (e) Chapter 34, Volume 58, Laws of Delaware, as amended, by striking the word "Section" as it appears therein in its entirety and substituting in lieu thereof the word "Charter."

Section 3. Amend §7 (h), Chapter 34, Volume 58, Laws of Delaware, as amended, by striking the words and figures "twenty-one (21)" as the same appear after the word "of" and before the word "year" in the first sentence thereof in their entirety and substituting in lieu thereof the words and figures "eighteen (18)."

Section 4. Amend §12, Chapter 34, Volume 58, Laws of Delaware, as amended, by inserting the word "remaining" between the words "the" and "members" as the same appear in the fourth line of said Section.

Section 5. Amend §23 (a), Chapter 34, Volume 58, Laws of Delaware, as amended, by striking said section in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) At the first regular meeting following the Annual Municipal Election, it shall be the duty of the Town Council to appoint an Assessor. The Assessor shall be over the age of twenty-five (25) years and a bonafide resident of The Town of Blades."

Section 6. Amend §24 (a), Chapter 34, Volume 58, Laws of Delaware, as amended, by adding at the end thereof the following:

"The Assessor may adopt as the annual assessment for The Town of Blades the assessment for real estate and improvements located thereon as compiled by the Board of Assessment of Sussex County."

Approved June 18, 1979.

CHAPTER 68

FORMERLY

HOUSE BILL NO. 333

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN 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, 1980, 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 1980, 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

Year Ending June 30, 1980

(01-00-000) LEGISLATIVE(01-01-000) General Assembly - House

Salaries - House Members	\$	421.0
Salaries - Attaches		167.0
Salaries and Wages of Employees (4)		55.0
Other Employment Costs		69.8
Personal Services		34.0
Travel		
Mileage		40.0
Legislative		4.0
Expenses - House Members		102.5

TOTAL - General Assembly - House	\$	893.3
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(01-02-000) General Assembly - Senate

Salaries - Senate Members	\$	235.5
Salaries - Attaches		150.0
Salaries and Wages of Employees (5)		64.9
Other Employment Costs		19.1
Personal Services		28.0
Travel		
Mileage		25.0
Legislative		4.5
Expenses - Senate Members		52.5
Capital Outlay		3.0

TOTAL - General Assembly - Senate	\$	582.5
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(01-05-000) Commission on Interstate Cooperation

Travel		
Legislative	\$	22.0
Other		5.0
Contractual Services		
Council on State Governments		24.8
Delaware River Basin Advisory Committee		124.0
National Conference of State Legislators		18.5
Other Contractual Services		6.3
Supplies and Materials		<u>.5</u>
TOTAL - Commission on Interstate Cooperation	\$	201.1

(01-08-000) Legislative Council

Year Ending June 30, 1980

(01-08-001) Office of Research Director

Salaries - Casual and Seasonal	\$	18.0
Salaries and Wages of Employees (15)		218.6
Salaries - Overtime		4.0
Other Employment Costs		47.5
Personal Services		.5
Travel		3.4
Contractual Services		
Printing and Binding Session Laws & Journals		50.0
Other		41.3
Supplies and Materials		13.4
Capital Outlay		7.0
Contingency - Hearing Fund		1.0
Microfilm Services	\$	<u>.4</u>
Total - Office of Research Director	\$	405.1

(01-08-002) Office of Controller General

Salaries - Casual and Seasonal	\$	6.5
Salaries - Casual and Seasonal for Standing Legislative Committees		20.0
Salaries and Wages of Employees (12)		227.2
Salaries - Overtime		2.2
Other Employment Costs		48.8
Personal Services		7.5
Travel		5.0
Contractual Services		19.1
Supplies and Materials		6.5
Capital Outlay		4.4
Central Data Processing Services		10.0
Contingency		<u>5.0</u>
TOTAL - Office of Controller General	\$	<u>362.2</u>

(01-08-003) Code Revisors

Personal Services	\$	10.0
Travel		.4
Contractual Services		
Printing Pocket Parts		99.8
Other		.5
Supplies and Materials	\$	<u>.5</u>
Total - Code Revisors	\$	111.2

(01-08-004) House

Contractual Services	\$	29.8
Supplies and Materials		5.3
Capital Outlay	\$	<u>3.5</u>
Total - House	\$	38.6

(01-08-005) Senate

Contractual Services	\$	22.2
Supplies and Materials		4.2
Capital Outlay		1.5
Central Data Processing Services	\$	<u>5.0</u>
Total - Senate	\$	32.9

(01-08-006) Commission on Uniform State Laws Year Ending June 30, 1980

Contingency	\$	<u>3.2</u>
Total - Commission on Uniform State Laws	\$	3.2

(01-08-007) Legislative Council

Debt Service		
Principal	\$	12.0
Interest		<u>10.2</u>
Total - Legislative Council	\$	22.2

TOTAL - Legislative Council	\$	<u>975.4</u>
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TOTAL - LEGISLATIVE	\$	2,652.3
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(02-00-000) JUDICIALYear Ending June 30, 1980(02-01-000) Supreme Court

Salary of Chief Justice (1)	\$	49.5
Salary of Associate Justices (4)		196.0
Salaries and Wages of Employees (16)		235.9
Salaries - Casual and Seasonal		.5
Other Employment Costs		58.2
Personal Services		3.0
Travel		8.4
Contractual Services		31.9
Supplies and Materials		14.0
Capital Outlay		<u>18.6</u>
Sub-Total	\$	616.0

Debt Service		
Principal	\$	20.0
Interest	\$	<u>5.9</u>

TOTAL - Supreme Court	\$	641.9
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(02-02-000) Court of Chancery(02-02-001) Court of Chancery

Salary of Chancellor	\$	46.5
Salary of Vice-Chancellors (2)		92.0
Salaries and Wages of Employees (10)		134.1
Salaries - Casual and Seasonal		2.0
Other Employment Costs		38.8
Personal Services		.5
Travel		3.9
Contractual Services		17.1
Supplies and Materials		6.4
Capital Outlay		<u>20.0</u>

TOTAL - Court of Chancery \$ 381.3

(02-02-002) Public Guardian

(2) Salary of Public Guardian	\$	24.3
Salaries and Wages of Employees (2)		25.2
Other Employment Costs		10.4
Personal Services		1.3
Travel		.2
Contractual Services		3.3
Supplies and Materials		1.7
Capital Outlay		<u>.5</u>

TOTAL - Public Guardian \$ 66.9

TOTAL - Court of Chancery \$ 448.2

(02-03-000) Superior Court

Salary of President Judge	\$	46.5
Salaries of Associate Judges (10)		460.0
Salaries of Jury Commissioners (6)		6.0
Salary of Court Administrator		27.3
Salaries and Wages of Employees (93)		1,332.2
Other Employment Costs		304.8
Personal Services		89.0
Travel		15.9
Contractual Services		86.9
Supplies and Materials		23.3
Capital Outlay		<u>25.7</u>

TOTAL - Superior Court \$ 2,417.6

(02-06-000) Court of Common PleasYear Ending June 30, 1980

Salary of Chief Judge	\$	45.5
Salaries of Associate Judges (4)		180.0
Salaries and Wages of Employees (45.5)		576.3
Other Employment Costs		130.2
Personal Services		18.0
Travel		3.6
Contractual Services		37.4
Supplies and Materials		9.8
Capital Outlay		<u>15.1</u>

TOTAL - Court of Common Pleas \$ 1,015.9

(02-08-000) Family Court of Delaware

	Salary of Chief Judge	\$	45.5
	Salaries of Associate Judges (11)		495.0
	Salary of Administrator		33.6
(18)	Salaries and Wages of Employees (199)		2,379.7
	Salaries - Casual and Seasonal		17.5
	Salaries - Overtime		15.0
	Other Employment Costs		531.6
	Personal Services		66.0
	Travel		15.0
	Contractual Services		203.2
	Supplies and Materials		42.1
	Capital Outlay		<u>23.3</u>
	Sub-Total	\$	3,867.5
	Debt Service		
	Principal	\$	12.0
	Interest		<u>6.8</u>
	TOTAL - Family Court of Delaware	\$	3,886.3

(02-09-000) Kent County Law Library

	Salaries and Wages of Employee (1)	\$	13.8
	Salaries - Casual and Seasonal		3.6
	Other Employment Costs		3.7
	Travel		.5
	Contractual Services		2.1
	Supplies and Materials		1.3
	Capital Outlay		<u>21.0</u>
	TOTAL - Kent County Law Library	\$	46.0

(02-10-000) Sussex County Law Library

	Salaries and Wages of Employee (1)	\$	12.6
	Other Employment Costs		2.8
	Travel		.5
	Contractual Services		2.9
	Supplies and Materials		.6
	Capital Outlay		<u>15.3</u>
	TOTAL - Sussex County Law Library	\$	34.7

(02-11-000) New Castle County Law Library

	Salaries and Wages of Employee (1)	\$	13.8
	Salaries - Casual and Seasonal		3.0
	Other Employment Costs		3.0
	Travel		.5
	Contractual Services		2.5
	Supplies and Materials		1.5
	Capital Outlay		<u>29.0</u>
	TOTAL - New Castle County Law Library	\$	33.3

(02-13-000) Justice of the Peace CourtsYear Ending June 30, 1980

Salary of Justice of the Peace (52)	\$	624.0
Salaries and Wages of Employees (119)		1,196.9
Salaries - Casual and Seasonal		19.9
Salaries - Overtime		11.9
Salaries - Shift Differential		9.9
Other Employment Costs		392.3
Personal Services		11.5
Travel		65.0
Contractual Services		209.0
Supplies and Materials		35.6
Capital Outlay		24.9
TOTAL - Justice of the Peace Courts	\$	2,600.9

(02-17-000) Administrative Office of the Courts(02-17-001) Office of Director

(5) Salary of Director	\$	33.8
Salaries and Wages of Employees (9)		121.5
Judicial Pensions - Retirees		120.0
Other Employment Costs		32.5
Personal Services		
Jury Costs		560.0
Other Personal Services		30.0
Travel		9.1
Contractual Services		1,595.5
Supplies and Materials		5.1
Capital Outlay		6.0
National Center for State Courts		2.3
Central Data Processing (State Funds - \$20.0)		
(All Other Funds - \$5.0)		20.0
TOTAL - Office of Director	\$	2,535.8

(02-17-002) Violent Crimes Compensation Board

Salary - Executive Secretary	\$	20.0
Salary - Board Members (5)		21.0
Salaries and Wages of Employees (4)		43.6
Other Employment Costs		13.3
Travel		9.6
Contractual Services		
Rent		11.9
Other Contractual Services		8.9
Supplies and Materials		1.4
Capital Outlay		.4
Victims		208.9
Attorney Fees		23.6
Medical Opinions		.1
TOTAL - Violent Crimes Compensation Board	\$	362.7*

*Special Funds appropriated per Chapter 90, Title II, Delaware Code

TOTAL - Administrative Office of the Courts	\$	2,535.8
TOTAL - JUDICIAL	\$	13,680.6

(10-00-000) EXECUTIVEYear Ending June 30, 1980(10-01-001) Office of the Governor

Salary of Governor	\$	35.0
Salaries and Wages of Employees (20)		320.6
Salaries - Casual and Seasonal		9.0
Other Employment Costs		71.9
Personal Services		2.5
Travel		13.6
Contractual Services		85.3
Supplies and Materials		17.3
Capital Outlay		2.5
Contingency - Other Expenses		7.4
Central Data Processing Services		<u>3.1</u>

TOTAL - Office of the Governor	\$	568.2
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(10-02-000) Office of the Budget(10-02-001) Budget Office

Salary of Budget Director	\$	34.8
Salaries - Casual and Seasonal		5.0
Salaries and Wages of Employees (17)		293.1
Salaries - Overtime		4.0
Other Employment Costs		67.3
Personal Services		35.5
Travel		5.3
Contractual Services		41.7
Supplies and Materials		4.3
Capital Outlay		12.5
Central Data Processing Services		91.0
Budget Automation Program		110.0
Payroll Personnel Program		50.0
Contingency - Prior Year's Obligations		50.0
Contingency - Energy Costs		1,500.0
Contingency - Termination Pay		192.5
Contingency - Salaries & Other Employment Costs		11,211.7
Management Improvement Program		<u>50.0</u>

TOTAL - Budget Office	\$	13,758.7
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(10-02-006) Budget Commission

Contingency Funds	\$	<u>200.0</u>
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TOTAL - Budget Commission	\$	<u>200.0</u>
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TOTAL - Office of the Budget	\$	13,958.7
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(10-03-000) Office of Management, Budget And Planning

Salary of Director (State Funds - \$19.0)	\$	19.0
(All Other Funds - \$19.0)		
Salary of State Architect		30.1
(16.5)Salaries and Wages of Employees (16.5)		283.4
Salaries - Casual and Seasonal		1.5
Other Employment Costs		69.0
Personal Services		1.1
Travel		1.8
Contractual Services		<u>23.2</u>

Supplies and Materials	5.5
Capital Outlay	5.5
Contingency - Washington Office (2)	75.0
Microfilm Services	<u>1.2</u>

TOTAL - Office of Management, Budget
and Planning \$ 516.3

10-04-000) Office of State Personnel

Year Ending June 30, 1980

Salaries of Commissioners	\$ 6.0
Salary of Director	29.1
(11.5) Salaries and Wages of Employees (22.5)	328.6
Salaries - Casual and Seasonal	1.5
Salaries - Overtime	.5
Other Employment Costs	69.7
Personal Services	26.5
Travel	4.9
Contractual Services	41.8
Supplies and Materials	5.8
Capital Outlay	6.0
Central Data Processing Services	20.0
Microfilm Services	1.2
Contingency - Upgrading	<u>15.0</u>

TOTAL - Office of State Personnel \$ 556.6

(10-05-000) Energy Office

Salary of Director - (State Funds - \$15.0)	
(All Other Funds - \$15.0)	\$ 15.0
(14.9) Salaries and Wages of Employees (1.1)	15.7
Other Employment Costs	6.1
Travel	1.1
Contractual Services	6.8
Supplies and Materials	2.1
Capital Outlay	2.3
Minor Capital Improvements	<u>75.0</u>

TOTAL - Energy Office \$ 124.1

(10-06-000) Office of Highway Safety

Salary of Director	\$ 24.2
(6) Salaries and Wages of Employees	—
Other Employment Costs	1.5
Contractual Services	15.1
Supplies and Materials	<u>2.0</u>

TOTAL - Office of Highway Safety \$ 42.8

(10-07-000) Delaware Criminal Justice Planning Commission

Salary of Executive Director - (State Funds - \$13.9)	
(All Other Funds - \$13.9)	\$ 13.9
Salaries and Wages of Employees (2)	48.0
Other Employment Costs	12.9
Personal Services	17.7
Travel	1.7
Contractual Services	37.8
Supplies and Materials	3.2
Capital Outlay	4.1
(20.5) Planning Grants	
State Agencies (5.3)	<u>267.1</u>

TOTAL - Delaware Criminal Justice Planning Commission		\$	<u>406.4</u>
TOTAL - EXECUTIVE			\$ 16,173.1
<u>(12-00-000) OTHER ELECTIVE OFFICES</u>		<u>Year Ending June 30, 1980</u>	
<u>(12-01-000) Lieutenant Governor</u>			
	Salary of Lieutenant Governor	\$	13.1
	Salaries and Wages of Employees (2)		24.1
	Other Employment Costs		7.3
	Travel		2.3
	Contractual Services		1.2
	Supplies and Materials		.5
	Expenses - Lieutenant Governor		<u>4.0</u>
TOTAL - Lieutenant Governor		\$	52.5
<u>(12-02-000) Auditor of Accounts</u>			
	Salary of Auditor	\$	24.0
(14)	Salaries and Wages of Employees (31)		492.9
	Salaries - Casual and Seasonal		2.4
	Other Employment Costs		109.0
	Personal Services		135.0
	Travel		1.6
	Contractual Services		15.6
	Supplies and Materials		9.6
	Capital Outlay		12.9
	Microfilm Services		<u>1.2</u>
TOTAL - Auditor of Accounts		\$	804.2
<u>(12-03-000) Insurance Commissioner</u>			
	Salary of Commissioner	\$	24.0
	Salaries and Wages of Employees (23)		332.2
	Salaries - Casual and Seasonal		1.2
	Other Employment Costs		71.3
	Personal Services		45.0
	Travel		4.3
	Contractual Services		
	Insurance Premiums		626.0
	Other Contractual Services		55.2
	Supplies and Materials		10.6
	Capital Outlay		39.0
	Self Insurance Fund		1,080.4
	Microfilm Services		2.7
	Malpractice Review		<u>38.0</u>
TOTAL - Insurance Commissioner		\$	2,329.9
<u>(12-05-000) State Treasurer</u>			
<u>(12-05-001) Administration</u>			
	Salary of Treasurer	\$	24.0
(1)	Salaries and Wages of Employees (21)		255.4
	Salaries - Casual and Seasonal		4.5
	Other Employment Costs		58.4
	Travel		.9
	Contractual Services		42.7
	Supplies and Materials		9.5
	Capital Outlay		<u>1.0</u>

(15-00-000) LEGALYear Ending June 30, 1980(15-01-000) Department of Justice(15-01-001) Office of Attorney General

	Salary of Attorney General	\$	32.1
	Salary of Chief Deputy Attorney General		35.2
(13)	Salaries and Wages of Employees (98)		1,610.9
	Salaries - Casual and Seasonal		8.8
	Salaries - Overtime		5.0
	Other Employment Costs		341.9
	Personal Services		27.5
	Travel		5.2
	Contractual Services		118.4
	Supplies and Materials		26.1
	Capital Outlay		42.0
	Central Data Processing Services		<u>20.0</u>
	TOTAL - Office of Attorney General	\$	2,273.1

(15-02-000) Public Defender

	Salary of Public Defender	\$	28.1
	Salary of Chief Deputy		31.9
(4)	Salaries and Wages of Employees (41)		685.8
	Salaries - Casual and Seasonal		5.3
	Other Employment Costs		151.8
	Personal Services		189.3
	Travel		3.0
	Contractual Services		58.9
	Supplies and Materials		12.8
	Capital Outlay		12.5
	Microfilm Services		<u>1.2</u>
	TOTAL - Public Defender	\$	1,180.6

(15-03-000) Board of Parole

	Salaries of Board Members	\$	10.0
	Salary of Board Chairman		28.1
	Salaries and Wages of Employees (6)		71.1
	Other Employment Costs		20.6
	Travel		3.3
	Contractual Services		8.0
	Supplies and Materials		1.7
	Capital Outlay		<u>2.3</u>
	TOTAL - Board of Parole	\$	145.1

(15-04-000) Board of Pardons

	Salary of President	\$	<u>.3</u>
	TOTAL - Board of Pardons	\$	<u>.3</u>
	TOTAL - LEGAL	\$	3,599.1

(20-00-000) DEPARTMENT OF STATEYear Ending June 30, 1980(20-01-001) Office of the Secretary

Salary of Secretary of State	\$	35.4
Salary of Assistant to the Secretary of State		19.5
Salaries and Wages of Employees (3)		37.9
Other Employment Costs		18.8
Travel		3.0
Contractual Services		13.8
Supplies and Materials		<u>2.1</u>
Sub-Total	\$	130.5
Debt Service		
Principal		176.0
Interest		<u>102.2</u>
TOTAL - Office of the Secretary	\$	408.7

(20-05-001) Division of Corporations

Salaries and Wages of Employees (48)	\$	494.1
Salaries - Overtime		7.0
Salaries - Casual and Seasonal		14.0
Other Employment Costs		113.3
Travel		1.2
Contractual Services		61.3
Supplies and Materials		30.0
Capital Outlay		10.2
Central Data Processing Services		125.0
Microfilm Services		<u>20.0</u>
TOTAL - Division of Corporations	\$	876.1

(20-06-000) Division of Historical and Cultural Affairs(20-06-001) Office of Administration

Salary of Director (State Funds \$22.8)		
(All Other Funds \$5.7)	\$	22.8
Salaries and Wages of Employees (4)		47.5
Salaries - Casual and Seasonal		4.0
Other Employment Costs		14.6
Travel		.8
Contractual Services		2.7
Supplies and Materials		2.1
Capital Outlay		<u>5.3</u>
Sub- Total	\$	99.8
Debt Service		
Principal	\$	88.5
Interest		<u>61.4</u>
TOTAL - Office of Administration	\$	249.7

(20-06-002) Bureau of Archives and Modern Records

(.5)	Salaries and Wages of Employees (13.4)	\$	139.2
	Other Employment Costs		29.1
	Travel		1.8
	Contractual Services		11.3
	Supplies and Materials		12.5
	Capital Outlay		<u>22.7</u>
	TOTAL - Bureau of Archives and Modern Records	\$	216.6

(20-06-003) Microfilm Services Year Ending June 30, 1980

	Salaries and Wages of Employees (14.6)	\$	106.8
	Salaries - Casual and Seasonal		1.1
	Other Employment Costs		20.8
	Contractual Services		37.0
	Supplies and Materials		30.0
	Capital Outlay		<u>16.4</u>
	TOTAL - Microfilm Services	\$	212.1

(20-06-004) Bureau of Archaeology and Historic Preservation

(4.6)	Salaries and Wages of Employees (4.0)	\$	51.5
	Salaries - Casual and Seasonal		6.3
	Other Employment Costs		11.9
	Travel		.5
	Contractual Services		3.3
	Supplies and Materials		4.0
	Capital Outlay		<u>1.8</u>
	TOTAL - Bureau of Archaeology and Historic Preservation	\$	79.3

(20-06-005) Bureau of Museums and Historic Sites

	Salaries and Wages of Employees (33.7)	\$	341.4
	Salaries - Casual and Seasonal		15.1
	Other Employment Costs		74.5
	Personal Services		10.1
	Travel		1.4
	Contractual Services		57.0
	Supplies and Materials		16.5
	Capital Outlay		<u>48.8</u>
	Sub-Total	\$	564.8
	Debt Service		
	Principal	\$	9.1
	Interest		<u>7.6</u>
	TOTAL - Bureau of Museums and Historic Sites	\$	581.5

(20-06-016) Office of the Arts

(3.1)	Salaries and Wages of Employees (4.8)	\$	55.6
	Other Employment Costs		10.8
	Personal Services		5.0
	Travel		3.1
	Contractual Services		15.5
	Supplies and Materials		3.9
	Capital Outlay		.2
	Direct Grants		<u>37.5</u>

TOTAL - Office of the Arts	\$	<u>131.6</u>
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TOTAL - Division of Historical and Cultural Affairs	\$	<u>1,258.7</u>
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TOTAL - DEPARTMENT OF STATE	\$	2,543.5
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(25-00-000) DEPARTMENT OF FINANCEYear Ending June 30, 1980(25-01-000) Office of the Secretary

Salary of Secretary	\$	42.0
Salaries and Wages of Employees (3)		59.4
Other Employment Costs		19.5
Personal Services		6.0
Travel		2.4
Contractual Services		7.5
Supplies and Materials		1.3
Capital Outlay		1.0
Contingency - Econometric Model		10.0
Delaware Economic Financial Advisory Council		<u>2.0</u>

TOTAL - Office of the Secretary	\$	151.1
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(25-05-000) Division of Accounting

Salary of Director	\$	31.1
Salaries and Wages of Employees (24)		287.1
Salaries - Casual and Seasonal		1.0
Salaries - Overtime		5.0
Other Employment Costs		68.9
Travel		2.0
Contractual Services		25.1
Supplies and Materials		18.8
Printed Forms		50.0
Capital Outlay		5.6
Central Data Processing Services		825.0
Accounting System Development		150.0
Microfilm Services		<u>11.4</u>

TOTAL - Division of Accounting	\$	1,481.0
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(25-06-000) Division of Revenue

Salaries of Board Members	\$	23.0
Salary of Director		37.0
Salaries and Wages of Employees (237)		2,502.2
Salaries - Casual and Seasonal		221.5
Salaries - Overtime		16.0
Other Employment Costs		557.4
Personal Services		<u>3.4</u>

Travel		48.5
Contractual Services		577.1
Supplies and Materials		127.0
Capital Outlay		43.0
Contingency - Toll Free Line		4.5
Central Data Processing Services		<u>658.9</u>
Sub-Total	\$	4,819.5
Debt Service		
Principal	\$	225.0
Interest		<u>118.8</u>
TOTAL — Division of Revenue	\$	5,163.3

(25-07-000) State Lottery Year Ending June 30, 1980

Salary of Director	\$	37.0
Salaries and Wages		
of Employees (17)	227.5	
Salaries - Overtime	6.5	
Other Employment Costs	54.5	
Personal Services	502.9	
Travel	8.1	
Contractual Services	399.2	
Supplies and Materials	190.8	
Capital Outlay	8.2	
Contingencies		
Bank Commissions	46.8	
Agent Refunds	15.0	
Central Data Processing Services	<u>25.0</u>	
TOTAL — State Lottery	\$	1,521.5*

*Special Funds appropriated under Chapter 48, Title 29, Delaware Code, and provides that State Lottery shall allocate Gross Lottery Sales: 30% to General Fund; 20% to Operating Budget; 5% to Agent Fees; and 45% for Lottery Prizes.

TOTAL — DEPARTMENT OF FINANCE \$ 6,795.4

(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES

Year Ending June 30, 1980

(30-01-001) Office of the Secretary

Salary of Secretary	\$	32.1
Salaries and Wages of Employees (6)		74.9
Salaries - Overtime		.2
Other Employment Costs		20.6
Personal Services		3.4
Travel		.2
Contractual Services		6.6
Supplies and Materials		1.6
Capital Outlay		1.0
Central Data Processing Services		30.0
Microfilm Services		<u>2.1</u>
TOTAL — Office of the Secretary	\$	172.7

(30-03-001) Division of Alcohol Beverage Control Commission

Salaries of Board Members	\$	9.6
Salary of Executive Secretary		25.6
Salaries and Wages of Employees (19)		235.8
Salaries - Casual and Seasonal		1.5
Salaries - Shift Differential		<u>10.4</u>

Other Employment Costs	60.4
Personal Services	15.0
Travel	6.6
Contractual Services	44.3
Supplies and Materials	6.8
Capital Outlay	15.0

TOTAL — Division of Alcohol Beverage Control Commission	\$	431.0
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(30-05-000) Division of Maintenance and Communications

(30-05-001) Administration

Salary of Director	\$	21.7
Salaries and Wages of Employees (10)		129.6
Salaries - Overtime		1.2
Other Employment Costs		32.0
Personal Services		1.4
Travel		2.7
Contractual Services		155.1
Supplies and Materials		20.5
Capital Outlay		17.0

Sub-Total	\$	381.2
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Debt Service		
Principal	\$	1,361.6
Interest		1,457.6

TOTAL — Administration	\$	3,200.4
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(30-05-002) Messenger Services

Salaries and Wages of Employees (11)	\$	89.2
Salaries - Casual and Seasonal		1.2
Salaries - Overtime		2.0
Other Employment Costs		20.3
Contractual Services		2.8
Supplies and Materials		4.4
Capital Outlay		34.3

TOTAL — Messenger Services	\$	154.2
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(30-05-003) Telephone Services Year Ending June 30, 1980

Salaries - Casual and Seasonal	\$	6.5
Salaries and Wages of Employees (9)		89.9
Other Employment Costs		20.3
Contractual Services		8.7
Central Data Processing Services		53.0
Contingency - Centrex II		30.0

TOTAL — Telephone Services	\$	208.4
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(30-05-004) Delaware State Office Building

Salaries and Wages of Employees (11)	\$	106.5
Salaries - Overtime		1.1
Other Employment Costs		24.1
Personal Services		.3
Travel		.4

	Contractual Services	768.7
	Supplies and Materials	19.1
	Capital Outlay	.5
	TOTAL — Delaware State Office Building	\$ 920.7
	<u>(30-05-005) Maintenance Services</u>	
	Salaries and Wages of Employees (24)	\$ 259.4
	Salaries - Overtime	11.8
	Other Employment Costs	62.6
	Contractual Services	881.2
	Supplies and Materials	61.0
	Capital Outlay	45.7
	TOTAL — Maintenance Services	\$ 1,321.7
	<u>(30-05-006) Grounds Maintenance</u>	
	Salaries and Wages of Employees (9)	\$ 85.4
	Salaries - Casual and Seasonal	12.7
	Salaries - Overtime	4.0
	Other Employment Costs	17.0
	Contractual Services	17.1
	Supplies and Materials	43.1
	Capital Outlay	17.0
	TOTAL — Grounds Maintenance	\$ 196.3
	<u>(30-05-007) Custodial Services</u>	
	Salaries and Wages of Employees (51)	\$ 394.4
	Salaries - Overtime	1.0
	Salaries - Shift Differential	20.8
	Other Employment Costs	96.9
	Contractual Services	6.4
	Supplies and Materials	50.2
	Capital Outlay	2.4
	TOTAL — Custodial Services	\$ 572.1
	<u>(30-05-008) Security</u>	<u>Year Ending June 30, 1980</u>
	Salaries and Wages of Employees (17)	\$ 177.1
	Salaries - Overtime	15.0
	Salaries - Shift Differential	8.8
	Other Employment Costs	42.4
	Contractual Services	75.0
	Supplies and Materials	15.5
	Capital Outlay	14.5
	TOTAL — Security	\$ 348.3
	TOTAL — Division of Maintenance and Communications	\$ 6,922.1
	<u>(30-06-001) Division of Purchasing</u>	
	Salary of Director	\$ 25.8
(6)	Salaries and Wages of Employees (17)	211.4
	Salaries - Overtime	17.7
	Other Employment Costs	51.1
	Personal Services	.1
	Travel	1.5

Contractual Services	29.9
Supplies and Materials	17.3
Capital Outlay	<u>5.4</u>

Sub-Total \$ 360.2

Debt Service	
Principal	\$ 1.0
Interest	<u>.4</u>

TOTAL — Division of Purchasing \$ 361.6

(30-07-000) Division of Central Data Processing

(30-07-001) Current System Operation

Salary of Director	\$ 33.0
Salaries and Wages of Employees (103)	1,429.7
Salaries - Casual and Seasonal	5.0
Salaries - Overtime	10.0
Salaries - Shift Differential	10.0
Other Employment Costs	306.7
Personal Services	25.0
Travel	5.6
Contractual Services	1,489.6
Supplies and Materials	123.0
Capital Outlay	<u>26.5</u>

TOTAL — Current System Operation \$ 3,464.1

(30-07-002) New System Development

Salaries and Wages of Employees (12)	\$ 233.3
Other Employment Costs	37.8
Capital Outlay	<u>75.0</u>

TOTAL — New System Development \$ 346.1

TOTAL — Division of Central Data Processing \$ 3,810.2

Allocation of Central Data Processing Services

Year Ending June 30, 1980

01 Legislative	\$ 15.0	\$ -
02 Judicial	20.0	5.0
10 Executive	114.1	-
12 Other Elective Offices	55.0	25.0
15 Legal	20.0	-
20 State	125.0	-
25 Finance	1,483.9	25.0
30 Administrative Services	85.0	-
35 Health and Social Services	410.0	165.0
38 Correction	-	5.0
40 Nat. Res. & Env. Control	15.0	5.0
45 Public Safety	930.0	50.0
55 Transportation	110.0	20.0
60 Labor	-	50.0
70 Elections	35.0	-
75 State Fire Marshal	2.2	-
95 Public Education	<u>40.0</u>	<u>-</u>

Sub-Total \$ 3,460.2 \$ 350.0

TOTAL — Central Data Processing Services \$ 3,810.2

(30-08-000) Division of Business and Occupational Regulation

(30-08-001) Office of the Director

Salaries of Board Members	\$	11.9
Salary of Director		19.6
Salaries and Wages of Employees (11)		121.5
Salaries - Casual and Seasonal		3.2
Salaries - Overtime		1.5
Other Employment Costs		33.0
Personal Services		9.0
Travel		21.1
Contractual Services		52.9
Supplies and Materials		13.0
Capital Outlay		6.0
Central Data Processing Services		2.0
Magistrate Screening Committee		2.5

TOTAL — Office of the Director	\$	297.2
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(30-08-014) Delaware Standardbred Development Fund

Salary of Executive Secretary	\$	17.3
Salary and Wages of Employee (1)		10.5
Salaries - Overtime		1.0
Other Employment Costs		6.0
Travel		5.9
Contractual Services		13.1
Supplies and Materials		2.1
Capital Outlay		.3
Development Stakes - Purses		560.0

TOTAL — Delaware Standardbred Development Fund \$ 616.2*

***Special Funds total budget appropriated per Chapter 5, Title 28, Delaware Code.**

TOTAL -- Division of Business and Occupational Regulation	\$	297.2
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**(30-10-001) Division of Graphics
and Printing**

Year Ending June 30, 1980

Salary of Director	\$ 23.6
Salaries and Wages of Employees (20)	235.0
Salaries - Overtime	7.6
Other Employment Costs	58.1
Travel	1.8
Contractual Services	608.2
Supplies and Materials	222.7
Capital Outlay	25.0

TOTAL - Division of Graphics & Printing	\$ 1,182.0*
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***Special Funds - Total Budget**

(30-11-001) Division of Public Utilities Control

Salaries of Board Members	\$	30.0
Salary of Director		25.0
Salaries and Wages of Employees (12)		196.0
Salaries - Casual and Seasonal		1.5
Salaries - Overtime		.5
Other Employment Costs		50.7
Personal Services		455.0
Travel		14.0
Contractual Services		35.3
Supplies and Materials		7.0
Capital Outlay		7.5

TOTAL — Div. of Public Utilities Control \$ 822.5*

*Special Funds total budget appropriated per Chapter 1, Title 26, Delaware Code.

(30-15-001) Division of State Bank Commissioner

Salary of Bank Commissioner	\$	33.2
Salaries and Wages of Employees (14)		192.2
Other Employment Costs		46.7
Travel		8.0
Contractual Services		14.5
Supplies and Materials		7.5
Capital Outlay		6.0

TOTAL — Division of St. Bank Commissioner \$308.1*

*Special Funds total budget appropriated per Chapter 1, Title 5, Delaware Code.

TOTAL — DEPARTMENT OF ADMINISTRATIVE SERVICES\$ 8,184.6

(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES Year Ending June 30, 1980(35-01-001) Office of the Secretary

	Salary of Secretary	\$	37.0
(6.0)	Salaries and Wages of Employees (10.0)		143.9
	Other Employment Costs		36.2
	Travel		.6
	Contractual Services		80.9
	Supplies and Materials		1.3
	Microfilm Services		.1

TOTAL — Office of the Secretary \$ 300.0

(35-02-000) Office of Business Administration and General Services and Education(35-02-001) Office of Business Administration and General Services

	Salary of Director (State Funds \$26.8)		
	(All Other Funds \$5.0)	\$	26.8
(35.2)	Salaries and Wages of Employees (60.2)		702.1
	Salaries - Overtime		1.0
	Other Employment Costs		153.6

	Personal Services		25.0
	Travel		.2
	Contractual Services		63.0
	Supplies and Materials		8.5
	Capital Outlay		2.0
	Microfilm Services		.4
	Central Data Processing Services (State Funds \$410.0)		
	(All Other Funds \$165.0)		<u>410.0</u>
	Sub-Total	\$	1,392.6
	Debt Service		
	Principal	\$	3.0
	Interest		<u>3.1</u>
	TOTAL — Office of Business Administration and General Services	\$	1,398.7
	<u>(35-02-002) Office of Education</u>		
	Salary of Administrative Assistant (1)	\$	21.2
	Salary of Supervisor (1)		19.7
	Salaries of Clerical (2)		17.6
	Salaries of Teachers (23)		357.6
	Salaries of Aides and Attendants (7)		68.7
	Other Employment Costs		103.6
	Division II - All Other Costs		<u>14.2</u>
	TOTAL — Office of Education	\$	602.6
	<u>(35-02-003) Bureau of Child Support Enforcement</u>		
(42.7)	Salaries and Wages of Employees (14.4)	\$	157.8
	Other Employment Costs		35.4
	Travel		.6
	Contractual Services		65.9
	Supplies and Materials		2.3
	Capital Outlay		2.6
	Microfilm Services		<u>2.9</u>
	TOTAL — Bureau of Child Support Enforcement	\$	<u>267.5</u>
	TOTAL — Office of Business Administration and General Services and Education	\$	2,268.8
	<u>(35-03-001) Office of Planning, Research and Evaluation</u>		<u>Year Ending June 30, 1980</u>
	Salary of Director	\$	26.3
(35.5)	Salaries and Wages of Employees (14.5)		192.8
	Other Employment Costs		41.8
	Travel		1.3
	Contractual Services		7.4
	Supplies and Materials		1.0
	Capital Outlay		5.3
	Microfilm Services		<u>.1</u>
	Sub-Total	\$	276.0

	Debt Service		
	Principal	\$	1,086.8
	Interest		<u>744.5</u>
	TOTAL — Office of Planning, Research and Evaluation	\$	2,107.3
	<u>(35-04-001) Office of the Medical Examiner</u>		
	Salary of Chief Medical Examiner	\$	47.5
(2)	Salaries and Wages of Employees (26.0)		395.5
	Salaries - Overtime		16.3
	Other Employment Costs		92.7
	Personal Services		6.5
	Travel		2.6
	Contractual Services		73.4
	Supplies and Materials		38.4
	Capital Outlay		29.4
	Microfilm Services		<u>.4</u>
	Sub-Total	\$	702.7
	Debt Service		
	Principal	\$	55.2
	Interest		<u>34.5</u>
	TOTAL — Office of the Medical Examiner	\$	792.4
	<u>(35-05-000) Division of Public Health</u>		
	<u>(35-05-001) Office of the Director</u>		
	Salary of Director	\$	48.2
	Other Employment Costs		8.2
	Travel		.3
	Contractual Services		1.5
	Microfilm Services		<u>.1</u>
	TOTAL — Office of the Director	\$	58.3
	<u>(35-05-002) Community Health</u>		
(176.3)	Salaries and Wages of Employees (265.8)	\$	3,673.5
	Salaries of Board Members		29.9
	Other Employment Costs		808.2
	Personal Services		186.5
	Travel		45.9
	Contractual Services		456.7
	Supplies and Materials		167.3
	Capital Outlay		117.6
	Longterm Birth Defects Program		17.7
	Contingency - Generic Drug Program		2.1
	Virus Diagnostic Laboratory		16.1
	Streptococcal Program		21.0
	Microfilm Services		<u>3.0</u>
	TOTAL — Community Health	\$	5,545.5
	<u>(35-05-003) Emily P. Bissell Hospital</u>		
	<u>Year Ending June 30, 1980</u>		
(2)	Salaries and Wages of Employees (280.8)	\$	2,658.4
	Salaries - Casual and Seasonal		23.1
	Salaries - Overtime		52.5
	Salaries - Shift Differential		26.9
	Other Employment Costs		584.9

Personal Services		22.0
Travel		2.2
Contractual Services		319.9
Supplies and Materials		489.9
Capital Outlay		20.0
Microfilm Services		<u>.1</u>
Sub-Total	\$	4,199.9
Debt Service		
Principal	\$	102.3
Interest		<u>101.8</u>
TOTAL — Emily P. Bissell Hospital	\$	4,404.0
<u>(35-05-004) Delaware Hospital for the Chronically Ill</u>		
Salaries and Wages		
of Employees (723)	\$	6,630.6
Salaries - Overtime		174.9
Salaries - Shift Differential		64.0
Other Employment Costs		1,557.9
Personal Services		21.6
Travel		1.6
Contractual Services		535.0
Supplies and Materials		784.6
Capital Outlay		45.5
Microfilm Services		<u>1.7</u>
Sub-Total	\$	9,817.4
Debt Service		
Principal	\$	333.1
Interest		<u>218.6</u>
TOTAL — Delaware Hospital for the Chronically Ill	\$	10,369.1
<u>(35-05-006) Office of Narcotics and Dangerous Drugs</u>		
Salaries and Wages of Employees (5)	\$	80.6
Other Employment Costs		17.7
Travel		.6
Contractual Services		3.6
Supplies and Materials		1.7
Capital Outlay		5.1
Microfilm Services		<u>.1</u>
TOTAL — Office of Narcotics and Dangerous Drugs	\$	<u>109.4</u>
TOTAL — Division of Public Health	\$	20,486.3
<u>(35-06-000) Division of Mental Health</u>		
<u>(35-06-001) Office of the Director</u>		
(.6) Salary of Director	\$	36.9
Salaries and Wages of Employees (4)		73.0
Other Employment Costs		24.1
Contractual Services		5.2
Supplies and Materials		<u>1.0</u>
TOTAL — Office of the Director	\$	140.2

(35-06-002) Delaware State HospitalYear Ending June 30, 1980

(4)	Salaries and Wages of Employees (758.2)	\$	7,983.2
	Salaries - Overtime		339.0
	Salaries - Hazardous Duty		20.4
	Salaries - Shift Differential		70.7
	Other Employment Costs		1,859.1
	Personal Services		130.3
	Travel		1.7
	Contractual Services		1,457.8
	Supplies and Materials		948.5
	Capital Outlay		76.7
	72-Hour Commitment		25.0
	Sheltered Workshop		
	Payments to Patients		20.4
	Laundry		9.9
	Microfilm Services		1.3
	Sub-Total	\$	12,944.0
	Debt Service		
	Principal	\$	665.0
	Interest		288.4

TOTAL — Delaware State Hospital	\$	13,897.4
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(35-06-003) Mental Hygiene Clinics

(8)	Salaries and Wages of Employees (50)	\$	765.0
	Other Employment Costs		169.3
	Travel		.3
	Contractual Services		160.5
	Supplies and Materials		66.9
	Capital Outlay		15.8
	West End Neighborhood Clinic		29.9
	Microfilm Services		.4
	Sub-Total	\$	1,208.1
	Debt Service		
	Principal	\$	9.0
	Interest		1.5

TOTAL — Mental Hygiene Clinics	\$	1,218.6
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(35-06-004) Governor Bacon Health Center

(19)	Salaries and Wages of Employees (270.0)	\$	2,809.7
	Salaries - Casual and Seasonal		47.7
	Salaries - Overtime		65.6
	Salaries - Shift Differential		37.4
	Other Employment Costs		655.6
	Personal Services		34.5
	Travel		.5
	Contractual Services		409.5
	Supplies and Materials		220.1
	Capital Outlay		11.2
	Microfilm Services		.8
	Sub-Total	\$	\$4,292.6

	Debt Service		
	Principal	\$	\$253.0
	Interest		<u>198.9</u>
	TOTAL — Governor Bacon Health Center	\$	4,744.5
	<u>(35-06-005) Southern New Castle County</u>		<u>Year Ending June 30, 1980</u>
	<u>Community Mental Health Center</u>		
(5.4)	Salaries and Wages of Employees (37)	\$	557.3
	Salaries - Overtime		1.1
	Salaries - Shift Differential		2.1
	Other Employment Costs		123.9
	Personal Services		2.1
	Travel		.4
	Contractual Services		25.9
	Supplies and Materials		19.3
	Capital Outlay		7.8
	Microfilm Services		<u>.9</u>
	TOTAL — Southern New Castle County Community		
	Mental Health Center	\$	740.8
	<u>(35-06-007) Terry Children's Psychiatric Center</u>		
(2)	Salaries and Wages of Employees (91)	\$	1,042.6
	Salaries - Overtime		11.1
	Salaries - Casual and Seasonal		17.1
	Salaries - Shift Differential		14.3
	Other Employment Costs		230.4
	Personal Services		3.9
	Travel		.9
	Contractual Services		88.3
	Supplies and Materials		53.3
	Capital Outlay		24.5
	Microfilm Services		<u>.3</u>
	Sub-Total	\$	1,486.7
	Debt Service		
	Principal	\$	57.0
	Interest		<u>15.5</u>
	TOTAL — Terry Children's Psychiatric		
	Center	\$	1,559.2
	<u>(35-06-008) Substance Abuse</u>		
(54)	Salary of Chief	\$	25.2
	Salaries and Wages of Employees (76)		816.1
	Salaries - Casual and Seasonal		10.8
	Salaries - Overtime		10.6
	Salaries - Shift Differential		7.2
	Other Employment Costs		189.9
	Personal Services		21.3
	Travel		.9
	Contractual Services		531.8
	Supplies and Materials		109.5
	Microfilm Services		<u>.1</u>
	TOTAL — Substance Abuse	\$	1,723.4
	TOTAL — Division of Mental Health	\$	24,024.1

(35-07-000) Division of Social ServicesYear Ending June 30, 1980(35-07-001) Support Services

	Salary of Director (State Funds \$12.2)		
	(All Other Funds \$18.4)	\$	12.2
(16.5)	Salaries and Wages of Employees (7.1)		116.9
	Other Employment Costs		28.2
	Travel		.8
	Contractual Services		71.5
	Supplies and Materials		1.7
	Capital Outlay		3.2
	General Assistance Grants		1,100.0
	S.S.I. Supplementation		625.0
	Purchase Homemaker Service		114.0
	Aid to Families with		
	Dependent Children		14,850.0
	Child Care		871.8
	Child Foster Care		2,506.8
	Emergency and Disaster Assistance		217.0
	Indigent Burial		5.0
	Title XIX Federal Programs		
	Other Than State Institutions		11,980.8
	Microfilm Services		8.5
	Sub-Total	\$	32,513.4
	Debt Service		
	Principal	\$	2.0
	Interest		.8
	TOTAL — Support Services	\$	32,516.2

(35-07-002) Programs

(47.5)	Salaries and Wages of Employees (21.0)	\$	263.2
	Other Employment Costs		56.8
	Personal Services		12.3
	Travel		2.0
	Contractual Services		725.0
	Supplies and Materials		3.4
	Capital Outlay		9.4
	TOTAL — Programs	\$	1,072.1

(35-07-003) Operations

(247.3)	Salaries and Wages of Employees (166.2)	\$	1,850.7
	Other Employment Costs		403.8
	Contractual Services		275.2
	Supplies and Materials		25.0
	Capital Outlay		21.6
	TOTAL — Operations	\$	2,576.3
	TOTAL — Division of Social Services	\$	36,164.6

(35-08-001) Division for the Visually Impaired

(27.75)	Salaries and Wages of Employees (17.25)	\$	226.2
	Other Employment Costs		47.5
	Personal Services		9.8
	Travel		2.6

Contractual Services	66.7
Supplies and Materials	20.0
Capital Outlay	26.3
Microfilm Services	.2
Workshop Materials	25.5

TOTAL — Division for the Visually Impaired \$ 424.8

(35-11-000) Division of Mental Retardation Year Ending June 30, 1980
Services

(35-11-002) Hospital for the Mentally Retarded

Salaries and Wages of Employees (566)	\$ 5,072.1
Salaries - Overtime	242.9
Salaries - Shift Differential	51.8
Other Employment Costs	1,145.7
Personal Services	89.9
Travel	2.7
Contractual Services	768.0
Supplies and Materials	577.7
Capital Outlay	105.7
Microfilm Services	.9
Self Help Improvement Program	90.0

Sub-Total \$ 8,147.4

Debt Service	
Principal	\$ 278.0
Interest	183.3

TOTAL — Hospital for the Mentally Retarded \$ 8,608.7

(35-11-003) Community Mental Retardation Program

(3.2) Salaries and Wages of Employees (49)	\$ 435.2
Salaries - Casual and Seasonal	1.4
Salaries - Overtime	11.1
Other Employment Costs	94.3
Personal Services	.1
Travel	.4
Contractual Services	79.0
Supplies and Materials	60.7
Capital Outlay	46.0
Contingency - Small Group Living Centers	19.2
Microfilm Services	.1

Sub-Total \$ 747.5

Debt Service	
Principal	\$ 12.2
Interest	9.7

TOTAL — Community Mental Retardation Program \$ 769.4

TOTAL — Division of Mental Retardation Services \$ 9,378.1

(35-12-001) State Service Centers

	Salary of Director	\$	21.0
(14)	Salaries and Wages of Employees (36)		368.6
	Salaries - Overtime		6.6
	Other Employment Costs		90.8
	Personal Services		26.5
	Travel		1.4
	Contractual Services		515.1
	Supplies and Materials		32.3
	Capital Outlay		11.5
	Microfilm Services		<u>.8</u>

Sub-Total \$ 1,074.6

Debt Service		
Principal	\$	86.0
Interest		<u>67.9</u>

TOTAL — State Service Centers \$ 1,228.5

(35-14-001) Division of AgingYear Ending June 30, 1980

	Salary of Director (State Funds \$5.3)		
	(All Other Funds \$15.8)	\$	5.3
(16.8)	Salaries and Wages of Employees (4.2)		55.3
	Other Employment Costs		11.9
	Travel		3.3
	Contractual Services		12.7
	Supplies and Material		1.0
	Capital Outlay		.2
	Old American Act Grants		186.5
	Nutrition Program		110.0
	Microfilm Services		<u>.1</u>

Sub-Total \$ 386.3

Debt Service		
Principal	\$	2.6
Interest		<u>3.0</u>

TOTAL — Division of Aging \$ 391.9

TOTAL — DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

\$ 97,566.8

(38-00-000) DEPARTMENT OF CORRECTIONYear Ending June 30, 1980(38-01-000) Office of the Commissioner(38-01-001) Commissioner's Office

	Salary of Commissioner	\$	33.6
	Salaries and Wages of Employees (1)		14.2
	Other Employment Costs		8.8
	Personal Services		10.0
	Travel		.8
	Contractual Services		11.4
	Supplies and Materials		1.2
	Capital Outlay		<u>.3</u>

TOTAL — Commissioner's Office \$ 80.3

(38-01-002) Management Support

Salaries and Wages of Employees (25)	\$	321.0
Salaries - Casual and Seasonal		6.0
Salaries - Overtime		1.7
Salaries - Hazardous Duty		4.8
Other Employment Costs		69.0
Travel		1.1
Contractual Services		25.6
Supplies and Materials		6.5
Capital Outlay		<u>1.2</u>
Sub-Total	\$	436.9
Debt Service		
Principal	\$	5.1
Interest		<u>5.3</u>
TOTAL -- Management Support	\$	447.3

(38-01-003) Education

	Salary of Administrative Assistant (1)	\$	22.1
	Salary of Supervisor (1)		20.8
	Salary of Clerical (1)		9.0
(12)	Salary of Teachers (35)		584.3
	Salaries - Casual and Seasonal		4.7
	Salaries - Overtime		.4
	Salaries - Hazardous Duty		14.4
	Other Employment Costs		136.5
	Personal Services		2.0
	Travel		1.9
	Contractual Services		37.5
	Supplies and Materials		44.1
	Capital Outlay		<u>13.2</u>
TOTAL -- Education	\$		890.9

(38-01-004) Medical Services

Other Health Care Services (9)	\$	<u>1,467.0</u>
TOTAL -- Medical Services	\$	1,467.0

(38-01-005) Facilities Maintenance and ConstructionYear Ending June 30, 1980

Salaries and Wages of Employees (33)	\$	425.0
Salaries - Overtime		9.0
Salaries - Premium Pay		4.5
Salaries - Shift Differential		2.0
Salaries - Hazardous Duty		16.8
Other Employment Costs		95.1
Travel		.3
Contractual Services		117.0
Supplies and Materials		101.0
Capital Outlay		<u>15.0</u>
TOTAL -- Facilities Maintenance and Construction	\$	785.7

(38-01-006) Personnel and Staff Training

Salaries and Wages of Employees (31)	\$	307.9
Salaries - Casual and Seasonal		3.3
Salaries - Hazardous Duty		12.6
Other Employment Costs		67.4
Personal Services		1.8
Travel		.2
Contractual Services		14.4
Supplies and Materials		19.2
Capital Outlay		<u>2.4</u>
TOTAL — Personnel and Staff Training	\$	429.2

(38-01-007) Research, Planning and Information Systems

Salaries and Wages of Employees (16)	\$	183.3
Salaries - Hazardous Duty		6.0
Other Employment Costs		40.9
Travel		5.7
Contractual Services		7.0
Supplies and Materials		2.4
Capital Outlay		<u>3.5</u>
TOTAL — Research, Planning and Information Systems	\$	248.8

(38-01-008) Food Services

Salaries and Wages of Employees (32)	\$	341.7
Salaries - Casual and Seasonal		36.5
Salaries - Overtime		13.6
Salaries - Premium Pay		14.5
Salaries - Shift Differential		6.0
Salaries - Hazardous Duty		18.2
Other Employment Costs		82.5
Supplies and Materials		886.9
Capital Outlay		<u>14.5</u>
TOTAL — Food Services	\$	<u>1,414.4</u>

TOTAL — Office of the Commissioner	\$	5,763.6
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(38-08-000) Bureau of Adult Corrections Year Ending June 30, 1980(38-08-001) Office of the Bureau Chief

Salary of Bureau Chief	\$	31.7
Salaries and Wages of Employees (1)		13.8
Other Employment Costs		8.8
Travel		.5
Contractual Services		665.0
Supplies and Materials		<u>2.0</u>
Sub-Total	\$	721.8
Debt Service		
Principal	\$	269.2
Interest		<u>328.6</u>
TOTAL — Office of the Bureau Chief	\$	1,319.6

(38-08-002) Pre-Trial Annex

Salaries and Wages of Employees (17)	\$	188.5
Salaries - Overtime		5.8
Salaries - Premium Pay		12.0
Salaries - Shift Differential		2.3
Salaries - Hazardous Duty		10.1
Other Employment Costs		46.9
Personal Services		1.9
Travel		.2
Contractual Services		22.5
Supplies and Materials		<u>15.0</u>
TOTAL — Pre-Trial Annex	\$	305.2

(38-08-003) Delaware Correctional Center

Salaries and Wages of Employees (230)	\$	2,390.6
Salaries - Casual and Seasonal		60.0
Salaries - Overtime		209.2
Salaries - Premium Pay		169.1
Salaries - Shift Differential		41.7
Salaries - Hazardous Duty		136.9
Other Employment Costs		607.6
Personal Services		32.7
Travel		1.2
Contractual Services		552.0
Supplies and Materials		280.0
Capital Outlay		<u>18.8</u>
Sub-Total	\$	4,499.8
Debt Service		
Principal	\$	656.4
Interest		<u>318.3</u>

TOTAL — Delaware Correctional Center \$ 5,474.5

(38-08-004) Sussex Correctional CenterYear Ending June 30, 1980

Salaries and Wages of Employees (104)	\$	1,064.4
Salaries - Overtime		54.3
Salaries - Premium Pay		75.5
Salaries - Shift Differential		15.6
Salaries - Hazardous Duty		61.6
Other Employment Costs		270.8
Personal Services		12.6
Travel		1.0
Contractual Services		139.1
Supplies and Materials		90.7
Capital Outlay		<u>5.0</u>
Sub-Total	\$	1,790.6
Debt Service		
Principal	\$	225.0
Interest		<u>225.5</u>
TOTAL — Sussex Correctional Center	\$	2,241.1

(38-08-005) Women's Correctional Institution

Salaries and Wages of Employees (28)	\$	282.5
Salaries - Overtime		16.3
Salaries - Premium Pay		19.3
Salaries - Shift Differential		6.2
Salaries - Hazardous Duty		16.6
Other Employment Costs		72.6
Personal Services		1.4
Travel		.2
Contractual Services		35.2
Supplies and Materials		<u>7.0</u>
Sub-Total	\$	457.3
Debt Service		
Principal	\$	33.0
Interest		<u>31.5</u>
TOTAL - Women's Correctional Institution	\$	521.8

(38-08-010) Kent Correctional Center

Salaries and Wages of Employees (25)	\$	267.8
Salaries - Overtime		4.9
Salaries - Premium Pay		17.9
Salaries - Shift Differential		3.5
Salaries - Hazardous Duty		14.8
Other Employment Costs		64.7
Personal Services		3.2
Travel		.5
Contractual Services		38.2
Supplies and Materials		14.2
Capital Outlay		<u>.4</u>
Sub-Total	\$	430.1
Debt Service		
Principal	\$	50.0
Interest		<u>54.0</u>
TOTAL - Kent Correctional Center	\$	534.1

(38-08-011) Institutional ServicesYear Ending June 30, 1980

Salaries and Wages of Employees (32)	\$	447.7
Salaries - Hazardous Duty		19.2
Other Employment Costs		96.5
Personal Services		11.6
Contractual Services		.6
Supplies and Materials		<u>4.3</u>
TOTAL - Institutional Services	\$	579.9

(38-08-012) Transportation and Relief

Salaries and Wages of Employees (28)	\$	310.8
Salaries - Overtime		80.0
Salaries - Shift Differential		2.9
Salaries - Hazardous Duty		17.3
Salaries - Premium Pay		24.7
Other Employment Costs		<u>89.5</u>

Travel		4.3
Contractual Services		8.5
Supplies and Materials		30.3
Capital Outlay		<u>7.0</u>
TOTAL — Transportation and Relief	\$	575.3
<u>(38-08-013) Prison Industries</u>		
Salaries and Wages of Employees (6)	\$	77.7
Salaries - Overtime		.6
Salaries - Premium Pay		1.1
Salaries - Hazardous Duty		3.6
Other Employment Costs		17.2
Personal Services		6.4
Travel		1.9
Contractual Services		6.5
Supplies and Materials		23.1
Capital Outlay		<u>32.0</u>
TOTAL — Prison Industries	\$	170.1
<u>(38-08-014) Community Services</u>		
Salaries and Wages of Employees (85)	\$	1,058.8
Salaries - Casual and Seasonal		6.5
Other Employment Costs		226.0
Travel		5.8
Contractual Services		33.9
Supplies and Materials		25.0
Capital Outlay		<u>27.0</u>
TOTAL — Community Services	\$	1,383.0
<u>(38-08-015) Community Corrections</u>		
Salaries and Wages of Employees (21)	\$	238.9
Salaries - Overtime		8.2
Salaries - Premium Pay		6.6
Salaries - Shift Differential		2.0
Salaries - Hazardous Duty		12.6
Other Employment Costs		58.9
Travel		1.3
Contractual Services		22.7
Supplies and Materials		12.8
Capital Outlay		<u>3.5</u>
TOTAL — Community Corrections	\$	367.5
<u>(38-08-016) Special Programs</u>		
		<u>Year Ending June 30, 1980</u>
Salaries and Wages of Employees (9)	\$	148.2
Salaries - Institutional Classification Board		9.0
Other Employment Costs		30.3
Contractual Services		.1
Supplies and Materials		<u>.4</u>
TOTAL — Special Programs	\$	<u>188.0</u>
TOTAL — Bureau of Adult Corrections	\$	13,660.1

(38-13-004) Bridge House Detention

<u>Center</u>	<u>Year Ending June 30, 1980</u>
Salaries and Wages of Employees (18)	\$ 245.4
Salaries - Casual and Seasonal	15.0
Salaries - Overtime	19.5
Salaries - Shift Differential	6.0
Salaries - Hazardous Duty	10.5
Other Employment Costs	59.0
Personal Services	.8
Travel	.2
Contractual Services	22.0
Supplies and Materials	10.6
Capital Outlay	<u>1.3</u>
Sub-Total	\$ 390.3
Debt Service	
Principal	\$ 3.0
Interest	<u>1.9</u>
TOTAL — Bridge House Detention Center	\$ 395.2

(38-13-005) Stevenson House Detention Center

Salaries and Wages of Employees (16)	\$ 190.5
Salaries - Casual and Seasonal	9.0
Salaries - Overtime	11.3
Salaries - Shift Differential	8.0
Salaries - Hazardous Duty	8.4
Other Employment Costs	46.2
Personal Services	1.1
Travel	.4
Contractual Services	21.8
Supplies and Materials	10.1
Capital Outlay	<u>7.4</u>
TOTAL — Stevenson House Detention Center	\$ 314.2

(38-13-010) Comprehensive Community Services

Salaries and Wages of Employees (26)	\$ 368.4
Salaries - Overtime	.5
Other Employment Costs	76.5
Personal Services	.2
Travel	2.3
Contractual Services	33.7
Supplies and Materials	13.9
Capital Outlay	<u>.1</u>
TOTAL — Comprehensive Community Services	\$ <u>495.6</u>
TOTAL — Bureau of Juvenile Corrections	\$ <u>3,883.5</u>
TOTAL — DEPARTMENT OF CORRECTION	\$ 23,307.2

(40-00-000) DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL Year Ending June 30, 1980

(40-01-001) Department Management

Salary of the Secretary	\$	34.8
Salaries and Wages of Employees (19)		265.0
Other Employment Costs		63.3
Personal Services		8.0
Travel		.5
Contractual Services		43.2
Supplies and Materials		7.5
Capital Outlay		1.9
Microfilm Services		<u>5.9</u>

Sub-Total \$ 430.1

Debt Service		
Principal	\$	1,053.0
Interest		<u>1,112.2</u>

TOTAL — Department Management \$ 2,595.3

(40-05-000) Division of Fish and Wildlife

(40-05-001) Management and Support

	Salary of the Director (State Funds \$12.7)		
	(All Other Funds \$12.7)	\$	12.7
(6.5)	Salaries and Wages of Employees (2)		21.5
	Other Employment Costs		7.4
	Travel		1.7
	Contractual Services		5.1
	Supplies and Materials		1.1
	Sport Fishing Tournament		<u>3.0</u>

Sub-Total \$ 52.5

Debt Service		
Principal	\$	75.5
Interest		<u>50.1</u>

TOTAL — Management and Support \$ 178.1

(40-05-002) Wildlife

(23)	Salaries and Wages of Employees (12)	\$	158.0
	Other Employment Costs		34.3
	Travel		.4
	Contractual Services		13.9
	Supplies and Materials		12.7
	Capital Outlay		<u>16.5</u>

TOTAL — Wildlife \$ 235.8

(40-05-003) Fisheries

(7)	Salaries and Wages of Employees (27)	\$	332.3
	Other Employment Costs		71.3
	Travel		.5
	Contractual Services		65.6
	Supplies and Materials		45.8
	Capital Outlay		27.1
	Central Data Processing Services (State Funds \$15.0)		
	(All Other Funds \$5.0)		<u>15.0</u>

TOTAL — Fisheries	\$	557.6
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(40-05-004) Mosquito Control

Year Ending June 30, 1980

Salaries and Wages of Employees (17)	\$	174.3
Salaries - Overtime		6.0
Salaries - Casual and Seasonal		11.7
Other Employment Costs		39.2
Personal Services		.4
Travel		.4
Contractual Services		21.4
Supplies and Materials		23.7
Capital Outlay		32.1
Spraying and Insecticides		<u>220.6</u>

TOTAL — Mosquito Control	\$	<u>529.8</u>
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TOTAL — Division of Fish and Wildlife	\$	1,501.3
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(40-06-000) Division of Parks and Recreation(40-06-001) Management and Support

(4)	Salary of the Director	\$	25.7
	Salaries and Wages of Employees (5)		91.1
	Other Employment Costs		24.3
	Travel		.2
	Contractual Services		4.7
	Supplies and Materials		<u>3.3</u>

Sub-Total	\$	149.3
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Debt Service		
Principal	\$	535.5
Interest		<u>386.3</u>

TOTAL — Management and Support	\$	1,071.1
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(40-06-002) Operations and Maintenance

(28)	Salaries and Wages of Employees (46)	\$	538.3
	Other Employment Costs		118.1
	Capital Outlay		5.0
	Operations - Fenwick Island and Dewey Beach		<u>22.0</u>

TOTAL — Operations and Maintenance	\$	773.4
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(40-06-003) Special Programs

(2)	Salaries and Wages of Employees (5)	\$	59.6
	Other Employment Costs		13.2
	Travel		.2
	Contractual Services		6.6
	Supplies and Materials		5.5
	Capital Outlay		43.0
	Youth Conservation Program		<u>31.2</u>

TOTAL — Special Programs \$ 159.3

TOTAL — Division of Parks and Recreation \$ 2,003.8

(40-07-000) Division of Soil & Water
Conservation

Year Ending June 30, 1980

(40-07-001) Management and Support

	Salary of the Director	\$	22.7
	Salaries and Wages of Employees (22)		284.7
	Other Employment Costs		65.1
	Personal Services		.1
	Travel		.8
	Contractual Services		133.1
	Supplies and Materials		130.4
	Capital Outlay		101.5
(9)	Improved Boating Dredge Program		—
	Tax Ditches*		<u>135.0</u>

Sub-Total \$ 873.4

	Debt Service		
	Principal	\$	341.2
	Interest		<u>271.1</u>

TOTAL — Management and Support \$ 1,485.7

TOTAL — Division of Soil & Water
 Conservation \$ 1,485.7

*Pursuant to Section 3921, Title 7, Delaware Code

(40-08-000) Division of Environmental Control(40-08-001) Management and Support

	Salary of the Director (State Funds \$17.6)		
	(All Other Funds \$17.6)	\$	17.6
(11.1)	Salaries and Wages of Employees (12)		180.2
	Other Employment Costs		40.9
	Personal Services		4.4
	Travel		5.1
	Contractual Services		27.2
	Supplies and Materials		<u>11.4</u>

TOTAL — Management and Support \$ 286.8

(40-08-002) Air Resources

(11)	Salaries and Wages of Employees (10)	\$	152.2
	Other Employment Costs		32.0
	Personal Services		.5
	Travel		.6

	Contractual Services	25.6
	Supplies and Materials	7.0
	Capital Outlay	<u>3.0</u>
	TOTAL — Air Resources	\$ 220.9
	<u>(40-08-003) Water Management</u>	
(5)	Salaries and Wages of Employees (5)	\$ 81.9
	Other Employment Costs	18.0
	Personal Services	.1
	Travel	.6
	Contractual Services	9.3
	Supplies and Materials	<u>4.0</u>
	TOTAL — Water Management	\$ 113.9
	<u>(40-08-004) Water Pollution Control</u>	<u>Year Ending June 30, 1980</u>
(30)	Salaries and Wages of Employees (17)	\$ 271.4
	Other Employment Costs	56.8
	Personal Services	1.9
	Travel	1.1
	Contractual Services	20.6
	Supplies and Materials	20.1
	Capital Outlay	<u>4.5</u>
	Sub-Total	\$ 376.4
	Debt Service	
	Principal	\$ 385.0
	Interest	<u>250.4</u>
	TOTAL — Water Pollution Control	\$ 1,011.8
	<u>(40-08-005) Water Supply</u>	
(3)	Salaries and Wages of Employees (8)	\$ 115.5
	Other Employment Costs	24.9
	Personal Services	1.0
	Travel	.6
	Contractual Services	22.5
	Supplies and Materials	<u>7.3</u>
	TOTAL — Water Supply	\$ <u>171.8</u>
	TOTAL — Division of Environmental Control	\$ <u>1,805.2</u>
	TOTAL — DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	\$ 9,391.3
	<u>(45-00-000) DEPARTMENT OF PUBLIC SAFETY</u>	<u>Year Ending June 30, 1980</u>
	<u>(45-01-000) Office of the Secretary</u>	
	Salary of the Secretary	\$ 34.8
	Salary and Wage of Employee (1)	14.2
	Other Employment Costs	9.3
	Travel	.7
	Contractual Services	3.1
	Supplies and Materials	<u>.4</u>
	TOTAL — Office of the Secretary	\$ 62.5

(45-03-000) Division of Communications

Salaries and Wages of Employees (19)	\$	278.2
Other Employment Costs		59.4
Travel		1.4
Contractual Services		15.4
Supplies and Materials		6.7
Capital Outlay		<u>1.0</u>
Sub-Total	\$	362.1
Debt Service		
Principal	\$	27.0
Interest		<u>16.4</u>
TOTAL — Division of Communications	\$	405.5

(45-04-000) Division of Motor Fuel Tax

Salaries and Wages of Employees (14)	\$	177.0
Salaries - Casual and Seasonal		3.5
Other Employment Costs		38.6
Travel		14.5
Contractual Services		40.5
Supplies and Materials		22.8
Capital Outlay		2.0
Central Data Processing Services		<u>50.0</u>
TOTAL — Division of Motor Fuel Tax	\$	348.9

(45-05-000) Division of Administration

Salaries and Wages of Employees (6)	\$	84.1
Other Employment Costs		17.7
Contractual Services		4.0
Supplies and Materials		.8
Capital Outlay		<u>.7</u>
TOTAL — Division of Administration	\$	107.3

(45-06-000) Division of State PoliceYear Ending June 30, 1980

Salary of Superintendent	\$	32.0
Salary of Assistant Superintendent		29.4
(19) Salaries of Uniformed Division (412)		7,724.0
Salaries and Wages of Employees (139)		1,523.5
Salaries - Overtime - Uniformed Division		247.0
Salaries - Overtime - Other Employees		6.4
Other Employment Costs		453.7
Pensions - State Police		2,381.6
Personal Services		4.0
Travel		10.0
Contractual Services		
Blue Cross/Blue Shield Premiums		208.0
Other Contractual Services		622.8
Supplies and Materials		819.9
Capital Outlay		103.8
Crime Reduction Fund		10.0
Drug Control Program		15.0
Central Data Processing Services		550.0
Advanced Schooling/Training and Library		<u>30.0</u>
Sub-Total	\$	14,771.1

Debt Service		
Principal	\$	125.0
Interest		<u>85.2</u>
TOTAL — Division of State Police	\$	14,981.3
<u>(45-07-000) Division of Motor Vehicles</u>		
Salary of Director	\$	30.0
Salaries and Wages of Employees (184)		1,879.8
Salaries - Casual and Seasonal		29.1
Salaries - Shift Differential		.4
Other Employment Costs		401.5
Travel		.9
Contractual Services		187.3
Supplies and Materials		355.1
Capital Outlay		19.0
Central Data Processing Services		330.0
Microfilm Services		<u>10.1</u>
Sub-Total	\$	3,243.2
Debt Service		
Principal	\$	79.5
Interest		<u>56.7</u>
TOTAL — Division of Motor Vehicles	\$	3,379.4
<u>(45-08-000) Division of Emergency Planning and Operations</u>		
Salary of Director (State Funds \$10.4)		
(All Other Funds \$10.4)	\$	10.4
(7) Salaries and Wages of Employees (6)		68.4
Other Employment Costs		16.0
Travel		1.2
Contractual Services		13.8
Supplies and Materials		2.9
Capital Outlay		4.5
Contingency - Radiation Monitoring		<u>5.0</u>
Sub-Total	\$	122.2
Debt Service		
Principal	\$	7.0
Interest		<u>1.8</u>
TOTAL — Division of Emergency Planning & Operations	\$	131.0
<u>(45-09-000) Division of Boiler Safety</u>		
<u>Year Ending June 30, 1980</u>		
Salary of Director	\$	20.7
Salaries and Wages of Employees (6)		75.7
Other Employment Costs		20.4
Travel		7.0
Contractual Services		4.0
Supplies and Materials		1.4
Capital Outlay		<u>1.1</u>
TOTAL — Division of Boiler Safety	\$	<u>130.3</u>
TOTAL — DEPARTMENT OF PUBLIC SAFETY	\$	19,546.2

(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS Year Ending June 30, 1980
AND ECONOMIC DEVELOPMENT

(50-01-000) Office of the Secretary

(50-01-001) Administration

Salary of Secretary (State Funds \$30.6)		
(All Other Funds \$4.8)	\$	30.6
Salaries and Wages of Employees (7)		83.5
Other Employment Costs		24.6
Travel		1.0
Contractual Services		9.6
Supplies and Materials		4.3
Microfilm Services		.7
TOTAL — Administration	\$	154.3

(50-01-003) Office of Economic Opportunity

Salary of Director (State Funds \$5.7)		
(All Other Funds \$17.2)	\$	5.7
(24.4) Salaries and Wages of Employees (9.7)		116.1
Other Employment Costs		23.8
Personal Services		276.7
Travel		9.0
Contractual Services		38.8
Supplies and Materials		8.4
Capital Outlay		6.9
Retired Senior Volunteer Program - Kent		14.0
TOTAL — Office of Economic Opportunity	\$	499.4

(50-01-004) Commission on the Status of Women

Salaries and Wages of Employees (1.5)	\$	15.7
Other Employment Costs		2.3
Travel		.6
Contractual Services		9.7
Supplies and Materials		.8
Contingency - Rape Crisis Center		1.4
TOTAL — Commission on the Status of Women	\$	30.5

(50-01-005) Office of the Public Advocate

Salaries and Wages of Employees (3)	\$	54.3
Other Employment Costs		10.3
Personal Services		21.8
Travel		1.5
Contractual Services		6.8
Supplies and Materials		.8
Capital Outlay		4.5
TOTAL — Office of the Public Advocate	\$	100.0

TOTAL — Office of the Secretary	\$	784.2
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(50-04-001) Office of Minority Business Year Ending June 30, 1980
Enterprise

	Salary of Director	\$ 22.9	\$ —
(5)	Salaries and Wages of Employees (1)	55.2	12.5
	Other Employment Costs	16.4	2.8
	Personal Services	—	3.0
	Travel	2.0	—
	Contractual Services	7.7	—
	Supplies and Materials	<u>4.8</u>	<u>3.6</u>

TOTAL — Office of Minority Business Enterprise \$ 109.0* \$ 21.9

*Federal Funds - U. S. Department of Commerce

(50-06-001) Office of Human Relations

	Salary of Director	\$	22.9
(2)	Salaries and Wages of Employees (7)		81.2
	Other Employment Costs		22.7
	Travel		4.2
	Contractual Services		4.1
	Supplies and Materials		<u>1.6</u>

TOTAL — Office of Human Relations \$ 136.7

(50-08-000) Division of Economic Development

(50-08-001) Industrial Development and Management

	Salary of Director	\$	22.9
	Salaries and Wages of Employees (11)		146.8
	Other Employment Costs		36.6
	Personal Services		8.6
	Contractual Services		153.4
	Supplies and Materials		8.0
	Capital Outlay		7.5
	Special Projects		<u>47.4</u>

Sub-Total \$ 431.2

	Debt Service		
	Principal	\$	12.0
	Interest		<u>14.6</u>

TOTAL — Industrial Development and Management \$ 457.8

(50-08-002) Planning

(7)	Salaries and Wages of Employees	\$	—
	Travel		.5
	Delmarva Advisory Council		<u>20.4</u>
	TOTAL — Planning	\$	20.9

(50-08-003) Industrial Finance

(3)	Salaries and Wages of Employees	\$	—
	Debt Service		
	Principal	\$	215.0
	Interest		<u>237.5</u>
	TOTAL — Industrial Finance	\$	452.5

(50-08-004) Tourism

Year Ending June 30, 1980

	Salaries and Wages of Employees (5)	\$	71.5
	Other Employment Costs		14.8
	Travel		5.0
	Contractual Services		59.8
	Supplies and Materials		5.1
	Capital Outlay		1.7
	Contingency - Junior Miss Pageant		.3
	Contingency - Mother-of-the-Year		.5
	Contingency - Young Mother-of-the-Year		<u>.5</u>
	TOTAL — Tourism	\$	<u>159.2</u>
	TOTAL — Division of Economic Development	\$	1,090.4

(50-09-001) Division of Housing

	Salary of Director (State Funds \$22.8)		
	(All Other Funds \$8.8)	\$	22.8
(16)	Salaries and Wages of Employees (4)		44.7
	Other Employment Costs		14.9
	Personal Services		8.4
	Travel		2.3
	Contractual Services		8.8
	Supplies and Materials		<u>2.1</u>
	Sub-Total	\$	104.0
	Debt Service		
	Principal	\$	42.0
	Interest		<u>36.9</u>
	TOTAL — Division of Housing	\$	182.9

(50-10-001) Division of Libraries

	Salary of State Librarian	\$	22.4
(9)	Salaries and Wages of Employees (8)		86.1
	Other Employment Costs		25.3
	Contractual Services		48.9
	Supplies and Materials		2.0
	Capital Outlay		<u>18.2</u>
	TOTAL — Division of Libraries	\$	202.9

(50-11-001) Division of Consumer Affairs

	Salary of Director	\$	22.9
	Salaries and Wages of Employees (11)		144.2
	Salaries of Board Members		3.5
	Other Employment Costs		36.0
	Personal Services		1.5
	Travel		<u>1.8</u>

Contractual Services		7.2
Supplies and Materials		5.0
Capital Outlay		2.5
TOTAL — Division of Consumer Affairs	\$	224.6
TOTAL — DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT	\$	2,643.6
(55-00-000) DEPARTMENT OF TRANSPORTATION	Year Ending June 30, 1980	
<u>(55-01-000) Office of the Secretary</u>		
Salary of the Secretary	\$	35.8
(2) Salaries and Wages of Employees (1)		14.8
Other Employment Costs		8.9
Travel		.3
Contractual Services		3.9
Supplies and Materials		1.1
TOTAL — Office of the Secretary	\$	64.8
<u>(55-02-000) Office of Administration</u>		
Salary of Chief	\$	28.0
Salaries and Wages of Employees (63)		908.3
Salaries - Overtime		.4
Other Employment Costs		194.1
Contractual Services		25.0
Supplies and Materials		5.0
Capital Outlay		4.5
Central Data Processing Services (State Funds \$110.0) (All Other Funds \$20.0)		110.0
Microfilm Services		62.8
TOTAL — Office of Administration	\$	1,338.1
<u>(55-05-000) Division of Highways</u>		
Salary of Director	\$	34.8
(350.5) Salaries and Wages of Employees (790.5)		8,557.9
Salaries - Casual and Seasonal		35.0
Salaries - Overtime		275.0
Other Employment Costs		1,912.0
Capital Outlay		500.0
Capital Outlay - Leverage-Lease Purchasing Operations		1,000.0
		4,540.0
Sub-Total	\$	16,854.7
Debt Service		
Principal	\$	15,788.1
Interest		9,223.9
TOTAL — Division of Highways	\$	41,866.7
<u>(55-06-000) Delaware Transportation</u>		
<u>Authority</u>	<u>Year Ending June 30, 1980</u>	
Salary of Director	\$	30.0
Authority Operations (9)		327.2
Kent and Sussex Transportation		325.0
Rail Freight Operation		160.0
DART Operations		1,670.0

NEAT - Newark	30.0
DAST Operations	300.0
Turnpike Operations (96)	2,813.4
Deposits to Turnpike Reserve	
Maintenance Fund	380.0
Deposits to Turnpike	
Improvement Fund	350.0
Support Office of the	
Secretary DOT	80.0
Delaware Transportation Authority	
Regulatory Revolving Fund	11.4
Rail Commuter Subsidy	126.6
Airport Safety Improvement	27.0
Taxi Services Support	60.0
DART (Capital)	410.0
DAST (Capital)	527.0
Contingency	25.0
Sub-Total	\$ 7,652.6
Debt Service	
Principal - State	
Obligations	\$ 79.0
Interest - State Obligations	82.7
Principal - Authority	
Obligations	3,200.0
Interest - Authority	
Obligations	426.6
TOTAL — Delaware Transportation	
Authority	\$ 11,440.9*

*Delaware Transportation Authority, Chapter 13, Title 2, Delaware Code.
These funds, except the Regulatory Revolving Funds, are not deposited
with the State Treasurer.

TOTAL - DEPARTMENT OF TRANS-
PORTATION \$ 43,269.6

(60-00-000) DEPARTMENT OF LABOR

Year Ending June 30, 1980

(60-01-000) Office of the Secretary

Salary of the Secretary (State Funds \$11.8)		
(All Other Funds \$22.0)	\$	11.8
(2.5)Salaries and Wages of Employees (.5)		9.2
Other Employment Costs		4.0
Travel		.9
Contractual Services		1.5
Supplies and Materials		.7
Central Data Processing Services (State Funds \$.0)		
(All Other Funds \$50.0)	\$	—
TOTAL — Office of the Secretary	\$	28.1

(60-05-000) Division of Employment Services

(16) Salaries and Wages of Employees	\$	—
TOTAL — Division of Employment Services	\$	—

(60-06-000) Division of Unemployment Insurance

(319)Salaries and Wages of Employees	\$	---
Unemployment Compensation		<u>300.0</u>
TOTAL — Division of Unemployment Insurance	\$	300.0

(60-07-000) Division of Industrial Affairs(60-07-001) Administration

Salary of Director	\$	27.4
Salaries and Wages of Employees (8)		98.9
Other Employment Costs		26.5
Travel		.7
Contractual Services		6.8
Supplies and Materials		1.3
Capital Outlay		.3
Contingency - Displaced Homemakers		<u>50.0</u>
TOTAL — Administration	\$	211.9

(60-07-002) Inspection

Salaries and Wages of Employees (7)	\$	94.6
Other Employment Costs		20.3
Personal Services		1.0
Travel		1.8
Contractual Services		4.8
Supplies and Materials		1.4
Capital Outlay		<u>.4</u>
TOTAL — Inspection	\$	124.3

(60-07-003) Safety

Salaries and Wages of Employees (5)	\$	71.8
Other Employment Costs		15.5
Travel		1.2
Contractual Services		3.7
Supplies and Materials		2.2
Capital Outlay		<u>.9</u>
TOTAL — Safety	\$	95.3

(60-07-004) StatisticsYear Ending June 30, 1980

(1.5) Salaries and Wages of Employees (1.5)	\$	17.9
Other Employment Costs		3.9
Travel		.5
Contractual Services		9.7
Supplies and Materials		.3
Capital Outlay		<u>.2</u>
TOTAL — Statistics	\$	32.5

(60-07-005) Equal Employment Opportunity

(6) Salaries and Wages of Employees (2)	\$	28.3
Other Employment Costs		6.0
Personal Services		.5
Travel		.6
Contractual Services		<u>5.5</u>

NEAT - Newark	30.0
DAST Operations	300.0
Turnpike Operations (96)	2,813.4
Deposits to Turnpike Reserve	
Maintenance Fund	380.0
Deposits to Turnpike	
Improvement Fund	350.0
Support Office of the	
Secretary DOT	80.0
Delaware Transportation Authority	
Regulatory Revolving Fund	11.4
Rail Commuter Subsidy	126.6
Airport Safety Improvement	27.0
Taxi Services Support	60.0
DART (Capital)	410.0
DAST (Capital)	527.0
Contingency	25.0
Sub-Total	\$ 7,652.6
Debt Service	
Principal - State	
Obligations	\$ 79.0
Interest - State Obligations	82.7
Principal - Authority	
Obligations	3,200.0
Interest - Authority	
Obligations	426.6
TOTAL - Delaware Transportation	
Authority	\$ 11,440.9*

*Delaware Transportation Authority, Chapter 13, Title 2, Delaware Code. These funds, except the Regulatory Revolving Funds, are not deposited with the State Treasurer.

TOTAL - DEPARTMENT OF TRANSPORTATION \$ 43,269.6

(60-00-000) DEPARTMENT OF LABOR

Year Ending June 30, 1980

(60-01-000) Office of the Secretary

Salary of the Secretary (State Funds \$11.8)		
(All Other Funds \$22.0)	\$	11.8
(2.5)Salaries and Wages of Employees (.5)		9.2
Other Employment Costs		4.0
Travel		.9
Contractual Services		1.5
Supplies and Materials		.7
Central Data Processing Services (State Funds \$.0)		
(All Other Funds \$50.0)	\$	—
TOTAL - Office of the Secretary	\$	28.1

(60-05-000) Division of Employment Services

(16) Salaries and Wages of Employees	\$	—
TOTAL - Division of Employment Services	\$	—

(60-06-000) Division of Unemployment Insurance

(319)Salaries and Wages of Employees	\$	—
Unemployment Compensation		<u>300.0</u>
TOTAL — Division of Unemployment Insurance	\$	300.0

(60-07-000) Division of Industrial Affairs(60-07-001) Administration

Salary of Director	\$	27.4
Salaries and Wages of Employees (8)		98.9
Other Employment Costs		26.5
Travel		.7
Contractual Services		6.8
Supplies and Materials		1.3
Capital Outlay		.3
Contingency - Displaced Homemakers		<u>50.0</u>
TOTAL — Administration	\$	211.9

(60-07-002) Inspection

Salaries and Wages of Employees (7)	\$	94.6
Other Employment Costs		20.3
Personal Services		1.0
Travel		1.8
Contractual Services		4.8
Supplies and Materials		1.4
Capital Outlay		<u>.4</u>
TOTAL — Inspection	\$	124.3

(60-07-003) Safety

Salaries and Wages of Employees (5)	\$	71.8
Other Employment Costs		15.5
Travel		1.2
Contractual Services		3.7
Supplies and Materials		2.2
Capital Outlay		<u>.9</u>
TOTAL — Safety	\$	95.3

(60-07-004) StatisticsYear Ending June 30, 1980

(1.5) Salaries and Wages of Employees (1.5)	\$	17.9
Other Employment Costs		3.9
Travel		.5
Contractual Services		9.7
Supplies and Materials		.3
Capital Outlay		<u>.2</u>
TOTAL — Statistics	\$	32.5

(60-07-005) Equal Employment Opportunity

(6) Salaries and Wages of Employees (2)	\$	28.3
Other Employment Costs		6.0
Personal Services		.5
Travel		.6
Contractual Services		<u>5.5</u>

Supplies and Materials		1.1
Capital Outlay		<u>.3</u>
TOTAL — Equal Employment Opportunity	\$	42.3
<u>(60-07-006) Apprenticeship and Training</u>		
Salaries and Wages of Employees (3)	\$	37.9
Other Employment Costs		8.3
Travel		1.1
Contractual Services		2.0
Supplies and Materials		.6
Capital Outlay		<u>.3</u>
TOTAL — Apprenticeship and Training	\$	50.2
<u>(60-07-007) Industrial Accident Board</u>		
Salaries of Board Members	\$	24.0
Salaries and Wages of Employees (9)		97.3
Other Employment Costs		21.0
Personal Services		24.0
Travel		4.0
Contractual Services		12.4
Supplies and Materials		2.7
Capital Outlay		.6
Contingency		<u>30.0</u>
TOTAL — Industrial Accident Board	\$	<u>216.0</u>
TOTAL — Division of Industrial Affairs	\$	772.5
<u>(60-08-000) Division of Vocational Rehabilitation</u>		
(135)Salaries and Wages of Employees	\$	—
Personal Services		133.9
Contractual Services		509.7
Supplies and Materials		24.2
Contingency — Commission on the Employment of the Handicapped		<u>2.0</u>
TOTAL — Division of Vocational Rehabilitation	\$	<u>669.8</u>
TOTAL — DEPARTMENT OF LABOR	\$	1,770.4
<u>(65-00-000) DEPARTMENT OF AGRICULTURE</u>		
		<u>Year Ending June 30, 1980</u>
<u>(65-01-000) Office of the Secretary</u>		
Salary of the Secretary	\$	25.2
Salaries and Wages of Employees (5)		66.8
Other Employment Costs		19.2
Travel		1.2
Contractual Services		3.6
Supplies and Materials		2.4
Capital Outlay		1.0
Microfilm Services		<u>1.4</u>
Sub-Total	\$	120.8

Debt Service		
Principal	\$	41.3
Interest		<u>8.6</u>
TOTAL — Office of the Secretary	\$	170.7
<u>(65-03-000) Division of Standards and Inspections</u>		
Salary of Director	\$	22.7
Salaries and Wages of Employees (42)		555.4
Salaries - Casual and Seasonal		5.6
Salaries - Overtime		19.0
Other Employment Costs		124.3
Personal Services		25.0
Travel		9.3
Contractual Services		29.7
Supplies and Materials		28.0
Capital Outlay		<u>84.3</u>
TOTAL — Division of Standards and Inspections	\$	903.3
<u>(65-04-000) Division of Production and Promotion</u>		
Salary of Director	\$	22.7
(8) Salaries and Wages of Employees (15)		191.7
Salaries - Casual and Seasonal		3.8
Other Employment Costs		46.0
Travel		1.5
Contractual Services		219.0
Supplies and Materials		8.0
Capital Outlay		<u>4.5</u>
Sub-Total	\$	497.2
Debt Service		
Principal	\$	10.0
Interest		<u>4.8</u>
TOTAL — Division of Production and Promotion	\$	<u>512.0</u>
TOTAL — DEPARTMENT OF AGRICULTURE	\$	1,586.0
<u>(70-00-000) DEPARTMENT OF ELECTIONS</u>		
		<u>Year Ending June 30, 1980</u>
<u>(70-01-000) Commissioner of Elections</u>		
Salary of Election Commissioner	\$	22.0
Salaries and Wages of Employees (4)		47.9
Other Employment Costs		14.5
Travel		.8
Contractual Services		20.6
Supplies and Materials		3.4
Capital Outlay		.8
Central Data Processing Services		35.0
Microfilm Services		<u>1.2</u>
TOTAL — Commissioner of Elections	\$	146.2

(70-02-000) New Castle County Department of Elections

Salaries of Board Members	\$	10.5
Salary of Administrative Director		19.3
Salary of Deputy Administrative Director		18.8
Salaries and Wages of Employees (9)		88.3
Salaries - Casual and Seasonal		6.4
Other Employment Costs		29.6
Personal Services		5.0
Travel		.5
Contractual Services		54.9
Supplies and Materials		2.5
Capital Outlay		8.6
Mobile Registration		<u>10.0</u>
TOTAL - New Castle County Department of Elections	\$	254.4

(70-03-000) Kent County Department of Elections

Salaries of Board Members	\$	6.5
Salary of Administrative Director		18.3
Salary of Deputy Administrative Director		17.8
Salaries and Wages of Employees (2)		22.4
Salaries - Overtime		.4
Other Employment Costs		12.5
Travel		.2
Contractual Services		20.1
Supplies and Materials		.6
Mobile Registration		<u>1.9</u>
TOTAL - Kent County Department of Elections	\$	100.7

(70-04-000) Sussex County Department of Elections

Salaries of Board Members	\$	6.5
Salary of Administrative Director		18.3
Salary of Deputy Administrative Director		17.8
Salaries and Wages of Employees (2)		22.4
Salaries - Casual and Seasonal		2.4
Other Employment Costs		12.6
Travel		.6
Contractual Services		13.0
Supplies and Materials		1.4
Mobile Registration		<u>4.0</u>
TOTAL - Sussex County Department of Elections	\$	<u>99.0</u>

TOTAL - DEPARTMENT OF ELECTIONS	\$	600.3
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(75-00-000) FIRE PREVENTION COMMISSIONYear Ending June 30, 1980(75-01-000) Office of Fire Marshal

Salary of Fire Marshal	\$	22.2
(1) Salaries and Wages of Employees (18)		237.5
Salaries - Casual and Seasonal		1.5
Salaries - Shift Differential		1.5
Other Employment Costs		57.0
Personal Services		3.5
Travel		6.8
Contractual Services		<u>16.0</u>

	Supplies and Materials	19.0
	Capital Outlay	23.2
	Fire Prevention Conferences	1.7
	Computerized System	3.0
	Contingency - Surety Bonds, Other Court Bonds	2.0
	Central Data Processing Services	2.2
	TOTAL -- Office of Fire Marshal	\$ 397.1
	<u>(75-02-000) State Fire School</u>	
	Salary of Director	22.2
1)	Salaries and Wages of Employees (11)	144.0
	Other Employment Costs	33.4
	Personal Services	70.7
	Travel	23.3
	Contractual Services	16.3
	Supplies and Materials	44.4
	Capital Outlay	4.2
	Contingency - Paramedic Services	125.0
	Sub-Total	\$ 483.5
	Debt Service	
	Principal	37.0
	Interest	10.2
	TOTAL -- State Fire School	\$ 530.7
	<u>(75-03-000) State Fire Prevention Commission</u>	
	Salary and Wages of Employee (1)	8.6
	Other Employment Costs	2.0
	Travel	3.6
	Contractual Services	1.9
	Supplies and Materials	.6
	Capital Outlay	.6
	TOTAL -- State Fire Prevention Commission	\$ 17.3
	TOTAL -- FIRE PREVENTION COMMISSION	\$ 945.1
	<u>(76-00-000) DELAWARE NATIONAL GUARD</u>	<u>Year Ending June 30, 1980</u>
	<u>(76-01-000) Delaware National Guard</u>	
	Salary of Adjutant General	29.9
(29.55)	Salaries and Wages of Employees (28.95)	457.4
	Widow's Compensation	12.5
	Other Employment Costs	100.8
	Personal Services	1.0
	Travel	2.6
	Contractual Services	342.3
	Supplies and Materials	80.9
	Capital Outlay	46.0
	Unit Fund Allowance	15.0
	Minor Capital Improvements	301.7
	Microfilm Services	.4
	Sub-Total	\$ 1,390.5

Debt Service		
Principal	\$	75.0
Interest		<u>65.7</u>
TOTAL -- DELAWARE NATIONAL GUARD	\$	1,531.2
<u>(77-00-000) ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS</u>		
Salary and Wages of Employee (I)	\$	6.6
Other Employment Costs		1.7
Personal Services		.8
Travel		3.5
Contractual Services		5.3
Supplies and Materials		<u>.4</u>
TOTAL -- ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS	\$	18.3
<u>(79-01-000) COMMISSION ON MASSAGE ESTABLISHMENTS AND ADULT BOOK STORES</u>		
		<u>Year Ending June 30, 1980</u>
Salaries of Commissioners	\$	9.2
Salary and Wages of Employee (I)		9.2
Other Employment Costs		2.2
Personal Services		1.0
Travel		1.5
Contractual Services		4.0
Supplies and Materials		.5
Capital Outlay		<u>.5</u>
TOTAL -- COMMISSION ON MASSAGE ESTABLISHMENTS AND ADULT BOOK STORES	\$	28.1
<u>(90-00-000) HIGHER EDUCATION</u>		
		<u>Year Ending June 30, 1980</u>
<u>(90-01-001) University of Delaware</u>		
Operations	\$	23,756.4
Diagnostic Poultry Service and Swine Program		40.0
General Scholarships		1,024.0
Aid to Needy Students		542.0
Scholarship		300.0
Occupational Teachers Education		68.0
Sea Grant Program		200.0
Summer School for Teachers		50.0
Other Employment Costs		4,089.5
Pension Fund (TIAA)		<u>532.2</u>
Sub-Total	\$	30,602.1
Debt Service		
Principal	\$	3,183.5
Interest		<u>2,033.1</u>
TOTAL -- University of Delaware	\$	35,818.7
<u>(90-01-002) State Geologist</u>		
Salaries - Casual and Seasonal	\$	3.0
Salaries and Wages of Employees (9.5)		216.0
Other Employment Costs		17.8
Travel		3.5

Contractual Services		
River Master Program		31.6
Federal Co-Op Program		53.0
Supplies and Materials		14.7
Capital Outlay		<u>7.6</u>
TOTAL -- State Geologist	\$	<u>347.2</u>
TOTAL -- University of Delaware	\$	36,165.9
<u>(90-02-000) Delaware Institute of Medical Education and Research</u>		
Subvention Allowance	\$	856.0
Scholarships		64.0
Operations	\$	<u>180.0</u>
TOTAL -- Delaware Institute of Medical Education and Research	\$	1,100.0
<u>(90-03-000) Delaware State College</u>		<u>Year Ending June 30, 1980</u>
<u>(90-03-001) Executive Services</u>		
(2.1) Salaries and Wages of Employees (17.4)	\$	255.5
Other Employment Costs		54.8
Personal Services		
Work Study Program		1.6
Other Personal Services		2.1
Contractual Services		15.3
Supplies and Materials		4.9
Capital Outlay		<u>3.6</u>
TOTAL -- Executive Services	\$	337.8
<u>(90-03-002) Academic Affairs</u>		
(32.0) Salaries and Wages of Employees (145.1)	\$	2,761.0
Salaries - Overtime		1.4
Other Employment Costs		560.4
Personal Services		
Work Study Program		74.9
Travel		4.0
Contractual Services		227.7
Supplies and Materials		68.3
Capital Outlay		<u>99.9</u>
TOTAL -- Academic Affairs	\$	3,797.6
<u>(90-03-003) Student Affairs</u>		
(40.3) Salaries and Wages of Employees (18.0)	\$	313.6
Other Employment Costs		65.8
Personal Services		7.9
Contractual Services		83.3
Supplies and Materials		32.1
Capital Outlay		1.0
Scholarships		67.4
Grants-In-Aid		<u>3.7</u>
TOTAL -- Student Affairs	\$	574.8

(90-03-004) Business and Fiscal Affairs

(8.9)	Salaries and Wages of Employees (121.0)	\$	1,450.8
	Salaries - Overtime		1.1
	Other Employment Costs		318.6
	Personal Services		11.2
	Travel		2.7
	Contractual Services		674.7
	Supplies and Materials		94.4
	Capital Outlay		<u>37.7</u>

Sub-Total \$ 2,591.2

Debt Service		
Principal	\$	816.0
Interest		<u>429.4</u>

TOTAL — Business and Fiscal Affairs \$ 3,836.6

(90-03-005) Sponsored Programs and Research

(64.4)	Salaries and Wages of Employees	\$	—
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TOTAL — Sponsored Programs and Research \$ —

TOTAL — Delaware State College \$ 8,546.8

(90-04-000) Delaware Technical and Community College Year Ending June 30, 1980

(90-04-001) Administration

(10)	Salaries and Wages of Employees (34)	\$	655.8
	Salaries - Casual and Seasonal		8.8
	Other Employment Costs		128.4
	Personal Services		49.4
	Travel		9.5
	Contractual Services		
	Computer Operations		35.0
	Other Contractual Services		24.9
	Supplies and Materials		23.3
	Capital Outlay		29.3
	Occupational Teacher Education		35.0
	Microfilm Services		<u>.3</u>

Sub-Total \$ 999.7

Debt Service		
Principal	\$	1,316.0
Interest		<u>1,016.7</u>

TOTAL — Administration \$ 3,332.4

(90-04-002) Southern Campus

(46)	Salaries and Wages of Employees (130)	\$	2,456.7
	Salaries - Casual and Seasonal		82.2
	Other Employment Costs		440.6
	Personal Services		
	Work Study Program		10.0
	Other Personal Services		7.0
	Travel		10.5

	Contractual Services		
	Utilities	225.0	
	University of Delaware	241.7	
	Computer Operations	63.6	
	Other Contractual Services	133.0	
	Supplies and Materials	83.0	
	Capital Outlay	112.9	
	Aid to Needy Students	5.0	
	Federal/State Matching	4.0	
	TOTAL — Southern Campus	\$	3,875.2
	<u>(90-04-004) Wilmington Campus</u>		
(35)	Salaries and Wages of Employees (99)	\$	1,695.9
	Salaries - Casual and Seasonal		98.6
	Other Employment Costs		341.0
	Personal Services		
	Work Study Program		20.0
	Other Personal Services		7.2
	Travel		7.0
	Contractual Services		
	Utilities		222.1
	University of Delaware		230.7
	Computer Operations		80.0
	Other Contractual Services		111.8
	Supplies and Materials		79.3
	Capital Outlay		98.2
	Aid to Needy Students		10.0
	Federal/State Matching		10.0
	TOTAL — Wilmington Campus	\$	3,011.8
	<u>(90-04-005) Stanton Campus</u>		
			<u>Year Ending June 30, 1980</u>
(41)	Salaries and Wages of Employees (129)	\$	2,376.7
	Salaries - Casual and Seasonal		82.2
	Other Employment Costs		490.2
	Personal Services		
	Work Study Program		20.0
	Other Personal Services		3.5
	Travel		10.0
	Contractual Services		
	Utilities		189.8
	Computer Operations		30.0
	Other Contractual Services		128.5
	Supplies and Materials		81.9
	Capital Outlay		92.4
	Aid to Needy Students		6.0
	Federal/State Matching		4.0
	TOTAL — Stanton Campus	\$	3,515.2
	<u>(90-04-006) Charles L. Terry Campus</u>		
(24)	Salaries and Wages of Employees (74)	\$	1,264.9
	Salaries - Casual and Seasonal		85.1
	Other Employment Costs		248.3
	Personal Services		
	Work Study Program		10.0
	Other Personal Services		3.0
	Travel		6.0

Contractual Services		
Utilities		146.4
Computer Operations		50.0
Other Contractual Services		85.6
Supplies and Materials		73.5
Capital Outlay		30.0
Aid to Needy Students		7.0
Federal/State Matching		5.0
TOTAL— Charles L. Terry Campus	\$	2,014.8
TOTAL — Delaware Technical and Community College	\$	15,749.4
<u>(90-05-000) Delaware Postsecondary Education Commission</u>		
Salary of Executive Director (State Funds \$14.6)		
(All Other Funds \$14.5)	\$	14.6
Salaries of Commission Members		2.4
(1.5)Salary and Wage of Employee (1)		12.4
Other Employment Costs		5.8
Travel		.9
Contractual Services		4.7
Supplies and Materials		.5
Scholarship Fund		200.0
State Student Incentive Grant		150.0
Tuition - Military and Police Children		18.0
Optometric Institutional Aid		32.0
TOTAL — Delaware Postsecondary Education Commission	\$	441.3
<u>(90-07-000) Delaware Institute of Veterinary Medical Education</u>		
Subvention	\$	65.0
TOTAL — Delaware Institute of Veterinary Medical Education	\$	65.0
TOTAL — HIGHER EDUCATION	\$	62,068.4
<u>(95-00-000) PUBLIC EDUCATION</u>		
<u>Year Ending June 30, 1980</u>		
<u>(95-01-000) State Board of Education and State Board for Vocational Education</u>		
<u>(95-01-001) Administration</u>		
<u>Division I - Salaries</u>		
Board Members	\$	8.4
Superintendent (State Funds \$41.4)		
(All Other Funds \$16.7)		41.4
(1) Deputy Superintendent		—
Assistant Superintendents (3)		119.3
(3) Directors (3)		101.9
(26) Supervisors (20)		552.3
(15) Specialists (2)		44.4
Others		—
(1) Statistician Research		—
(1) Librarian		—
(.5) Assistant Attorney General (.5)		10.8

(28.5)	Clerical (28.5)	310.2
	Other Employment Costs	<u>238.7</u>

TOTAL — Division I and Other Employment Costs	\$	1,427.4
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Division II - Other Costs

Personal Services	\$	1.6
Travel		
State Board		4.0
Staff		4.3
Contractual Services		86.2
Supplies and Materials		26.1
Capital Outlay - Cars		22.5
Other Capital Outlay		3.1
Central Data Processing Services		<u>40.0</u>

TOTAL — Division II - Other Costs	\$	<u>187.8</u>
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TOTAL — Administration	\$	1,615.2
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<u>(95-01-002) Services to School Districts and Others</u>	<u>Year Ending June 30, 1980</u>
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Division I - Salaries

Teachers		
Homebound	\$	167.4
Substitutes in Districts		750.0
Adult Trade Extension		232.7
Apprenticeship Program		150.0
Other		
Student Work-Study Program		25.0
Nonpublic and Summer Driver Education		202.2
Other Employment Costs		555.9
Pension - Retired & Disabled Teachers		89.8
Health Insurance - Retired & Disabled Teachers		<u>4.0</u>

TOTAL — Division I	\$	2,177.0
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Division II - Other Costs

Travel		
Homebound	\$	6.0
Contractual Services		
James H. Groves High School		374.9
Pregnant Students		102.0
Adult Basic Education		65.0
Supplies and Materials		
Adult Trade Extension		104.6
Apprentice Program		110.0
Capital Outlay		
Films		22.0
Youth Organization		36.0
Evaluation of Institutions of Higher Education		1.0
Assessment of Educational Progress		286.8
Private Business and Trade School		2.0
Education in Science and Math		20.0
Computer Education		63.0
School Pupil Transportation		15,292.0
Consumer Education		<u>20.0</u>

Program for Gifted and Talented		50.0
Delaware Educational Council Compact		18.0
Career Guidance Systems		<u>10.0</u>
Sub-Total	\$	16,583.3
Debt Service		
Principal	\$	1,074.6
Interest		<u>776.2</u>
TOTAL -- Division II and Debt Service	\$	18,434.1
<u>Division III - Equalization Funds</u>		
Regular Formula	\$	4,482.0
Other Employment Costs		<u>642.1</u>
TOTAL -- Division III		<u>5,124.1</u>
TOTAL -- Services to School Districts and Others	\$	25,735.2
<u>(95-01-003) Educational Contingency</u>		
<u>Year Ending June 30, 1980</u>		
General Contingency	\$	140.0
Growth and Upgrading - Negative Growth		(1,614.0)
Summer School Occupational Vocational Program		388.0
Operation and Maintenance		
Driver Education Cars		77.7
Delmar Tuition		125.0
Supportive Service for Autistic		87.2
Related Services for Handicapped		254.0
Private Placement for Handicapped		720.0
Basic Skills Instructional Unit		1,025.5
Fundamental Schools		60.0
Summer School - Gifted and Talented		21.4
Microfilm Services		35.4
Other Employment Costs - Negative Growth		(313.7)
Other Employment Costs		106.6
Cafeteria Managers		199.8
Public School Nursing- Upgrading		<u>80.0</u>
TOTAL -- Educational Contingency	\$	<u>1,372.9</u>
TOTAL -- State Board of Education and State Board for Vocational Education	\$	28,723.3
<u>(95-04-000) Delaware State Advisory Council on Career Education</u>		
Salary of Director (State Funds \$16.4)		
(All Other Funds \$24.6)	\$	16.4
(1.2)Salaries and Wages of Employees (.8)		11.9
Other Employment Costs		<u>5.4</u>
TOTAL -- Delaware State Advisory Council on Career Education	\$	33.7

(95-10-000) Caesar RodneyYear Ending June 30, 1980Division I - Salaries

Chief School Officer (1)	\$	23.8
Assistant Superintendent (.98)		20.9
Directors (1.93)		39.0
Supervisors (1.95)		29.8
Principals (7)		123.2
Assistant Principals (6)		96.1
Administrative Assistant (1)		18.4
Clerical (25)		216.0
Teachers (275)		3,138.7
Teacher Psychologists (1.95)		24.3
Teachers - Speech and Hearing (2)		21.1
Teachers - Visiting (1)		12.3
Teachers - Drivers Education (3.4)		38.2
Custodial (45)		366.3
Nurses (6)		60.2
Supervisor of Transportation (.614)		11.3
Supervisor of School Lunch (1)		13.0
Cafeteria Workers		<u>55.0</u>

TOTAL - Division I	\$	4,307.6
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Other Employment Costs		<u>1,043.5</u>
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TOTAL - Division I and Other Employment Costs	\$	5,351.1
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<u>Division II - Other Costs (310)</u>	\$	716.1
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All Other Costs

Debt Service		
Principal	\$	353.5
Interest		<u>121.0</u>

TOTAL - All Other Costs	\$	<u>1,190.6</u>
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TOTAL - Caesar Rodney	\$	6,541.7
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(95-11-000) John S. Charlton School
 (Administered by Caesar Rodney School District)
Year Ending June 30, 1980Division I - Salaries

Principal (1)	\$	17.5
Clerical (1)		7.6
Teachers (13)		134.7
Custodial (1)		8.5
Nurse (1)		10.3
Aides and Attendants (13)		83.2
Therapists - Physical (.6)		6.9
Therapists - Occupational (.6)		6.9
Therapists - Speech (1.0)		<u>9.4</u>

TOTAL - Division I	\$	285.0
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Other Employment Costs		<u>66.7</u>
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TOTAL - Division I and Other Employment Costs	\$	351.7
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<u>Division II - Other Costs (18)</u>	\$	41.6
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All Other Costs

Debt Service	
Principal	\$ 12.0
Interest	1.2
TOTAL — All Other Costs	\$ 54.8
TOTAL — John S. Charlton School	\$ 406.5
<u>(95-13-000) Capital</u>	<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$ 24.1
Assistant Superintendent (1)	21.6
Directors (2)	40.0
Supervisors (2)	29.7
Principals (8)	138.9
Assistant Principals (7)	116.5
Administrative Assistant (1)	18.4
Clerical (28)	245.1
Teachers (319)	3,766.4
Teacher Psychologists (2)	27.4
Teachers - Speech and Hearing (2)	26.3
Teacher - Visiting (1)	11.9
Teachers - Driver Education (3.6)	44.7
Custodial (64)	521.1
Nurses (8)	80.5
Aides and Attendants (10)	63.6
Supervisor of Transportation (.757)	13.4
Supervisor of School Lunch (1)	14.1
Cafeteria Workers	45.1
Therapist - Physical (.24)	3.6
Therapist - Occupational (.24)	3.6
Therapist - Speech (.24)	3.6
TOTAL — Division I	\$ 5,259.6
Other Employment Costs	<u>1,429.6</u>
TOTAL — Division I and Other Employment Costs	\$ 6,689.2

Division II - Other Costs (333)All Other Costs

Debt Service	
Principal	\$ 442.0
Interest	144.6
TOTAL — All Other Costs	\$ 1,358.1
TOTAL — Capital	\$ 8,047.3
<u>(95-15-000) Lake Forest</u>	<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$ 22.2
Supervisor (1)	15.1
Principals (5)	88.2
Assistant Principals (3)	47.1

Administrative Assistant (1)		18.4
Clerical (16)		140.3
Teachers (178)		2,042.9
Teacher Psychologist (1)		12.7
Teacher - Speech and Hearing (1)		11.5
Teacher - Visiting (.712)		8.8
Teachers - Driver Education (2)		23.8
Custodial (31)		254.9
Nurses (4)		38.1
Supervisor of Transportation (.438)		7.2
Supervisor of School Lunch (1)		13.0
Cafeteria Workers		<u>26.1</u>
TOTAL - Division I	\$	2,770.3
Other Employment Costs		<u>688.9</u>
TOTAL - Division I and Other Employment Costs	\$	3,439.2
<u>Division II - Other Costs (201)</u>	\$	464.3
<u>All Other Costs</u>		
Debt Service		
Principal	\$	181.8
Interest		<u>56.9</u>
TOTAL - All Other Costs	\$	<u>703.0</u>
TOTAL - Lake Forest	\$	4,142.2
<u>(95-16-000) Laurel</u>		<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$	21.3
Supervisor (.75)		11.1
Principals (3)		52.1
Assistant Principals (3)		44.9
Administrative Assistant (1)		18.4
Clerical (11)		95.7
Teachers (112)		1,281.6
Teacher Psychologist (1)		10.7
Teacher - Speech and Hearing (1)		12.6
Teacher - Driver Education (1.2)		15.2
Custodial (26)		213.8
Nurses (2)		21.4
Supervisor of School Lunch (1)		9.9
Cafeteria Workers		<u>20.8</u>
TOTAL - Division I	\$	1,829.5
Other Employment Costs		<u>405.8</u>
TOTAL - Division I and Other Employment Costs	\$	2,235.3
<u>Division II - Other Costs (130)</u>	\$	300.3

All Other Costs

Debt Service	
Principal	\$ 117.5
Interest	62.4
	<hr/>
TOTAL — All Other Costs	\$ 480.2
TOTAL — Laurel	\$ 2,715.5
<u>(95-17-000) Cape Henlopen</u>	<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$ 22.5
Supervisor (1)	15.1
Principals (7)	123.3
Assistant Principal (1)	16.6
Administrative Assistant (1)	18.4
Clerical (18)	140.0
Teachers (179)	2,072.2
Teacher Psychologist (1)	13.7
Teacher - Speech and Hearing (1)	9.3
Teacher - Visiting (1)	11.5
Teachers - Driver Education (2.2)	28.2
Custodial (42)	331.3
Nurses (4)	39.8
Aides and Attendants (1)	6.0
Supervisor of Transportation (.921)	13.6
Supervisor of School Lunch (1)	13.0
Cafeteria Workers	35.1
	<hr/>
TOTAL — Division I	\$ 2,909.6
Other Employment Costs	826.9
	<hr/>
TOTAL — Division I and Other Employment Costs	\$ 3,736.5
<u>Division II - Other Costs (196)</u>	<u>\$ 452.8</u>

All Other Costs

Debt Service	
Principal	\$ 321.5
Interest	254.2
	<hr/>
TOTAL — All Other Costs	\$ 1,028.5
TOTAL — Cape Henlopen	\$ 4,765.0
<u>(95-18-000) Milford</u>	<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$ 22.8
Supervisor (1)	15.1
Principals (5)	90.4
Assistant Principals (4)	66.0
Administrative Assistant (1)	18.1
Clerical (17)	149.3
Teachers (186)	2,125.9
Teacher Psychologist (1)	12.3
Teacher - Speech Hearing (1)	9.4

Teacher - Visiting (1)		12.6
Teachers - Driver Education (1.8)		20.0
Custodial (35)		288.9
Nurses (4)		37.5
Supervisor of School Lunch (1)		13.8
Cafeteria Workers		<u>34.7</u>
TOTAL — Division I	\$	2,916.8
Other Employment Costs		<u>656.9</u>
TOTAL — Division I and Other Employment Costs	\$	3,573.7
<u>Division II - Other Costs (210)</u>	\$	485.1
<u>All Other Costs</u>		
Debt Service		
Principal	\$	195.9
Interest		<u>88.1</u>
TOTAL — All Other Costs	\$	<u>769.1</u>
TOTAL — Milford	\$	4,342.8
<u>(95-23-000) Seaford</u>		<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$	22.8
Supervisor (1)		14.9
Principals (5)		87.8
Assistant Principals (3)		50.1
Administrative Assistant (1)		18.4
Clerical (16.4)		143.5
Teachers (178)		2,046.4
Teacher Psychologist (1)		13.7
Teacher - Speech and Hearing (1)		10.4
Teacher - Visiting (1)		11.0
Teachers - Driver Education (2.2)		24.0
Custodial (32)		263.8
Nurses (4.5)		45.8
Aides and Attendants (5)		31.9
Supervisor of Transportation (1)		17.7
Supervisor of School Lunch (1)		13.0
Cafeteria Workers		<u>32.7</u>
TOTAL — Division I	\$	2,847.9
Other Employment Costs		<u>731.6</u>
TOTAL — Division I and Other Employment Costs	\$	3,579.5
<u>Division II - Other Costs (189)</u>	\$	436.6

All Other Costs

Debt Service	
Principal	\$ 130.4
Interest	<u>41.6</u>
TOTAL — All Other Costs	\$ <u>608.6</u>
TOTAL — Seaford	\$ 4,188.1
<u>(95-24-000) Smyrna</u>	<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$ 22.5
Supervisor (1)	15.1
Principals (5)	88.0
Assistant Principals (3)	48.1
Administrative Assistant (1)	18.4
Clerical (15)	131.2
Teachers (162)	1,804.0
Teacher Psychologist (1)	13.4
Teacher - Speech and Hearing (1)	11.0
Teacher - Visiting (.648)	8.1
Teacher - Driver Education (1.8)	21.9
Custodial (30)	249.4
Nurses (4)	41.9
Supervisor of Transportation (.319)	5.5
Supervisor of School Lunch (1)	13.0
Cafeteria Workers	<u>26.0</u>
TOTAL — Division I	\$ 2,517.5
Other Employment Costs	<u>631.9</u>
TOTAL — Division I and Other Employment Costs	\$ 3,149.4
<u>Division II - Other Costs (177)</u>	\$ 408.9

All Other Costs

Debt Service	
Principal	\$ 222.6
Interest	<u>127.1</u>
TOTAL — All Other Costs	\$ <u>758.6</u>
TOTAL — Smyrna	\$ 3,908.0
<u>(95-29-000) Appoquinimink</u>	<u>Year Ending June 30, 1980</u>

Division I - Salaries

Chief School Officer (1)	\$ 21.6
Supervisor (1)	14.5
Principals (4)	70.3
Assistant Principals (3)	46.7
Administrative Assistant (1)	18.1
Clerical (13)	113.5
Teachers (138)	1,531.0
Teacher Psychologist (.92)	12.6
Teacher - Speech and Hearing (.985)	10.5
Teacher - Visiting (.552)	6.4

Teachers - Driver Education (1.4)		16.4
Custodial (24)		198.9
Nurses (3)		30.8
Supervisor of Transportation (.2586)		4.4
Supervisor of School Lunch (1)		13.0
Cafeteria Workers		<u>19.0</u>
TOTAL — Division I	\$	2,127.7
Other Employment Costs		<u>533.0</u>
TOTAL — Division I and Other Employment Costs	\$	2,660.7
<u>Division II - Other Costs (157)</u>	\$	362.7
<u>All Other Costs</u>		
Debt Service		
Principal	\$	321.2
Interest		<u>228.2</u>
TOTAL — All Other Costs	\$	<u>912.1</u>
TOTAL — Appoquinimink	\$	3,572.8
<u>(95-35-000) Woodbridge</u>		<u>Year Ending June 30, 1980</u>
<u>Division I - Salaries</u>		
Chief School Officer (1)	\$	21.6
Supervisor (.646)		9.1
Principals (3)		52.9
Assistant Principals (2)		30.1
Administrative Assistant (1)		18.4
Clerical (9)		80.8
Teachers (97)		1,079.6
Teacher Psychologist (.933)		9.5
Teacher - Speech and Hearing (.693)		6.9
Teacher - Driver Education (1)		11.9
Custodial (15)		124.0
Nurses (2)		20.7
Cafeteria Workers		<u>20.9</u>
TOTAL — Division I	\$	1,486.4
Other Employment Costs		<u>353.6</u>
TOTAL — Division I and Other Employment Costs	\$	1,840.0
<u>Division II - Other Costs (107)</u>	\$	247.2
<u>All Other Costs</u>		
Debt Service		
Principal	\$	49.5
Interest		<u>9.7</u>
TOTAL — All Other Costs	\$	<u>306.4</u>
TOTAL — Woodbridge	\$	2,146.4

(95-36-000) Indian RiverYear Ending June 30, 1980(Division I - Salaries

Chief School Officer (1)	\$	23.5
Assistant Superintendent (1)		21.0
Directors (2)		39.7
Supervisors (2)		30.0
Principals (9)		159.8
Assistant Principals (5)		75.3
Administrative Assistant (1)		18.1
Clerical (30)		259.4
Teachers (313)		3,492.5
Teacher Psychologists (2)		26.4
Teachers - Speech and Hearing (2)		24.0
Teacher - Visiting (1)		11.5
Teachers - Driver Education (4.4)		53.1
Custodial (46)		384.2
Nurses (8)		84.3
Supervisor of Transportation (.845)		13.9
Supervisor of School Lunch (1)		13.0
Cafeteria Workers		57.5

TOTAL - Division I	\$	4,787.2
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Other Employment Costs		<u>1,235.8</u>
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TOTAL - Division I and Other Employment Costs	\$	6,023.0
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<u>Division II - Other Costs (351)</u>	\$	810.8
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All Other Costs

Debt Service		
Principal	\$	201.6
Interest		<u>118.0</u>

TOTAL - All Other Costs	\$	<u>1,130.4</u>
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TOTAL - Indian River	\$	7,153.4
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(95-37-000) DelmarYear Ending June 30, 1980Division I - Salaries

Chief School Officer (1)	\$	20.0
Principal (1)		17.8
Assistant Principal (1)		16.3
Administrative Assistant (1)		18.1
Clerical (3)		30.1
Teachers (44)		502.8
Teacher - Driver Education (.8)		9.2
Custodial (8)		65.8
Nurse (1)		7.8
Cafeteria Workers		<u>8.0</u>

TOTAL - Division I	\$	695.9
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Other Employment Costs		<u>164.8</u>
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TOTAL - Division I and Other Employment Costs	\$	860.7
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<u>Division II - Other Costs (53)</u>	\$	122.4
<u>All Other Costs</u>		
Debt Service		
Principal	\$	40.8
Interest		<u>26.0</u>
TOTAL — All Other Costs	\$	<u>189.2</u>
TOTAL — Delmar	\$	1,049.9
<u>(95-38-000) New Castle Vocational-Technical</u>	<u>Year Ending June 30, 1980</u>	

<u>Division I - Salaries</u>		
Chief School Officer (1)	\$	24.1
Director (1)		19.7
Supervisor (1)		14.9
Principal (3)		55.3
Assistant Principals (9)		149.1
Administrative Assistant (1)		18.1
Clerical (22)		187.7
Teachers (244)		2,931.0
Teacher - Psychologist (1)		13.4
Teacher - Speech and Hearing (1)		12.3
Teacher - Visiting (.976)		12.0
Teachers - Driver Education (5.8)		67.1
Custodial (63)		503.9
Nurses (6)		59.6
Supervisor of Transportation (.24)		4.1
Cafeteria Workers		<u>18.3</u>
TOTAL — Division I	\$	4,090.6
Other Employment Costs		<u>918.7</u>
TOTAL — Division I and Other Employment Costs	\$	5,009.3
<u>Division II - Other Costs (497)</u>	\$	1,148.1
<u>All Other Costs</u>		
Debt Service		
Principal	\$	1,694.4
Interest		<u>1,461.9</u>
TOTAL — All Other Costs	\$	<u>4,304.4</u>
TOTAL — New Castle Vocational-Technical	\$	9,313.7
<u>(95-39-000) Kent Vocational-Technical</u>	<u>Year Ending June 30, 1980</u>	

<u>Division I - Salaries</u>		
Chief School Officer (1)	\$	20.0
Principals (2)		34.1
Assistant Principal (1)		16.4
Administrative Assistant (1)		18.4
Clerical (5)		46.0
Teachers (54)		639.0
Custodial (17)		139.4

Nurse (1)		10.3
Cafeteria Workers		<u>10.0</u>
TOTAL — Division I	\$	933.6
Other Employment Costs		<u>265.3</u>
TOTAL — Division I and Other Employment Costs	\$	1,198.9
<u>Division II - Other Costs (154)</u>	\$	355.7
<u>All Other Costs</u>		
Debt Service		
Principal	\$	478.1
Interest		<u>376.0</u>
TOTAL — All Other Costs	\$	<u>1,209.8</u>
TOTAL — Kent Vocational-Technical	\$	2,408.7
<u>(95-40-000) Sussex Vocational-Technical</u>	<u>Year Ending June 30, 1980</u>	
<u>Division I - Salaries</u>		
Chief School Officer (1)	\$	18.4
Principal (1)		18.4
Assistant Principal (1)		16.9
Administrative Assistant (1)		18.1
Clerical (4)		37.5
Teachers (45)		541.2
Custodial (12)		100.7
Nurse (1)		11.1
Cafeteria Workers		<u>1.2</u>
TOTAL — Division I	\$	763.5
Other Employment Costs		<u>198.4</u>
TOTAL Division I and Other Employment Costs	\$	961.9
<u>Division II - Other Costs (127)</u>	\$	293.4
<u>All Other Costs</u>		
Debt Service		
Principal	\$	219.4
Interest		<u>105.0</u>
TOTAL — All Other Costs	\$	<u>617.8</u>
TOTAL — Sussex Vocational-Technical	\$	1,579.7
<u>(95-43-000) Howard T. Ennis, Sr. Trainable</u> <u>(Administered by Indian River)</u>	<u>Year Ending June 30, 1980</u>	
<u>Division I - Salaries</u>		
Principal (2)	\$	35.0
Clerical (1)		8.7
Teachers (41)		492.0
Custodial (2)		16.7

Nurse (1)		10.3
Aides and Attendants (41)		292.8
Therapists - Physical (2)		23.7
Therapists - Occupational (2)		23.4
Therapists - Speech (2)		<u>27.5</u>
TOTAL - Division I	\$	930.1
Other Employment Costs		<u>218.0</u>
TOTAL - Division I and Other Employment Costs	\$	1,148.1
<u>Division II - Other Costs (48)</u>	\$	110.9
<u>All Other Costs</u>		
Debt Service		
Principal	\$	29.0
Interest		<u>19.2</u>
TOTAL - All Other Costs	\$	<u>159.1</u>
TOTAL - Howard T. Ennis, Sr. Trainable	\$	1,307.2
<u>(95-50-000) New Castle County School District</u>		<u>Year Ending June 30, 1980</u>
<u>Division I - Salaries</u>		
Chief School Officer (1)	\$	24.1
Assistant Superintendents (11)		235.6
Directors (32)		631.0
Supervisors (22)		324.1
Principals (88)		1,551.3
Assistant Principals (59)		1,008.4
Administrative Assistant (1)		18.7
Clerical (275)		2,424.1
Teachers (3,288)		39,314.5
Teacher Psychologists (21)		268.9
Teachers - Speech and Hearing (23)		265.0
Teachers - Visiting (13)		161.5
Teachers - Driver Education (39)		470.7
Custodial (642)		5,292.6
Nurses (82)		865.3
Aides and Attendants (14)		109.6
Supervisors of Transportation (6)		95.9
Supervisors of School Lunch (6)		78.9
Cafeteria Workers		424.2
Americanization of Foreign Born		<u>33.5</u>
TOTAL - Division I	\$	53,597.9
Other Employment Costs		<u>17,600.0</u>
TOTAL - Division I and Other Employment Costs	\$	71,197.9
<u>Division II - Other Costs (3,642)</u>	\$	8,413.0
Americanization - Other Costs		6.2

All Other Costs

Debt Service		
Principal	\$	6,007.5
Interest		<u>2,688.0</u>
TOTAL — All Other Costs	\$	<u>17,114.7</u>
TOTAL — New Castle County School District	\$	88,312.6

(95-51-000) Margaret S. Sterck Year Ending June 30, 1980
 (Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$	18.1
Clerical (2)		17.8
Teachers (21)		249.0
Teacher Psychologists (2)		26.7
Teacher - Speech and Hearing (1)		11.2
Teacher - Audiologist (1)		12.5
Teachers - Resource (2)		26.0
Teacher - Coordinator (1)		12.9
Custodial (5)		39.8
Nurse (1)		11.1
Aides and Attendants (23)		153.9
Salaries - Resident Supervision (9)		87.8
Therapists - Speech (3)		33.5
Interpreter/Tutor (4)		<u>39.3</u>
TOTAL — Division I	\$	739.6
Other Employment Costs		<u>172.5</u>
TOTAL — Division I and Other Employment Costs	\$	912.1

Division II — Other Costs (23) \$ 53.1

Residence - Other Costs	11.5
Consultant Services	61.0

All Other Costs

Debt Service		
Principal	\$	48.6
Interest		<u>24.7</u>
TOTAL — All Other Costs	\$	<u>198.9</u>
TOTAL — Margaret S. Sterck	\$	1,111.0

(95-52-000) Charles W. Bush Trainable Year Ending June 30, 1980
 (Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$	17.2
Clerical (1)		8.4
Teachers (13)		179.1
Custodial (2)		16.7
Nurse (1)		11.1
Aides and Attendants (10)		76.9

Therapist - Physical (1)		10.4
Therapist - Occupational (1)		9.3
Therapist - Speech (1)		<u>13.7</u>
TOTAL -- Division I	\$	342.8
Other Employment Costs		<u>89.7</u>
TOTAL -- Division I and Other Employment Costs	\$	432.5
<u>Division II - Other Costs (15)</u>	\$	34.7
<u>All Other Costs</u>		
Debt Service		
Principal	\$	49.5
Interest		<u>23.1</u>
TOTAL -- All Other Costs	\$	<u>107.3</u>
TOTAL -- Charles W. Bush Trainable	\$	539.8
<u>(95-53-000) John G. Leach</u>		<u>Year Ending June 30, 1980</u>
<u>(Administered by New Castle County School District)</u>		

<u>Division I - Salaries</u>		
Principal (1)	\$	17.4
Clerical (1)		8.7
Teachers (25)		287.6
Custodial (2)		16.8
Nurse (1)		10.3
Aides and Attendants (25)		<u>160.4</u>
TOTAL -- Division I	\$	501.2
Other Employment Costs		<u>138.2</u>
TOTAL -- Division I and Other Employment Costs	\$	639.4
<u>Division II - Other Costs (25)</u>	\$	57.8
<u>All Other Costs</u>		
Debt Service		
Principal	\$	4.0
Interest		<u>.2</u>
TOTAL -- All Other Costs	\$	<u>62.0</u>
TOTAL -- John G. Leach	\$	701.4
<u>(95-54-000) Meadowood Trainable</u>		<u>Year Ending June 30, 1980</u>
<u>(Administered by New Castle County School District)</u>		

<u>Division I - Salaries</u>		
Principal (1)	\$	17.8
Clerical (1)		8.7
Teachers (14)		159.1
Custodial (3)		25.0
Nurse (1)		<u>11.1</u>

Aides and Attendants (15)		111.3
Therapist - Physical (1)		11.5
Therapist - Occupational (1)		11.9
Therapist - Speech (1)		<u>11.9</u>
TOTAL — Division I	\$	368.3
Other Employment Costs		<u>103.2</u>
TOTAL — Division I and Other Employment Costs	\$	471.5
<u>Division II - Other Costs (18)</u>	\$	41.6
<u>All Other Costs</u>		
Debt Service		
Principal	\$	10.0
Interest		<u>1.5</u>
TOTAL — All Other Costs	\$	<u>53.1</u>
TOTAL — Meadowood Trainable	\$	524.6
<u>(95-55-000) Wallace Wallin School</u>		
<u>for Trainables</u>		
Year Ending June 30, 1980		
<u>(Administered by New Castle County School District)</u>		
<u>Division I - Salaries</u>		
Principal (1)	\$	17.2
Clerical (1)		8.4
Teachers (12)		130.0
Custodial (2)		16.3
Nurse (1)		10.3
Aides and Attendants (10)		<u>62.8</u>
TOTAL — Division I	\$	245.0
Other Employment Costs		<u>64.5</u>
TOTAL — Division I and Other Employment Costs	\$	309.5
<u>Division II - Other Costs (15)</u>	\$	34.7
<u>All Other Costs</u>		
Debt Service		
Principal	\$	20.0
Interest		<u>12.0</u>
TOTAL — All Other Costs	\$	<u>66.7</u>
TOTAL — Wallace Wallin School for Trainables	\$	<u>376.2</u>

<u>TOTALS</u>	<u>Year Ending June 30, 1980</u>
TOTAL — DEPARTMENTS	\$ 307,203.5
TOTAL — HIGHER EDUCATION \$	62,068.4
TOTAL — PUBLIC EDUCATION	<u>187,911.5</u>
TOTAL — EDUCATION \$	<u>249,979.9</u>
GRAND TOTAL - DEPARTMENTS AND EDUCATION\$	<u><u>557,183.4</u></u>

Section 2. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 3. If any provision of this Act, or of any rule, regulation or order thereunder or the application of such provision to any person or circumstances, shall be invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Nothing contained in any contract entered into pursuant to Delaware Code, Title 19, Chapter 13, or Title 14, Chapters 13 and 40, which contract is entered into or renegotiated after July 1, 1973, shall require the payment of monies for any item, purpose or benefit for which a specific appropriation by the General Assembly has not been made for the current fiscal year or any subsequent fiscal year or any part thereof, during which such contract is effective.

Section 5. (a) The limitation of \$2,200 with respect to the cost of passenger motor vehicles purchased for State use, prescribed by Section 6902, Chapter 69, Title 29, Delaware Code, is hereby increased to \$4,500 for such new vehicles purchased during the fiscal year ending June 30, 1980.

(b) All vehicles purchased for State use must be purchased from bid lists approved by the Division of Purchasing.

(c) The purchase of station wagons and other special purpose vehicles in excess of the \$4,500 limit set forth in subsection (a) of this Section, without the written approval of the Budget Director and the Controller General is prohibited.

(d) The special purpose vehicles of the Department of Public Safety, Division of State Police shall be exempt from the provisions of Subsections (a) and (c) of this Section and from the provisions of Section 6902, Chapter 69, Title 29, Delaware Code.

(e) Lease Purchase Agreements for vehicles covered by subsection (a) of this section, except the Governor's car, are prohibited.

Section 6. (a) Pursuant to Title 29, Chapter 63, Section 6340, Delaware Code, Other Employment Costs, including provisions for F.I.C.A. - Employer's Share, Pensions and Health Insurance, are reflected herein within each department or agency budget for the current fiscal year. These Other Employment Costs may be accounted for and disbursed through accounts within the Office of the State Treasurer.

(b) 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, except as provided for in Subsections (c) and (d) of this Section, shall transfer or pay, on a regularly scheduled basis as determined by the Secretary of Finance, to the Treasurer of the State of Delaware from such funds appropriate sums for each of the State "Other Employment Costs" applicable to salaries and wages paid to employees from such special funds. Other Employment Costs shall include, but shall not be limited to F.I.C.A. - Employer's Share, Pension Costs, and Health Insurance.

(c) Any school district that employs more employees in any classification in excess of state formula for such employees in Title 14, Delaware Code, for the current fiscal year than were employed in the same classification in excess of state formula in Title 14, Delaware Code, during the fiscal year beginning July 1, 1976, shall pay to the Treasurer of the State of Delaware, on a regularly scheduled basis as determined by the Secretary of Finance, the "Other Employment Costs" of such employee.

(d) Any school district that agrees to pay from non-state funds more money as a result of a salary schedule or schedules approved by the local school districts' Boards of Education after June 30, 1977, shall pay to the Treasurer of the State of Delaware, on a regularly scheduled basis as determined by the Secretary of Finance, the "Other Employment Costs" for the additional salary expenses from non-state funds, provided, however, that this section shall not apply to increases resulting directly from increases in the State or Federal minimum wage laws.

Section 7. All State agencies, except for the Department of Administrative Services, are prohibited from renting parking spaces in the underground parking facility at the Delaware State Office Building. It is the intent of this Section to clearly establish that the State employees are liable for the full cost of commuting to and from work, including the cost of parking, and that the State will not participate in the payment of any of that commuting cost, including parking costs. This Section does not alter the existing policy of reimbursing employees for expenses incurred while traveling on State Business.

Section 8. In the event the sums appropriated by Section 1 of this Act are insufficient to meet the obligations of the State for F.I.C.A. - Employer's Share or Pension Costs, such additional funds as may be required to meet such obligations are hereby automatically appropriated and shall be paid by the State Treasurer from the General Fund.

Section 9. Section 1 of this Act appropriated an amount to the State Treasurer for Revenue Refunds. Such sums in excess of the appropriation as are certified by the State Treasurer as necessary for refunds for overpayments of taxes and fees required by Delaware State Law and deposited in the General Fund are hereby appropriated and shall be paid by the State Treasurer from the General Fund.

Section 10. In the event that the monies appropriated to Office of Attorney General (15-01-001) for Extradition and other related expenses under Section 1 of this Act are insufficient to carry out the provisions of Title II, Delaware Code, Sections 2505 subsection (a), 2522, 2523, 2524, 2542 and 2544, to return fugitives and sentenced prisoners, and necessary witnesses to the State of Delaware, such additional sum as may be required for that purpose is hereby appropriated and shall be paid by the State Treasurer from the General Fund.

Section 11. All entitlement payments from the Federal Anti-recession Fiscal Assistance to State and Local Governments Act (Title II of the Public Works Employment Act of 1976, P.L. 94-269) received by the State during the fiscal year ending June 30, 1980, are hereby appropriated to the State Treasurer to be used for Employees Health Insurance. The General Fund appropriations for Health Insurance in Section 1 of this Act shall be reduced by the amount of entitlement payments received during the fiscal year.

Section 12. All entitlement payments from the 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 ending June 30, 1980, are hereby appropriated to the State Employees Retirement Fund. The General Fund appropriation in Section 1 of this Act shall be reduced by the amount of entitlement payments received during the fiscal year.

Section 13. For the fiscal year ending June 30, 1980, the remaining balance of the Office of Budget from fiscal year 1979 appropriation for Management Improvement Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1980. The disbursement of these funds are subject to approval by the Budget Director, the Controller General and the Secretary of Finance. These funds shall be used for improving the State's financial management systems. The appropriation in Section 1 of this Act for Management Improvement Program shall be subject to the aforementioned approvals prior to disbursement.

Section 14. For the fiscal year ending June 30, 1980, the remaining balance of the Office of Budget from fiscal year 1979 appropriation for Payroll/Personnel Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1980.

Section 15. The amount appropriated in Section 1 of this Act to the Delaware Criminal Justice Planning Commission for "Planning Grants - State Agencies" provides funds to match grants from the Federal Government. This amount shall not revert on June 30, 1980, but shall continue to be available on a matching basis for the life of each program grant, or for three fiscal years, whichever first occurs. Any unexpended funds appropriated from the General Fund of the State which remain unexpended or unencumbered shall revert to the General Fund of the State.

Section 16. (a) In the event that the gross sales of the State Lottery shall exceed the amount specified in Section 1 of this Act, the operating budget set forth in

memorandum form in Section 1 of this Act may be amended by the Secretary of Finance, the Controller General and the Budget Director; provided that the total operating budget for the fiscal year ending June 30, 1980, shall not exceed 20% of gross sales as limited by Chapter 48, Title 29, Delaware Code.

(b) The memorandum budget for the State Lottery (25-07-000) provides for the services of a resident auditor under the appropriation for Personal Services. In addition to his duties as the resident auditor, he shall perform such other duties as are assigned by the Secretary of Finance.

Section 17. All appropriations authorized by Section 1 of this Act and 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 as set forth in memorandum form in Section 1 of this Act. Any program or function of any State department or agency which requires the services of the Division of Central Data Processing, which is funded by Federal funds or other State special funds, must include provisions for the anticipated cost of such services and payment therefor must be made by such department or agency to the Division of Central Data Processing.

Section 18. Section 1 of this Act provides a memorandum budget for the Delaware Transportation Authority which authorizes the use of certain Turnpike funds for the Department of Transportation as follows:

The total appropriation to the Department of Transportation, Office of the Secretary, shall be funded in the amount of \$80,000 from the Delaware Transportation Authority in addition to \$64,800 appropriated from the General Fund.

Section 19. (a) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for "Title XIX Federal Programs - Other Than State Institutions" shall be expended solely in accordance with the following conditions and limitations:

(i) 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;

(ii) 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 older;
- (5) physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home or elsewhere; and
- (6) prescription drugs.

(b) There is hereby appropriated to the Department of Health and Social Services an amount sufficient to pay the State's share of Title XIX Medicaid per diem costs in State institutions. Such automatic appropriation shall be expended solely in accordance with the following conditions and limitations:

(i) Such automatic appropriation 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) An amount, subject to approval by the Budget Director, may be expended by the Department of Health and Social Services for administrative costs involved in carrying out the purpose of this Section; and

(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 20. Funds appropriated in Section 1 of this Act to the Department of Health and Social Services, Division of Social Services, for "Emergency and Disaster Assistance" and used for special emergency needs of any welfare-receiving household (all clients, regardless of category, living in a single residential unit and using the same kitchen facilities) shall not exceed a total of \$150 for any one such household in the fiscal year ending June 30, 1980. Notwithstanding any other provision of law, the Budget Director is empowered to transfer, advance or allocate emergency funds, within the limits of the funds appropriated, to the Department of Health and Social Services for the purpose of administration of emergency assistance. Such transfer, advance or allocation shall not be apportioned by county and shall be allocated in the following manner:

- (a) 15% of the total emergency fund appropriation shall be allocated promptly in the first quarter of the State fiscal year;
- (b) 20% of the total emergency fund appropriation shall be allocated promptly in the second quarter of the State fiscal year;
- (c) 40% of the total emergency fund appropriation shall be allocated promptly in the third quarter of the State fiscal year; and
- (d) 25% of the total emergency fund appropriation shall be allocated promptly in the fourth quarter of the State fiscal year.

Section 21. (a) If, at any time during the fiscal year ending June 30, 1980, but prior to June 15, 1980, there should be a casual deficiency of revenue in the General Fund to pay General Fund obligations, or to pay existing debts, the Governor, Secretary of State and State Treasurer (the "Issuing Officers") are authorized to issue revenue anticipation notes of the State of Delaware (the "State") in an amount they determine necessary to meet and to pay any or all of such obligations or debts.

(b) The Issuing Officers are hereby authorized to determine the terms, form and contents of such notes and to sell such notes at such price or prices, 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. Such notes and any renewals thereof shall mature within one year from date of the original issuance of such notes, shall be payable at the Farmers Bank of the State of Delaware in Dover, Delaware, and additionally, at the discretion of the Issuing Officers at a bank or trust company in The City of New York, New York.

Such 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 or shall be reproduced thereon, in facsimile, and such signatures and such notes shall be authenticated by an officer of the Farmers Bank of the State of Delaware.

(c) The faith and credit of the State are hereby pledged for the payment of the principal of and interest on such notes.

(d) If, at any time during the fiscal year ending June 30, 1980, but prior to June 15, 1980, there shall be a casual deficiency of revenue in the General Fund to pay General Fund obligations or to pay existing debts, the State Treasurer may transfer available money from the State's Special Funds to the General Fund to pay such obligations or debts. Such money shall be reimbursed to the appropriate Special Funds as soon as sufficient General Fund monies become available, but not later than June 15, 1980.

Section 22. All expenses incident to the advertisement, preparation, issuance and delivery of revenue anticipation notes and the principal of and interest on such notes shall be paid by the State Treasurer from the General Fund. 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, and the principal and interest of any revenue anticipation notes issued in the prior fiscal year and including their cost of issuance.

Section 23. The total appropriation in Section 1 of this Act to Central Data Processing for fiscal year 1980, contemplates data processing services for State Departments/Agencies as indicated, subject to the following requirements:

(a) No new computer or computer-programming related systems study may be initiated by any Department/Agency in fiscal year 1980 unless covered by a formal project approved by the Department/Agency head. Such project will be in the form prescribed by 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 1980 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 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 of Central Data Processing and the concerned Department/Agency head, or his designee, 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 Budget Director and the Controller General. In support of all projects executed between Central Data Processing and the concerned Department/Agency, Central Data Processing shall maintain staff support to the benefiting Department/Agency at the projected level of effort (subject to recruitment delays) until the project work has been accomplished.

Section 24. The amount appropriated to the Budget Office entitled, Contingency - Prior Years' Obligations - \$50,000, shall be used to pay Salaries and Wages, Other Employment Costs, reimbursement of overpayment of fringe benefits, and other obligations of minor amounts. Rules and procedures to implement this section will be established by the Budget Director.

Section 25. Three hundred thousand dollars (\$300,000) is hereby advanced from the General Fund of the State to the Division of Maintenance and Communications (30-05-000) in order that telephone charges can be paid on a reasonable timely basis.

Section 26. All monies received by the Division of Highways (55-05-000) during the fiscal year as reimbursement for motor fuels supplied to other Departments and Agencies shall be credited to the proper General Fund appropriation account as an expenditure-reducing item regardless of the year in which the motor fuels were supplied. All billings shall be at State purchase price only.

Section 27. Fifty thousand dollars (\$50,000) is hereby advanced from the General Fund of the State to the Division of Maintenance and Communications (30-05-000), in order that postage charges can be paid on a reasonable timely basis.

Section 28. The Department of Administrative Services will be responsible for developing standards for office furniture and equipment for the Delaware State Office Building. These standards will establish specific classes of furniture and equipment for a given job classification and/or function and will be such as to allow the use of said furniture and equipment anywhere within the facility. Any State agency vacating or who will vacate space in the Delaware State Office Building, shall consult with the Department of Administrative Services and receive their approval prior to the vacating or removal of any office furniture and equipment.

Section 29. Agencies who are recipients of Federal Funds in support of programs or services and who occupy space in a State-owned facility, in order that they may perform the program or necessary services, shall allocate their proper share of these Federal Funds for use of such facility. The agencies shall consult with the Department of Administrative Services and the Department of Finance with regard to the appropriateness of the user fee and shall remit such rental fee to the State Treasurer for deposit in the General Fund. In the event an agency fails to comply with the provisions of this Section, the agency shall submit a letter of explanation of the failure to act to the Delaware State Clearinghouse Committee for consideration at the time of the agency's future application for Federal Funds.

Section 30. The salary scale for the Uniformed Division, Delaware State Police, during fiscal year 1980, shall be as provided in "Exhibit B", to the collective bargaining agreement effective July 1, 1978.

Section 31. Section 1 of this Act provides for an appropriation to the Office of State Personnel (10-04-000) for the purpose of making salary payments to Board Members of the State Personnel Commission. For the fiscal year ending June 30, 1980, such salary payments to Board Members shall be at the rate of \$50 per meeting.

Section 32. (a) For the purpose of this Section, the term "Department" means all State Departments and Agencies receiving appropriations as set forth in Section 1 of this Act.

(b) Where the number of employee positions has 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. The State Personnel Director shall maintain a listing of the employee positions as provided, the salary or wage for each position, and the source of funding. A report of this listing shall be furnished monthly by the State Personnel Director to the Budget Director and the Controller General. 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. For purposes of this subsection (b), during the period when recruit classes for State Police are in training, the total number of employees shall apply only to uniformed personnel authorized for duty.

(c) The number of employee positions authorized as equivalent full-time positions paid by General Fund appropriations and the number of other positions, excluding Federal Comprehensive Employment Training Act (CETA) funded positions, paid by funds other than General Fund appropriations are reflected in Section 1 of this Act within each department or agency budget for the fiscal year ending June 30, 1980. Line item salary positions are also reflected within department or agency budgets of Section 1 of this Act. No department or agency shall change the total number of positions except with the approval of the Delaware State Clearinghouse Committee. All CETA funded positions must be approved by the Delaware State Clearinghouse Committee. No employee classifications will be changed during the period this Act is effective, unless:

- (i) The requested change is certified critical by the appointing authority;
- (ii) The requested change is approved by the State Personnel Director;
- (iii) The funding source is approved by the State Budget Director; and
- (iv) The requested change is approved by the Controller General.

Section 33. (a) During the fiscal year ending June 30, 1980, the pay grade assigned to each job class shall not be changed. Any such pay grade changes which the Personnel Director determines to be warranted shall be designated to become effective July 1, 1980, provided that the funds required for such changes shall be appropriated.

(b) During the fiscal year ending June 30, 1980, paragraph 5.06122 except the phrase "where a critical shortage of applications exists" of the rules for Merit System of Personnel Administration shall be null and void.

Section 34. When establishing salaries and wage rates for State employees who are not covered by the Classified System of Personnel Administration or by the provisions of Chapter 13, Title 14, Delaware Code, each Department or Agency shall establish salaries and wage rates which are comparable to salaries and wages paid from funds appropriated by the State to employees with similar training and experience and who are in similar positions in the Classified System of Personnel Administration. In order to assure such comparability, the Department or Agency shall obtain certification from the State Personnel Director of job specifications and rates in comparable positions before the salaries and wage rates become effective and employees are hired. The certification request shall contain such information and be in such form as prescribed by the State Personnel Director. All members and employees of the Delaware National Guard shall be exempted from the provisions of this Section and shall be compensated at a salary and wage rate established by the Federal Civil Service Commission.

Section 35. Any personnel employed by a Department or Agency to implement a program funded by the Federal Government, or by State special funds, or any person employed to replace an employee who is transferred to such program, shall be considered an exempt employee during the first three years of any new program, after which the position shall be classified if appropriate in accordance with Chapter 59, Title 29, Delaware Code. Upon notification that such program is terminated or funds therefor are reduced, the head of the Department or Agency, or his designee, shall forthwith reduce proportionately the expenditure of funds from the matching General Fund of the State appropriated to match such Federal or State special funds until such times as the General Assembly shall approve or disapprove the funding of such program. In the event a person subject to this Section is employed by the State on a permanent basis, he shall be entitled to appropriate credit for past service in such program.

Section 36. Any Department employing classified, temporary and/or seasonal personnel from funds other than those appropriated from the General Fund of the State shall pay to the State Office of Personnel from the Special Funds a prorated share of the expense of the Office of Personnel, as approved by the Budget Director. Such payments shall be used by the State Office of Personnel to supplement the funds appropriated to the Office from the General Fund of the State in Section 1 of this Act.

Section 37. (a) Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in a line item in Section 1 of this Act shall receive total compensation whether in wages, salary, wages-in-kind, or food allotment bonus or overtime from agencies of this State in excess of the total amount specified in such line item regardless of the source of funds involved. No full-time employee of the State of Delaware whose salary is paid wholly or in part by the State of Delaware shall receive any additional stipend for the purchase of food or be supplied with food or be reimbursed for food that was consumed during normal working hours within the State; provided, however, that this Section shall not apply to employees of State agencies who regularly receive wages-in-kind in addition to their salary nor to State police recruits during the period of their training. In the event that an employee shall receive 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. In the event the "All Other" part of the line item salary is made up entirely of Federal funds, and such Federal funds are terminated or reduced, the State appropriation is hereby increased 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 and further provided that the head of the Department or Agency has determined that such location of the employee is necessary to the operation of the Agency and that the employee has no other employment. 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 Section 1 of 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.

Section 38. (a) No monies appropriated in Section 1 of this Act shall be used by a Department or Agency for the payment of hazardous duty pay or Family Blue Cross coverage, except that payments may be made for:

- (i) hazardous duty pay and Family Blue Cross coverage to employees, otherwise qualified and employed by the Bureau of Adult Corrections;
- (ii) hazardous duty pay to employees, otherwise qualified, employed, by the Delaware State Hospital in the Comegy's Building;
- (iii) hazardous duty pay to employees, otherwise qualified, employed by the Bureau of Juvenile Corrections; and
- (iv) family Blue Cross coverage for members of the Uniformed Division of the Delaware State Police.

(b) Nothing in this Section shall be construed or interpreted by the State Personnel Commission or by the State Personnel Director to include Family Blue Cross coverage benefit as coming within the definition of hazardous duty pay.

Section 39. All appropriations authorized by Section 1 of this Act and identified within each agency budget for Microfilm Services shall be credited by the Secretary of Finance to Microfilm Services (20-06-003) as set forth in memorandum form in Section 1 of this Act. Any program or function of any State department or agency requiring microfilm services, funded by Federal funds or other State special funds, must pay for such services from said funds. All payments received from State agencies and units of local government shall be considered General Fund revenue and credited to Revenue Code 618.

Section 40. (a) In order that the children from whom the learning disability and socially or emotional 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 catchall 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 re-evaluated at least every two years.

(b) The total amount of \$750,000 appropriated for substitute teachers shall be allocated to the several 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, 1979. Any funds not used for the purpose herein referred to by the school district shall be transferred between school districts.

(c) General Fund appropriations to State Board of Education and State Board for Vocational Education, 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.

(d) From the funds in State Board of Education and State Board for Vocational Education in Section 1 of this Act, for Teachers — Homebound, the State Board of Education, or its designee, shall employ a classroom teacher who will be assigned to work with children hospitalized in any hospital located in New Castle County.

Section 41. (a) The sums appropriated in Section 1 of this Act to the various schools as "Division II - Other Costs" shall be used for all school costs except salaries, debt service, and transportation of pupils to and from their regular sessions of school. 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, shall remain in effect and be applicable without modification, notwithstanding any laws of the State to the contrary.

(b) Section 1 of this Act provides an appropriation to Services to School Districts and Others (95-01-002) for School Pupil Transportation. Of this appropriation, \$2,119,400 shall be allocated for Non-public Schools. In addition, \$40,000 shall be allocated for Basics Plus School Transportation.

(c) Transportation funds for public school districts shall be allocated according to bus contract or district transportation formula as adopted by the State Board of Education on January 18, 1979 and shall not exceed \$13,132,600. Funds remaining in public school district transportation lines after January 1, 1980, which have not been committed or approved by the State Board of Education, shall be transferred to the "School Pupil Transportation" line of the Department of Public Instruction.

Section 42. (a) The amount appropriated by Section 1 of this Act for salaries includes the estimated amount needed to provide for a nominal 7% salary increase for each State employee, unless as otherwise excepted by subsection (b) of this section. This 7% increase is to be provided as follows:

- (i) Normal steps or increments included in existing pay plans shall be continued.
- (ii) General Salary Adjustment:
 - (1) Each pay plan shall be increased by a percentage rate that is equal to the difference between 7% and the increment percentage for each step of the pay plan, rounded to the nearest dollar. The administrative regulations and procedures necessary to implement this section shall be promulgated by the State Budget Office, with concurrence of the Controller General.
 - (2) Notwithstanding any other provision of this Act, all employees not covered by an existing pay plan or exempted by subsection (b) of this Section shall receive, when due, a nominal annual salary increase of 7% over the previous fiscal year.
- (iii) The pay plan increases required by subsection (a) (ii) of this Section shall become effective with the beginning of the contract year for all employees who are employed under contract, and on July 1, 1979 for all other employees.
- (iv) Any employee whose salary is "frozen" shall receive a General Salary Adjustment equal to the percentage increase calculated in subsection (a) (ii) above for the appropriate pay plan which applies to a "frozen" employee.

(b) The provisions of this Section shall not apply to the Justices of the Supreme Court, the Chancellor and Vice Chancellor of the Court of Chancery, Judges of the Superior, Common Pleas and Family Courts, Justices of the Peace, the Public Guardian, Public Advocate, Uniformed State Police, employees of the University of Delaware, elected officials of the State, Public Defenders, members and employees of the Delaware National Guard and Deputy Attorneys General and Special Investigators within the Department of Justice.

(c) The uniform pay plan for classified employees will be modified, effective July 1, 1979, to remove the 36 month longevity delay for eligibility to advance to steps 9 and 10, with eligibility to advance on the review date contingent upon satisfactory performance as evidenced by an appropriate employee performance evaluation.

(d) Notwithstanding any other provision of this Act, in the event the appropriation to any Department or Agency for salaries is excessive or inadequate due to variation in anniversary dates of employment or to variation in proportions of employees at the various steps within the pay grades established for such Department or Agency, the Budget Director, with the approval of the Controller General, is authorized to transfer funds appropriated for salaries among the various Departments in order to effectuate the salary increases authorized by this Act. Such authorizations for transfers shall be in writing and shall be fully documented.

(e) The State Board of Education shall revise all salary schedules contained in Chapter 13, Title 14, Delaware Code to reflect a nominal 7% increase in salary for employees paid on schedules contained in that chapter. The revisions to effect that increase shall be made such that the 7% increase shall include any increment to which an individual employee would otherwise be entitled because of an additional year of experience. After the revisions for one and subsequent years of experience have been made on each schedule, the salary to be paid for zero years of experience shall be computed by subtracting the average increment on that schedule from the salary paid for one year of experience.

(f) Salary schedules prepared in the fulfillment of this Section and Act for Chapter 13, Title 14, Delaware Code, 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.

(g) Salaries of certain line item positions set forth in Section 1 of this Act in certain departments or agencies, excluding public and higher education, have been adjusted or increased for the fiscal year ending June 30, 1980, by 7% or more, over the salary in effect for each position on June 30, 1979. Accordingly, where these adjustments or increases have occurred, the provisions of this Section shall not apply to these line itemed positions.

(h) Notwithstanding any other provisions of this Act, in the event the appropriation set forth in Section 1 of this Act in a memorandum budget of any Department or Agency for salaries is excessive or inadequate to comply with the legislative intent of this Section, the Budget Director, with the approval of the Controller General, is authorized to make adjustments by a transfer between the several line item appropriations set forth in the memorandum budget. Such authorization for transfers shall be in writing and shall be fully documented.

Section 43. Amend Chapter 65, Title 29, Delaware Code, by striking Section 6528 in its entirety and inserting in lieu thereof a new section as follows:

"Section 6528. Transfer of Funds; approval.

(a) No transfer of funds from one item of account to another on the books or any agency shall be made without the written approval of the Budget Director.

(b) Funds appropriated by the Budget Appropriation Bill shall remain within the department or agency to which appropriated and shall not be transferred for use by another department, except as provided by law.

(c) Funds appropriated by the Budget Appropriation Bill may be transferred within a department or agency of the State, subject to the authority and limitations set forth in Part VI, Title 29, Delaware Code, and the approval by the Controller General, except that approval by the Controller General is not required on transfers from Budget Commission; provided, however, that no funds may be transferred into appropriations for "Salaries" or "Salaries and Wages" from appropriations for non-salary items. Funds appropriated by the Budget Appropriation Bill for "Contingency Funds" shall not be used for the payment of a line-item salary, except as otherwise specifically provided by law and for the sole purpose of maintaining the salary schedule set forth for school employees in Chapter 13, Title 14, Delaware Code.

(d) The Budget Director shall make a monthly report to the Controller General of all transfers of funds and positions as appropriated and authorized in the Budget Appropriation Bill.

(e) The provisions of paragraphs (b) and (c) of this Section are waived with respect to the allocation of Central Data Processing services. Requests for reallocation of the total amount appropriated for "Central Data Processing Services" may be made by the Director of the Division of Central Data Processing, subject to the approval of the Budget Director and the Controller General.

(f) The provisions of paragraph (c) of this Section are waived with respect to Central Data Processing. Requests from the Director of Central Data Processing for

transfer of unexpended funds appropriated to salaries and wages of employees to Contractual Services - Equipment Rental may be made upon approval of the Budget Director and the Controller General."

Section 44. Amend Chapter 65, Title 29, Delaware Code by striking Section 6505 in its entirety and inserting in lieu thereof a new Section 6505 to read as follows:

"Title 29, Section 6505. Limitation of Expenditures to Appropriations.

(a) The monies appropriated in the Budget Appropriation Bill shall be paid by the State Treasurer from the General Fund except as otherwise provided by law.

(b) Nothing contained in Titles 14 and 31, Delaware Code, shall be construed as authorizing appropriations or expenditures of General Fund monies during any fiscal year in excess of or other than the amount set forth in this Budget Appropriation Bill or as may be authorized in supplementary appropriation act enacted by the General Assembly.

(c) No funds appropriated by the Budget Appropriation Bill 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. No agency or school district shall use credit cards registered in the name of the agency, school district, or State which could create an obligation of the State, except oil company and telephone company credit cards may be used, provided such use has received prior approval by the Secretary of Finance."

Section 45. Amend Section 6335, Title 29, Delaware Code by adding a sentence to the second paragraph of Section 6335 to read as follows:

"All dollar amounts in the Budget Appropriation Act shall be stated in thousands of dollars, rounded to the nearest one hundred dollars."

Section 46. Amend Chapter 29, Title 14, Delaware Code, by adding thereto a new Section 2906 to read as follows:

"Section 2906. Transportation of Pupils to Special Schools.

School districts that operate special schools for the trainable, hearing impaired, orthopedic, or other special schools serving students from one or more school districts, shall not use any funds appropriated from the State General Fund for the purpose of transportation of said special school students. School districts that operate such special schools shall include the cost of transportation in the tuition charges to students from other school districts, and for students of the home district, transportation costs shall be paid from the tax funds collected to pay tuition."

Section 47. Amend Chapter 65 of Title 29, Delaware Code, by adding thereto a new Section to be designated Section 6534 to read as follows:

"Section 6534. Revenue Estimates.

The Governor shall submit to all members of the General Assembly and the Controller General an estimate of anticipated General Fund Revenues by major categories for the current and next immediate fiscal year. Such report shall be made not later than the twentieth day of September, December, March, April and May, and the fifteenth day of June."

Section 48. Amend Chapter 71, Title 29, Delaware Code, by adding thereto a new section to be designated Section 7106 to read as follows:

"Section 7106. Identification of State-owned Vehicles and Boats.

All State-owned motor vehicles shall bear on the rear thereof license plates issued by the Division of Motor Vehicles which carry the notation "STATE OWNED", identifying such vehicles as State-owned vehicles. All State-owned boats bear prominent identification on the rear thereof identifying such boats as State-owned boats. The automobile used by the Governor; vehicles of the State Police, the surveillance vehicles of the State Detectives, Alcoholic Beverage Control Commission, Capitol Security and the Controlled Substance Program of the Department of Health and Social Services; and certain special use vehicles operated by the Bureau of Adult Corrections and the Bureau of Juvenile Corrections are exempt from the requirements of this Section."

Section 49. Amend Chapter 17, Title 14, Delaware Code, by adding a new section to be designated Section 1719 to read as follows:

"Title 14, Section 1719. Employment of Persons.

(a) 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 the Budget Appropriation Bill. 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 the Budget Appropriation Bill and allocated in the line item under 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 not exceed the total funds appropriated by the Budget Appropriation Bill.

(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 provision for such personnel is made by line item in the Budget Appropriation Bill. 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.

(c) 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.

(d) 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.

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

(f) 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 a third shift at a vocational school and in-service courses in the same or other districts outside of regularly scheduled school hours."

Section 50. Amend Chapter 17, Title 14, Delaware Code, by adding a new section to be designated Section 1720 to read as follows:

"Section 1720. Adult Education.

Funds appropriated in the Budget Appropriation Bill for James H. Groves High School or Adult Basic Education, shall be allocated by the Department of Public Instruction to the participating school districts in amounts equal to each participating school districts proportion of eligible students to the total number of eligible students as of October 31 and February 28, in each fiscal year."

Section 51. Amend Chapter 15, Title 14, Delaware Code, by striking section 1502 in its entirety and inserting in lieu thereof a new section 1502 to read as follows:

"Section 1502. School Fund.

All monies and property given to or appropriated to the School Fund of this State shall be and become a part of the School Fund of this State. Any income derived therefrom shall be deposited by the State Treasurer in the General Fund for the purpose of meeting the expense of teachers' salaries incurred in accordance with appropriations for the public schools as provided in the Budget Appropriation Bill."

Section 52. Amend Chapter 17, Title 14, Delaware Code, by adding a new section to be designated Section 1717 to read as follows:

"Section 1717. Matching Federal Funds.

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 the 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 53. Amend Chapter 17, Title 14, Delaware Code, by adding a new section to be designated Section 1718 to read as follows:

"Section 1718. Adjustment of Appropriations.

(a) In the event that any school district shall have more certified units of pupils than the number of units for which appropriation is made in the Budget Appropriation Bill, 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 and the number of units of pupils for which teachers are provided by the Budget Appropriation Bill.
- (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 and the number of such employees provided for the district by the Budget Appropriation Bill. 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 than the number of units for which appropriation is made in the Budget Appropriation Bill, such district's appropriation shall be reduced by the State Board of Education and the Budget Director to comply with the number of units certified."

Section 54. Section 1 of this Act provides a memorandum budget for the Delaware Standardbred Development Fund (30-08-014). In the event the revenue available to the Standardbred Development Fund, along with any reserves, is insufficient to meet the appropriations in Section 1 of this Act, such memorandum budget is hereby reduced to the level of available revenue and reserves.

Section 55. Section 1 of this Act provides a memorandum budget for the Division of Graphics and Printing (30-10-001). In the event the revenue available to the Division of Graphics and Printing, along with any reserves, is insufficient to meet the appropriations in Section 1 of this Act, such memorandum budget is hereby reduced to the level of available revenue and reserves.

Section 56. Appropriations in Section 1 of this Act to the Division of Central Data Processing (30-07-000) recognize the transfer of personnel working on the Comprehensive Data Systems Plan for Criminal Justice and previously funded by LEAA without increasing the number of authorized positions. The Budget Director with the approval of the Controller General, is authorized to adjust the salary and wage lines in the event the positions filled by the transfer of these positions are understated.

Section 57. No funds appropriated in Section 1 of this Act shall be used for either salaries or non-salaries of a summer vocational school program other than Vocational-Technical School Districts for participation in program development in accordance with Section 1703 (j), Title 14, Delaware Code, except for \$65,000 for the Kent County Vocational-Technical School District, \$63,000 for the Sussex Vocational-Technical School District and New Castle County Vocational-Technical School District which may be used for a 22-day approved summer program for students. Agricultural teachers may be hired for twelve (12) months and paid from Teacher funds appropriated (Fund 01-09) in Section 1 of this Act to local school districts.

Section 58. 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, 1980.

Section 59. The monies appropriated in Section 1 of this Act shall be paid by the State Treasurer from the General Fund except as otherwise referenced in Section 1.

Section 60. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-002) for Salaries - Casual and Seasonal for Standing Legislative Committees. Requests from Chairmen of Standing Legislative Committees for professional staff assistance shall be submitted in writing to the Legislative Council for approval or disapproval. Approvals for professional staff assistance shall be allowed within the limits of the appropriations and as provided by guidelines established by the Legislative Council.

Section 61. The line item, Expenses - Lieutenant Governor, in the amount of \$4,000 appropriated to (12-01-000) in Section 1 of this Act, shall be disbursed in twenty-four (24) semi-monthly equal installments during fiscal year 1980 to the Lieutenant Governor.

Section 62. Section 1 of this Act provides an appropriation for Youth Conservation Program to (40-06-000) Division of Parks and Recreation, Department of Natural Resources and Environmental Control. The Division of Parks and Recreation shall provide the following information to the members of the General Assembly within thirty (30) days following the commencement of the Youth Conservation Program:

- (a) That the Division is maximizing the amount of Federal Funds available to match State Funds; and
- (b) Names of the youths participating in the Program and the school districts in which they have permanent residence.

Section 63. During the fiscal year ending June 30, 1980, no student enrolled in the Meadowood Trainable School as of September 1, 1976, shall be transferred to another public school without the written consent of the student's parents or legal guardian. The Meadowood Trainable School shall develop program(s) for the purpose of handling those previously enrolled students whom the parents or legal guardian refused to transfer to another public school.

Section 64. During the fiscal year ending June 30, 1980, the Department of Public Instruction is hereby directed to provide bus transportation of public school students previously declared ineligible by the Unique Hazards Committee, including the following:

- (a) Students attending the Stanton Junior High School, who are now forced to walk along Telegraph Road with a constant threat of injury.
- (b) Students attending Mount Pleasant High School who are now forced to walk along Marsh Road with a constant threat of injury.
- (c) Students attending the Seaford Junior and Senior High Schools who live in Westview, west of Sussex Avenue, north of the Penn Central Railroad on Pennsylvania Avenue, and south of Stein Highway.
- (d) Students living north of Stein Highway in Woodside Manor and other areas that must cross Stein Highway to attend the West Seaford Elementary School.
- (e) Students attending the Seaford Junior and Senior High Schools who live in Blades and south of the Nanticoke River.
- (f) Students attending the Wilmington High School on Lancaster Avenue to Delaware Avenue in the north-south grid and on Jackson Street to duPont Street on the east-west grid.

The transportation of the students specified herein shall continue until the funds requested are appropriated and construction is completed. Spur routes shall continue to be served as at present.

Section 65. Section 1 of this Act provides an appropriation to Educational Contingency (95-01-003) for General Contingency. Of this appropriation, \$45,000 shall be allocated immediately for the continuation of the services of the Parent Early Education Center at the Casimir Pulaski Elementary School.

Section 66. Section 1 of this Act provides appropriations for Salaries and Wages of Employees in a number of State agencies for certain positions in fiscal year 1980 which positions were funded with Federal Funds during the fiscal year ending June 30, 1979. The Office of State Personnel and the Office of the Budget shall assure that no position funded by General Fund appropriations in Section 1 of this Act is used to replace a position funded by Federal Funds in fiscal year 1980. Unless approved by the Controller General, the General Fund appropriations for such positions identified by the Office of State Personnel and the Office of the Budget shall promptly revert to the General Fund, including appropriate Other Employment Costs.

Section 67. Section 1 of this Act provides an appropriation for Personal Services in Public Guardian (02-02-002) for the fiscal year ending June 30, 1980. None of this appropriation shall be used for the payment of legal services.

Section 68. Of the total amount appropriated to Personal Services in Section 1 of this Act to Community Health (35-05-002), Division of Public Health, \$20,000 is appropriated for the purpose of providing school nursing services to non-public schools in New Castle County.

Section 69. Section 1 of this Act provides for an appropriation of \$150,000 to the Division of Mental Retardation (35-11-000) for Long-Term and Respite Care for the Mentally Retarded subject to the following:

- (a) Of the \$150,000 appropriation, \$100,000 is to be used for the purpose of purchasing long-term residential care and/or training for mentally retarded and multiple-handicapped Delawareans whose needs cannot be adequately met in facilities operated by this State. These services shall be purchased at facilities which in the judgment of the Division of Mental Retardation, best suit the needs of the individual handicapped person wherever such facilities may be located.

(b) Of the \$150,000 appropriation, \$50,000 is to be used for the purpose of purchasing short-term (respite) care for mentally retarded and multiple-handicapped Delawareans whose families keep them at home. The purpose of this respite care program is to provide care during family emergencies or to offer relief from the extraordinary demands their families face, since there is not enough capacity in State facilities which, in the judgment of the Division of Mental Retardation, best suit the needs of the individual handicapped person, wherever such facilities may be located.

(c) The Division of Mental Retardation's responsibility to collect payment for services for care and treatment as mandated by Sections 7940 and 7941, Title 29, Delaware Code, is extended so as to include the expenditure of money for purchase of long-term care and respite care by the Department of Health and Social Services at non-State institutions.

Section 70. Section 1 of this Act provides for an appropriation of \$5,000 to the Division of Emergency Planning and Operations (45-08-000) for the purpose of providing radiation monitoring. It is the intent of the appropriation for this service to Delawareans that the Division of Emergency Planning and Operations (45-08-000), Division of Public Health (35-05-000), and the Division of Environmental Control (40-08-000), shall coordinate in providing this radiation monitoring service.

Section 71. (a) For the fiscal year ending June 30, 1979, \$100,000 of certain Delaware Transportation Authority funds was authorized for the support of Taxi Services. Any funds unspent or unencumbered as of June 30, 1979, shall continue to be available for use in support of Taxi Services program during the fiscal year ending June 30, 1980.

(b) The Delaware Transportation Authority budget set forth in memorandum form in Section 1 of this Act, provides \$60,000 for "Taxi Service Support". It is the intent that these funds will be used to continue and expand the experimental service initiated in fiscal year 1978. The services should be demand responsive and should be designed to serve the areas of most concentrated transportation dependent senior citizens throughout the State utilizing established private taxi systems. In those areas, arrangements will be made to transport handicapped individuals. It is intended that management and direction of these services shall reside with the Delaware Transportation Authority and shall not be delegated to either DART or DAST.

Section 72. (a) Each school district shall continue to use salary schedules not less than those in Section 1322, Title 14, Delaware Code, for all cafeteria employees.

(b) Effective July 1, 1979, the State shall pay 15% of the salary rate for Cafeteria Managers as set forth in the salary schedule in Section 1322, Title 14, Delaware Code. The remaining 85% of the salary rate for Cafeteria Managers shall be paid from local funds. Section 1 of this Act provides an appropriation under Educational Contingency (95-01-003) for the purpose of making the 15% salary payment. The Department of Public Instruction is authorized to make the appropriate allocation to each school district eligible to receive such entitlement under Title 14 of the Delaware Code.

(c) Section 6 of this Act to the contrary notwithstanding, for the fiscal year ending June 30, 1980, each school district employing cafeteria employees shall transfer or pay on a regularly scheduled basis as determined by the Secretary of Finance to the Treasurer of the State of Delaware appropriate sums for local funds to cover F.I.C.A. - Employer's Share and Pension Costs on cafeteria employees.

(d) No provision in this Act shall be construed as affecting the eligibility of cafeteria employees as an employee under Section 5501, Title 29, Delaware Code.

Section 73. For the fiscal year ending June 30, 1980, the 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.

Section 74. With respect to the S.E.R.V.E. Nutrition Program in operation at certain senior centers, cash receipts shall be deposited on a daily basis. At the time of pick up of daily cash by the delivery person, the cash shall be counted in the presence of the site manager by the delivery person, and a receipt indicating the amount shall be signed in duplicate by the delivery person and the site manager. The original copy of the receipt shall be retained by the site manager.

Section 75. Section 1 of this Act makes no appropriation for, nor authorization of, the position of Personnel Manager in the Administrative Office of the Courts (02-17-001), for the fiscal year ending June 30, 1980.

Section 76. For the fiscal year ending June 30, 1980, the remaining balance of the Office of Attorney General (15-01-001) from fiscal year 1979 appropriations for Contingency - Litigation Expense shall be a continuing appropriation and shall not be subject to reversion until June 30, 1980. The purpose of this contingency fund is to conduct litigation as is necessary to protect the best interests of the State of Delaware and crippled children and elderly who are the beneficiaries of the trust of Alfred I. du Pont.

Section 77. For fiscal year ending June 30, 1980, the following guidelines shall govern the SERVE Nutrition Program within the City of Wilmington, as it relates to duties and responsibilities of site managers at nutrition sites:

- (1) Site managers are employed by and report to the grantee agency which is the Wilmington Senior Center.
- (2) Site manager's primary duties/responsibilities with respect to a site location are:
 - (a) Assure that operating site is in full compliance with rules and regulations of Title VII Nutrition Program;
 - (b) Collect and report all necessary information needed for federal reports;
 - (c) Meet, as required, with site council for the purpose of communications, discussing problems, etc., and other matters relating to Nutrition Program responsibilities;
 - (d) Be aware that mandated supportive services for Title VII are being provided to host facility; and
 - (e) Act as liaison between federally funded Title VII project and host facility.

Section 78. (a) All departments and agencies receiving funds appropriated by this Act shall file an Annual Report by October 15, following the close of the fiscal year. Such Report shall contain such information and be in such form as prescribed by the State Budget Director.

(b) The Budget Director shall consolidate and edit the reports received from all departments and agencies and shall publish a single Annual Report for the State of Delaware. A copy of such Annual Report for the State shall be provided to the Governor, the Lieutenant Governor, each member of the General Assembly, the Controller General and the Auditor of Accounts, and copies shall be made available to the public.

Section 79. Amend Section 2505, Title 29 of the Delaware Code by striking subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) The Attorney General may appoint, from the practicing members of the Bar of this State, a lawyer resident in this State who shall be his Chief Deputy Attorney General and who shall have such powers, duties and responsibilities as designated by the Attorney General and shall serve on a full-time basis."

Section 80. Amend Section 2506, Title 29, of the Delaware Code by striking subsection (c) in its entirety.

Section 81. Section 1 of this Act appropriates \$95,000 for Capital Outlay to the Department of Natural Resources & Environmental Control, Division of Parks and Recreation, Operations and Maintenance (40-06-002). Of this amount, \$8,000 is to be used to repair the fencing at the Bellevue State Park.

Section 82. (a) During FY 1979, the Division of State Police received an appropriation to purchase 60 Police vehicles. The Division of State Police is authorized to sell 60 Police vehicles during FY 1980. In the event the proceeds from the sale of these 60 Police vehicles is \$30,000 or less, such total proceeds are hereby appropriated to the Division of State Police to be expended for Capital Outlay. In the event the proceeds are greater than \$30,000 from the sale of these 60 Police vehicles, there is hereby appropriated from such proceeds \$30,000 to the Division of State Police to be expended for Capital Outlay. Any proceeds from the sale of these 60 vehicles in excess of \$30,000 shall be deposited into the General Fund of the State of Delaware.

(b) The Division of State Police may sell additional vehicles in FY 1980; however, these additional vehicles will be sold in accordance with the Delaware Code, Title 29, Section 7002.

Section 83. Amend §6903, Chapter 69, Title 29 of the Delaware Code by striking subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

"(i) The Secretary of the Department of Administrative Services may enter into negotiations with various manufacturers or distributors and award contracts which will enable State agencies, local governments, schools and school districts to purchase material at prices approved by the General Services Administration of the United States government or its successor."

Section 84. In the event that the amount authorized in the memorandum budget in Section 1 of this Act for the State Treasurer, Office of Pensions for Personal Services (payments to investment managers) is insufficient, the memorandum budget may be amended to adjust for such insufficiency upon request of the State Treasurer and approved by the Budget Director and the Controller General.

Section 85. The sum of \$15,000 appropriated as Contingency to the Office of State Personnel in Section 1 of this Act, shall be used for the purpose of upgrading and/or reclassifying positions. Transfer of salary monies under this Section shall be subject to approval or disapproval by the Budget Director and the Controller General.

Section 86. (a) The Office of Controller General shall have the sole authority to perform or approve the performance of management and program reviews or audits. Management and program reviews shall include, but are not limited to, any analyses necessary to determine operational efficiency and effectiveness, compliance with the laws of Delaware and legislative intent.

(b) This Section does not prohibit internal management and program reviews or audits by any department, agency or commission. When said review or audit is performed by a formal or informal contractual agreement, a copy of the agreement shall be filed with the Controller General.

Section 87. Amend Section 7603, Chapter 76, Title 29, Delaware Code, by striking paragraph (l) in its entirety as it appears in Section 7603 and substituting in lieu thereof a new paragraph (l) to read as follows:

"(l) All state departments and agencies, including agencies of public and higher education, receiving funds pursuant to the Annual Budget Appropriation Act; and"

Section 88. Section 1 of this Act provides an appropriation for the Department of Agriculture, Division of Production and Promotion (85-04-000) in Contractual Services for the purposes of funding the Cloud Seeding Program. The \$194,000, or the remaining

portion thereof, shall not revert on June 30, 1980, but shall be a continuing appropriation and shall revert on December 31, 1980.

Section 89. Amend Section 710, Chapter 7, Title 29, Delaware Code, by striking subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Lieutenant Governor shall receive an annual salary of \$11,464 for serving as President of the Senate, plus an additional sum of \$1,605 annually for performing his other duties, commencing with the day he assumes office."

Section 90. Amend Section 710, Chapter 7, Title 29, Delaware Code, by striking subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) Each member of the Senate and the House of Representatives shall receive an annual salary of \$9,630, payable semi-monthly commencing on the eleventh month, fifteenth day of the year in which the member is elected, through the tenth month, thirty-first day of the year in which his term expires."

Section 91. Amend Section 710, Chapter 7, Title 29, Delaware Code, by striking subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) Any member of the Senate and the House of Representatives who is elected or appointed to any of the following positions shall, while serving in such position, receive additional semi-monthly compensation as follows:

(1) President Pro Tempore of the Senate	\$ 76.43
(2) Speaker of the House of Representatives	76.43
(3) Majority and Minority Leader of the Senate	63.69
(4) Majority and Minority Leader of the House	63.69
(5) Chairman and Vice Chairman of the Joint Finance Committee	63.69
(6) Majority and Minority Whip of the Senate	50.95
(7) Majority and Minority Whip of the House	50.95
(8) Members of the Joint Finance Committee	25.48

If a member serving in any of the leadership positions, described in paragraphs (1), (2), (3), (4), (6), and (7) of this subsection, shall be elected or appointed to the position of Chairman or Vice Chairman of the Joint Finance Committee or shall serve as a member of the Joint Finance Committee, such member shall not be entitled to the additional compensation provided in paragraphs (5) and (8) of this subsection.

Payments shall commence immediately when such member is elected or appointed to such position."

Section 92. Amend Chapter 7, Title 29, Delaware Code, by striking Section 711 in its entirety and substituting in lieu thereof a new Section 711 to read as follows:

"Section 711. Expenses of Members of General Assembly.

Every member of the General Assembly shall receive \$2,500 annually for expenses, payable semi-monthly commencing on the eleventh month, fifteenth day of the year in which the member is elected through the tenth month, thirty-first day of the year in which his term expires."

Section 93. The appropriation in Section 1 of this Act to the Family Court (02-08-000) authorizes 199 General Fund positions for the fiscal year ending June 30, 1980. The two (2) additional positions for fiscal year 1980 are a bailiff and a statistician.

Section 94. Section 1 of this Act appropriates \$60,000 to the State Treasurer for payment of employees' membership in the Blood Bank of Delaware, Incorporated. This State shall pay the annual dues for membership in the Blood Bank of Delaware for all regular officers and employees of the State not otherwise covered under a group program of Blood Bank of Delaware. If the employee is covered in any way by a group program issued by the same insurer, duplicate coverage shall not be procured by the State, however, it shall be at the employee's option as to whether to be covered by the State group insurance plan or by a program of the spouse. If covered by a program of the spouse, the employee shall obtain no monetary credit or rebate from the State.

For purposes of clarification, where both the husband and the wife work for the State, it will only be necessary to provide one membership. (Note: Blood Bank membership is a family membership — either spouse provides the same protection for the entire family.)

It is the responsibility of each State employee enrolled in the Blood Bank of Delaware to fulfill the other obligation of membership — to provide a blood donation when called, or to pay the \$25.00 purchase option in lieu of the donation. The State is not responsible for the blood donation or the purchase option.

The State Treasurer shall be responsible for the administration of this Section and is hereby empowered to promulgate rules and regulations for the administration of this Section.

Section 95. The budget in Section 1 of this Act for Office of Attorney General (15-01-001) authorizes continuation of the Witness Notification Program for the fiscal year ending June 30, 1980. One half of the program costs are General Funds and the other half of the costs are Federal Funds. Of the four positions authorized for the program, the Legal Assistant and a Clerk Steno shall be paid from General Funds.

Section 96. There is hereby created a Position Processing Unit within the Division of Accounting, Department of Finance, which function is established to process position and personnel data and maintain this data base on authorized and incumbent positions. For the fiscal year ending June 30, 1980, four (4) positions are authorized for the Position Processing Unit and shall be comprised of the following: one (1) Personnel Administrator, two (2) Personnel Technicians, and one (1) Data Entry Operator I. Of the four (4) positions, two (2) shall be transferred from the Office of State Personnel; one (1) shall be transferred from the Department of Transportation, Office of Administration; and one (1) position shall be funded from the Payroll Personnel Program. The sums and employee positions to be transferred as contemplated by this Section must be approved by the Controller General and the Budget Director.

Section 97. Of the total amount appropriated to Capital Outlay in Section 1 of this Act to Administration (30-05-001), Division of Maintenance and Communications, \$13,500 is appropriated for the purpose of constructing a parking lot contiguous to the Sykes Building in Dover.

Section 98. Of the total positions authorized in Section 1 of this Act for Department of Health and Social Services, Division of Business Administration and General Services, Bureau of Child Support (35-02-003), the Bureau shall identify three (3) positions who will be matched with federal funding and who will function as field investigators where needed in this State to locate absentee fathers.

Section 99. Section 1 of this Act authorizes 85.5 General Fund positions for fiscal year 1980 for the Bureau of Juvenile Corrections, Ferris School for Boys (38-13-002). The total positions authorized includes the position of Recreation Specialist I.

Section 100. Section 1 of this Act appropriates \$43,000 for Capital Outlay to the Department of Natural Resources and Environmental Control, Division of Parks and Recreation, Special Programs (40-06-003). Of this amount, \$41,475 shall be used to purchase a portable band stand.

Section 101. Amend Chapter 39, Title 7, Delaware Code, by striking Section 3921 in its entirety and substituting in lieu thereof a new Section 3921 to read as follows:

"Section 3921. Annual appropriations to Soil and Water Conservation Division of Department of Natural Resources and Environmental Control.

The General Assembly shall annually appropriate:

- (1) To the Soil and Water Conservation Division for use in New Castle County, a sum not in excess of \$45,000;
- (2) To the Soil and Water Conservation Division for use in Kent County, a sum not in excess of \$45,000;
- (3) To the Soil and Water Conservation Division for use in Sussex County, a sum not in excess of \$45,000."

Section 102. Section 1 of this Act provides an appropriation for Operations to the Department of Transportation, Division of Highways (55-05-000). Of the Operations appropriation, \$40,000 is hereby appropriated for the purpose of installing a traffic control device at the entrance to Brookhaven on Harmony Road.

Section 103. Section 1 of this Act appropriates \$44,400 for Supplies and Materials to the State Fire Prevention Commission, State Fire School (75-02-000). Of this amount, \$9,000 is to go to the Delaware Volunteer Fire Association for the purpose of purchasing "Child Finder Stickers".

Section 104. The Wilmington Campus of Delaware Technical and Community College was appropriated \$98,200 for Capital Outlay in Section 1 of this Act. Of that amount, \$75,900 is hereby allocated to surface treatment of the campus parking facilities.

Section 105. Amend Section 1310, Chapter 13, Title 14, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"§1310. Salary schedules for school nurses

(a) All nurses who hold appropriate certificates shall be paid in accordance with the provisions of Section 1305 of this Title effective July 1, 1979.

(b) A reorganized school district may employ personnel to be paid for ten months per year from State funds pursuant to this Section in a number equal to one for each full 40 State units of pupils, except that in schools for the physically handicapped within the district the allocation shall be in accordance with rules and regulations adopted by the State Board of Education; provided further that each reorganized school district shall have at least one school nurse."

Section 106. Amend Section 1305, Chapter 13, Title 14, Delaware Code, by inserting "nurses," between the words "teachers," and "principals," as they appear in the title of said section.

Section 107. Salary schedules prepared in the fulfillment of Sections 105 and 106 of this Act for Chapter 13, Title 14, Delaware Code, 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.

Section 108. Section 1 of this Act provides an appropriation to the Department of Transportation, Division of Highways (55-05-000), for Operations. Of the Operations appropriation, \$60,000 is hereby appropriated for the purpose of correcting an existing drainage problem adjacent to the present Woodside Drainage Project (Contract No. 76-12-004), and area bounded by U.S. 13, Kent Road 30, and Kent Road 370.

Section 109. The State's program for adoption subsidies has been increased effective July 1, 1979, in the following categories. New limits on certain types of expenditures have been established.

(a) <u>Category</u>	<u>Limit per Child</u>	<u>Total Amount Increased</u>
Medical Subsidies	\$3,000 per year	\$23,000
Board Subsidies	\$180.30 per month	\$22,000
Adoption Agency Fees	Additional 34 children	\$35,000
(b) Salaries and Wages and Other Employment Costs	Authorization of two (2) General Funded Positions	

In addition to the increase in benefit limits mentioned in this Section, there was an increase of \$105,100 in the appropriations to the Department of Health and Social Services, Division of Social Services (35-07-000) in Section 1 of this Act to provide for the increase in adoption subsidies and authorized positions.

CHAPTER 69

FORMERLY

SENATE BILL NO. 81

AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO
LICENSES FOR SALES OF ALCOHOLIC LIQUORS TO BE CONSUMED
OFF-PREMISES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §516, Chapter 5, Title 4 of the Delaware Code by adding a new
sentence subsection (a), which new sentence shall read as follows:

"For purposes of issuing a new license under this section, all establishments
licensed for the sale of alcoholic liquors, but not for consumption on the premises
where sold, shall be considered as being of the same type; provided, however, this
shall not apply to the transfer of ownership or the renewal of an existing license."

Approved June 19, 1979.

CHAPTER 70

FORMERLY

SENATE BILL NO. 41
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES, AND PROVIDING FOR AN INCREASE IN THE AMOUNT OF MONEY PERMITTED TO BE EARNED BY PERSONS UNDER THE STATE EMPLOYEES' PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (a), Section 5502, Chapter 55, Title 29, Delaware Code by striking the words "\$3,000 a year." and inserting in lieu thereof the following:

"the amount of earned income allowable by the U. S. Social Security Administration without affecting Social Security benefits."

Approved June 19, 1979.

CHAPTER 71

FORMERLY

HOUSE BILL NO. 128

AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND SUBCHAPTER VII OF CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO CRUELTY TO ANIMALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1. Amend §1325 of Subchapter VII, Chapter 5, Title 11, Delaware Code by designating all of the existing section as subsection (b) and by inserting a new subsection (a) to read as follows:

"(a) Definitions

For the purpose of this section, the following words and phrases shall include, but not be limited to, the meanings respectively ascribed to them as follows:

(1) 'Cruel'. The word 'cruel' includes every act or omission to act whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

(2) 'Cruel mistreatment'. The phrase 'cruel mistreatment' includes any treatment whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

(3) 'Cruel neglect'. The phrase 'cruel neglect' includes neglect of an animal, which is under the care and control of the neglecter, whereby pain or suffering is caused to the animal.

(4) 'Cruelty to animals'. The phrase 'cruelty to animals' includes mistreatment of any animal or neglect of any animal under the care and control of the neglecter, whereby unnecessary or unjustifiable physical pain or suffering is caused. By way of example this includes: (a) unjustifiable beating of an animal; (b) overworking an animal; (c) tormenting an animal; (d) abandonment of an animal; (e) failure to feed properly or give proper shelter or veterinary care to an animal.

(5) 'Person'. The word 'person' includes any individual, partnership, corporation, or association living and/or doing business in the State of Delaware.

(6) 'Abandonment'. The word 'abandonment' includes completely forsaking or deserting an animal originally under one's custody without making reasonable arrangements for custody of that animal to be assumed by another person.

(7) 'Custody'. The word 'custody' includes the responsibility for the welfare of an animal subject to one's care and control whether he owns it or not.

(8) 'Proper feed'. The phrase 'proper feed' includes providing each animal with daily food and water of sufficient quality and quantity to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

(9) 'Proper shelter'. The phrase 'proper shelter' includes providing each animal with adequate shelter from the weather elements as required to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

(10) 'Proper veterinary care'. The phrase 'proper veterinary care' includes providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Section 2. Amend §1325, Subchapter VII, Chapter 5, Title 11, Delaware Code, by adding thereto a new subsection (c) to read as follows:

"(c) The provisions of this Section shall not apply to the lawful hunting or trapping of animals as provided by law."

Approved June 20, 1979.

CHAPTER 72

FORMERLY

HOUSE BILL NO. 268

AN ACT TO AMEND CHAPTER 29, TITLE 6, DELAWARE CODE, TRANSFERRING THE OFFICE OF RETAIL GASOLINE SALES FROM THE DIVISION OF CONSUMER AFFAIRS OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO THE DIVISION OF MOTOR FUEL TAX OF THE DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the Office of Retail Gasoline Sales was legislatively established in the Division of Consumer Affairs of the Department of Community Affairs and Economic Development; and

WHEREAS, the Division of Motor Fuel Tax of the Department of Public Safety is better equipped than the Division of Consumer Affairs to enforce the Retail Sale of Motor Fuel Act; and

WHEREAS, a transfer of the Office of Retail Gasoline Sales from the Division of Consumer Affairs to the Division of Motor Fuel Tax is desirable for the efficient and economical administration of the duties of the Office of Retail Gasoline Sales; and

WHEREAS, such a transfer between Departments of Government can only occur through enabling legislation.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2903, Chapter 29, Title 6, Delaware Code, by striking the words "Division of Consumer Affairs of the Department of Community Affairs and Economic Development" as they appear in the first sentence of said §2903, immediately after the words "with the" and before the words "a declaration", and substituting in lieu thereof the words "Office of Retail Gasoline Sales".

Section 2. Amend §2903, Chapter 29, Title 6, Delaware Code, by striking the words "Division of Consumer Affairs" as they appear at the end of the second sentence of said §2903 immediately after the words "to the" and substituting in lieu thereof the words "Office of Retail Gasoline Sales".

Section 3. Amend §2905(b), Chapter 29, Title 6, Delaware Code, by striking the words "Division of Consumer Affairs of the Department of Community Affairs and Economic Development" as they appear in the first sentence of said subsection (b) immediately after the word "The" and before the word "shall" and substituting in lieu thereof the words "Office of Retail Gasoline Sales".

Section 4. Amend §2911(a), Chapter 29, Title 6, Delaware Code, by striking the words "Division of Consumer Affairs of the Department of Community Affairs and Economic Development" as they appear in the first sentence of said subsection (a) immediately after the words "within the" and before the words "and shall" and substituting in lieu thereof "Division of Motor Fuel Tax of the Department of Public Safety".

Section 5. All unexpended funds appropriated to or for the use of the Office of Retail Gasoline Sales are hereby transferred to the Division of Motor Fuel Tax of the Department of Public Safety.

Approved June 26, 1979.

CHAPTER 73

FORMERLY

HOUSE BILL NO. 470

AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO PAY PRIOR YEARS' OBLIGATIONS FROM BUDGETARY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1979.

WHEREAS, current statutory limitations prohibit paying prior years' obligations from current budgetary appropriations; and

WHEREAS, the Department of Health and Social Services has certain fiscal obligations dating back to previous fiscal years; and

WHEREAS, the Department of Health and Social Services' current general fund appropriation is sufficient to cover all anticipated expenses, including such prior years' obligations, through the balance of fiscal year 1979.

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 to pay prior years' obligations from its current operating budgetary appropriation.

Section 2. The Secretary of the Department of Health and Social Services shall provide the Controller General with a written report of all expenditures made pursuant to provisions of the bill. Such report must be submitted not later than July 31, 1979.

Section 3. The authority for this bill expires on June 30, 1979.

Approved June 26, 1979.

CHAPTER 74

FORMERLY

HOUSE BILL NO. 336

AN ACT TO AMEND TITLE 10 AND TITLE 29, DELAWARE CODE RELATING TO JUSTICE OF PEACE COMPENSATION AND MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §9209, Chapter 92, Title 10 of the Delaware Code, by striking subsection (a) of said section in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Effective January 1, 1979, each Justice shall receive annually as compensation for his services the sum of \$16,000. Thereafter, effective January 1, 1980, each Justice shall receive annually as compensation for his services the sum of \$17,000."

Section 2. Each person who was serving as a Justice of the Peace of the State of Delaware as of April 1, 1976 through March 31, 1978 shall be paid the sum of \$1,767.00 in one payment for past judicial service in addition to salary adjustments provided in this Act. Each person who was serving as a Justice of the Peace of the State of Delaware as of April 1, 1976, but who retired, resigned, or died prior to March 31, 1978, shall receive benefits pursuant to 29 Delaware Code §6532 as of the date of his retirement, resignation or death upon presentment of a written claim to the Treasurer of the State of Delaware.

Section 3. Each Justice of the Peace or former Justice of the Peace of the State of Delaware who elects to receive the benefits provided by this Act, by his act of so electing, waives, releases, and gives up any claim or right which he may have had, or now has, as a result of any prior act, law, or provision of the Delaware Code with respect to COLA, to the date of this Act. Each Justice of the Peace or former Justice of the Peace of the State of Delaware, or his personal representative, shall notify the State Treasurer, in writing, of his election to receive the benefits provided by this Act no later than 30 days after the effective date of this Act.

Section 4. The sum of \$166,991 is hereby appropriated to the State Treasurer and shall be paid out of the General Fund of the State of Delaware from Funds not otherwise appropriated for the purposes of this Act. This is a supplementary appropriation for fiscal year 1979, 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. The funds herein appropriated remaining unexpended on June 30, 1979, shall revert to the General Fund of the State of Delaware.

Section 5. The provision of this Act shall become effective upon the written election to accept the terms of this Act by all those persons serving as a Justice of the Peace on the date this Act is enacted into law or their personal representatives. If the written acceptance of the terms of this Act by all those persons serving as a Justice of the Peace on the date this Act is enacted into law or their personal representatives is not obtained within 30 days of the date this Act is enacted into law, this Act shall be automatically null and void and of no force or effect.

Approved June 26, 1979.

CHAPTER 75

FORMERLY

SENATE BILL NO. 180
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 5 OF THE DELAWARE CODE, RELATING TO
SMALL LOAN COMPANIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2103, Title 5, Delaware Code, by striking said section in its
entirety and substituting in lieu thereof the following:

"§2103. Location of Place of Business and Term of Registration

Every certificate of registration issued by the State Bank Commissioner shall
state the intended place of business of the applicant and shall authorize the
transaction of such business for the period terminating on the last day of December
next following the date of the issuance at the office or place of business set forth
in the application, and at no other place or location. The Commissioner may issue
more than one certificate of registration to the same applicant upon payment of
the required fees and compliance with all applicable provisions of law."

Approved June 26, 1979.

CHAPTER 76

FORMERLY

SENATE BILL NO. 47

AN ACT TO AMEND §101, SUBCHAPTER 1, CHAPTER 1, TITLE 13, OF THE DELAWARE CODE, RELATING TO THE MARRIAGE OF MENTAL HOSPITAL PATIENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. §101, Subchapter 1, Chapter 1, Title 13, of the Delaware Code, is hereby amended by deleting subsection (b)(2) and substituting in lieu thereof the following:

"(2) A patient in a mental hospital, unless such person first files with the Clerk of the Peace to whom he makes application for a marriage license a certificate signed by the superintendent of the mental hospital in which such person is a patient stating that such person is fit to marry, and unless such person in other respects may lawfully marry;"

Approved June 26, 1979.

CHAPTER 77

FORMERLY

SENATE BILL NO. 129

AN ACT TO AMEND CHAPTER 29, TITLE 21, DELAWARE CODE TO ELIMINATE THE REQUIREMENT FOR FILING SR-22 INSURANCE CERTIFICATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2946, Chapter 29, Title 21 of the Delaware Code by deleting said section in its entirety.

Section 2. Amend §2947, Chapter 29, Title 21 of the Delaware Code by striking the "." at the end of paragraph (3) and inserting in lieu thereof "; or", and by further adding the following new paragraph (4) to read as follows:

"(4) Statement from an insurance carrier certifying that there is in effect a motor vehicle liability policy covering the operator or vehicle as required by this Chapter."

Section 3. Amend §2952, Chapter 29, Title 21 of the Delaware Code by striking said section in its entirety.

Section 4. Amend §2955, Chapter 29, Title 21 of the Delaware Code by striking said section in its entirety.

Section 5. Amend §2971, Chapter 29, Title 21 of the Delaware Code by deleting paragraph (c) in its entirety and relettering paragraph (d) to read paragraph (c).

Section 6. Amend §2907, Chapter 29, Title 21 of the Delaware Code by deleting said section in its entirety.

Approved June 26, 1979.

CHAPTER 78
FORMERLY
SENATE BILL NO. 144

AN ACT TO AMEND CHAPTER 7, TITLE 18, OF THE DELAWARE CODE RELATING TO THE FEE SCHEDULE OF THE INSURANCE CODE FOR THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Section 701, Title 18, Delaware Code is amended by deleting in its entirety Section 701 thereof and inserting in lieu thereof a new Section 701 as follows:

"§701. Fee Schedule

The Commissioner shall collect in advance, except as provided herein, and persons so served shall pay to the Commissioner, fees, licenses and miscellaneous charges as follows:

(1) INSURER'S CERTIFICATE OF AUTHORITY:

a. For filing application for initial certificate of authority, including all documents submitted as part of such application
\$500.00

b. Issuance of certificate of authority 25.00

c. Annual continuation, including filing of annual statement 50.00

d. Reinstatement (§518 of this Title) 25.00

e. Amendment 10.00

(2) CHARTER DOCUMENTS (other than those filed with application for certificate of authority). FILING AMENDMENTS TO CERTIFICATE OF INCORPORATION, ARTICLES OF INCORPORATION, CHARTER, BYLAWS, POWER OF ATTORNEY (as to reciprocal insurers) AND TO OTHER CONSTITUENT DOCUMENTS OF THE INSURER 10.00

(3) ANNUAL STATEMENT OF INSURER. FOR FILING ANNUAL STATEMENT, OTHER THAN INCLUDED WITH (1)(a) AND (c) ABOVE 25.00

(4) SERVICE OF PROCESS, ACCEPTANCE. AGAINST UNAUTHORIZED PERSONS AND INSURERS UNDER CHAPTER 21 OF THIS TITLE 7.50

Others 5.00

(5) AGENTS (§1702 of this Title)

a. Certificate of authority (original) 10.00

b. Appointment of agent (§1714 of this Title (each insurer) 3.00

c. Annual continuation of appointment, each insurer 3.00

d. Interim agent's license (§1711 of this Title 10.00

e. Temporary license (\$1712 of this Title each 90 day period	10.00
f. Annual continuation of certificate of authority	10.00
(6) BROKERS (\$1703 of this Title)	
a. Certificate of authority	20.00
b. Annual continuation of certificate of authority	20.00
c. Temporary license (\$1712 of this Title) each 90 day period	10.00
(7) SURPLUS LINES BROKER (\$1704 of this Title)	
a. Certificate of authority (original)	50.00
b. Annual continuation of certificate of authority	50.00
c. Temporary License (\$1712 of this Title), each 90 day period	10.00
(8) CONSULTANT (\$1705 of this Title)	
a. Certificate of authority (original)	50.00
b. Annual continuation of certificate of authority	50.00
c. Temporary license (\$1712 of this Title), each 90 day period	10.00
(9) LIMITED REPRESENTATIVE (\$1706 of this Title)	
a. Certificate of authority (original)	10.00
b. Annual continuation of certificate of authority	10.00
c. Appointment of Limited Representative, each insurer (\$1714 of this Title)	3.00
d. Annual continuation of appointment, each insurer	3.00
(10) FRATERNAL REPRESENTATIVE (\$1707 of this Title)	
a. Certificate of Authority (original)	2.00
b. Annual continuation of certificate of authority	2.00
c. Appointment of Fraternal Representative, each society or association (\$1714 of this Title)	3.00
d. Annual continuation of appointment, each insurer	3.00
(11) ADJUSTER (\$1708 of this Title)	
a. Certificate of authority (original)	10.00
b. Annual continuation of certificate of authority	10.00
(12) MOTOR VEHICLE APPRAISER (\$1709 of this Title)	
a. Certificate of Authority (original)	10.00

b. Annual continuation of certificate of authority	10.00
(13) APPRENTICES (\$1710 of this Title)	
a. Certificate of Authority (original)	10.00
(14) VENDING MACHINE, EACH YEAR	50.00
(15) RATING ORGANIZATION LICENSE	
a. Application for original license and issuance of license, if issued	100.00
b. Annual continuation	100.00
(16) CERTIFIED COPY OF INSURER CERTIFICATE OF AUTHORITY OR OF ANY LICENSE ISSUED UNDER THIS TITLE	5.00
(17) EXAMINATION OF INSURER, see §326 of this Title	
(18) SOLICITATION PERMIT APPLICATION, FILING	
a. For initial financing	250.00
b. For subsequent financing	100.00
(19) COPIES OF DOCUMENTS ON FILE IN THE DEPARTMENT \$.20 PER PAGE, MINIMUM	5.00
a. Certifying and affixing official seals	5.00
(20) REGISTRATION STATEMENT OF INSURANCE HOLDING COMPANY OR MEMBER OF INSURANCE HOLDING COMPANY SYSTEM, FILING	
a. Initial registration statement	25.00
b. Each amendment thereof	5.00
(21) INSURANCE PREMIUM FINANCE COMPANY (\$4802 of this Title)	
a. Original License	300.00
b. Annual continuation	300.00
(22) FRATERNAL ASSOCIATIONS (\$6124 of this Title)	
a. Original License	25.00
b. Renewal	25.00
c. Annual Statement	25.00
(23) NON-RESIDENT POWER OF ATTORNEY (\$1731 of this Title)	
a. Each non-resident licensed under Chapter 17	5.00
(24) AMENDMENTS TO CERTIFICATE OF AUTHORITY ISSUED UNDER CHAPTER 17 OF THIS TITLE	5.00
(25) The fee for duplicate or replacement certificates of authority issued under this Title, shall be the same as required for an original certificate.	

Section 2. This Act shall become effective July 1, 1979.

Approved June 26, 1979.

CHAPTER 79

FORMERLY

HOUSE BILL NO. 118
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO APPROPRIATE MONIES TO MADALYN SEEGER, A FORMER STATE
EMPLOYEE IN SETTLEMENT OF HER CLAIM AGAINST THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$4,240 is hereby appropriated to Madalyn Seeger, 26 Marvin Drive, Southgate Gardens, Newark, subject to the conditions set out herein, in final settlement of her claim against the State.

Section 2. No funds shall be disbursed to Madalyn Seeger until she has filed with the State Personnel Commission an affidavit that such payment is in full satisfaction of her claim against the State arising from her appeal to the State Personnel Commission, whose decision was rendered and signed on January 19, 1978, and that she relinquishes any and all other claims against the State in connection with the matter appealed.

Section 3. Any such payment is not to be considered as salary, but as settlement for her claim arising from her appeal to the State Personnel Commission, plus 6% interest thereon for the calendar year 1978.

Section 4. This Act is a supplementary appropriation for the fiscal year ending June 30, 1979 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 26, 1979.

CHAPTER 80

FORMERLY

SENATE BILL NO. 150

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR INTEREST OWED THE CITY OF DOVER IN JULY, 1975.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby appropriated the sum of \$11,371.08 to the Department of Administrative Services, Division of Facilities Management to pay the City of Dover interest due for water main construction charges at Delaware Technical and Community College, due July 2, 1975, for which the Department of Administrative Services paid the principal amount to the City of Dover, in July, 1978.

Section 2. The sum appropriated herein shall be considered a supplemental appropriation and shall be paid by the State Treasurer out of the General Fund of the State of Delaware not otherwise appropriated.

Section 3. Any funds remaining unexpended as of June 30, 1979, shall revert to the General Fund of the State of Delaware.

Approved June 26, 1979.

CHAPTER 81

FORMERLY

SENATE BILL NO. 127

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION FOR A NEW AUDITORY AMPLIFICATION SYSTEM IN THE CLASSROOMS AND CERTAIN OTHER FACILITIES AT THE MARGARET S. STERCK SCHOOL FOR THE HEARING IMPAIRED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. An amount of \$90,000 is appropriated to the State Board of Education for reallocation to the Margaret S. Sterck School for the Hearing Impaired in order to provide a new auditory amplification system for that school.

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. Any monies appropriated and unexpended shall revert to the General Fund of the State of Delaware upon purchase and completion of the installation of the auditory system but not later than June 30, 1979.

Approved June 26, 1979.

CHAPTER 82

FORMERLY

HOUSE BILL NO. 46

AN ACT AGREEING TO A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SALARIES AND EMOLUMENTS OF PUBLIC OFFICERS.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 129th General Assembly as follows:

"AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE SALARIES AND EMOLUMENTS OF PUBLIC OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §4, Article XV, Constitution of the State of Delaware, by adding at the end thereof the following:

"The term 'salary or emoluments' as used herein refers to the actual salary or emoluments being provided an officer at any time during his tenure in office and shall not be construed to mean increases in salary or emoluments scheduled by statute for a future date and not yet received by the officer."

WHEREAS, the said proposed amendment was agreed to by two-thirds of all of the members elected to each House in the said 129th General Assembly.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

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

Approved June 21, 1979.

CHAPTER 83

FORMERLY

SENATE BILL NO. 308

AN ACT TO AMEND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1979; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 888 OF THE 129TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1 of Chapter 409, Volume 61, Laws of Delaware, being an Act entitled "An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1979; specifying certain procedures, conditions and limitations for the expenditure of such funds; and amending certain pertinent statutory provisions", by striking the figure "640.0" in its entirety as it appears on line 7, page 10 of House Bill No. 888, as amended, and substituting in lieu thereof the figure "692.0".

Section 2. Amend Section 1 of Chapter 409, Volume 61, Laws of Delaware, being an Act entitled "An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1979; specifying certain procedures, conditions and limitations for the expenditure of such funds; and amending certain pertinent statutory provisions", by recomputing all subtotals and totals affected by this Act.

Approved June 29, 1979.

CHAPTER 84

FORMERLY

HOUSE BILL NO. 524

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 26, PART 1, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (1), Section 2601, Chapter 26, Title 14 of the Delaware Code, by striking subsection (1) in its entirety, and substituting in lieu thereof the following:

"(1) The amount to be raised by taxation shall not exceed five (5) cents on each \$100 of the value of real property in Sussex County for the tax year 1981 and all tax years thereafter."

Section 2. Amend subsection (3), Section 2601, Chapter 26, Title 14 of the Delaware Code, by striking subsection (3) in its entirety, and substituting in lieu thereof the following:

"(3) The amount to be raised by taxation shall not exceed ten (10) cents on each \$100 of the value of real property in New Castle County for the tax year 1980 and shall not exceed eleven (11) cents on each \$100 of the value of real property in New Castle County for the tax year 1981 and all tax years thereafter."

Section 3. Amend subsection (a), Section 2602, Chapter 26, Title 14 of the Delaware Code, by striking the sentence "In no event shall the tax on real property in Sussex County exceed four (4) cents on each \$100 of the value of such property", and substituting in lieu thereof the following:

"In no event shall the tax on real property in Sussex County exceed five (5) cents on each \$100 of the value of real property for the tax year 1981 and all tax years thereafter."

Section 4. Amend subsection 2, Section 2601, Chapter 26, Title 14 of the Delaware Code by striking the words "shall not exceed 5 cents on each \$100 of the value of real property in Kent County" in their entirety and substituting in lieu thereof the words "shall not exceed 6 cents on each \$100 of the value of real property in Kent County".

Section 5. Amend subsection (a), Section 2602, Chapter 26, Title 14 of the Delaware Code by adding the following sentence at the conclusion of section 2602 (a):

"In no event shall the tax on real property in Kent County exceed six (6) cents on each \$100.00 of the value of real property for the tax year 1981 and all tax thereafter."

Approved June 29, 1979.

CHAPTER 85

FORMERLY

HOUSE BILL NO. 157
AS AMENDED BY HOUSE AMENDMENT NOS. 3 & 4
AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 409, VOLUME 61, LAWS OF DELAWARE, THE 1979 BUDGET ACT, RELATING TO FUNDS APPROPRIATED FOR TEACHERS' SALARIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 41, Chapter 409, Volume 61, Laws of Delaware by adding thereto a new subsection (d) to read as follows:

"The New Castle County School District shall have the right to retain, without restriction as to their use, \$2,900,000 of the funds deducted from the salaries of teachers employed by the District as a result of unexcused absences occurring between October 15 and November 17, 1978."

Section 2. The provisions of this Act shall not be effective unless the New Castle County Board of Education acknowledges in writing by official Act of the Board, that this Act relieves the State of Delaware of all claims by the New Castle County School District of funds due the New Castle County School District by the State of Delaware under any Federal court order and delivers such written acknowledgement to the Governor on or before June 30, 1979. If such written acknowledgement is not received by the Governor on or before such date, this Act shall become null and void and of no effect.

Section 3. Any funds retained herein remaining unencumbered or unexpended as of October 30, 1979 shall revert to the General Fund of the State of Delaware.

Approved June 30, 1979.

CHAPTER 86

FORMERLY

SENATE BILL NO. 373

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, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 333 OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE; AND EXTENDING THE REVERSION DATES OF CERTAIN SUPPLEMENTARY APPROPRIATIONS MADE BY THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1 of House Bill No. 333 of the 130th General Assembly of the State of Delaware, being an Act entitled "An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1980; specifying certain procedures, conditions and limitations for the expenditure of such funds; and amending certain pertinent statutory provisions", by striking certain figures in their entirety as they appear and substituting certain figures in lieu thereof; by adding new line items and figures; and by striking certain line items and figures in their entirety, with reference to the lines and pages on which the same appear in House Bill No. 333, as hereinafter prescribed:

<u>Page</u>	<u>Line</u>	<u>Organization/Item</u>	<u>From</u>	<u>To</u>	<u>Increase (Decrease)</u>
2	2	<u>(01-00-000) LEGISLATIVE</u>			
2	3	<u>(01-01-000) General Assembly - House</u>			
2	6	Salaries & Wages of Employees	\$ 55.0 (4)	\$ 21.6 (2)	\$ (33.4)
2	New	Salaries - Administrative Assistants	-0- (0)	35.0 (2)	35.0
2	New	Mileage - Attaches	-0- 40.0	40.0	
2	14	<u>(01-02-000) General Assembly - Senate</u>			
2	17	Salaries & Wages of Employees	64.9 (5)	32.1 (3)	(32.8)
2	New	Salaries - Administrative Assistants	-0- (0)	35.0 (2)	35.0
3	1	<u>(01-08-000) Legislative Council</u>			
3	40	<u>(01-08-004) House</u>			
3	43	Capital Outlay	3.5	6.5	3.0
4	1	<u>(01-08-006) Commission on Uniform State Laws</u>			
4	New	Travel	-0-	.9	.9

5	1	<u>(02-00-000) JUDICIAL</u>			
5	18	<u>(02-02-000) Court of Chancery</u>			
5	19	<u>(02-02-001) Court of Chancery</u>			
5	22	Salaries and Wages of Employees	154.1 (10)	156.4 (10)	2.3
5	24	Other Employment Costs	38.8	36.5	(2.3)
5	42	<u>(02-03-000) Superior Court</u>			
5	47	Salaries & Wages of Employees	\$ 1,332.2 (93)	\$ 1,365.2 (96)	\$ 33.0
5	48	Other Employment Costs	304.8	311.1	6.3
5	51	Contractual Ser- vices	86.9	94.3	7.4
5	52	Supplies and Materials	23.3	24.7	1.4
5	53	Capital Outlay	25.7	88.2	62.5
6	1	<u>(02-06-000) Court of Common Pleas</u>			
6	4	Salaries & Wages of Employees	576.3 (45.5)	583.5 (46.5)	7.2
6	5	Other Employment Costs	130.2	131.6	1.4
6	10	Capital Outlay	15.1	19.6	4.5
6	12	<u>(02-08-000) Family Court of Delaware</u>			
6	16	(18) Salaries & Wages of Employees	2,379.7 (199)	2,414.5 (202)	34.8
6	19	Other Employment Costs	531.6	538.6	7.0
7	1	<u>(02-13-000) Justice of the Peace Courts</u>			
7	2	Salaries of Jus- tices of the Peace	624.0 (52)	780.0 (52)	156.0
7	3	Salaries & Wages of Employees	1,196.9 (119)	1,256.0 (123)	59.1
7	4	Salaries - Casual & Seasonal	19.9	25.8	5.9
7	7	Other Employment Costs	392.3	433.6	41.3
7	8	Personal Services	11.5	13.2	1.7

7	9	Travel	65.0	73.7	8.7
7	10	Contractual Services	209.0	232.1	23.1
7	11	Supplies and Materials	35.6	42.1	6.5
7	12	Capital Outlay	24.9	36.1	11.2
7	14	<u>(02-17-000) Administrative Office of the Courts</u>			
7	15	<u>(02-17-001) Office of Director</u>			
7	17	(5) Salaries & Wages of Employees	121.5 (9)	131.5 (10)	10.0
7	19	Other Employment Costs	32.5	34.6	2.1
7	23	Travel	9.1	9.3	.2
7	25	Supplies and Materials	5.1	5.2	.1
7	28	Central Data Processing			
		(State Funds - \$30.0)			
		(All Other Funds - \$5.0)	20.0	30.0	10.0
7	New	<u>(02-17-003) Foster Care Review Board</u>			
7	New	Salaries of Board Members	-0- (0)	2.5 (21)	2.5
7	New	Salaries & Wages of Employees	-0- (0)	24.3 (3)	24.3
7	New	Other Employment Costs	-0-	4.9	4.9
7	New	Travel	-0-	3.9	3.9
7	New	Personal Services	-0-	3.0	3.0
7	New	Contractual Services	-0-	4.7	4.7
7	New	Supplies and Materials	-0-	2.0	2.0
7	New	Capital Outlay	-0-	4.5	4.5
8	1	<u>(10-00-000) EXECUTIVE</u>			
8	2	<u>(10-01-001) Office of the Governor</u>			
8	New	Contingency - Social Security Study	-0-	12.0	12.0

8	15	<u>(10-02-000) Office of the Budget</u>			
8	16	<u>(10-02-001) Budget Office</u>			
8	19	Salaries & Wages of Employees	293.1 (17)	314.0 (18)	20.9
8	21	Other Employment Costs	67.3	71.5	4.2
8	23	Travel	5.3	6.3	1.0
8	24	Contractual Services	41.7	47.7	6.0
8	25	Supplies and Materials	4.3	5.3	1.0
8	28	Budget Automation Program	110.0	170.0	60.0
8	30	Contingency - Prior Years' Obligations	50.0	100.0	50.0
8	31	Contingency - Energy Costs	1,500.0	1,750.0	250.0
8	New	Contingency - Fleet Management Study	-0-	20.0	20.0
8	33	Contingency - Salaries and Other Employment Costs	11,211.7	8,211.7	(3,000.0)
8	New	Contingency - Health Insurance	-0-	1,000.0	1,000.0
8	40	<u>(10-03-000) Office of Management, Budget and Planning</u>			
8	49	Contractual Services\$	23.2	\$ 48.2	\$ 25.0
9	1	<u>(10-04-000) Office of State Personnel</u>			
9	4	(11.5) Salaries & Wages of Employees	328.6 (22.5)	328.6 (23.5)	-0-
9	17	<u>(10-05-000) Energy Office</u>			
9	New	Salaries - Casual and Seasonal	-0-	30.0	30.0
10	1	<u>(12-00-000) OTHER ELECTIVE OFFICES</u>			
10	2	<u>(12-01-000) Lieutenant Governor</u>			
10	4	Salaries & Wages of Employees	24.1 (2)	25.3 (2)	1.2
10	5	Other Employment Costs	7.3	7.5	.2
10	8	Supplies and Materials	.5	3.5	3.0

10	23	<u>(12-03-000) Insurance Commissioner</u>			
10	28	Personal Services	45.0	75.0	30.0
12	1	<u>(15-00-000) LEGAL</u>			
12	2	<u>(15-01-000) Department of Justice</u>			
12	3	<u>(15-01-001) Office of Attorney General</u>			
12	4	Salary of Attorney General	32.1	37.0	4.9
12	6	(13) Salaries & Wages of Employees	1,610.9 (98)	1,564.6 (95)	(46.3)
12	7	Salaries - Casual & Seasonal	8.8	13.8	5.0
12	9	Other Employment Costs	341.9	333.5	(8.4)
12	10	Personal Services	27.5	22.5	(5.0)
12	12	Contractual Services	118.4	111.4	(7.0)
12	13	Supplies and Materials	26.1	25.1	(1.0)
12	14	Capital Outlay	42.0	40.9	(1.1)
12	New	<u>(15-01-002) Securities Commissioner</u>			
12	New	Salary of Commissioner	-0-	28.0	28.0
12	New	Salaries & Wages of Employees	-0- (0)	28.1 (3)	28.1
12	New	Other Employment Costs	-0-	11.3	11.3
12	New	Personal Services	-0-	5.0	5.0
12	New	Contractual Services	-0-	7.0	7.0
12	New	Supplies and Materials	-0-	1.0	1.0
12	New	Capital Outlay	-0-	1.1	1.1
12	17	<u>(15-02-000) Public Defender</u>			
12	20	(1) Salaries & Wages of Employees	685.8 (41)	745.8 (48)	60.0
12	22	Other Employment Costs	151.8	164.1	12.3

12	30	<u>(15-03-000) Board of Parole</u>				
12	31	Salaries of Board Members	10.0	13.0	3.0	
15	1	<u>(25-00-000) DEPARTMENT OF FINANCE</u>				
15	14	<u>(25-05-000) Division of Accounting</u>				
15	25	Central Data Processing Services	825.0	915.0	90.0	
15	29	<u>(25-06-000) Division of Revenue</u>				
15	42	Central Data Processing Services	658.9	732.0	73.1	
17	1	<u>(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES</u>				
17	28	<u>(30-05-000) Division of Maintenance and Communications</u>				
18	27	<u>(30-05-006) Grounds Maintenance</u>				
18	New	Planting Project	-0-	.6	.6	
19	26	<u>(30-07-000) Division of Central Data Processing</u>				
19	27	<u>(30-07-001) Current System Operation</u>				
19	New	Contingency - Salary Upgradings	\$ -0-	\$ 50.0	\$ 50.0*	
19	40	<u>(30-07-002) New System Development</u>				
19	41	Salaries & Wages of Employees	233.3 (12)	394.2 (21)	160.9*	
19	42	Other Employment Costs	37.8	70.9	33.1*	
19	New	Travel	-0-	3.0	3.0*	
19	New	Contractual Services	-0-	22.2	22.2*	
19	43	Capital Outlay	75.0	78.9	3.9*	

* Memo Budget

20	1	<u>Allocation of Central Data Processing Services</u>				
			<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
20	3	02 Judicial	20.0	30.0	5.0	5.0
20	8	25 Finance	1,483.9	1,647.0	25.0	25.0
20	13	45 Public Safety	930.0	1,030.0	50.0	50.0
21	27	<u>(30-15-001) Division of State Bank Commissioner</u>				
21	29	Salaries & Wages of Employees	192.2 (14)	197.5 (14)	5.3*	
21	30	Other Employment Costs	46.7	47.7	1.0*	

21	32	Contractual Services	14.5	19.0	4.5*
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*Memo Budget

22	1	<u>(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES</u>			
22	2				
22	3	<u>(35-01-001) Office of the Secretary</u>			
22	5	(8.5) Salaries & Wages of Employees	143.9 (10)	173.9 (12.5)	30.0
22	6	Other Employment Costs	36.2	42.2	6.0
23	32	<u>(35-05-000) Division of Public Health</u>			
23	40	<u>(35-05-002) Community Health</u>			
23	45	Travel	45.9	60.9	15.0
23	46	Contractual Services	456.7	491.7	35.0
23	47	Supplies and Materials	167.3	177.3	10.0
26	32	<u>(35-06-008) Substance Abuse</u>			
26	41	Contractual Services	531.8	544.8	13.0
27	1	<u>(35-07-000) Division of Social Services</u>			
27	2	<u>(35-07-001) Support Services</u>			
27	8	Contractual Services	71.5	109.0	37.5
27	36	<u>(35-07-003) Operations</u>			
27	37	(247.3) Salaries & Wages of Employees	1,850.7 (166.2)	1,850.7 (171.2)	-0-
28	1	<u>(35-11-000) Division of Mental Retardation Services</u>			
28	2				
28	3	<u>(35-11-002) Hospital for the Mentally Retarded</u>			
28	4	Salaries & Wages of Employees	5,072.1 (566)	5,252.9 (588)	180.8
28	7	Other Employment Costs	1,145.7	1,181.9	\$ 36.2
28	12	Capital Outlay	105.7	185.7	80.0
28	14	Self Help Improvement Program	90.0	-0-	(90.0)

30	1	<u>(38-00-000) DEPARTMENT OF CORRECTION</u>			
30	2	<u>(38-01-000) Office of the Commissioner</u>			
30	13	<u>(38-01-002) Management Support</u>			
30	14	Salaries & Wages of Employees	321.0 (25)	338.4 (26)	17.4
30	17	Salaries - Hazardous Duty	4.8	5.4	.6
30	18	Other Employment Costs	69.0	72.9	3.9
30	20	Contractual Ser- vices	25.6	25.8	.2
30	21	Supplies and Materials	6.5	7.5	1.0
30	22	Capital Outlay	1.2	6.2	5.0
30	43	<u>(38-01-004) Medical Services</u>			
30	44	Other Health Care Services	1,467.0 (9)	1,600.0 (9)	133.0
31	25	<u>(38-01-007) Research, Planning and Information Systems</u>			
31	26	Salaries & Wages of Employees	183.3 (16)	195.5 (16.5)	12.2
31	28	Other Employment Costs	40.9	43.2	2.3
31	29	Travel	5.7	1.5	(4.2)
32	1	<u>(38-08-000) Bureau of Adult Corrections</u>			
32	26	<u>(38-08-003) Delaware Correctional Center</u>			
32	27	Salaries & Wages of Employees	2,390.6 (230)	2,503.2 (243)	112.6
32	28	Salaries - Casual and Seasonal	60.0	40.0	(20.0)
32	29	Salaries - Overtime	209.2	218.1	8.9
32	30	Salaries - Premium Pay	169.1	179.0	9.9
32	32	Salaries - Hazardous Duty	136.9	143.9	7.0
32	33	Other Employment Costs	607.6	616.6	9.0
32	36	Contractual Services	552.0	552.1	.1

32	37	Supplies and Materials	280.0	283.2	3.2
32	38	Capital Outlay	18.8	24.6	5.8
33	1	<u>(38-08-004) Sussex Correctional Center</u>			
33	2	Salaries & Wages of Employees	1,064.4 (104)	1,134.5 (114)	70.1
33	New	Salaries - Casual & Seasonal	-0-	5.0	5.0
33	3	Salaries - Overtime	54.3	34.3	(20.0)
33	4	Salaries - Premium Pay	75.5	83.3	7.8
33	5	Salaries - Shift Differential	15.6	16.4	.8
33	6	Salaries - Hazardous Duty	61.6	66.6	5.0
33	7	Other Employment Costs	270.8	282.9	12.1
33	10	Contractual Services	139.1	139.2	.1
33	11	Supplies and Materials	90.7	94.8	4.1
34	1	<u>(38-08-011) Institutional Services</u>			
34	2	Salaries and Wages of Employees	447.7 (32)	507.5 (37)	59.8
34	3	Salaries - Hazardous Duty	19.2	21.0	1.8
34	4	Other Employment Costs	96.5	108.7	12.2
34	7	Supplies and Materials	4.3	4.5	.2
34	21	<u>(38-08-013) Prison Industries</u>			
34	22	Salaries and Wages of Employees	77.7 (6)	81.7 (6)	4.0
34	26	Other Employment Costs	17.2	18.0	.8

34	33	<u>(38-08-014) Community Services</u>			
34	34	Salaries & Wages of Employees	1,058.8 (85)	1,084.3 (86)	25.5
34	36	Other Employment Costs	226.0	231.1	5.1
34	42	<u>(38-08-015) Community Corrections</u>			
34	43	Salaries & Wages of Employees	238.9 (21)	263.1 (22)	24.2
34	48	Other Employment Costs	58.9	63.7	4.8
35	9	<u>(38-13-000) Bureau of Juvenile Corrections</u>			
35	10	<u>(38-13-001) Office of Bureau Chief</u>			
35	12	Salaries & Wages of Employees	\$ 62.2 (5)	\$ 76.2 (6)	\$ 14.0
35	14	Other Employment Costs	19.9	22.7	2.8
35	16	Contractual Services	2.6	3.0	.4
35	17	Supplies and Materials	1.1	1.7	.6
35	19	<u>(38-13-002) Ferris School for Boys</u>			
35	20	Salaries & Wages of Employees	978.6 (85.5)	1,038.2 (91.5)	59.6
35	23	Salaries - Shift Differential	15.4	17.1	1.7
35	24	Salaries - Hazardous Duty	45.0	48.6	3.6
35	25	Other Employment Costs	236.7	249.7	13.0
36	1	<u>(38-13-004) Bridge House Detention Center</u>			
36	2	Salaries & Wages of Employees	245.4 (18)	258.1 (19)	12.7
36	6	Salaries - Hazardous Duty	10.5	11.1	.6
36	7	Other Employment Costs	59.0	61.5	2.5
36	31	<u>(38-13-010) Comprehensive Community Services</u>			
36	32	Salaries & Wages of Employees	368.4 (26)	368.4 (27)	-0-
37	1	<u>(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND</u>			
37	2	<u>ENVIRONMENTAL CONTROL</u>			
37	18	<u>(40-05-000) Division of Fish and Wildlife</u>			

37	41	<u>(40-05-003) Fisheries</u>			
37	New	Contingency - Oyster Seeding	-0-	20.0	20.0
38	1	<u>(40-05-004) Mosquito Control</u>			
38	11	Spraying and Insecticides	220.6	-0-	(220.6)
38	New	Spraying, Insecticides and University of Delaware Contract	-0-	220.6	220.6
38	14	<u>(40-06-000) Division of Parks and Recreation</u>			
38	15	<u>(40-06-001) Management and Support</u>			
38	20	Contractual Services	4.7	16.7	12.0
39	1	<u>(40-07-000) Division of Soil and Water</u>			
39	2	<u>Conservation</u>			
39	3	<u>(40-07-001) Management and Support</u>			
39	12	Improved Boating Dredge Program	-0- (0)	-0- (9)	-0-
39	New	Indian River Dredging	-0-	40.0	40.0
39	21	<u>(40-08-000) Division of Environmental Control</u>			
39	32	<u>(40-08-002) Air Resources</u>			
39	37	Contractual Services	25.6	27.6	2.0
41	1	<u>(45-00-000) DEPARTMENT OF PUBLIC SAFETY</u>			
42	1	<u>(45-06-000) Division of State Police</u>			
42	5	Salaries & Wages of Employees	1,523.5 (139)	1,537.5 (140)	14.0
42	6	Salaries - Overtime - Uniformed Division	247.0	250.0	3.0
42	8	Other Employment Costs	453.7	457.2	3.5
42	11	Travel	10.0	12.0	2.0
42	14	Other Contractual Services	622.8	627.4	4.6
42	15	Supplies and Materials	819.9	821.4	1.5
42	16	Capital Outlay	103.8	158.4	54.6
42	19	Central Data Processing Services	550.0	610.0	60.0

Chapter 86					211
42	26	<u>(45-07-000) Division of Motor Vehicles</u>			
42	28	Salaries & Wages of Employees	1,879.8 (184)	1,893.1 (186)	13.3
42	31	Other Employment Costs	401.5	404.2	2.7
42	36	Central Data Processing Services	330.0	370.0	40.0
42	43	<u>(45-08-000) Division of Emergency Planning and Operations</u>			
42	51	Capital Outlay	4.5	-0-	(4.5)
42	New	Capital Outlay			
42	New	Radiological Emergency Preparedness Equipment	-0-	25.6	25.6
42	New	Other	-0-	4.5	4.5
44	1	<u>(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT</u>			
44	2				
44	3	<u>(50-01-000) Office of the Secretary</u>			
44	4	<u>(50-01-001) Administration</u>			
44	7	Salaries & Wages of Employees	83.5 (7)	92.0 (8)	8.5
44	8	Other Employment Costs	24.6	26.3	1.7
44	14	<u>(50-01-003) Office of Economic Opportunity</u>			
44	17	(24.4) Salaries & Wages of Employees	116.1 (9.7)	128.9 (10.7)	12.8
44	18	Other Employment Costs	23.8	25.7	1.9
44	34	<u>(50-01-005) Office of the Public Advocate</u>			
44	37	Personal Services	21.8	21.3	(.5)
44	38	Travel	1.5	4.0	2.5
44	39	Contractual Services	6.8	9.3	2.5
44	41	Capital Outlay	4.5	-0-	(4.5)
45	1	<u>(50-04-001) Office of Minority Business Enterprise</u>			
45	2				
45	4	(6) Salaries & Wages of Employees	55.2	67.7	12.5*
			12.5 (1)	12.5 (1)	-0-

45	5	Other Employment Costs	16.4 2.8	19.3 2.8	2.9* -0-
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*Memo Budget

45	13	<u>(50-08-001) Office of Human Relations</u>			
45	15	(2) Salaries & Wages of Employees	81.2 (7)	93.6 (8)	12.4
45	16	Other Employment Costs	22.7	25.1	2.4
45	17	Travel	4.2	4.3	.1
45	18	Contractual Services	4.1	6.6	2.5
45	19	Supplies and Materials	1.6	2.0	.4
45	21	<u>(50-08-000) Division of Economic Development</u>			
46	1	<u>(50-08-004) Tourism</u>			
46	2	Salaries & Wages of Employees	71.5 (5)	117.0 (8)	45.5
46	3	Other Employment Costs	14.8	23.9	9.1
46	4	Travel	5.0	22.1	17.1
46	5	Contractual Services	59.8	289.8	230.0
46	6	Supplies and Materials	5.1	7.6	2.5
46	7	Capital Outlay	1.7	6.7	5.0
47	1	<u>(55-00-000) DEPARTMENT OF TRANSPORTATION</u>			
47	22	<u>(55-05-000) Division of Highways</u>			
47	29	Capital Outlay - Leverage - Lease Purchasing	1,000.0	-0-	(1,000.0)
47	30	Operations	4,540.0	4,900.0	360.0
48	1	<u>(55-06-000) Delaware Transportation Authority</u>			
48	7	NEAT - Newark	30.0	36.0	6.0*

*Memo Budget

49	1	<u>(60-00-000) DEPARTMENT OF LABOR</u>			
49	20	<u>(60-07-000) Division of Industrial Affairs</u>			
50	26	<u>(60-07-007) Industrial Accident Board</u>			

Chapter 86					213
50	27	Salaries of Board Members	24.0	40.0	16.0
50	29	Other Employment Costs	21.0	24.2	3.2
51	1	<u>(65-00-000) DEPARTMENT OF AGRICULTURE</u>			
51	28	<u>(65-04-000) Division of Production & Promotion</u>			
51	30	(8) Salaries & Wages of Employees	191.7 (15)	199.7 (16)	8.0
51	32	Other Employment Costs	46.0	47.8	1.8
52	1	<u>(70-00-000) DEPARTMENT OF ELECTIONS</u>			
52	27	<u>(70-03-000) Kent County Department of Elections</u>			
52	35	Contractual Services	20.1	23.1	3.0
57	1	<u>(90-00-000) HIGHER EDUCATION</u>			
58	1	<u>(90-03-000) Delaware State College</u>			
58	2	<u>(90-03-001) Executive Services</u>			
58	3	(2.1) Salaries & Wages of Employees	255.5 (17.4)	123.9 (9.0)	(131.6)
58	4	Other Employment Costs	54.8	28.4	(26.4)
58	10	Capital Outlay	3.6	.4	(3.2)
58	12	<u>(90-03-002) Academic Affairs</u>			
58	13	(32.0) Salaries & Wages of Employees	2,761.0 (145.1)	2,892.6 (153.5)	131.6
58	15	Other Employment Costs	560.4	586.8	26.4
58	21	Capital Outlay	99.9	103.1	3.2
59	1	<u>(90-04-000) Delaware Technical and</u>			
59	2	<u>Community College</u>			
59	39	<u>(90-04-004) Wilmington Campus</u>			
59	51	Other Contractual Services	111.8	146.8	35.0
60	18	<u>(90-04-006) Charles L. Terry Campus</u>			
60	New	Salaries - Marine Technology (1)	-0-	17.0	17.0
60	21	Other Employment Costs	248.3	251.4	3.1
60	31	Capital Outlay	30.0	40.0	10.0

61	1	<u>(95-00-000) PUBLIC EDUCATION</u>			
61	2	<u>(95-01-000) State Board of Education and</u>			
61	3	<u>State Board for Vocational Education</u>			
62	1	<u>(95-01-002) Services to School</u>			
62	2	<u>Districts and Others</u>			
62	16	<u>Division II - Other Costs</u>			
62	34	School Pupil Transportation	15,292.0	15,542.0	250.0
63	1	<u>(95-01-003) Educational Contingency</u>			
63	4	Summer School Occupational Vocational Program	388.0	532.1	144.1
63	17	Cafeteria Managers	199.8	333.0	133.2
63	New	Appoquinimink School District	-0-	75.0	75.0
77	1	<u>(95-38-000) New Castle Vocational Technical</u>			
77	New	<u>Minor Capital Improvement</u>			
77	New	Wilmington Skills Center	-0-	35.0	35.0
81	1	<u>(95-50-000) New Castle County School District</u>			
81	7	Principals	1,551.3 (88)	1,533.5 (87)	(17.8)
81	10	Clerical	2,424.1 (275)	2,414.8 (274)	(9.3)
81	11	Teachers	39,314.5 (3,288)	39,127.6 (3,274)	(186.9)
81	16	Custodial	5,292.6 (642)	5,275.8 (640)	(16.8)
81	17	Nurses	865.3 (82)	854.2 (81)	(11.1)
81	18	Aides and Attendants	109.6 (14)	-0- (-0-)	(109.6)
81	21	Cafeteria Workers	424.2	423.0	(1.2)
81	24	Other Employment Costs	17,600.0	17,492.5	(107.5)
81	26	Division II - Other Costs	8,413.0 3,642	8,369.1 (3,623)	(43.9)
81	30	Principal	6,007.5	5,925.5	(82.0)

81	31	Interest	2,688.0	2,598.2	(89.8)
New	New	<u>(95-56-000) Joseph E. Douglas School</u>			
New	New	<u>(Administered by New Castle County School District</u>			
New	New	<u>Division I - Salaries</u>			
New	New	Principals	-0-	17.8	17.8
			(0-)	(1)	
New	New	Clerical	-0-	9.3	9.3
			(-0-)	(1)	
New	New	Teachers	-0-	186.9	186.9
			(-0-)	(14)	
New	New	Custodial	-0-	16.8	16.8
			(-0-)	(2)	
New	New	Nurses	-0-	11.1	11.1
			(-0-)	(1)	
New	New	Aides and Attendants	-0-	109.6	109.6
			(-0-)	(14)	
New	New	Cafeteria Workers	-0-	1.2	1.2
New	New	Other Employment Costs	-0-	107.5	107.5
New	New	Division II - Other Costs	-0-	43.9	43.9
			(-0-)	(19)	
New	New	Principal	-0-	82.0	82.0
New	New	Interest	-0-	89.8	89.8

Section 2. Amend Section 1 of House Bill No. 333 of the 130th General Assembly of the State of Delaware by recomputing all sub-totals and totals and renumbering paragraphs and sections affected by this Act.

Section 3. Amend House Bill. No. 333 of the 130th General Assembly of the State of Delaware by striking Section 86 in its entirety and substituting in lieu thereof a new Section 86 to read as follows:

"Section 86. The Office of Controller General shall have the authority to perform management and program reviews. Management and program reviews shall include, but are not limited to, any analyses necessary to determine operational efficiency and effectiveness, compliance with the laws of Delaware and legislative intent."

Section 4. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking Section 24 in its entirety and substituting in lieu thereof a new Section 24 to read as follows:

"Section 24. The amount appropriated to the Budget Office entitled, Contingency - Prior Years' Obligations, shall be used to pay Salaries and Wages, Other Employment Costs, reimbursement of overpayment of fringe benefits, and other obligations which require adjustment of the State's accounts. Rules and procedures to implement this Section will be established by the Budget Director with concurrence of the Controller General."

Section 5. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new Section to be designated as Section 110 to read as follows:

"Section 110. For the fiscal year ending June 30, 1980, the rebalance of the Office of Research Director (01-08-001) from fiscal year 1979, appropriation for Contingency - Desegregation Committee shall be a continuing appropriation and shall not be subject to reversion until June 30, 1980."

Section 6. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 111 to read as follows:

"Section 111. The Division of Facilities Management (30-04-000), Department of Administrative Services, for fiscal year 1979 shall continue for the fiscal year ending June 30, 1980. The Budget Director and the Controller General shall transfer the necessary funds and positions, including Debt Service, from Division of Maintenance and Communications and the Office of Management, Budget and Planning, to establish the operating budget for the Division of Facilities Management effective July 1, 1979."

Section 7. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new Section to read as follows:

"Section 112. Community Health (35-05-002), Department of Health and Social Services, in Section 1 of this Act, includes \$10,000 in Contractual Services to permit the Board of Medical Practices to contract for investigative services to examine applications and qualifications of out-of-state physicians wishing to practice in Delaware and of complaints against licensed Delaware practitioners."

Section 8. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 113 to read as follows:

"Section 113. Legislative Council shall have exclusive authority to provide for the housekeeping and security of Legislative Hall and its environs.

(a) Section 1 of this Act allocates 51 positions to the Division of Maintenance and Communications, Custodial Services (30-05-000). Of these positions, 5 and the salary and fringe benefits therefor shall be transferred to Legislative Council for the specific purpose of providing maintenance services for Legislative Hall and its occupants and visitors.

(b) Section 1 of this Act allocates 9 positions to the Division of Maintenance and Communications, Grounds Maintenance (30-05-006). Two of these positions and the salary and fringe benefits therefor shall be transferred to Legislative Council for the specific purpose of providing grounds maintenance for Legislative Hall and its environs.

(c) Section 1 of this Act allocates 17 positions for the Division of Maintenance and Communications, Security (30-05-008). Of these positions, 4 and the salary and fringe benefits therefor shall be transferred to Legislative Council for the specific purpose of providing security to Legislative Hall and its occupants and visitors."

Section 9. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated Section 114 to read as follows:

"Section 114. Amend §8810, Chapter 88, Title 29 of the Delaware Code by designating all of the said section as subsection (a) and by adding thereto a new subsection (b) to read as follows:

"(b) The administrative, ministerial, budgetary, clerical functions including, but not limited to, appointment, removal, compensation and duties of employment as provided by law, of the following boards set forth in Titles 16, 24 and 31 of the Delaware Code shall be performed by the Division:

- (1) State Board of Examiners of Barbers
- (2) State Board of Chiropractic Examiners
- (3) State Board of Cosmetology
- (4) Delaware State Board of Dental Examiners
- (5) Board of Medical Practice
- (6) Delaware Board of Nursing
- (7) Delaware State Board of Examiners in Optometry
- (8) State Board of Pharmacy
- (9) State Examining Board of Physical Therapist
- (11) State Board of Examiners of Psychologist
- (12) Board of Funeral Service Practitioners of the State of Delaware
- (13) Board of Veterinary Medicine
- (14) Board of Examiners of Nursing Home Administrators
- (15) Advisory Council on Hearing Aids
- (16) State Board of Examiners of Speech Pathology and Audiology
- (17) Board of Social Worker Examiners

Except as provided in this subsection, the membership, remuneration, organization, meetings, powers, duties, and functions of the Commissions, Boards, Agencies, and persons listed in this subsection shall remain as prescribed by law."

Section 10. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 115 to read as follows:

"Section 115. Amend §8803, Chapter 88, Title 29 of the Delaware Code by adding thereto a new subsection to read as follows:

"(10) To establish specific days for professional licensure registration, and to provide for the imposing of such additional proportional fees 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."

Section 11. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 116 to read as follows:

"Section 116. Amend §7903, Chapter 79, Part VIII of Title 29 of the Delaware Code by striking subsection (b) in its entirety."

Section 12. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding a new section to be designated as Section 117 to read as follows:

"Section 117. Amend §7904, Chapter 79, Part VIII, Title 29 of the Delaware Code by striking subsection (d) in its entirety."

Section. 13. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 118 to read as follows:

"Section 118. The Budget Director and the Controller General shall transfer the appropriate funds and positions to implement the transfer of the regulatory boards from the Department of Health and Social Services to the Department of Administrative Services effective July 1, 1979."

Section 14. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 119. Section 1 of this Act provides an appropriation to (35-07-001) Support Services of the Division of Social Services for Contractual Services. Of this appropriation, \$17,500 is for the purpose of contracting for a Parent Education Program. This appropriation shall be used to provide parent training to parent(s) who abuse and/or neglect their children; parent(s) who are potentially abusive and/or neglectful, as well as any others deemed in need of parent education instruction."

Section 15. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 120. Positions authorized in Section 1 of this Act for prison Industries (38-08-013) within the Bureau of Adult Corrections (38-08-000) of the Department of Correction (38-00-000) do not include any of the positions previously funded by LEAA funds (Special Funds) in FY 1979."

Section 16. Amend Section 99 of House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking the figure "85.5" in its entirety as it appears on line 30, page 123 of said Bill and inserting in lieu thereof the figure "91.5".

Section 17. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 121. The appropriation in Section 1 of this Act to Community Services (38-08-014) authorizes 86 General Fund positions for the fiscal year ending June 30, 1980. One of these positions for fiscal year 1980 is a Chief of Community Services."

Section 18. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 122. The appropriation in Section 1 of this Act to Community Corrections (38-08-015) authorizes 22 General Fund positions for fiscal year ending June 30, 1980. One of these positions for fiscal year 1980 is a Chief of Community Corrections."

Section 19. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 123. The appropriation in Section 1 of this Act to Institutional Services (38-08-011) authorizes 37 General Fund positions for the fiscal year ending June 30, 1980. One of these positions for fiscal year 1980 is a Chief of Institutional Services."

Section 20. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking Section 93 in its entirety and substituting in lieu thereof a new Section 93 to read as follows:

"Section 93. The appropriation in Section 1 of this Act to the Family Court (02-08-000) authorizes 202 General Fund positions for the fiscal year ending June 30, 1980. The five (5) additional positions for fiscal year 1980 are a Bailiff, a Statistician, a Deputy Clerk of the Court for Sussex County, a Counselor, and a Master."

Section 21. Amend Section 13 of House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking the word "appropriation" as it appears in line 8, page 91 of said House Bill and substituting in lieu thereof the word "appropriations".

Section 22. Amend Section 42(a)(ii)(2) of House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking the words "Notwithstanding any other provision of this Act," in their entirety as they appear on line 22, page 103 of said House Bill.

Section 23. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 124. Of the funds and positions appropriated in Section 1 to the Secretary, Department of Health and Social Services, for salaries of employees, 8.5 General Fund and 8.5 Special Fund positions; and the funds therefor shall be assigned to the Welfare Fraud Investigation Unit. It shall be the sole purpose of this unit to investigate the Department of Health and Social Services General Assistance and Aid to Families with Dependent Children cases for possible error or fraud. The Department of Health and Social Services shall provide adequate, convenient work space and office equipment in its facilities to accommodate the needs of the Investigation Unit. Results of investigations indicating possible fraud shall be transmitted to the Office of the Attorney General directly by the Department Secretary without approval by any other authority, which office shall prosecute those cases deemed actionable and return the rest to the Department of Health and Social Services for collection of overpayment. The Department Secretary shall file a quarterly report directly with the Controller General and the Director of Research of Legislative Council and the Chairmen of the House and Senate Committees on Health and Social Services by the twentieth day of next month after the end of a quarter which report shall not be subject to prior review by any other authority."

Section 24. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 125. Section 1 of this Act provides an appropriation for Operations to the Department of Transportation, Division of Highways (55-05-000). Of the Operations appropriation, \$15,000 is hereby appropriated for the purpose of installing manually operated school crossing signal at the intersection of Grendon and Milltow Roads."

Section 25. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 126. The Delaware Transportation Authority budget, as set forth memorandum form in Section 1 of this Act for the Fiscal Year Ending June 30, 1980 authorizes \$325,000 for 'Kent and Sussex Transportation'. It is the intent that the funds shall be used to continue specialized transportation service for the elderly and handicapped in Kent and Sussex Counties. Of the amount authorized, \$75,000 provided for the Dover Senior Surrey which shall continue to be operated by the CI of Dover; and \$250,000 is provided for continuation of a level of service approximate equal to what was provided in the fiscal year ending June 30, 1979, by Kent and Sussex County Governments. It is intended that management and direction of all service except the Dover Senior Surrey will reside with the Delaware Transportation Authority who may contract for services as they see fit."

Section 26. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 127 to read follows:

"Section 127. Of the total amount appropriated to Operations in Section 1 of this Act to the Division of Highways (55-05-000), \$1,000 is appropriated for the purpose of providing a suitable plaque for the William J. Winchester Bridge."

Section 27. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 128 to read as follows:

"Section 128. Of the total amount appropriated to Operations in Section 1 of this Act to the Division of Highways (55-05-000), \$32,000 is appropriated for the installation of traffic signal control equipment near the entrance of Capital Park on U.S. 113, Dover, Delaware."

Section 28. Amend House Bill No. 333 of the 139th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 129 to read as follows:

"Section 129. The Industrial Accident Board (60-07-007) shall be assigned a deputy attorney general on a half-time basis. This deputy shall come from the existing complement of deputy attorneys general assigned to the Office of the Attorney General (15-01-001), as authorized in Section 1 of this Act."

Section 29. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new Section 130 to read as follows:

"Section 130. Section 1 of this Act provides an appropriation of \$125,000 to State Fire School (75-02-000) for Contingency - Paramedic Services.

(a) For the fiscal year ending June 30, 1980, the State Fire School shall enter into a contractual arrangement with New Castle County for \$100,000 to be used to support the upgrading and expansion of advanced emergency medical care services in New Castle County, as follows:

(i) To provide funding of training courses and equipment for the New Castle County Volunteer Fire Ambulance Service, the New Castle County Ambulance Division, and others, who are committed to providing mobile advanced life support services in New Castle County;

(ii) To upgrade the level of training from Emergency Medical Technician I to higher skill levels, including Emergency Medical Technician II, Cardiac Rescue Technician and/or Paramedic; and

(iii) For the purchase of medical and communications equipment necessary for the operation of mobile advanced life support units.

(b) State Fire School may enter into contractual arrangements with each Kent County and Sussex County for the remaining \$25,000 of the appropriation in Section 1 of this Act for Contingency - Paramedic Services. Kent and Sussex Counties shall use these funds for planning, researching, and evaluating the needs and training, where applicable, of providing mobile advanced life support services, including the purchase of medical and communications equipment."

Section 30. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 131 to read as follows:

"Section 131. Amend §1716, Title 14, Delaware Code, by striking subsection (f) in its entirety as it appears in said section and inserting in lieu thereof a new subsection (f) to read as follows:

"(f) In the case of New Castle County, State funds appropriated in behalf of this section may be used to carry out a part of the Order of the U.S. District Court for the District of Delaware, January 9, 1978, in the establishment of reading and communication skills programs and shall, as indicated in this section, supplement not supplant previous programs. The provisions of this paragraph shall also be applicable to the employment of 'Specialists — basic skills specialist' as authorized in §132(e) of this Title."

Section 31. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 132 to read as follows:

"Section 132. Amend §1716, Title 14, Delaware Code, by redesignating subsection (g) as subsection (h) and inserting a new subsection (g) to read as follows:

"(g) The New Castle County School District was organized July 1, 1978, under Order of the United States District Court for the District of Delaware, said Order being identified as Civil Action Nos. 1816-1822 and signed the 9th day of January, 1978. The referenced order in Part F, entitled 'Retention of Jurisdiction' indicates in full 'Jurisdiction is retained until the transition to a racially nondiscriminatory unitary school system is effectuated and the system is operational.' As a result of application made to an agency of the United States Government for funds to be used in carrying out the total order referenced herein, a grant or grants have been made by the United States Government to the New Castle County School District through a program known as the Emergency School Aid Act. So long as funds are appropriated to the New Castle County School District through the Emergency School Aid Act and so long as jurisdiction is retained over the New Castle County School District by the United States District Court for the District of Delaware, funds so appropriated by the United States Government shall be used in fulfilling the provisions of this section to the extent that those funds are adequate to meet the formula set forth in subsection (a) of this section. Funds above and beyond those necessary to meet the formula of this section may be used at the discretion of the New Castle County School District, within the rules set by the Emergency School Aid Act, for other purposes. To the extent that funds provided through the Emergency School Aid Act are less than the amount necessary to meet the formula of this section, the additional funds necessary shall be provided according to that formula and as they are provided to other school districts in the State by the State of Delaware."

Section 32. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated Section 133 to read as follows:

"Section 133. General Contingency line funds under (95-01-003) Educational Contingency in Section 1 of this Act are to be used to cover expenditures mandated by law for which adequate provision is not made in the budgets of the State Board of Education, the State Board for Vocational Education, or the local school districts, and are to be used to adjust the appropriation in budget lines which are insufficiently funded and to provide for unanticipated expenditures required by state or federal statute or mandated by state or federal court action. Examples of such use are: salary line transfers and adjustments; unit adjustments; tuition payment for private placement of handicapped pupils and for Delaware residents of the Delmar School District attending Maryland schools; expenditures for Americanization classes; expenditures for salaries and travel for homebound teachers; pupil transportation costs; nonpublic and summer driver education programs; and unused sick pay for retirees."

Section 33. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 134 to read as follows:

"Section 134. Amend §1321, Chapter 13, Title 14, Delaware Code, by renumbering subsection (j) to subsection (k) and adding a new subsection (j) to read as follows:

"(j) Vocational Agriculture Teachers may be employed for 12 months and paid in accordance with §1305 of this Chapter."

Section 34. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 135 to read as follows:

"Section 135. Section 1 of this Act provides an appropriation for Summer School Occupational Vocational Program to the Department of Public Instruction, Educational Contingency (95-01-003), which appropriation shall be used to pay the salaries of employees who participated in the program in a prior fiscal year but did not receive compensation."

Section 35. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 136 to read as follows:

"Section 136. Section 1 of this Act provides an appropriation for Summer School Occupational Vocational Program to the Department of Public Instruction, Education Contingency (95-01-003). Of the total appropriation, the following amounts shall be allocated.

<u>School District</u>	<u>Student Programs</u>	<u>Salaries Program Develop.</u>	<u>Transportation Requests</u>	<u>TOTAL</u>
Appoquinimink	\$ 4,627	\$	\$	\$ 4,627
Caesar Rodney	2,138			2,138
Cape Henlopen	-0-			-0-
Capital	3,446			3,446
Delmar	-0-			-0-
Indian River	2,014			2,014
Lake Forest	-0-			-0-
Laurel	-0-			-0-
Milford	12,634			12,634
New Castle	94,628			94,628
Seaford	1,453			1,453
Smyrna	4,240			4,240
Woodbridge	-0-			-0-
Kent Voc.-Tech.	35,510	40,686	10,000	85,196
New Castle Voc.-Tech.	71,871	136,392	9,777	218,040
Sussex Voc.-Tech.	<u>46,691</u>	<u>33,350</u>	<u>8,266</u>	<u>88,307</u>
TOTAL	\$ 278,252	\$ 210,428	\$ 28,043	\$ 516,723

Any funds not used for the purposes herein referred to by the school district may be transferred between school districts."

Section 36. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 137 to read as follows:

"Section 137. Section 1 of this Act provides an appropriation for Appoquinimink School District to the Department of Public Instruction, Educational Contingency (95-01-003). The \$75,000 shall be used to purchase the unused Townsend Fire Hall on South Street, Townsend, Delaware."

Section 37. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking Section 50 in its entirety and substituting in lieu thereof a new Section 50 to read as follows:

"Section 50. Amend Chapter 17, Title 14, Delaware Code, by adding a new section to be designated as Section 1720 to read as follows:

"Section 1720. Adult Education

Funds appropriated in the Budget Appropriation Bill for James H. Groves High School or Adult Basic Education, shall be allocated by the Department of Public Instruction to the participating school districts in amounts equal to each participating school districts proportion of eligible students to the total number of eligible students as of October 31 in each fiscal year."

Section 38. Amend Section 72 (b) House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking the figure "15" as it appears on line 19, page 116, of said bill and inserting in lieu thereof the figure "25"; by striking the figure "85" as it appears on line 21, page 116, of said bill and inserting in lieu thereof the figure "75"; and by striking the figure "15" as it appears on line 24, page 116, of said bill and inserting in lieu thereof the figure "25."

Section 39. Amend House Bill 333 of the 130th General Assembly of the State of Delaware by striking the period "." on line 14, page 125 of said bill and adding thereafter the following:

"and providing that each vocational-technical high school shall have a nurse."

Section 40. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 138 to read as follows:

"Section 138. Amend §4344, Chapter 43, Subchapter IV, Title 11, Delaware Code, by striking the figure "60" in its entirety as it appears in subsection (a) of said Section and inserting in lieu thereof the figure "75".

Section 41. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 139. The Delaware Foster Care Review Board (02-17-003), as created pursuant to Senate Bill No. 245, as amended, of the 130th General Assembly of the State of Delaware, shall be assigned a deputy attorney general on a half-time basis for six months from the existing complement of deputy attorneys general assigned to the Office of the Attorney General (15-01-001), as authorized in Section 1 of this Act."

Section 42. Amend House Bill. No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 140. During the first quarter of the fiscal year ending June 30, 1980, the Department of Health and Social Services shall authorize the undertaking and completion of a statewide, comprehensive survey and study of increasing the Medicaid Income Eligibility of those in nursing homes. This study shall include the

total estimated costs and revenues attributable to increasing the medicaid income eligibility limits by 40%, 80%, 100%, 150%, 200% and 300% respectfully from the current level. The results of this study will be furnished to the Controller General no later than December 1, 1979. The appropriation in Section 1 of this Act to the Department of Health and Social Services, Division of Social Services, Support Services (35-07-001) Contractual Services line, includes the amount of \$20,000 for the above Medicaid Income Eligibility Study."

Section 43. Amend Section 41(c) of House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking the figure "\$13,132,600" as the same appears on line 4, page 103 of said House Bill and substituting in lieu thereof the figure "\$13,382,600".

Section 44. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by striking Section 57 in its entirety.

Section 45. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 141. Section 1 of this Act provides an appropriation to the Department of Transportation, Division of Highways (55-05-000) for Operations. Of the Operations appropriation, \$55,000 is hereby appropriated for the purpose of providing warning signals in the town of Houston."

Section 46. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 142. Section 1 of this Act appropriated \$267,500 to be matched by \$802,500 in Federal Funds for the Bureau of Child Support Enforcement (BCSE). These funds are used to serve AFDC and Non-AFDC clients to locate absent parents, obtain orders for the support of their children and distribute the support payments to custodial parents who are not welfare recipients.

Congress has allowed the authority to use Federal Funds to serve non-public assistance clients to lapse. In the event that such authority is not restored, so that services to these Delawareans shall be maintained, twelve federally funded positions so affected shall be funded out of the State's General Fund, and such additional sum as may be required up to \$217,000 is hereby appropriated.

The Department of Health and Social Services shall inform the Delaware State Clearinghouse Committee, the Budget Director and the Controller General if and when the source of funding changes and the positions are transferred."

Section 47. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new Section to read as follows:

"Section 143. Section 1 of this Act provides an appropriation for the Securities Commissioner's Office. Of the 4 positions authorized, one of these positions for Fiscal Year 1980 is an Administrative Assistant."

Section 48. Amend Section 4 of Chapter 74, Volume 62, Laws of Delaware (House Bill No. 336 of the 130th General Assembly), by striking the date "June 30, 1979" as the same appears in the last sentence of said Section and substituting in lieu thereof the date "July 31, 1979".

Section 49. Amend Section 2 of Chapter 81, Volume 62, Laws of Delaware (Senate Bill No. 127 of the 130th General Assembly), by striking the date "June 30, 1979", as the same appears in the last sentence of said Section and substituting in lieu thereof the date "September 30, 1979".

Section 50. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 144. During the fiscal year ending June 30, 1980, local school districts shall not be required to comply with the provisions of Chapter 35, Volume 62, Laws of Delaware."

Section 51. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 145. Section 1 of this Act provides an appropriation for Operations to the Department of Transportation, Division of Highways (55-05-000). Of the Operations appropriation, \$30,000 is hereby appropriated for the purpose of installing a traffic control signal at the intersection of Wagoner Drive and Route #141."

Section 52. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 146. Of the funds authorized for School Pupil Transportation in Section 44(c), Chapter 409, Volume 61, Laws of Delaware, \$118,000 shall not revert on June 30, 1979, but shall continue for the fiscal year ending June 30, 1980. The State Board of Education is authorized to use such funds to pay non-public school transportation obligations incurred in fiscal year 1979."

Approved June 30, 1979.

CHAPTER 87

FORMERLY

SENATE BILL NO. 348

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Delaware Cancer Network	\$	11,200
Family Violence Program - Arden Women's Shelter		<u>6,100</u>
TOTAL	\$	17,300

Section 2. The provisions of Section 6508, Title 29, Delaware Code, to the contrary notwithstanding, all persons, firms, or corporations who receive an appropriation under this Act shall file an annual report, within ninety (90) days after the close of the fiscal year of the receiving agency, covering the operation for the preceding fiscal year.

Section 3. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Except as provided in Section 5 of this Act, any funds remaining unexpended or unencumbered as of June 30, 1980, shall revert to the General Fund of the State of Delaware.

Approved July 3, 1979.

CHAPTER 88

FORMERLY

SENATE BILL NO. 347

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

<u>Accounting Code</u>	<u>Organization/Description</u>	<u>Amount</u>
(10-07-000)	<u>Delaware Criminal Justice Planning Commission</u> Program Grants, Local "Buy-In" Aid to Local Law Enforcement	\$ 27,900 225,000
(12-05-001)	<u>State Treasurer - Administration</u> Municipal Street Aid	2,000,000
(20-06-001)	<u>Div. of Hist. & Cultural Affairs - Administration</u> Historical Society of Delaware	40,000
(35-01-001)	<u>Dept. of Health & Social Services - Secretary</u> Adolescent Program	300,000
(35-06-008)	<u>Div. of Mental Health - Substance Abuse</u> Crittenton Home - Education Program 1212 Program Limen House	25,000 10,000 12,000
(35-07-002)	<u>Div. of Social Services - Programs</u> Adult Educable Mentally Retarded	40,000
(35-12-001)	<u>State Service Centers</u> South Wilmington Medical Center Claymont Community Center Edgemoor Educational and Recreational Community Center	40,000 63,000 65,000
(35-14-001)	<u>Division of Aging</u> <u>Senior Centers</u> Absalom Jones Senior Center Bi-County Adult Center Brandywine Senior Center Bridgeville Senior Center Canby Park - Fraim Senior Center Cape Henlopen Social Center Church of Our Savior Senior Center Frederica Senior Center Greater Elsmere Senior Center Harrington Senior Center Howard Weston Senior Center Indian River Senior Center Jewish Community Center Jimmy Jenkins Senior Center Julia Tallman Golden Age Center Laurel Senior Center Mid-County Senior Center	50,200 34,200 28,900 30,000 72,000 24,100 46,800 11,000 56,960 29,800 90,000 40,000 25,000 38,300 40,000 43,101 50,000

	M.O.T. Senior Center	32,100
	Modern Maturity Center	71,000
	Nanticoke Senior Center	30,477
	New Castle Senior Center	10,000
	Newark Senior Center	54,000
	Peoples Settlement-Senior Citizens Program	34,250
	St. Anthony's Senior Center	51,000
	St. Hedwig's Senior Center	92,565
	St. Patrick's Senior Center	37,000
	St. Peter's Adult Center	49,000
	St. Thomas Senior Center	60,000
	Smyrna-Clayton Senior Center	32,200
	West Center City Senior Activity Center	52,174
	Wilmington Senior Center	95,700
	<u>Miscellaneous</u>	
	De La Warr Senior Center	15,000
	Greater Elsmere Senior Center - Bus	15,000
	Hockessin Community Center - Bus	12,000
	Julia Tallman Golden Age Center - Bus	12,000
	Meals on Wheels - Lewes and Rehoboth	12,000
	Modern Maturity Center - Bus - Hartly Site	16,000
	Recreational Oppor. for Nursing Home Residence	13,075
	St. Anthony's Senior Center - Bus	15,000
	Sussex County Home Services	10,906
(40-05-002)	<u>Div. of Fish and Wildlife - Wildlife</u>	
	Delaware S.P.C.A.	169,000
	Kent County Dog Control	20,000
(40-06-001)	<u>Div. of Parks and Recreation - Management & Support</u>	
	Recreation Funds Local Government	226,000
(50-01-003)	<u>Office of Secretary - Economic Opportunity</u>	
	Opportunities Industrialization Center	192,000
(50-08-001)	<u>Div. of Economic Development - Industrial Development and Management</u>	
	Miss Delaware Pageant	2,000
(50-10-001)	<u>Div. of Libraries</u>	
	Public Library Grants	75,000
(65-04-000)	<u>Div. of Production and Promotion</u>	
	Peninsula Horticultural Society	856
	Crop Improvement Association	856
(95-04-000)	<u>Delaware State Advisory Council on Career Education</u>	
	Educational Resources Association Program	49,000
	TOTAL — SECTION 1	\$ 5,116,020

Section 2. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

<u>Item/Description</u>	<u>Amount</u>
Aid-in-Dover, Inc. (Eight-O-One)	\$ 20,000
Big Brothers Association of Northern Delaware, Inc.	21,000
Bowers Beach Maritime Museum	5,350
Child, Inc.	10,000
Children's Home, Inc.	20,000
Delaware Association of Chiefs of Police - Camp Barnes	10,000

Delaware Cancer Network	20,000
Delaware Citizens Committee, Inc.	6,000
Delaware City - Sesquicentennial	14,280
Delaware Disadvantaged Foundation	50,000
Delaware Guidance Services for Children & Youth, Inc.	48,000
Delaware Safety Council, Inc.	30,000
Delaware Sports Hall of Fame	2,500
Delaware State Fair, Inc.	25,000
Diamond State Blazers	2,000
Diamond State Youth, Inc.	52,000
Dover Heritage Trail, Inc.	5,000
Geriatric Services of Delaware, Inc.	30,000
Greater Elsmere Recreation and Education Center	68,000
Harvest Years Senior Center, Inc.	15,700
Institute for Development of Human Resources	20,000
Kent County Rape Crisis Center	2,000
Mayor and City Council New Castle - Broad Dike	30,000
Mary Campbell Center	100,000
Milford Shooters Education	500
New Castle Separation Day	7,500
Northeast Area Partners, Inc.	25,000
Open Door, Inc.	15,000
People's Place II	27,000
Project Information East Side - Complaint and Referral Service	61,000
Rape Crisis Center of Wilmington	10,870
Rosehill Community Center	25,000
Salvation Army - Emergency Housing	25,000
Slaughter Neck Community Action Committee	25,000
St. Ann's Neighborhood Service	35,000
St. Anthony's Community Center	75,000
Sussex Central Youth Center	13,000
Sussex County Community Action - Nutrition Program	25,000
Total Living Care, Inc.	40,000
Turnabout Counseling Center	35,000
Turning Point Ranch for Boys	30,000
Union Baptist Community Services, Inc.	15,000
Vision Program	25,000
West End Neighborhood House	21,000
Wilmington Housing Authority - Bus	20,000
Youth Guidance Program	10,290

TOTAL — SECTION 2**\$ 1,172,790**

Section 3. (a) Funds are hereby appropriated to the following grants-in-aid in the amounts listed and 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:

American Legion, Department of Delaware	\$ 14,400
Veterans of Foreign Wars, Department of Delaware	14,400
Disabled American Veterans, Department of Delaware	12,000

(b) Funds are hereby appropriated to the following grants-in-aid in the amounts listed for operation expenses:

Veterans of Foreign Wars, Department of Delaware	\$ 3,500
American Legion, Department of Delaware	3,500
Disabled American Veterans, Department of Delaware	2,000
Jewish War Veterans of the U. S. Department of Delaware	2,000
Delaware Veterans of World War I	1,500
Paralyzed Veterans of America, Department of Delaware	3,000

(c) Expenses for Memorial Day programs incurred by local Posts in Sussex, Kent and New Castle Counties may be reimbursed out of operation expenses appropriated in

subsection (b) of this Section on vouchers properly submitted to and approved by their representative veterans' organizations.

(d) The sum of \$3,000 is hereby appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Boys' State.

(e) The sum of \$3,000 is hereby appropriated to the American Legion Auxiliary, Department of Delaware, for the bearing of expenses incident to the holding of Girls' State.

(f) The sum of \$1,200 is hereby appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Trooper Youth Week in conjunction with the Delaware State Police.

(g) The funds appropriated by this Section 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.

(h) The sum of \$1,500 is hereby appropriated to the 198th Coast Artillery Regiment Association, Inc., for the bearing of expenses incident to the holding of its 40th Anniversary Reunion.

TOTAL — SECTION 3

\$ 65,000

Section 4. (a) There is appropriated to the listed fire companies 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
Belevedere Volunteer Fire Co.	Belevedere	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.	Wilmington 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 Department, 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 Vol. Fire Co., Inc.	Rehoboth Beach	4,000
Roxanna Volunteer Fire Co.	Roxanna	4,000
Seaford Volunteer Fire Dept. Inc.	Seaford	4,000
Selbyville Vol. Fire Co., Inc.	Selbyville	4,000
Slaughter Beach Memorial Fire Co.	Slaughter Beach	4,000

TOTAL	\$ 240,000
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(b) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of ambulances in the public services:

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
Delaware City Fire Co.	Delaware City	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 Vol. 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.	Wilmington Manor	\$ 1,250
		<hr/>
		\$ 47,500

(c) There is appropriated to the listed fire companies 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
Blades Vol. Fire Company	Blades	1,250
Bowers Volunteer Fire Co., Inc.	Bowers	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
Dagsboro Volunteer Fire Co.	Dagsboro	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
Farmington Volunteer Fire Co.	Farmington	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
Georgetown Fire Co., Inc.	Georgetown	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
Hockessin Fire Co.	Hockessin	1,250
Holloway Terrace Fire Co.	Holloway Terrace	1,250
Indian River Volunteer Fire Co.	Indian River	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.	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
Odessa Fire Co., Inc.	Odessa	1,250

Port Penn Volunteer Fire Co., Inc.	Port Penn	1,250
Rehoboth Beach Vol. 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
Ellendale Volunteer Fire Co.	Ellendale	1,250
Houston Volunteer Fire Co.	Houston	1,250
Talleyville Fire Co., Inc.	Talleyville	1,250
Townsend Fire Company, Inc.	Townsend	1,250
Volunteer Hose Co., Inc.	Middletown	1,250
Wilmington Manor Volunteer Fire Fire Co., Inc.	Wilmington Manor	1,250
TOTAL		\$ 70,000

(d) There is appropriated to the listed fire companies 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 highrise fires throughout 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
Elsmere Fire Co.	Elsmere	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
Volunteer Hose Co., Inc.	Middletown	2,000
Wilmington Manor Vol. Fire Company	Wilmington Manor	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

Bethany Beach Volunteer Fire Co.	Bethany Beach	2,000
Lewes Fire Department, Inc.	Lewes	2,000
Rehoboth Beach Vol. Fire Co., Inc.	Rehoboth Beach	2,000
Seaford Volunteer Fire Dept., Inc.	Seaford	2,000

TOTAL \$ 36,000

(e) There is appropriated to the Mayor and Council of Wilmington the following sums to be used for:

(i) 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

(ii) The maintenance of aerial or platform trucks and for the training of personnel in the techniques of

extinguishing highrise fires throughout the City of
Wilmington.

\$ 6,000

TOTAL

\$ 54,000

(f) There is appropriated to the listed organizations the following sums to be used for the operation and maintenance of ambulances in the public service:

Mid-Sussex Rescue Squad, Inc. \$ 1,250
Millsboro, Delaware

American Legion, Sussex Post #8 1,250
Georgetown, Delaware

American Legion, Kent Post #14 1,250
Smyrna, Delaware

Selbyville American Post #39, Inc. 1,250
Selbyville, Delaware

Sussex Memorial Post #7422, V.P.W. 1,250
Millsboro, Delaware

TOTAL \$ 6,250

TOTAL — SECTION 4

\$ 453,750

Section 5. The sums of \$225,000 and \$27,900 appropriated in Section 1 of this Act to Delaware Criminal Justice Planning Commission for Program Grants - State Agencies and Local "Buy-In", respectively, provide funds available for matching funds from the Federal Government. These appropriations shall not revert on June 30, 1980, but shall continue to be available on a matching basis for the life of each program grant, or three fiscal years, whichever occurs sooner. Any unexpended General Funds upon termination of the program grants shall revert to the General Fund.

Section 6. The appropriation in Section 2 of this Act to Delaware Safety Council, Inc., shall be used for the operation of the Council in educating the public as to safety.

Section 7. The appropriation in Section 2 of this Act to Delaware State Fair, Inc., shall 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 8. The appropriation in Section 2 of this Act to the Delaware Association of Chiefs of Police shall be used for the purpose of maintaining and operating Camp Barnes for the recreation of deserving youths from throughout the State.

Section 9. The provisions of Section 6508, Title 29, Delaware Code, to the contrary notwithstanding, all persons, firms, or corporations who receive an appropriation under this Act shall file an annual report, within ninety (90) days after the close of the fiscal year of the receiving agency, covering the operation for the preceding fiscal year.

Section 10. Section 1 of this Act provides for appropriations under the Division of Aging. It is the intent of these appropriations to:

(a) Provide an amount of \$15,000 for the purpose of purchasing a bus for the Greater Elsmere Senior Center.

(b) Provide an amount of \$12,000 for the purpose of purchasing a bus for the Hockessin Community Center.

(c) Provide an amount of \$16,000 for the purpose of purchasing a bus for the Modern Maturity Center.

(d) Provide an amount of \$12,000 for the purpose of purchasing a bus for the Julia Tallman Golden Age Center.

(e) Provide an amount of \$15,000 for the purpose of purchasing a bus for St. Anthony's Senior Center.

(f) The sums appropriated to the various Senior Centers in Section 1 of this Act shall be made available to the Division of Aging in order to meet the State's matching requirement for federal funds appropriated under the Older Americans Act of 1965, as amended. The senior centers shall present to the Division of Aging a proposal for expenditure of these funds. The proposal submitted to the Division of Aging shall be prepared in accordance with the guidelines established for the administration of programs under the Older Americans Act. Each center receiving the appropriation shall provide a statement of expenditures from this appropriation on a quarterly basis to the Division of Aging, the Budget Director, and the Controller General for the State of Delaware. The funds appropriated by this Act shall be paid promptly by the State Treasurer to each senior center without regard to compliance with the aforementioned reporting requirements.

Section 11. Section 2 of this Act appropriates \$35,000 to St. Ann's Neighborhood Service. It is the intent of this Act that:

(a) The sum of \$10,000 is appropriated for regular operating expenses of St. Ann's Neighborhood Service and shall be paid by the State Treasurer as soon as possible after July 1, 1979.

(b) The balance of \$25,000 shall only become available to St. Ann's Neighborhood Service upon presentation of evidence satisfactory to the State Treasurer and Controller General that a Community and Senior Center has been funded by the City of Wilmington in the amount of approximately \$100,000 from its Community Development Funds, and that construction of said Center has been completed. Within sixty (60) days of the presentation of such evidence satisfactory to the State Treasurer and Controller General, St. Ann's Neighborhood Service will be notified whether or not the evidence was satisfactory to justify payment of the \$25,000. If the evidence has been satisfactory, the balance of funds will be paid to St. Ann's Neighborhood Service for additional operating expenses.

Section 12. Section 1 of this Act provides for an appropriation under the Wildlife Section of the Department of Natural Resources and Environmental Control to:

Delaware S.P.C.A.	\$	169,000
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The allocations of Dog Wardens by the Delaware S.P.C.A. shall consist of the following: City of Wilmington - 2; New Castle County - 5; Kent County - 2; and Sussex County - 3. The scheduling of Dog Wardens so as to provide services to the public shall include the early morning hours, early evening hours, Saturdays, and Sundays, and shall not be limited to emergency services.

Section 13. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Except as provided in Section 5 of this Act, any funds remaining unexpended or unencumbered as of June 30, 1980, shall revert to the General Fund of the State of Delaware.

Section 14. Section 1 of this Act appropriates \$71,000 to the Modern Maturity Center. None of the funds appropriated are to be used to grant salary increases.

Approved July 3, 1979.

CHAPTER 89

FORMERLY

SENATE BILL NO. 37
AS AMENDED BY SENATE AMENDMENT NO. 1
AND HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO COMMERCE AND TRADE; PROHIBITING RESTRAINTS OF TRADE AND MONOPOLISTIC PRACTICES; PROVIDING REMEDIES AND PENALTIES THEREFOR; AND REPOSING POWERS AND DUTIES IN THE ATTORNEY GENERAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subtitle II, Title 6 of the Delaware Code by adding thereto a new chapter, designated as Chapter 21, which new Chapter shall read as follows:

"CHAPTER 21. ANTITRUST ACT

§2101. Legislative Purpose

The purpose of this Chapter shall be to promote the public benefits of a competitive economic environment based upon free enterprise. It is the intent of the General Assembly to promote efficiency in business operations, an equitable return on capital investments, an efficient allocation of goods and services, and freedom of economic opportunity.

§2102. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) 'Court' means the Court of Chancery except where another court is specifically designated.
- (b) 'Documentary material' means the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart or other document, and further includes data and other information in a form readable by a data processing machine.
- (c) 'Public body' means the State's public agencies, including school districts, and its political subdivisions, including municipal and other authorities.
- (d) 'Trade or commerce of this State' means all economic activity carried on wholly or partially in this State, which involves or relates to any commodity, service or business activity.

§2103. Restraint of Trade Unlawful

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce of this State shall be unlawful.

§2104. Exemptions

(a) Nothing in this Chapter shall be construed to forbid the existence or operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof, be held or construed to be illegal combinations or agreements in restraint of trade under this Chapter.

(b) Nothing in this Chapter shall be construed to forbid any conduct or arrangement required by any statute of this State or of the United States, nor any

conduct or arrangement approved or required by a regulatory body or officer acting under statutory authority of this State or of the United States.

(c) Without limiting the effect of the foregoing, activity of the following shall not be construed as a violation of this Chapter:

(1) Any public utility, to the extent that such activity is subject to regulation by the Public Service Commission, the State or Federal Department of Transportation, the Federal Power Commission, the Federal Communications Commission, or the Interstate Commerce Commission;

(2) Any person to the extent that such activity is subject to regulation by the Insurance Commissioner of this State or is authorized by the insurance code or any other law of this State, including the making of or participating in joint underwriting or joint reinsurance arrangements;

(3) A nonprofit corporation, trust or organization established exclusively for religious or charitable purposes, or for both purposes, to the extent that the activity is a religious or charitable activity;

(4) A security dealer who is licensed by this State or who is a member of the National Association of Securities Dealers or a member of a national securities exchange registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, in the course of his business of offering, selling, buying and selling, or otherwise trading in or underwriting securities as an agent, broker, or principal, or the activity of a registered national securities exchange, including the establishment of commission rates and schedules of charges, to the extent that such activity is subject to regulation under the laws of this State or the United States; or

(5) Any state or national banking association or savings and loan association, or any other lending institution, to the extent that such activity is regulated or supervised by the banking laws or savings and loan laws of this State or the United States.

§2105. General Power of Attorney General

The Attorney General shall have full power and authority on behalf of the State and its public bodies to investigate suspected violations of this Chapter or of Federal antitrust laws, and may institute such proceedings as are provided for violations thereof.

§2106. Investigative Demand by Attorney General; Duty to Testify; Immunity

(a) Whenever the Attorney General has reason to believe that any person may have knowledge, or be in possession, custody or control of any documentary material, pertinent to a possible violation of this Chapter, he may issue in writing and cause to be served upon the person an investigative demand by which he may:

(1) Compel the attendance of such person and require him to submit to examination and give testimony under oath;

(2) Require the production of documentary material pertinent to the investigation; and

(3) Require answers to written interrogatories to be furnished under oath.

(b) Service of any demand under this section may be made by mailing such demand to the last known place of business, residence or abode within or without this State of the person to whom such demand is directed; service may also be made upon any person other than a natural person, in the manner provided in §321 or §§371 to 384 of Title 8 and in the manner provided in the Rules of the Court of Chancery.

(c) Each demand under this section shall be in writing and shall:

(1) State the nature of the conduct constituting the alleged violation of this Chapter which is under investigation and the provision of law applicable thereto;

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

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

(4) Identify the custodian to whom such material shall be made available or the official before whom such examination shall take place or to whom such answers shall be furnished.

(d) Any person required to submit to examination under this section shall be entitled to be represented by counsel. Any person so required shall be entitled to procure a transcript of his testimony, provided that the Court, for good cause shown by the Attorney General, may order that such person be limited to inspection of such transcript.

(e) No demand under this section shall contain any requirement which would be held to be unreasonable if contained in a subpoena issued by a court of this State in aid of a grand jury investigation, or require the production of any evidence which would be privileged from disclosure if demanded by a subpoena issued by a court of this State in aid of a grand jury investigation.

(f) Within twenty days after the service of any demand under this section, or at any time before the return date specified in the demand, whichever period is shorter, the person served may file with the Court a motion for an order modifying or setting aside such demand. The motion shall specify each ground upon which the person relies in seeking such relief, and may be based upon any failure of the demand to comply with this section, or upon any constitutional right or privilege of the person.

(g) If any person fails to comply with a demand under this section, the Attorney General may file with the Court a motion for an order, and the Court may enter an order:

(1) Requiring the person to respond to the demand;

(2) Granting such other relief as may be required to obtain compliance with the demand.

(h) If any person shall refuse to give testimony or to produce documentary material or to answer a written interrogatory in obedience to an investigative demand on the ground that he may thereby be incriminated, the Court, upon motion by the Attorney General, may order such person to give testimony or to produce documentary material or to answer the written interrogatory, or to do an applicable combination of these, after notice to the witness and a hearing.

(i) Such person so ordered by the Court shall comply with the Court order. After complying, the testimony of such person or the matters produced, which are obtained by virtue of said order shall not be used against him in any criminal prosecution nor shall any evidence obtained derivatively from said testimony be so used, provided that, but for this section, such person would have been privileged to withhold the answer or the evidence produced by him.

(j) In no event, however, shall such person, acting pursuant to such order, be exempt from prosecution or penalty or forfeiture for any

perjury, false statement or contempt committed in answering or failing to answer, or in producing or failing to produce evidence in accordance with the order, and any testimony or evidence so given or produced shall not by virtue of this section be rendered inadmissible in evidence upon any criminal action, investigation or proceeding concerning such perjury, false statement or contempt.

(k) Any transcripts of oral testimony, documentary material, or answers to written interrogatories provided pursuant to a demand under this section shall be exempt from disclosure under the Delaware Freedom of Information Act. The custodian described in subsection (c)(4) shall take physical possession of such transcripts, material, and answers. Such transcripts, material, or answers, or copies thereof, shall not be disclosed by the custodian to any person other than the Attorney General or authorized employees of the Department of Justice, and the Attorney General and authorized employees shall not make further disclosure of such transcripts, material, or answers, or copies, or of internal memoranda or work papers relating thereto. Nothing in this section shall prevent the Attorney General from introducing said testimony, material, or answers in any action initially filed in a Federal court sitting in this State, or before any court or grand jury of this State.

§2107. Actions by Attorney General for Violations; Civil Penalty; Equitable Relief

The Attorney General may bring an action for any violation or threatened violation of this Chapter. In any such action, the Court may assess against each defendant a civil penalty for the benefit of the State of not less than \$1,000 nor more than \$100,000 for each violation, or may award appropriate equitable relief, or may order a combination of civil penalty and equitable relief.

§2108. Actions for Equitable Relief and Treble Damages; Suits Parens Patriae

(a) If the State or any public body thereof is threatened with injury or injured in its business or property by a violation of this Chapter, the Attorney General may bring an action for appropriate equitable relief, damages sustained and, as determined by the Court, taxable costs, and reasonable fees for expert witnesses and attorneys, including the Attorney General.

(b) The Attorney General may bring suit as parens patriae on behalf of natural persons residing in this State, to secure monetary relief for such persons who are injured in their business or property by a violation of this Chapter. The Court may also award taxable costs, and reasonable fees for expert witnesses and attorneys, including the Attorney General.

(c) In actions under this section the Court may in its discretion award as monetary relief up to threefold the total damage sustained, in addition to costs and fees provided that the Court finds the acts complained of to have been wilful.

(d) Monetary relief awarded under subsection (b) may be apportionable to the State or may be distributed in such manner as the Court in its discretion may authorize.

(e) In any action brought under subsection (b), the Attorney General shall, at such times, in such manner, and with such content as the Court may direct, cause notice thereof to be given by publication. If the Court finds that notice given solely by publication would deny due process of law to any person or persons, the Court may direct further notice to such person or persons according to the circumstances of the case.

(f) Any person on whose behalf an action is brought under subsection (b) may elect to exclude from adjudication the portion of the State claim for monetary relief attributable to him by filing notice of such election with the Court in the manner specified in the notice given pursuant to subsection (e). The final judgment in any action under subsection (b) shall be res judicata as to any claim under this Chapter by any person on behalf of whom such action was brought and who fails to give notice of exclusion in the manner specified in this subsection.

(g) In any action brought under subsection (b), the Court shall exclude from the amount of any monetary relief awarded any amount which duplicates an award

made by any court for the same injury, or which is allocable to persons excluded under subsection (f).

\$2109. Judgment in Favor of State as Prima Facie Evidence

In any action or proceeding brought by the Attorney General, a final judgment or decree determining that a person has violated this Chapter, other than a consent judgment or decree entered before any testimony has been taken, is prima facie evidence against him in any other action as to all matters with respect to which the judgment or decree would be an estoppel between the parties thereto.

\$2110. Jurisdiction

The Court of Chancery shall have exclusive jurisdiction of all actions or proceedings authorized by this Chapter or relating to its enforcement; provided, however, that in an action in which any party would otherwise have a right to trial by jury of any issue of fact, and such party shall demand such trial, the Court shall order such issue to trial and binding determination of such issue in the Superior Court, the action or proceeding being retained in the Court of Chancery in all other respects, including entry of judgment.

\$2111. Limitation of Actions

Any action to enforce the provisions of this Chapter shall be forever barred unless commenced within three (3) years after the cause of action accrued. For purposes of this section, a cause of action for a continuing violation is deemed to accrue at any time during the period of such violation.

\$2112. Security not Required of State and Public Bodies

Unless otherwise ordered by the Court, the State and its public bodies shall not be required to give security in any action or proceedings under this Chapter.

\$2113. Construction of Statute

This Chapter shall be construed in harmony with ruling judicial interpretations of comparable Federal antitrust statutes.

\$2114. Short Title

This Chapter shall be known and may be cited as the Delaware Anti- trust Act."

Section 2. Severability

If any provision of this Act or the application thereof to any person or circumstance 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.

Section 3. Enforcement Funds not Committed

Nothing in this Act shall be deemed a direct or indirect commitment by the General Assembly to appropriate funds for enforcement of this Act by the Attorney General.

Section 4. Remedies Cumulative

The remedies provided in this Act shall be cumulative.

Section 5. Effective Date

This Act shall take effect six (6) months after signature by the Governor.

Section 6. Powers Not Limited

The powers granted to the Attorney General under this Act shall be in addition to those powers granted to him at common law, or under the Constitution, statutes, and rules of the courts of this State.

Approved July 3, 1979.

CHAPTER 90

FORMERLY

HOUSE BILL NO. 345
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE WITH REFERENCE TO IMMUNITY WHEN PARTICIPATING WITH THE BOARD OF MEDICAL PRACTICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1703(c) of Chapter 17 of Title 24 of the Delaware Code by adding a new sentence at the end of that subsection to read as follows:

"No person filing a complaint with or providing information to the Board concerning the unauthorized practice of medicine shall be held liable in any cause of action arising out of the filing of such complaint or the providing of such information, provided that such person does so in good faith and without malice."

Section 2. Amend §1768(a) of Chapter 17, Title 24 of the Delaware Code by deleting the first two lines commencing with the words "The members" and ending with the word "osteopathic" as the same appears in subsection (a) and inserting the following in lieu thereof:

"(a) The Board of Medical Practice, the Medical Society of Delaware, their members, or the members of any committees appointed thereby, and members of hospital and osteopathic".

Section 3. Amend §1731 of Chapter 17, Title 24, of the Delaware Code by adding a new subsection to be designated as subsection (e) to read as follows:

"No person who files a complaint with the Board, provides information to the Board or its investigative committee, or who testifies as a witness at a Board hearing concerning unprofessional conduct, as that term is defined in subsection (b) of this section, by a person licensed to practice medicine and surgery in this State, or concerning the inability of such licensee to practice medicine for the reasons set forth in subsection (c) of this section, shall be held liable in any cause of action arising out of the filing of such complaint, the providing of such information, or the giving of such testimony, provided that such person does so in good faith and without malice."

Approved July 3, 1979.

CHAPTER 91

FORMERLY

SENATE BILL NO. 346

AN ACT TO AID WILMINGTON MANOR VOLUNTEER FIRE COMPANY, INC., BY
MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of Sixteen Thousand Dollars (\$16,000) is appropriated to the Wilmington Manor Volunteer Fire Company, Inc., to be used to reimburse the Wilmington Manor Volunteer Fire Company, Inc., for improvements to the curbs and shoulders on Route 13 in front of the Wilmington Manor Volunteer Fire Company, Inc.

Section 2. This Act is a supplementary appropriation for the fiscal year ending June 30, 1980, and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund of the State of Delaware not otherwise appropriated.

Approved July 3, 1979.

CHAPTER 92

FORMERLY

HOUSE BILL NO. 167

AN ACT TO AMEND CHAPTER 65, TITLE 29 AND CHAPTER 17, TITLE 2, DELAWARE CODE RELATING TO REIMBURSEMENT FOR COSTS OF GOODS AND SERVICES PROVIDED BY SPECIALIZED TRANSPORTATION AUTHORITIES TO STATE AGENCIES AND DEPARTMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6531 (a), Chapter 65, Title 29 of the Delaware Code by adding to said subsection at the end thereof, the following sentence:

"This Section shall not apply to specialized transportation authorities created pursuant to Chapter 17, Title 2 of the Delaware Code."

Section 2. Amend §1709, Chapter 17, Title 2, Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §1709 to read as follows:

"§1709. Exemption from certain laws

(a) The provisions of Chapter 1, Title 26, Chapter 18 of Title 2 and Parts V and VI, Title 29 shall not apply to a specialized transportation authority.

(b) The provisions of Chapter 69, Title 29, shall not apply to any agency, as that term is defined in §6901, Title 29, when such an agency wishes to purchase specialized transportation services from a specialized transportation authority."

Approved July 3, 1979.

CHAPTER 93

FORMERLY

HOUSE BILL NO. 335

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE RELATING TO THE EXEMPTION OF PERSONS FROM LIABILITY WHEN RENDERING EMERGENCY CARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6801 of Chapter 68, Title 16, Delaware Code by striking said section in its entirety and inserting in lieu thereof a new §6801 to read as follows:

"§6801. Persons rendering emergency care exempt from liability

(a) Any person who, in good faith, renders emergency care or assistance, without compensation, to any injured person at the scene of an accident, fire or any other place, or en route therefrom to any hospital, medical clinic or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

(b) Any emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Fire Prevention Commission, or a duly authorized representative thereof, who in good faith and without remuneration from any injured or ill person, renders emergency care or assistance to any injured or ill person, whether at the scene of an accident, fire or any other place, or while transporting such injured or ill person to, from or between any hospital, medical facility, medical clinic, doctor's office or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment or assistance, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

(c) Any persons having attended and successfully completed a course in advanced life support, which has been approved by the State Fire Prevention Commission, or a duly authorized representative thereof, who renders or administers emergency cardiopulmonary resuscitation, cardiac defibrillation or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Fire Prevention Commission, or a duly authorized representative thereof, to any sick or injured person, whether at the scene of a fire, an accident or any other place, or while transporting such person to or from any hospital, clinic, doctor's office or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures; and such individual shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures, except acts or omissions amounting to gross negligence or willful or wanton misconduct."

Approved July 3, 1979.

CHAPTER 94

FORMERLY

SENATE BILL NO. 25

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION TO BE USED TO PAY AN OBLIGATION INCURRED IN A PRIOR FISCAL YEAR.

WHEREAS, Walter R. Bowser, an Equipment Operator with the North District, was involved in an on-the-job industrial accident in December, 1976; and

WHEREAS, Walter R. Bowser has been compensated by the Department's insurance carrier, the Department portion is still owed.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of one thousand thirty-nine dollars and fifty-four cents (\$1,039.54) is hereby appropriated to the Department of Transportation (55-05-116) for the salary and payroll-related costs due Mr. Walter R. Bowser, for the period commencing December, 1976 and extending for thirty-three weeks and two days, for which he has not received payment.

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 as of June 30, 1980, shall thereupon revert to the General Fund of the State of Delaware.

Approved July 5, 1979.

CHAPTER 95

FORMERLY

SENATE BILL NO. 53

AN ACT TO AMEND SECTION 704, TITLE 19, DELAWARE CODE RELATING TO LIE DETECTORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 704, Title 19 of the Delaware Code by adding thereto a new Subsection (e) to read as follows:

"(e) As used in this section, the term 'lie detector' shall include, but shall not be limited to, any electro-mechanical device which records or analyzes vocally produced sound frequency variations associated with stress for the purpose of determining the truth of any oral statement."

Approved July 5, 1979.

CHAPTER 96

FORMERLY

SENATE BILL NO. 97

AS AMENDED BY SENATE AMENDMENTS NOS. 1 and 2

AN ACT TO AMEND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE, RELATING TO WORK BY INMATES OF DELAWARE PRISONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6532, Chapter 65, Title 11 of the Delaware Code by adding the following subsections:

"(d) The Department may also assign inmates to community work projects including, but not limited to, litter control along State highways and on State beaches and trash removal from State facilities. Such assignments, for which the inmates shall be paid, shall not be available for prisoners serving time for conviction of crimes classified as A or B felonies. Compensation for such services shall include either pay to inmates participating in such projects, at rates fixed by the Department, or a credit of time toward the sentence such inmate is serving, such credit to be fixed by the Department.

(e) Before entering into an agreement with any other State Department seeking prisoner-workers as in subsection (d) above the Department of Corrections shall start a pilot litter-control program in each of the three counties with the cooperation of the Department of Transportation. The Department of Transportation shall advise the Department of Corrections as to the kinds of equipment and the costs thereof that will be required and will act at all times as the consultant to the Department of Corrections in this program."

Approved July 5, 1979.

CHAPTER 97

FORMERLY

SENATE BILL NO. 103

AN ACT TO AMEND SUBCHAPTER 11, CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subsection (7), Section 710, Subchapter 11, Chapter 7, Title 19 of the Delaware Code by striking the number "65" (sixty-five) as it appears in that subsection and substituting the number "70" (seventy) in lieu thereof.

Section 2. Amend Section 711, Subchapter 11, Chapter 7, Title 19 of the Delaware Code by adding a subsection (i) to read as follows:

"(i)(1) Nothing in this Subchapter shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if such employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such an employee, which equals, in aggregate, at least \$27,000.

(2) In applying the retirement benefit test of paragraph (1) of this subsection, if any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions, such benefit shall be adjusted in accordance with regulations prescribed by the Secretary. U. S. Department of Labor, pursuant to 29 U.S.C. 6341 (c)(2), so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made."

Approved July 5, 1979.

CHAPTER 98

FORMERLY

SENATE BILL NO. 154

AN ACT AUTHORIZING THE CAPITAL SCHOOL DISTRICT TO EXPEND FUNDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Capital School District is hereby authorized to expend \$40,000.00 from its Minor Capital Improvements Account for renovations to the William Henry Middle School.

Approved July 5, 1979.

CHAPTER 99

FORMERLY

SENATE BILL NO. 185

AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF THE PROPERTY KNOWN AS THE BROADKILL SCHOOL AND FORMERLY USED BY THE DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY FOR ELECTION PURPOSES TO THE MILTON JAYCEES INC.

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 The Milton Jaycees Inc. for the consideration of one dollar (\$1.00) is hereby specifically approved:

All that certain tract, parcel or parcels of land with improvements erected thereon, in Broadkill Hundred, Sussex County, Delaware, beginning at a point in the middle of the county road leading from Milton to Broadkill Beach, known as the Broadkill School Building and formerly used by the Department of Elections for Sussex County for election purposes.

Section 2. The Governor and the Department of Administrative Services are authorized and empowered to execute and deliver to The Milton Jaycees Inc. a good and sufficient deed transferring and conveying the above described real property to The Milton Jaycees Inc. subject to the following conditions to be recited in the deed transferring title:

1. If The Milton Jaycees Inc. should no longer have need for the above described real property or no longer use the above-described real property, the said real property shall revert to the State of Delaware.

Approved July 5, 1979.

CHAPTER 100

FORMERLY

SENATE BILL NO. 213
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE VALUATION OF FARM LAND DEVOTED TO AGRICULTURAL, HORTICULTURAL OR FOREST USE.

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, Chapter 158, Volume 36, Delaware Laws, as amended by striking the comma "," and words beginning with the word "provided" and ending with the word "purposes" as the same appear after the word "beginning" at the end of the third paragraph of said section.

Section 2. Amend Section 47, Chapter 158, Volume 36, Laws of Delaware, as amended, by striking all the words set out in parentheses beginning with the word "Except" and ending with the word "farming" as the same appears in said Section 47.

Section 4. The provisions of this Act shall become effective on February 1, 1982.

Approved July 5, 1979.

CHAPTER 101

FORMERLY

SENATE BILL NO. 227

AN ACT TO AMEND 37 DELAWARE LAWS, CHAPTER 167, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SLAUGHTER BEACH", AS AMENDED BY 52 DELAWARE LAWS, CHAPTER 44 AND 60 DELAWARE LAWS, CHAPTER 300.

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 §1 of 37 Delaware Laws, Chapter 167 by striking the words "The Commissioners of the Town of Slaughter Beach" as the same appear in the second sentence thereof and inserting in lieu thereof the words "The Town of Slaughter Beach".

Section 2. Amend §2 of 37 Delaware Laws, Chapter 167 by striking the words "The Commissioners of the Town" and the word "Commissioners" as they appear in the eighteenth and twenty-third lines thereof and inserting in lieu thereof the word "Town Council".

Section 3. Amend §3 of 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300, by striking §3 in its entirety, and inserting in lieu thereof the following:

§3 TOWN COUNCIL, QUALIFICATIONS, TERM, NOMINATION, AND ELECTION.

The Town of Slaughter Beach shall be governed by a Town Council composed of five members. They shall elect a Mayor, a Secretary, and a Treasurer from among their own number. Any vacancy occurring on the Council shall be filled by those remaining, who are required to elect some qualified person to fill the vacancy until the next annual election, at which time the electors of the Town shall fill the vacancy or vacancies by the election of a person or persons for the unexpired term or terms. No person shall be eligible to serve as a member of the Town Council unless he or she be at least twenty-one (21) years of age at the time of taking office and a freeholder in the Town of Slaughter Beach or the holder of a lease of land therein for a term of not less than one year, or the owner of property therein held by him or her under ground rent, or has been domiciled in the Town for at least six months prior to the time of taking office. No person shall be eligible to serve as a member of the Town Council who is not qualified to vote for a member of the House of Representatives of the State of Delaware in the District in which he or she resides. Their term of a Council Member shall be two years from the second Monday in July following his or her election, or until his or her successor has been duly elected and qualified. Terms shall remain staggered so that two council members are elected every other year, and three council members elected each intervening year.

The Town Council shall be nominated and elected as follows:

Any person who, at the time of the next succeeding Town Election would be qualified to hold the office of Council Member, may register himself or herself as a candidate to be voted on for election to Town Council in that election. To register as a candidate for Council Member, a person shall file a Certificate of Intent with the Town Mayor or Secretary, which certificate shall be in writing, signed by the registrant, and shall state his or her intention to be a candidate for election to Town Council in the next succeeding election; in addition, each certificate shall be endorsed by five persons qualified to vote in the election in which the registrant is to be a candidate. Certificates of Intent shall be filed not sooner than sixty (60) days before, not later than the adjournment of, the Annual Town Meeting which shall be held on the third Saturday in June. No person shall be listed on the ballot as a candidate unless duly registered according to this section, but nothing herein shall be construed to prohibit write-in votes.

The Annual Election shall be held on the first Monday in July of each year, at which time the polls shall be open from 6:00 p.m. to 8:00 p.m.

The Town Council shall have ballots printed or typewritten containing the names of all persons who have duly registered as candidates, together with a statement thereon of the number of persons to be elected, the terms for which they are to be elected, and instructions that the voter shall express his choice by placing an "X" next to the name or names for whom that person desires to vote, which number of "X's" shall not exceed the number of persons to be elected. Any ballot containing more "X's" than the number of persons to be elected shall be disqualified.

Every person who at the time of election is eighteen years of age or upwards, and who has been domiciled within the Town for a period of at least four months preceding the election, or who is a bona fide owner of real estate within the Town, or who is the holder of a lease of land for a term of not less than one year, or who is the owner of property within the Town subject to ground rent, shall have the right to vote in said election, provided that he or she is not otherwise disqualified as a convicted felon, an idiot or insane person, or a person incapable of voting by reason of violating Article V, §7 of the Constitution of Delaware. A bona fide "owner of real estate" for purposes of this section shall mean a person who owns a fee simple or vested life estate therein, either individually, jointly with a spouse, or jointly with any one or more other persons, but ownership of stock in a corporation owning real estate shall not constitute such required real estate qualification.

At least ten days prior to the day of the election, the Town Council shall cause to be posted notice thereof in at least three public places within the Town, which notice shall state the day, hours, and place of election, the number of Commissioners to be elected, and the terms for which they are to be elected.

In addition, notice containing the same information shall be published at least once in a newspaper with general circulation in both Kent and Sussex Counties at least ten days prior to the day of the election. Failure of the Town Commissioners to do as directed in this Section shall not invalidate any election but shall render said Commissioners ineligible to be voted for at any election not conducted as herein provided.

The annual election shall be conducted by three election judges who shall be nominated by the Mayor and approved by the Town Council at the last Council meeting preceding the election for which said persons are to serve as judges. The election judges shall decide the legality of the votes offered, and shall pass upon the qualifications of those voting. They shall receive the ballots, ascertain the result, and certify the same on the books of the Town Council. In case of a tie, they shall, by majority vote, decide who is to be elected.

The Town Council may, but shall not be required to, enact ordinances providing for the registration of qualified voters and the casting of absentee ballots.

Section 4. Amend §4 of 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300 by striking said section in its entirety and substituting in lieu thereof the following:

"Section 4. ORGANIZATION OF TOWN COUNCIL.

One week following the annual election, the Town Council shall meet, and organize by the election of a President, a Secretary and a Treasurer, all of whom shall be Council Members. Before entering upon the duties of their offices, the newly elected Council Members shall be sworn by a Notary Public or by a holdover member of the Town Council, to faithfully and impartially perform their duties.

PRESIDENT OF TOWN COUNCIL.

The duties of the President of the Town Council shall be to preside at all meetings of the Town Council; to have general superintendence of Town affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees, and appointees as selected by the Town Council for the superintendency or conduct of any specified Town activity; to receive complaints of nuisances and all complaints of violations of Laws or Ordinances and present the same to the Town Council at their first meeting thereafter for action of the Town Council and to cause such infractions or violations of the Law or Ordinances, as require immediate action, to be proceeded on before the Town Alderman. The President shall issue and sign all licenses for every exhibition within the town, or licenses for any other purpose for which, under the Laws of Delaware, or the Ordinances of said Town, a license therefor is required.

The President shall countersign the checks of the Treasurer, and shall perform such other duties as may be prescribed by resolution or ordinance of the Town Council. If the President be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all powers and duties conferred and imposed upon him by this Act, or any other Law, or any resolution or ordinance now or hereafter adopted or enacted by the Commission shall be exercised and performed by the Council Member chosen by the Town Council as acting President for the period of such incapacity.

The President shall have the same right as other Council Members to vote on all matters and may at any time appoint another Council Member to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties as presiding officer.

DUTIES OF SECRETARY

The duties of the Secretary shall be to keep a true and faithful record of all the proceedings of the Town Council at all meetings and to do and perform such other matters and things as may be prescribed by this Act, or Law, or which the Town Council may from time to time prescribe by resolution or ordinance.

ACT OF MAJORITY OF TOWN COMMISSIONERS

That in the general performance of their duties, the act, doings and determinations of a majority of the Council Members shall be as good as the acts, doings and determinations of all the Council Members, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the Town Council. No ordinance, resolution, motion, order or other act of the Town Council, except as immediately hereinabove provided for shall be valid unless it received the affirmative vote of a majority of all members elected as Council Members.

DISQUALIFICATION

If any Council Member shall, during his term of office cease to meet the qualifications to be a Council Member or be found guilty of any felony or crime of moral turpitude, he or she shall forthwith be disqualified to act as a Council Member, and his or her office shall be deemed vacant and shall be filled by the remaining Council Members as aforesaid. Where any member of council had previously qualified by virtue of residence alone and thereafter abandons his residence in the Town, he shall be immediately disqualified as a member of council.

MEETINGS OF TOWN COMMISSIONERS

Following the annual organization meeting, the council shall thereafter hold meetings at such times as may be prescribed by ordinance or statute, but not less frequently than once each month.

SPECIAL MEETINGS

Special Meetings of the council may be called by the Mayor, and shall be called by the Mayor, upon written request of three members of Council, and all meetings, regular or special, shall be open to the public, except where private meetings are permitted under the Freedom of Information Act, 29 Delaware Code, 1001 et seq and as subsequently amended.

Section 5. Amend §5 of 37 Delaware Laws, Chapter 167 by striking the words "not exceeding Three Thousand (\$3,000) Dollars in any one fiscal year" as the same appear in the first sentence of the 6th paragraph thereof in their entirety and substituting in lieu thereof the following:

"not exceeding one and one-half (1 1/2%) percent of the total taxable assessed property value in any one fiscal year, and never to exceed in the aggregate a total of three (3%) percent of the total assessed value."

Section 6. Amend §6 of 37 Delaware Laws, Chapter 167 by striking the first paragraph thereof in its entirety and substituting in lieu thereof the following:

"At their first organizational meeting of the Town Council following the annual election, the Town Council shall appoint a Town Tax Collector, a Town Constable, and may, if it chooses, appoint a Town Alderman. Each of said officers shall serve at the pleasure of Council but in no event longer than one year or until their successors are duly appointed, unless re-appointed by Town Council for a subsequent term. These Town Officers need not be residents or freeholders of the Town."

Section 7. Amend §6 of 37 Delaware Laws, Chapter 167 by striking the word "Commissioners" wherever the same appears in the second paragraph thereof entitled "Duties and Powers of Alderman" and substituting in lieu thereof the word "Council".

Section 8. Amend §6 of 37 Delaware Laws, Chapter 167, as amended by 52 Delaware Laws, Chapter 44 by striking the words "Fifty Dollars" as the same appear in the second paragraph thereof in their entirety and substituting in lieu thereof the words "one hundred dollars".

Section 9. Amend §6 of 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300, by striking the words "Town Commissioners" wherever the same appear in the subsection entitled "Town Tax Collector" and substituting in lieu thereof the words "Town Council".

Section 10. Amend §6, 37 Delaware Laws, Chapter 167 by striking the word "Commissioner" as the same appears in the tenth sentence of the third paragraph of the subsection entitled "Town Tax Collector" in its entirety and substituting in lieu thereof the words "Council Member".

Section 11. Amend §6, 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300, by striking the words "One Thousand Dollars" as the same appear in the first sentence of the second paragraph of the subsection entitled "Town Tax Collector" in their entirety and substituting in lieu thereof the words "Five Thousand Dollars".

Section 12. Amend §6, 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300 by striking the words "and personal property" as the same appear in the first sentence of the third paragraph of the subsection entitled "Town Tax Collector" in their entirety.

Section 13. Amend §6, 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300, by striking the words "provided, however, that the vacant lots or tracts of land in said town exceeding five (5) acres in area shall not be taxed for Town purposes" as the same appear at the end of the last paragraph of the subsection entitled "Town Taxes Collector".

Section 14. Amend §6, 37 Delaware Laws, Chapter 167 by striking the words "Town Commissioners" wherever the same appear in the subsection entitled "Treasurer" in their entirety and substituting in lieu thereof the words "Town Council".

Section 15. Amend §6, 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300, by striking the words "Town Commissioners" and the words "Fire Commissioners" wherever the same appear in the subsection entitled "Police Department" in their entirety and substituting in lieu thereof the words "Town Council".

Section 16. Amend §7, 37 Delaware Laws, Chapter 167 by striking the words "Town Commissioners" wherever the same appear therein and substituting in lieu thereof the words "Town Council".

Section 17. Amend §7, 37 Delaware Laws, Chapter 167, as amended by 52 Delaware Laws, Chapter 44 and 60 Delaware Laws, Chapter 300, by inserting after the words "municipal needs of said Town" as the same appear in the first sentence thereof the words ", which sum shall in no year exceed Ten Thousand Dollars (\$10,000); clear of all delinquencies and expense of collection."

Section 18. amend §7, 37 Delaware Laws, Chapter 167 by striking the second paragraph therein entitled "Poll Tax" in its entirety and substituting in lieu thereof the following:

CAPITATION TAX

The Town Council may levy and collect a personal or per capita tax on all persons residing within the corporate limits of the town the age of 18 years or upwards, including those then owning, as well as those not owning, taxable real estate but the sum fixed shall be one and the same for every class and description of citizens to be used for any and all municipal purposes".

Section 19. Amend §8, 37 Delaware Laws, Chapter 167, as amended by 60 Delaware Laws, Chapter 300, by striking the words "Town Commissioners" wherever they appear therein and substituting in lieu thereof the words "Town Council".

Section 20. Amend §9, 37 Delaware Laws, Chapter 167, by striking the words "Town Commissioners" wherever the same appear therein and substituting in lieu thereof the words "Town Council".

Section 21. Amend §9, 37 Delaware Laws, Chapter 167, by striking the words "who shall be taxables of the Town of Slaughter Beach" as the same appear in the first sentence thereof and substituting in lieu thereof the words "to serve as".

Section 22. Amend §10, 37 Delaware Laws, Chapter 167 by striking the words "Town Commissioners" or Commissioners" wherever they appear therein in said section, and inserting in lieu thereof the words "Town Council".

Section 23. Amend §12, 37 Delaware Laws, Chapter 167 by striking the words "Town Commissioners" wherever they appear therein and substituting in lieu thereof the words "Town Council".

Approved July 5, 1979.

CHAPTER 102

FORMERLY

SENATE BILL NO. 250

AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PARKING AREAS DESIGNATED FOR THE HANDICAPPED.

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 §4183, Chapter 41, Title 21 of the Delaware Code by striking the catch-line of said section and substituting in lieu thereof the following:

"§4183. Parking for Handicapped Persons."

Section 2. Amend §4183, Chapter 41, Title 21 of the Delaware Code by designating the present provisions of said section as subsection (a).

Section 3. Amend §4183, Chapter 41, Title 21 of the Delaware Code by adding thereto a new subsection (b) to read as follows:

"(b) It shall be unlawful to park any vehicle other than a vehicle of the handicapped in any area under the control of and designated by the Department of Transportation, local authorities within their respective jurisdictions or owner or lessees of private property as a handicapped parking zone and conspicuously marked as such. For the purpose of this subsection, the term 'vehicle of the handicapped' shall mean a vehicle for which a special plate has been issued pursuant to §2134 of this title or a vehicle eligible for such a special plate as determined by the Director of the Division of Motor Vehicles and displaying an authorized identification card in the front window of such vehicle. Upon the determination that a vehicle is eligible for a special plate under §2134 and that no such plate has been issued at the request of the handicapped person, the Director shall issue an authorized identification card indicating that the vehicle is a vehicle of the handicapped and bearing the license number of the vehicle to which it was issued."

Approved July 5, 1979.

CHAPTER 103

FORMERLY

SENATE BILL NO. 258

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED PRIOR TO 1978 AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5532(e), Chapter 55, Title 29, Delaware Code by adding immediately at the end thereof a new paragraph to read as follows:

"Any pensioner whose pension became effective before January 1, 1978, and whose pension is payable as provided in the first paragraph of this subsection, but whose pension benefits are not increased because of the restrictions contained in the second paragraph of this subsection shall have the pension he or she is receiving increased by five percent (5%)."

Section 2. The sum of Thirty-six Thousand Seven Hundred Dollars (\$36,700) is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware to implement the provisions of this Act.

Section 3. 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.

Approved July 5, 1979.

CHAPTER 104

FORMERLY

SENATE BILL NO. 267

AN ACT TO AMEND SECTIONS 4302 AND 4305, TITLE 30, DELAWARE CODE, BY EXCLUDING MANUFACTURING EQUIPMENT ON LEVERAGED LEASES GUARANTEED BY THE ECONOMIC DEVELOPMENT ADMINISTRATION FROM THE LEASE TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. §4302 of Title 30, Delaware Code, is amended by striking the existing section and inserting in lieu thereof a new §4302 to read as follows:

"There is imposed by this Section on every lessee a use tax, for the use within this State, under a lease of tangible personal property (other than household furniture, household fixtures or household furnishings, hospital equipment and any and all medical and remedial equipment, aids and devices leased by or to elderly, ill, injured or handicapped persons for their own use and manufacturing equipment under leveraged leases in which rental payments are guaranteed, in whole or in part, by the Economic Development Administration of the United States Department of Commerce pursuant to Public Law 89-136, as amended) equal to 2% of the rent under such lease."

Section 2. §4305 (b) of Title 30, Delaware Code, is amended by striking the entire section and inserting in lieu thereof a new §4305 (b) to read as follows:

"In addition to the license fee required by subsection (a) of this section, every such lessor shall pay an annual license tax in quarterly installments at the rate of 3/10 of 1% of the lease rental payments received, except lease rental payments on manufacturing equipment under leveraged leases on which rental payments are guaranteed, in whole or in part, by the Economic Development Administration of the United States Department of Commerce pursuant to Public Law 89-136, as amended. Returns shall be filed quarterly by each lessor on the dates specified in subsection (b) of §4307 of this Title."

Approved July 5, 1979.

CHAPTER 105

FORMERLY

SENATE BILL NO. 259

AN ACT TO AMEND CHAPTER 1, TITLE 23 OF THE DELAWARE CODE, RELATING TO DELAWARE BAY AND RIVER PILOTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §105, Chapter 1, Title 23 of the Delaware Code by striking the figure "\$10" as the same appears in the said section and substituting in lieu thereof the figure "\$50".

Section 2. Amend §111, Chapter 1, Title 23 of the Delaware Code by striking the figure "\$10" as it appears in the said section and substituting in lieu thereof the figure "\$50".

Section 3. Amend §113, Chapter 1, Title 23 of the Delaware Code by striking the words "and given bond with sufficient surety to the Governor, in a sum not exceeding \$500, conditioned for the true and faithful performance of the duties and services required by this Chapter, that he will not aid or assist in violating the revenue laws of the United States, and that he will deliver up the license granted to him when required by the Board of Pilot Commissioners pursuant to this chapter".

Section 4. Amend §114, Chapter 1, Title 23 of the Delaware Code by striking the words "1 year" from the 10th line therein and substituting in lieu thereof the words "2 years".

Section 5. Amend §115, Chapter 1, Title 23 of the Delaware Code by striking the figure "\$10" in the 4th line therein and inserting in lieu thereof the figure "\$50".

Section 6. Amend §115, Chapter 1, Title 23 of the Delaware Code by striking the words "giving like security, as directed in §113 of this title".

Section 7. Amend §121, Chapter 1, Title 23 of the Delaware Code by striking all of lines 1 through 8 of said section and inserting in lieu thereof the following:

"every foreign ship or vessel and every ship or vessel engaged in foreign commerce or trade arriving from or bound to any foreign port or place, passing in or out of the entrance to Delaware Bay, and passing between the points of land known as the Capes of the Delaware, shall be obliged to receive a pilot. For the purposes of this section, the entrance to Delaware Bay is defined as that body of water bounded by the New Jersey and Delaware coasts as they border the Atlantic Ocean and included within an arc of twenty-mile radius as measured from the top of the lighthouse known as 'Harbor of Refuge Light'. If the master of any ships or vessels,"

Approved July 5, 1979.

CHAPTER 106

FORMERLY

SENATE BILL NO. 273

AN ACT TO AMEND CHAPTER 663, VOLUME 60, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 531, VOLUME 61 RELATING TO PENSION BENEFITS OF CORRECTIONS OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1, Chapter 663, Volume 60, Laws of Delaware, as amended by Chapter 531, Volume 61, by striking therefrom the phrase "July 1, 1979, and inserting in lieu thereof the phrase "July 1, 1980".

Section 2. Amend Section 2, Chapter 663, Volume 60, Laws of Delaware, as amended by Chapter 531, Volume 61 by striking the phrase "June 30, 1979, and inserting in lieu thereof the phrase "June 30, 1980".

Approved July 5, 1979.

CHAPTER 107

FORMERLY

SENATE BILL NO. 285

AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO
LAWFUL HUNTING DEVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §704, Title 7, Delaware Code, by striking subsection (d) and substituting in lieu thereof a new subsection to read as follows:

"(d) No person shall use for hunting or have in their possession while hunting any shotgun shells loaded with lead or lead alloy missiles larger than No. 2 shot, except ammunition permitted for hunting deer during the lawful open season for deer."

Approved July 5, 1979.

CHAPTER 108

FORMERLY

SENATE BILL NO. 315
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO DEFINE THE WARNER GRANT TRUST LANDS; AND TO APPROPRIATE FUNDS TO SURVEY AND MONUMENT THOSE LANDS.

WHEREAS, in 1682/3 the Court established by the Penn family in Lewes, Delaware, made a grant to Edmund Warner (recorded in the Office of the Recorder of Deeds for Sussex County in Deed Record Book A-1, page 14 et seq.) of the land described as follows:

"the land of the Cap Commonly called 'Cape Inlopen', Lying on the North East side of the Creek formerly called the Whorekill to make a Coney Warrin on and Liberty to Build a House and seat a Warriner upon..."; and

WHEREAS, the purpose for the use of the land set forth in the grant was as follows:

"the Timber and feed of said land, and marshes thereunto Belonging be and forever hereafter Lye in Common for the use of the Inhabitants of the Town of Lewes and County of Sussex, as also free liberty for any and all of the Inhabitants of the said County to fish get and take of their oyster & cockel shells and gather plums, crambereys and Huckleburies on the said land as they shall think fitt always..."; and

WHEREAS, the City of Lewes had been made the Trustee of this trust by an act of the General Assembly in 1857, found at 11 Del. Laws, C. 486, and continued through 57 Del. Laws, C. 170.

WHEREAS, in 1972, the Attorney General sought instructions as to the proper uses of the Warner Grant lands; and

WHEREAS, the City of Lewes and numerous individuals have been made parties to extensive litigation as to the Warner Grant lands; and

WHEREAS, there is no agreement among the parties as to the exact boundaries of the Warner Grant lands in 1682; and

WHEREAS, natural monuments have moved and been redirected over the past three hundred years; and

WHEREAS, it is advantageous to the State and all parties concerned to once and for all time establish the boundaries of the Warner Grant lands and the uses to which they can be put.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby created the Warner Grant Trust Lands.

Section 2. The Warner Grant Trust Lands include property located in two parcels generally described as follows:

PARCEL NO. 1 All that certain tract, piece or parcel of land situate partly within the Corporate limits of the City of Lewes and partly without the Corporate limits of the City of Lewes, and also being situate in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, and being bounded as follows:

On the North by Cape Henlopen Drive (County Road No. 19), the Barcroft Company, the Delaware Bay and the Delaware, Maryland and Virginia Railroad Co., on the East by the Atlantic Ocean, on the South by North Shores, on the Southwest in part by the Lewes and Rehoboth Canal, on the West by the Freeman Highway (County Road No. 23), and being more particularly described as follows:

Beginning at a point at the intersection of County Road No. 23, known as Freeman Highway and County Road No. 19, known as Cape Henlopen Drive, thence along County Road No. 19 in an Easterly direction, 2700 feet more or less to a point, thence in a Southerly direction 1000 feet more or less to a point, thence in an Easterly direction 3500 feet more or less to a point, thence in a Northerly direction 2,648 feet more or less to a point at the low water mark of the Delaware Bay, thence along and with the low water mark of the Delaware Bay in a Northerly direction and continuing Easterly and Southerly around the Point known as Cape Henlopen and continuing along the low water mark of the Atlantic Ocean to a point at the northeast corner of a 15.44 acre tract of land now or formerly of the United States of America, for use by the Department of Navy, thence continuing along the low water mark of the Atlantic Ocean in a Southerly direction 18,750 feet more or less to a point, thence leaving the low water mark of the Atlantic Ocean in a Southwesterly direction 1100 feet more or less to a point, thence in a Northwesterly direction 264 feet more or less to a point, thence in a Southwesterly direction 165 feet more or less to a point, thence in a Northwesterly direction 1171 feet more or less to a point, thence in a Southwesterly direction 616 feet more or less to a point at the low water mark of the Lewes and Rehoboth Canal, thence with same in a Northwesterly direction 2222 feet more or less to a point, thence in a Northwesterly direction 664 feet more or less to a point, thence leaving the Lewes and Rehoboth Canal in a Northwesterly direction 1253 feet more or less to a point, thence along the original Course of the Lewes Creek in a Northwesterly direction 6000 feet more or less to a point at the low water mark of the Lewes and Rehoboth Canal, thence with same in a Northwesterly direction 9500 feet more or less to a point at County Road No. 23, thence with same in a Northwesterly direction 3000 feet more or less to the point of Beginning.

Containing 3200 acres more or less of land (by scale);
and

PARCEL NO. 2 All that certain tract, piece or parcel of land situate in the Corporate limits of the City of Lewes, and also being situate in Lewes and Rehoboth Hundred, Sussex County, and State of Delaware, and being bounded on the North by the low water mark of the Delaware Bay, on the East by Roosevelt Inlet, on the South by the low water mark, on the Northerly side of the Broadkill River, on the West by the line of the Corporate limits of the City of Lewes.

Containing 190 acres more or less of land (by scale).

The above parcels are to be surveyed to determine the bearings and distances of the above parcels and permanent markers are to be placed at the corners.

The above description is based on a compilation of various deeds and plots as well as general preliminary surveys.

The deeds and plots are as follows:

1. Lease to Barcroft Company, of record in the Office for Recording of Deeds of Sussex County at Deed Book 630, Pages 620, et sequi, and a plot found at Deed Book 630, Page 625.
2. Agreement between the City of Lewes and the State of Delaware, of record in the Office for the Recording of Deeds of Sussex County at Deed Book 774, Page 61.
3. Agreement between the Commissioners of Lewes and the State of Delaware, of record in the Office for the Recording of Deeds of Sussex County at Deed Book 586, Page 286.

4. Quitclaim Deed between the United States of America and the State of Delaware, of record in the Office for the Recording of Deeds of Sussex County at Deed Book 581, Page 426.

5. A plot title "Perimeter Survey, U. S. Naval Facility, Fort Miles, prepared by Edward H. Richardson Associates, Inc. of record in the Office for the Recording of Deeds of Sussex County at Deed Book 698, Page 612.

6. A plot of the Gordons Pond area prepared by the Delaware State Highway Department. (Ruyter survey of 1955)

Section 3. The Warner Grant Trust Lands further shall include any land, parcel or piece of lands now within the boundaries described in Section 2, *supra*, which is now owned by the Government of the United States of America, its agencies or departments, which lands are hereafter reverted to, escheated to or in any other way conveyed to the State of Delaware.

Section 4. All other lands not included within the description contained in Section 2 hereof presently owned by the State of Delaware, which it has been claimed, argued, contested, alleged or implied to be within the so-called Warner Grant, are specifically excluded from the Warner Grant Trust Lands as delineated herein and are not subject to the Warner Grant Trust as established herein but shall hereafter and forever be lands of the State of Delaware; and those said lands lying in the area of the City of Lewes or adjacent thereto shall be administered by the City of Lewes according to the terms of its charter, 57 Del. Laws, Ch. 170. Title to lands which has previously been established to be held in fee shall remain undisturbed and held as heretofore.

Section 5. The Warner Grant Trust Lands shall be forever administered by the Department of Natural Resources and Environmental Control for the benefit of the people of Lewes, Sussex County and State of Delaware. Said lands must be administered for the public benefit as areas of public recreation, conservation and/or nature education and may not be used for private benefit to the detriment of such public benefit, subject, however, to use for railroad purposes existing at the time of this Act.

Section 6. Any modification of the laws governing the Warner Grant Trust Lands shall require action by the General Assembly of the State of Delaware and approval of the Court of Chancery of the State of Delaware. Any such modification shall be without prejudice to any parties affected by the same to litigate any issues pertinent to such modification.

Section 7. The Department of Transportation shall commence within three months of the effective date of this action a survey which shall develop a metes and bounds description of the lands generally defined in Section 2, *supra*, which description shall be recorded by the Attorney General in the Office for the Recording of Deeds in and for Sussex County upon its completion and its approval by the Court of Chancery of the State of Delaware. The Department of Transportation shall place suitable monuments to memorialize the boundaries of the Warner Grant Trust Lands.

Section 8. A sum of \$15,000 is appropriated to the Department of Transportation from funds not otherwise appropriated for the purpose of conducting this survey. Any funds not spent by June 30, 1981, shall revert to the General Fund of the State of Delaware.

Section 9. This Act shall take effect ten days after the Court of Chancery of the State of Delaware enters orders dismissing the Warner Grant litigation, being case numbers C.A. No. 439, 1972, and C.A. No. 518, 1974, Sussex County.

Section 10. This Act is intended to completely define, delineate and interpret the Warner Grant recorded in the Office of the Recorder of Deeds of Sussex County and State of Delaware in Deed Record Book A-1, Page 14, et sequi.

Approved July 5, 1979.

CHAPTER 109

FORMERLY

HOUSE BILL NO. 61

AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO THE DEFINITION OF PUBLIC SERVANT.

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 §1209, Chapter 5, Title 11, Delaware Code, by striking subsection (4) and substituting a new subsection (4) to read as follows:

"(4) 'Public servant' means any officer or employee of the State or any political subdivision thereof, including legislators and judges, and any person participating as juror, advisor, or consultant in performing a governmental function but the term does not include witnesses. This definition includes persons who are candidates for office or who have been elected to office but who have not yet assumed office."

Approved July 5, 1979.

CHAPTER 110

FORMERLY

HOUSE BILL NO. 120

AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE RELATING TO VOTE REQUIREMENT FOR RATIFICATION OF AMENDMENTS TO THE UNITED STATES CONSTITUTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 9, Title 29, Delaware Code by adding thereto a new section to be designated as §910 to read as follows:

"§910. Vote Requirement for Ratification of Amendments to the United States Constitution

The legislature shall not take action on any proposed amendment to the Constitution of the United States unless approved by two-thirds of the members elected to each branch of the General Assembly in a roll call vote. Such proposal shall be entered on the Journals of each branch with the 'ayes' and 'nays' taken thereon. However, should the two-thirds vote requirement that the United States Congress presently requires to initiate an amendment to the United States Constitution change, the provisions of this section, shall simultaneously change so as to be compatible with the vote requirements of the United States Congress.

Approved July 5, 1979.

CHAPTER 111

FORMERLY

HOUSE BILL NO. 326

AN ACT TO PERMIT THE DELMAR SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CAPITAL IMPROVEMENT ACCOUNT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Education of the Delmar School District is authorized to transfer the sum of \$49,000 from its Debt Service Account to its Capital Improvement Account. The sum herein transferred shall be used for certain contract construction projects.

Section 2. Any funds transferred as provided herein and not expended for the purposes herein specified shall be redeposited in the Debt Service Account.

Approved July 5, 1979.

CHAPTER 112

FORMERLY

HOUSE BILL NO. 346
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 24, OF THE DELAWARE CODE, RELATING
TO OUT OF STATE EMERGENCY PARAMEDICS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1703(e), of Chapter 17, Title 24, Delaware Code by adding a
new sub-paragraph 8 to read as follows:

"(8) Any person from rendering medical, surgical or health services who is
functioning as a member of an organized emergency program which has been
approved by the Board of Medical Practice of the State of Delaware, who has
successfully completed an emergency medical course, and who is acting under the
supervision and control of a physician or surgeon licensed to practice medicine in a
state contiguous to the State of Delaware."

Approved July 5, 1979.

CHAPTER 113

FORMERLY

HOUSE BILL NO. 357

AN ACT TO AMEND CHAPTER 5, TITLE 4, OF THE DELAWARE CODE RELATING TO EXEMPTIONS FROM ALCOHOL TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 581 (a) (5), Title 4 of the Delaware Code by striking the word "or" after the phrase "scientific work," in said subsection and to further strike the "." at the end of said subsection and substituting in lieu thereof:

"or for use in the manufacture or compounding of preparations unfit for beverage purposes."

Approved July 5, 1979.

CHAPTER 114

FORMERLY

HOUSE BILL NO. 360

AN ACT TO AMEND CHAPTER 1, TITLE 21, OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF "RV" LICENSE PLATES ON VANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 101 (29), Title 21 of the Delaware Code by adding the following sentence to the definition of "Recreational vehicle."

"Recreational vehicle may also include every van which is used primarily for personal pleasure and not for commercial use, regardless of the equipment or furnishings contained within such van."

Approved July 5, 1979.

CHAPTER 115

FORMERLY

HOUSE BILL NO. 366

AN ACT TO AMEND CHAPTER 273, VOLUME 46, LAWS OF DELAWARE, ALSO KNOWN AS "AN ACT TO REINCORPORATE THE TOWN OF ODESSA IN NEW CASTLE COUNTY" BY CHANGING THE HOURS OF ELECTION WHERE THERE IS NO CONTEST.

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 273, Volume 46, Laws of Delaware, also known as "An Act to Reincorporate the Town of Odessa in New Castle County" by striking the second paragraph of Section 10 and inserting in lieu thereof the following:

"In the event an election is not contested, it shall and may be lawful to open polls at six o'clock P.M., and close them at seven o'clock, P.M."

Approved July 5, 1979.

CHAPTER 116

FORMERLY

HOUSE BILL NO. 383
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 55, PART V, TITLE 29 OF THE DELAWARE CODE
RELATING TO THE STATE EMPLOYEES' PENSION PLAN; AND PROVIDING
PENSION RIGHTS FOR CERTAIN OLDER STATE EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subsection (a), Section 5501, Chapter 55, Title 29 of the Delaware Code by striking the figure "60" as the same appears in paragraph (4) of said subsection, and substituting the figure "65" in lieu thereof.

Approved July 5, 1979.

CHAPTER 117

FORMERLY

HOUSE BILL NO. 406

AN ACT TO AMEND CHAPTER 1, TITLE 1, DELAWARE CODE, BY PROVIDING FREE COPIES OF THE CODE TO PUBLIC LIBRARIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §108, Title 1, Delaware Code, by adding at the end thereof the following:

"(11) One set of the Code and annual supplements thereto to each public library in the State upon their application for same to the Division of Purchasing."

Approved July 5, 1979.

CHAPTER 118

FORMERLY

HOUSE BILL NO. 423

AN ACT TO AMEND CHAPTER 1, TITLE 14, DELAWARE CODE TO PROVIDE FOR A LICENSING OF NON-DELAWARE INSTITUTIONS OF HIGHER EDUCATION THAT OFFER COURSES, PROGRAMS OF COURSES, OR DEGREES WITHIN THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §121, Chapter 1, Title 14, Delaware Code by adding thereto a new subsection (13) to read as follows:

"(13) The determination of criteria to be met and procedures to be followed by institutions of postsecondary education that offer courses, programs of courses, or degrees within the State of Delaware but that are not institutions either incorporated in Delaware or located in Delaware, except for purpose of offering the particular courses, programs of courses or degrees referred to above. The administration of the authority herein granted shall be carried out according to Rules and Regulations of the Board as authorized in §122 of this Title."

Section 2. Amend §122 (b) (4), Chapter 1, Title 14, Delaware Code by striking said subsection (4) in its entirety and inserting in lieu thereof a new subsection (4) to read as follows:

"(4)(a) Governing the issuance of certificates and diplomas from the public schools of the State, and

(b) Determining the minimum requirements for the presentation of any course or program of courses and for the issuing of academic, normal school, collegiate, professional, or university degrees of any level by such institutions as are not otherwise authorized by Delaware law to determine such requirements;"

Section 3. Amend §122 (b) (7), Chapter 1, Title 14, Delaware Code by striking subsection (7) in its entirety and inserting in lieu thereof a new subsection (7) to read as follows:

"(7)(a) Governing the qualifications and certification of teachers in all of the public schools of the State.

(b) Providing that no individual public or private educational association, corporation or institution shall offer a course, or courses for the training of school teachers to be certified by the State Board of Education without having first procured the assent of the Board for the offering of such training courses.

(c) Providing for the licensing of any institution of higher education, public or private, which is not incorporated in the State of Delaware or which is not established according to Delaware state law, whether the main office of that institution is located within the State of Delaware or in any state of the United States or any nation of the world, if that institution offers any course, or program of courses, or degree at a location within the State of Delaware or by correspondence, to residents of the State. Regulations on this subject shall include provisions for the identification and licensing of any agent of such an institution who contacts persons within the State of Delaware in person or by correspondence for the purpose of soliciting enrollment by a permanent or temporary resident of the State of Delaware in any such course, program of courses or degree.

Approved July 5, 1979.

CHAPTER 119

FORMERLY

HOUSE BILL NO. 448
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE, RELATING TO THE DEFINITION OF "HEAVY INDUSTRY" IN THE COASTAL ZONE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (e) of section 7002, Title 7, Delaware Code, by striking the period at the end of said subsection and inserting a comma in lieu thereof.

Section 2. Amend subsection (e) of Section 7002, Title 7, Delaware Code, by adding to said subsection the following:

"and on-shore facilities, less than 20 acres in size, consisting of warehouses, equipment repair and maintenance structures, open storage areas, office and communications buildings, helipads, parking space, and other service or supply structures required for the transfer of materials and workers in support of off-shore research, exploration and development operations; provided, however, that on-shore facilities shall not include tank farms or storage tanks."

Approved July 5, 1979.

CHAPTER 120

FORMERLY

HOUSE BILL NO. 468

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, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 333 OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1 of House Bill No. 333 of the 130th General Assembly of the State of Delaware, being an Act entitled: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", in the following manner:

(a) By striking line 9 on page 63 and inserting in lieu thereof the following:

"Related Services for Handicapped 508.0"

(b) By changing all necessary subtotals and totals to reflect the change in item (a) of this section.

Section 2. Amend House Bill No. 333 of the 130th General Assembly of the State of Delaware, being an Act entitled: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS" by adding a new section to read as follows:

"Section 110. Amend Delaware Code, Title 14, by adding to Chapter 17 a new §1719 as follows:

§1719. Related Services Unit and Funding

(a) 'Related services unit' is defined for funding purposes as one (1) funding unit for each thirty (30) units of certain handicapped children identified and served in a school district, grades K through 12, excluding units for enrollees identified as autistic, severely mentally handicapped, deaf/blind, and hearing impaired. Districts shall qualify for partial funding for a related services unit for a fractional part of thirty (30) units.

(b) Each pupil counted in establishing a unit for handicapped pupils may be counted only once in a district. For pupils who attend schools in more than one district during each school day, the pupil is to be counted in each school district for the portion of the day that he or she is in attendance there.

(c) For purposes of this section, handicapped pupils shall include pupils meeting the definition set forth in this Title, Chapter 31, as further defined according to rules and regulations of the State Board of Education.

(d) 'Related services' shall be special services provided for pupils because of their handicap and shall be defined in Rules and Regulations of the State Board of Education. Rules and regulations may include but are not limited to such services as speech therapy, occupational therapy, physical therapy, early identification and assessment of disabilities, special counseling services, developmental, corrective or supportive services that may assist a handicapped child to benefit from special education. Medical services provided shall be for diagnostic or evaluation purposes only. Special transportation services provided from this funding shall be only those

services unique to a particular handicap and shall be services provided during the school program and shall not include transportation to and from school.

(e) Funds appropriated in support of this unit may be used for expenditures under Division I or Division II for the purchase of services from persons or agencies to be used in support of the handicapped children herein authorized and for no other purpose.

(f) The dollar value of this unit when applied to the employment of a full-time certified person such as, but not limited to, a teacher, a therapist, or a specialist, shall be as provided in this Title but when applied as herein authorized for other related services shall be the number of dollars set in the State supported salary schedule for a teacher holding a Master's Degree with ten years of experience and employed for ten months. The calculation of this funding shall be for the current school year. Expenditures on behalf of this unit when used for the purchase of services, shall be up to but not in excess of the amount herein authorized.

(g) Funding authorized by this section shall be used to supplement regular school programs for handicapped pupils, and may provide for the assignment of 180 pupil days and 185 employment days described in this Title, \$1305 (c) to be assigned during any of the months of a twelve month fiscal year beginning July 1.

(h) Any school district wishing to use funds under any of the options set forth in this section shall make application to the State Board of Education for that use. The application shall indicate that these funds are being used to supplement programs in the school district and that their use will not supplant personnel, services, supplies or materials provided from local funding sources.

Approved July 5, 1979.

CHAPTER 121

FORMERLY

HOUSE BILL NO. 484

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF GEORGETOWN", BEING CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, TO PERMIT INTERIM FINANCING FOR BOND ISSUES.

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 20, Chapter 166, Volume 43, Laws of Delaware, as amended, by adding a new subsection (f) as follows:

"(f) After the Special Election resulting in a favorable vote for the proposed borrowing, the Town Council may issue and sell bond anticipatory notes, at either public or private sale, for not less than par and accrued interest. The note shall bear interest at the best rate obtainable by the Town Council. The notes may be renewed from time to time by the issuance and sale of new notes but all such notes shall mature and be paid not later than four (4) years following the issuing of the original notes. The notes shall be signed by the Mayor and attested by the Secretary of the Town Council, with the seal of the Town Council of Georgetown impressed on each of the said notes, and shall be payable at a bank selected by the Town Council. The total amount of bond anticipatory notes outstanding at any one time, together with the total amount of bonds theretofore issued, shall not exceed the maximum bonded indebtedness permitted by this Section. The notes may be redeemed at par and accrued interest prior to their maturity if the Town Council shall have reserved the right by an express provision in the notes. The principal and interest on said notes, including renewal notes, may be paid from the proceeds of the sale of bonds or from other funds available therefor. The notes issued pursuant to the provisions of this Section shall be general obligations of the Town of Georgetown and the full faith and credit of the municipality shall be pledged for the full and complete payment of the principal of and interest on such notes, and such notes shall be exempt from taxation with respect to both principal and interest by the State of Delaware or any political subdivision thereof for any purpose."

Approved July 5, 1979.

CHAPTER 122

FORMERLY

HOUSE BILL NO. 501

AN ACT TO AMEND CHAPTER 30, PART II, TITLE 31 OF THE DELAWARE CODE RELATING TO THE STATE HUMAN RELATIONS COMMISSION; AND PERMITTING THE COMMISSION TO ACT AS CONCILIATOR IN MATTERS INVOLVING DISCRIMINATION BECAUSE OF ONE'S SEX OR PHYSICAL HANDICAP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3004, Chapter 30, Part II, Title 31 of the Delaware Code by striking subsection (l) in its entirety, and substituting in lieu thereof the following:

"(l) Act as conciliator in matters involving race, age, marital status, color, sex, physical handicap, creed, national origin or ancestry;"

Approved July 5, 1979.

CHAPTER 123

FORMERLY

HOUSE BILL NO. 514
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO REGULATION AND TRANSPORTATION OF HAZARDOUS MATERIALS WITHIN THIS STATE; PROVIDING FOR THE IMPOSITION OF DUTIES UPON THE DEPARTMENT OF PUBLIC SAFETY, THE STATE POLICE AND OTHER DEPARTMENTS AND DIVISIONS OF STATE GOVERNMENT; PRESCRIBING PENALTIES AND FURTHER PROVIDING FOR ENFORCEMENT OF THIS ACT.

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 82, Title 29, Delaware Code by adding thereto the following new sections to read as follows:

"§8225. Short Title

This Act shall be known and may be cited as the 'Hazardous Materials Transportation Act of 1979'.

§8226. Declaration of Policy; Finding of Fact

(a) The purpose of this Act, and the primary standard by which it shall be administered, is to so regulate the transportation of hazardous materials, and assure compliance with the Code of Federal Regulations herein adopted, that there is established and maintained a reasonable balance between the interests of the people in the safety of themselves and their property, on the one hand, and the interest of the people in their employment and economic prosperity, on the other.

(b) It is hereby found as a fact that hazardous materials are essential for various industrial, commercial and other purposes, that their transportation is a necessary incident of their use, and therefore that such transportation is required for the employment and economic prosperity of the people. It is also found as a fact that the transportation of hazardous materials may involve risk of injury to persons and damage to property, and that the degree of such risk can and should be kept at a minimum consistent with technical feasibility and economic reasonableness.

§8227. Definitions

The following words and phrases shall have the following meaning ascribed to them, unless their context implies otherwise:

(1) 'Person' means any natural person or individual, firm, association, partnership, co-partnership, joint venture, company, corporation, joint stock company, estate, or any other legal entity, or their legal representative, agent, or assigns.

(2) 'Commission' means the Commission on the Transportation of Hazardous Materials as established by this Act.

(3) 'Hazardous material' means any substance or material designated a hazardous material pursuant to the Federal 'Hazardous Materials Transportation Act' (P.L. 93-633; 49 U.S.C. §1801 et seq.).

(4) 'Transportation' means any movement of property by any mode, and any loading, unloading, or storage incidental thereto.

(5) 'Operator of Vehicle' means any person having control of any means of transportation herein regulated.

§8228. Transportation of Hazardous Materials; Adoption of Federal Requirements

The State of Delaware hereby adopts the following Parts of the Code of Federal Regulations, being Title 49, Subchapter C of Chapter I, Parts 171 through 179 and Part 393 and 397 of Subchapter B, Chapter III, being lawfully promulgated pursuant to the Federal 'Hazardous Materials Transportation Act' (P.L. 93-633; 49 U.S.C. §1801 et seq.). The following sections of the Federal Regulations shall be excluded:

- | | |
|------------------------|--|
| (1) Section 171.15 | Immediate notice of certain hazardous materials incidents. |
| (2) Section 171.15 | Detailed hazardous materials incident reports. |
| (3) Section 175.45 | Reporting hazardous materials incidents. |
| (4) Section 177.824(f) | Reporting requirements for MC 330 and MC 331 cargo tanks. |

Any person engaged in the transportation or shipment of hazardous materials, either in interstate or intrastate commerce, in the State of Delaware is required to comply with these adopted Federal regulations and any Federal regulations subsequently adopted by the Commission.

§8229. Administration; Commission on the Transportation of Hazardous Materials

(a) A Commission on the Transportation of Hazardous Materials is hereby established. The Commission shall be composed of the Secretary of the Department of Public Safety who shall be Chairman, the Superintendent of State Police, the Secretary of the Department of Transportation, the Director of the Division of Environmental Control, the State Fire Marshal, the Director of the Division of Emergency Planning and Operations, the Director of the Division of Public Health, a representative of the State Fire Prevention Commission, and one person from industry for each of the modes of transportation herein regulated (rail, air, highway, and water), and one person each representing shippers, users and consignees of hazardous materials to be appointed by the Governor for a term of two (2) years. The Chairman of the Commission shall have no vote except in case of a tie. The Commission shall meet once each year and at such other times and places as may be designated by the Chairman or a majority of the Commission. The Chairman shall cause reasonable notice to be given to each Commission member as to the time and place of each meeting. Eight (8) members shall constitute a quorum for the transaction of business at any meeting. Members of the Commission shall receive no compensation for the meetings.

(b) After the enactment of the Act, the Commission may adopt any subsequent Federal regulations lawfully promulgated under the Parts of the Code of Federal Regulations herein adopted.

(c) The Commission shall conduct a study of the administration and enforcement of this Act and of the necessity of additional legislation as to the handling of accidents involving the transportation of hazardous materials and as to hazardous materials waste. The Commission shall report to the Governor and the General Assembly as to its preliminary findings and recommendations by April 1, 1980. The Commission shall submit an annual report to the Governor and members of the General Assembly.

(d) The Commission shall assign among the several Departments and Divisions represented on the Commission the duty of coordinating and assisting in the enforcement of this Act and the several parts thereof. Such delegation shall be accomplished by resolution duly adopted by a majority of the Commission present at the meeting. The Commission may also enlist the support of any other person which it deems necessary to assist in carrying out its functions and duties.

§8230. Injunction and Other Remedies

(a) The Attorney General, upon request of the Commission or upon his own motion, may proceed in the name of the State of Delaware, by injunction, mandamus, quo warrants, or other appropriate remedy at law or in equity, to restrain violations of the Commission's regulations or orders or to enforce obedience thereto.

(b) The State Police shall have the power to seize, retain, confiscate, impound all evidence to include motor vehicles used in violation of this Chapter.

§8231. Penalties

Any person who, as operator of a vehicle, shall knowingly or wilfully violate any regulations of the Board pertaining to routing, parking or other act in the actual operation of a vehicle, shall be guilty of a misdemeanor, and, upon conviction thereof in the Court of Justice of the Peace of the County in which the offense occurred, shall be sentenced to pay a fine of not less than \$25 nor more than \$100, or imprisonment for more than thirty (30) days, or both. Any such person committing a second or subsequent offense and the conviction thereof, shall be sentenced to pay a fine of not less than \$100 nor more than \$500, or imprisonment for not less than sixty (60) days nor more than one (1) year, or both.

Any person, who, as shipper, carrier, consignee or user of a hazardous material, shall knowingly or wilfully violate the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof in the Court of Common Pleas of the County wherein the offense occurred, shall be sentenced to pay a fine of not less than \$100 nor more than \$500, or imprisonment for not more than sixty (60) days, or both. Any such person committing a second or subsequent offense and the conviction thereof, shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000 or imprisonment for not less than sixty (60) days nor more than one (1) year, or both. If such person be a firm, partnership, joint venture or association, or if such person be a corporation, the officer, agent or employee thereof responsible for the violation, shall have the sentence, herein prescribed, imposed upon him.

§8232. Exclusive State Regulation; General Repealer

It is the intent of this Act that this be the exclusive state method of regulating and controlling the transportation of hazardous materials. To that end all acts and parts of acts, ordinances and regulations promulgated thereunder are hereby repealed and declared unenforceable insofar as they are inconsistent herewith. No city, town, municipality, or other subdivision of the State shall adopt or enforce any other regulation of the transportation of hazardous materials. This shall not preclude the State from regulating hazardous wastes and hazardous substances, including the transportation thereof, an may be otherwise provided by law."

Section 2. The following words and phrases shall be substituted for the language of the Federal Regulations as indicated below:

(1) Any reference to "Director" shall mean "Chairman of the Commission".

(2) Any reference to the "Federal Highway Administration" shall mean the "Commission".

(3) Any reference to "Department of Transportation" shall mean the "Commission".

(4) Any reference to any authorized representative or special agency of the Federal Government shall mean "any authorized representative of the Commission".

(5) Any reference to the "Department" shall mean the "Commission".

(6) Any reference to the "Secretary of the Hazardous Materials Regulation Board" shall mean "the Chairman of the Commission".

(7) Any reference to "Office of Hazardous Materials Regulations" shall mean the "Commission".

(8) Any reference to "Director of the Bureau of Motor Carrier Safety" shall mean the "Chairman of the Commission".

Section 3. This Act shall take effect ninety (90) days after the signature of the Governor.

Approved July 5, 1979.

CHAPTER 124

FORMERLY

HOUSE BILL NO. 523
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10, CHAPTER 40 OF THE DELAWARE CODE BY ADDING NEW PROVISIONS TO THE TORT CLAIMS ACT REESTABLISHING THE PRINCIPLE OF SOVEREIGN IMMUNITY FOR COUNTIES AND MUNICIPALITIES THROUGHOUT THE STATE OF DELAWARE.

WHEREAS, the Courts of the State of Delaware have recently reversed precedent and have pronounced that the counties and certain municipalities of the State of Delaware no longer are protected by the Constitutional defense of sovereign immunity; and

WHEREAS, the provision of vital local governmental services is thereby placed in substantial jeopardy by the Courts' decisions; and

WHEREAS, the cost of insurance, when obtainable, has reached proportions unanticipated by local government as a result of the multiplicity of lawsuits filed against local governments in recent years.

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. Amend Chapter 40, Title 10, Delaware Code, by denominating its current provisions, Sections 4001 through 4005, inclusive, as "Subchapter I., State Tort Claims".

Section 2. Amend Chapter 40, Title 10, Delaware Code, by adding thereto a new Subchapter II., entitled "County and Municipal Tort Claims", to read as follows:

"SUBCHAPTER II. COUNTY AND MUNICIPAL TORT CLAIMS

\$4010. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings:

(a) 'Employee'. 'Employee' means a person acting on behalf of a governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials, volunteer firefighters, and rescue squad members where the rescue squad receives full or partial financial support from political subdivisions or from the State of Delaware, but the term 'employee' shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

(b) 'Governmental Entity'. 'Governmental Entity' means any municipality, town, county, administrative entity or instrumentality created pursuant to Title 22, Chapter 8 or Title 9 of the Delaware Code, any municipality created by a special act of the Delaware General Assembly, any housing authority created pursuant to Title 31, Chapter 43 and any parking authority created pursuant to Title 22, Chapter 5 of the Delaware Code, and all registered volunteer fire companies and volunteer rescue squads.

\$4011. Immunity from Suit

(a) 'Immunity'. Except as otherwise expressly provided by statute, all governmental entities and their employees shall be immune from suit on any and all tort claims seeking recovery of damages. That a governmental entity has the power to sue or be sued, whether appearing in its charter or statutory enablement,

shall not create or be interpreted as a waiver of the immunity granted in this subchapter.

(b) 'Examples'. Notwithstanding §4012, of this Chapter, a governmental entity shall not be liable for any damage claim which results from:

(1) The undertaking or failure to undertake any legislative act, including but not limited to, the adoption or failure to adopt any statute, charter, ordinance, order, regulation, resolution or resolve.

(2) The undertaking or failure to undertake any judicial or quasi-judicial act, including but not limited to, granting, granting with conditions, refusal to grant or revocation of any license, permit, order or other administrative approval or denial.

(3) The preformance or failure to exercise or perform a discretionary function or duty, whether or not the discretion be abused and whether or not the statute, charter, ordinance, order, resolution, regulation, or resolve under which the discretionary function or duty is performed is valid or invalid.

(4) The decision not to provide communications, heat, light, water, electricity or solid or liquid waste collection, disposal or treatment services.

(5) The discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalines, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants into or upon land, the atmosphere or any water course or body of water, except as provided in §4012 (c) of this Chapter.

(6) Any defect, lack of repair or lack of sufficient railing in any highway, town way, sidewalk, parking area, causeway, bridge, airport runway or taxiway, including appurtenances necessary for the control of such ways including but not limited to street signs, traffic lights and controls, parking meters, and guardrails.

Paragraphs 1 through 6 of this subsection to which immunity applies, are cited as examples and shall not be interpreted to limit the general immunity provided by this section.

(c) 'Personal Liability and Immunity'. An employee may be personally liable for acts or omissions causing property damage, bodily injury, or death in instances in which his or her governmental entity is immune under this section, but only for those acts which were not within the scope of employment or which were performed with wanton negligence or willful and malicious intent.

§4012. Exceptions to Immunity

A governmental entity shall be exposed to liability for its negligent acts or omissions causing property damage, bodily injury or death in the following instances:

(a) In its ownership, maintenance or use of any motor vehicle, special mobile equipment, trailer, aircraft or other machinery or equipment, whether mobile or stationary.

(b) In the construction, operation, or maintenance of any public building or the appurtenances thereto, except as to historic sites or buildings, structures, facilities or equipment designed for use primarily by the public in connection with public outdoor recreation.

(c) In the sudden and accidental discharge, dispersal, release, or escape of smoke, vapors, soot, fumes, acids, alkalines, and toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any water course or body of water.

§4013. Limitation on Damages

(a) 'Limit Established'. In any action for damages permitted by this subchapter, the claim for and award of damages, including costs, against both a political subdivision and its employees shall not exceed \$300,000 for any and all claims arising out of a single occurrence.

(b) 'Procedures'. Any governmental entity may settle claims filed against it pursuant to §4012, of this Chapter, in accordance with procedures duly promulgated by its governing body.

(c) 'Notice of Claim'. Any political subdivision may enact a notice requirement by ordinance so long as said notice requirement does not bar suit if notice is given within one year of occurrence.

Approved July 5, 1979.

CHAPTER 125

FORMERLY

HOUSE BILL NO. 158
AS AMENDED BY SENATE AMENDMENT NO. 2AN ACT TO AMEND CHAPTERS 13 AND 18, TITLE 2 AND CHAPTER 1, TITLE 26 OF
THE DELAWARE CODE RELATING TO REGULATION OF PUBLIC CARRIERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1801, (5), Chapter 18, Title 2, Delaware Code, by adding thereto after the words "traction railway," the words "taxi-cab, limousine".

Section 2. Amend §1801, (11), Chapter 18, Title 2, of the Delaware Code, by adding thereto after the words "traction railway" the word "taxi-cab"; and by adding the words "as a commercial venture whether operated for profit or not" after the words "transportation related services".

Section 3. Amend §1801, Chapter 18, Title 2, Delaware Code, by adding thereto new subsections (12), (13) and (14) to read as follows:

"(12) 'Taxicab' means any self-propelled motor vehicle having a passenger capacity exclusive of driver of 11 persons or less engaged in the transportation with a driver for hire of persons and their accompanying property, or of small packages on isolated occasions and not as part of regular operations, over irregular routes between termini which are not fixed, provided, however, that the utilization of taxicab stands or holding points shall not constitute fixed termini, and excluding, however, carpools, vanpools and public agency vehicles not operated as a commercial venture, and ambulances, vehicles used exclusively for the transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment operating said vehicles, and rental or leased vehicles which rental or lease does not include a driver, provided, however, that no motor vehicle excluded under this definition shall be used on a for-hire basis with a driver except as authorized by this Chapter.

(13) 'Limousine' is a self-propelled motor vehicle having a passenger capacity, exclusive of driver, of 18 persons or less engaged in the transportation with a driver for hire of persons and their accompanying property over regular or irregular routes between two termini at least one of which is fixed and which motor vehicle is not equipped with a taxi meter as a means of computing the rate, fare or compensation to be charged for such transportation, but excluding, however, carpools, vanpools and public agency vehicles not operated as a commercial venture, and ambulances, vehicles used exclusively for the transportation of decedents and persons participating in funeral services, vehicles used solely to provide free transportation services for customers of the business establishment operating said vehicles, and rental or leased vehicles which rental or lease does not include a driver, provided, however, that no motor vehicle excluded under this definition shall be used on a for-hire basis with a driver except as authorized by this Chapter.

(14) 'Council' means the Council on Transportation."

Section 4. Amend §1801 (7), Chapter 18, Title 2, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (7) to read as follows:

"(7) 'Limousine service' means the providing of transportation of passengers for hire with a driver by a limousine as defined in subsection (13) where at least one of the two termini is fixed."

Section 5. Amend §1802 (b), Chapter 18, Title 2, of the Delaware Code, by striking said subsection in its entirety and substituting a new subsection (b) to read as follows:

"(b) The Authority shall:

(i) With the approval of the Secretary and Council, prepare proposed rules and practices governing the responsibilities of both itself and the public carriers it regulates. The rules and practices shall be reviewed at a public hearing following public notice. The rules and practices, as they may be amended by the Authority, shall have the effect of law upon the completion of public hearing and approval of the Secretary and the Council. The Authority, with the approval of the Secretary and the Council, may amend or establish additional rules and practices which shall have the effect of law. Present rules and practices of the Authority shall be continued until amended, or repealed by the Authority, with the approval of the Secretary and the Council.

(ii) By its rules and practices, or by order directed to each Certificate of Public Convenience and Necessity, establish limits on the maximum number of taxicab vehicles which may be operated under any Certificate of Public Convenience and Necessity in existence at the effective date of this Act provided that each holder of any such Certificate or of a successor "grandfather" Certificate of Public Convenience and Necessity obtained under Section 1802 (c) (ii) of this Chapter 18, may not be limited to operate fewer vehicles than were in such holder's fleet of taxicab vehicles at the effective date of this Act, plus a number equal of 20 percent of the total number in such fleet.

(iii) By its rules and practices, or by order directed to each Certificate of Public Convenience and Necessity, provide upon the request of a holder of a Certificate of Public Convenience and Necessity issued by it, for the division of that Certificate into as many Certificates of Public Convenience and Necessity as the total aggregate number of taxicab vehicles which the holder of the Certificate of Public Convenience and Necessity is authorized to operate under such Certificate, so that thereafter each Certificate of Public Convenience and Necessity shall authorize the operation of only one taxicab vehicle; and the Authority shall then further provide for the issuance with each such Certificate of Public Convenience and Necessity of a medallion or other identifying insignia which shall thereafter always be physically affixed on the top of the hood of the taxicab vehicle being operated under that Certificate of Public Convenience and Necessity. Each Certificate of Public Convenience and Necessity shall be a franchise which creates and represents a proprietary interest owned by the holder of such Certificate, but it shall be subject to a condition subsequent that it can be suspended or revoked by the Authority upon proof beyond a reasonable doubt that the holder is knowingly operating, or knowingly permitting the operation of, the taxicab vehicle and/or the taxicab business under the Certificate in repeated flagrant disregard or violation of the laws of the State and/or the rules, regulations, practices and/or orders of the Authority applicable to such operations.

(iv) By its rules and practices, or by order, provide for power and authority in each holder of a Certificate of Public Convenience and Necessity authorizing a taxicab operation or business, to sell and assign such Certificate and the taxicab vehicle and medallion or other identifying insignia accompanying it, to another or others to operate in the taxicab business under such sold Certificate of Public Convenience and Necessity, and the Authority shall further so provide that as each taxicab vehicle carrying the medallion or other identifying insignia is replaced by a new or different taxicab vehicle, the medallion or other identifying insignia shall be physically transferred to and affixed to the top of the hood of the replacing vehicle.

(v) By its rules and practices, or by order, provide for authority to management, maintenance and dispatching companies and organizations to manage parts or all of the operations and businesses of certificated taxicab companies and operators, to maintain and repair taxicab vehicles for such companies and operators and/or to provide radio dispatching of taxicab vehicles for such certificated taxicab companies and operators, pursuant to contractual arrangements made between such management, maintenance and

dispatching companies and organizations, on the one hand, and, on the other, such certificated taxicab companies and operators. The Authority shall have power to void any contracts and services of any such management, maintenance and dispatching company or organization upon proper and adequate proof of knowing and repeated non-compliance by such company or organization with such laws, rules, regulations, practices and orders."

Section 6. Amend §102 (2), Chapter 1, Title 26 of the Delaware Code, by striking the word "taxi-cab," as the same appears after the word "any" and before the word "steam".

Section 7. Amend §1321 (b), Chapter 13, Title 2, of the Delaware Code by striking paragraph (3) of said subsection in its entirety and substituting in lieu thereof a new paragraph (3) to read as follows:

"(3) Be responsible for the performance of public carrier regulatory duties and functions as outlined in Chapter 18, Title 2, Delaware Code. The regulation of public carriers may include their property, property rights, equipment, facilities, franchises, rates, fares, tariffs, practices, measurement and service;"

Section 8. Amend Section 1802 (c), Chapter 18, Title 2, Delaware Code, by striking said subsection in its entirety and substituting a new subsection (c) to read as follows:

"(c)(i) Subject to the provisions of Paragraph (ii) of this subsection (c) immediately following, no public carrier subject to the regulation of the Authority shall commence any new operations nor continue any existing operation, nor shall any public carrier begin any extension of its operations, without having first obtained from the Authority a Certificate of Public Convenience and Necessity showing that the public necessity and the public convenience each require such proposed operations. The Authority, after hearing, upon notice, may impose such terms and conditions upon the Certificate as may be required by the Public Convenience and Necessity. In considering and acting upon verified applications, petitions or written requests for Certificates of Public Convenience and Necessity other than those filed with the Authority pursuant to the provisions of Paragraph (ii) of this subsection (c) immediately following, the Authority, as some of the conditions to granting a Certificate of Public Convenience and Necessity, shall require that the applicant, petitioner or requestor sustain a burden of proof of affirmatively showing, among other things,

(1) That his or its proposed operations will serve a useful public purpose, a useful public necessity and a useful public convenience responsive to a public demand, a public necessity and a public convenience which demand, necessity and convenience cannot or will not be met by existing public carriers and their existing Certificates or operating authorities;

(2) That, as to proposed taxicab or proposed limousine services and operations, he or it has both the financial ability and the operational ability, knowledge and fitness to provide the proposed taxicab or the proposed limousine services and operations, as the case may be;

(3) That, as to proposed taxicab or proposed limousine services and operations, his or its proposed taxicab or proposed limousine operations and services will not have any significant adverse impact upon the similar motor-vehicle for-hire transportation industry in the territories involved;

(4) That, as to proposed taxicab or proposed limousine services and operations, his or its proposed taxicab or proposed limousine operations and services will not have any significant adverse economic, social or environmental impact;

(5) That, as to proposed taxicab or proposed limousine services and operations, he or it and his or its motor vehicles have fully complied with all provisions of the motor vehicle laws of the State of the Delaware applicable to taxicabs and to taxicab operations and/or to limousines and to limousine services and operations, as the case may be, including but not limited to

Subchapter VI of Chapter 21, Title 21, Del. Code, as amended and supplemented from time to time; and

(6) That, as to proposed taxicab or proposed limousine services and operations, his or its taxicab vehicles or limousine vehicles, as the case may be, are each covered by and with a public liability and property damage insurance policy or policies as required by all applicable Delaware statutes in at least the minimum amounts required by Section 1802A of this Chapter 18.

(ii) If any individual, partnership, association, corporation, joint stock company, or any association of individuals engaged in the prosecution in common of a productive enterprise (commonly called a 'cooperative') or the lessees, trustees or receivers thereof, is holding itself out as being in bona fide operations as a commercial venture operated for profit within this State on the effective date of this Act in any taxicab business, operation, service, plant, system or equipment, for public use and is engaged in such bona fide operations as of such date, the Authority shall issue a Certificate of Public Convenience and Necessity authorizing such person, party or legal entity without further proceedings to continue operating the said taxicab business, operation, service, system, plant and equipment, to the same extent and scope as said person, party or legal entity was authorized under and pursuant to the regulatory power and approval of the Public Service Commission of Delaware to engage in said operations and was holding itself out as engaging in said operations as of the effective date of this Act, such Certificate to identify by number and date of issuance the Certificate under which the application is carrying on such operations and such certificate to be and to constitute a franchise which creates and represents a proprietary interest owned by the holder of such Certificate, provided, however, that an application for such Certificate of Public Convenience and Necessity must be filed with the Authority on a form approved by the Authority within one hundred twenty (120) days after the effective date of this Act. Pending the determination of any such application the continuance of such operations and of holding one's self out to engage in such operations without a Certificate of Public Convenience and Necessity from the Authority 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 Authority, 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 such case shall territory or territories be smaller than the territory or territories in this State in which the applicant had authority to engage in such operations and was holding itself out bona fide to engage in such operations as of the effective date of this Act. The Authority shall have power to put a maximum limit on the number of taxicab vehicles which can be operated under any Certificate of Public Convenience and Necessity issued under this Paragraph (ii) but it cannot limit such number below the number of taxicab vehicles which were in the applicant's fleet of taxicab vehicles at the effective date of this Act, plus a number equal to 20 percent of the total number in such fleet. The application for a Certificate of Public Convenience and Necessity under this Paragraph (ii) shall be verified and shall contain such information as the Authority deems necessary to show that the applicant was holding itself out to engage in such operations, the extent and scope of such holding out, and that the applicant had been engaged in such operations and in holding itself out to engage in such operations pursuant to authority of and with the approval of the Public Service Commission of the State of Delaware. The Authority may adopt and approve such forms as it deems necessary for this purpose.

The provisions of subparts (1) to (5), inclusive, of Paragraph (i) of this subsection (c) immediately preceding shall not apply to applicants, petitioners and requesters filing application, petitions and requests pursuant to this Paragraph (ii) or to their applications, petitions and requests filed under this Paragraph (ii). However, if a holder of a Certificate or Certificates of Public Convenience and Necessity issued pursuant to this Paragraph (ii) shall

thereafter seek to obtain authority to operate one or more taxicab vehicles in excess of the total number allowed to such holder under the provisions of this Paragraph (ii) and under the provisions of Section 1802A of this Chapter 18, then as to such excess taxicab vehicle or vehicles, all of the provisions of Paragraph (i) of this subsection (c) shall be applicable.

Section 9. Amend Chapter 18, Title 2, Delaware Code, by adding two new sections between Sections 1802 and 1803 to be known as Section 1802A and Section 1802B, respectively, to read as follows:

§1802A. Regulatory Requirements, Power and Limitations.

(1) The Authority shall set limits on the maximum number of vehicles which may be operated under any Certificate of Public Convenience and Necessity, provided that any person or party obtaining a Certificate of Public Convenience and Necessity under Section 1802 (c) (i) of this Chapter 18 may not be limited to operate fewer vehicles than were in such person's or party's fleet of taxicab vehicles at the effective date of this Act, plus a number equal to 20 percent of the total number in such fleet; and further the Authority shall prescribe by rule, regulation and order for the division of a person's or party's Certificate of Public Convenience and Necessity into as many Certificates of Public Convenience and Necessity as the total number of taxicab vehicles which that person or party is authorized to operate under his or its Certificate of Public Convenience and Necessity, so that the Authority may by rule, regulation and order further empower and authorize holders of Certificates of Public Convenience and Necessity to sell and assign their taxicab vehicles, along with a Certificate of Public Convenience and Necessity for each vehicle, to others to operate in the taxicab business under such sold Certificate or Certificates of Public Convenience and necessity provided that at no time shall there be outstanding a greater aggregate number of Certificates of Public Convenience and Necessity for taxicab operators than has been authorized in the aggregate by the Authority and provided further, that as any holder of a Certificate of Public Convenience and Necessity so sells and assigns a taxicab vehicle or vehicles with an accompanying Certificate or Certificates of Public Convenience and Necessity the total number of vehicles such holder is permitted to operate is reduced by the number such holder so sells and assigns.

(2) The Authority shall prescribe by rule, regulation and order for the manner, types and amounts of fares, rates and compensation to be charged for transportation in taxicab vehicles and for increases and decreases in such fares, rates and compensation, provided that nothing in such rules, regulations and orders shall be less stringent than or otherwise deviate from any of the applicable provisions of this Chapter 18 or of any other statutes of the State.

(3) The Authority shall not prohibit shared rides, group rides, contract services, prearranged service, services to an identified segment of the population, flat rates for all authorized vehicles from one point or area to another, or package deliveries, but the Authority may prescribe the manner of, rates and fares for and other conditions for such types of transportation services by rule, regulation or order, provided that any such rules, regulations or orders shall not have the practical effect of prohibiting any such type or types of transportation services.

(4) The Authority may prescribe by rule, regulation or order minimum amounts and kinds of insurance which shall be carried by public carriers as conditions to their right and authority to operate as such, as well as minimum requirements for insurance carriers issuing such insurance policies, provided that no public carrier shall be permitted to operate as such unless and until each and all of its vehicles transporting passengers and/or property shall be covered by and with a public liability and property damage insurance policy or policies issued by an insurance company or companies authorized to engage in such insurance business in Delaware with coverages in the aggregate of at least \$100,000 for one person injured or killed in any one accident, \$200,000 for more than one person injured and/or killed in any one accident for taxicabs and \$300,000 for more than one person injured and/or killed in any one accident for limousines, and \$30,000 for loss or damages in any one accident to property of others, excluding cargo.

§1802B. Rates

(1) Every public carrier shall file with the Authority complete schedules of every classification of fares or rates employed by it and of every individual or joint fare, rate, tariff or compensation charged or imposed by the public carrier for any public utility service offered or rendered in this State. A current copy of all rates, fares or tariffs in effect shall be kept available for inspection by the public at each public office of the carrier where requests for service are received and in or on each vehicle of the carrier utilized in performing its public utility services. Every application, petition or written request for a Certificate of Public Convenience and Necessity shall include a proposed tariff or fare or rate schedule requiring approval by the Authority.

(2) Rates, fares, tariffs and charges of each public carrier for his or its public utility services may be judged with reference to his or its operating ratio, which shall always be a relevant factor in rate proceedings, or by reference to the rate base of the carrier, a fair rate of return for the carrier and to the revenues and expenses of the carrier. The Authority shall have access upon reasonable notice, to all records, books and documents of a public carrier which are relevant in enabling the Authority to act upon rates, fares, tariffs and charges of the carrier, including records, books and documents in the custody or under the control of the public carrier and of any department, board, commission or agency of this State or any political subdivision thereof. If the Authority determines to establish a rate base for a public carrier, it may adopt either a fair value or an original cost rate base and it may determine every fact, matter or thing which, in its judgment, does or may have any bearing thereon.

(3) No public carrier shall make, impose or exact any unjust or unreasonable or unduly preferential or unjustly discriminatory individual or joint rate or fare for any service supplied or rendered by it within this 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.

(4) Unless the Authority otherwise orders, no public carrier shall put into effect any change in any existing rate or fare or any new rate or fare except after thirty (30) days notice to the Authority which notice shall plainly state the new rate or fare or the changes proposed to be made in the rates or fares then in force and the time when the new rate or fare or the changes will go into effect. All proposed changes shall be shown by filing with the notice new schedules incorporating such changes or the proposed changes shall be plainly indicated at the time of filing the notice upon schedules filed with the Authority and in force at the time and kept open to public inspection. All proposed changes shall be published at least once a week for two (2) consecutive weeks during the thirty (30) day period in a newspaper of County-wide circulation in each County in which the public carrier holds itself out to operate, in a form approved by the Authority. The Authority, for good cause shown, may allow temporary changes in rates or fares to be put into effect without requiring the thirty (30) days notice and/or publication under such conditions as it may prescribe, provided, however, that such temporary changes shall be in effect for only so long as no final action is taken by the Authority approving or rejecting such changes in whole or in part on a permanent basis. All changes in rates or fares, once effective on either a temporary or permanent basis, shall be immediately shown or indicated upon its schedules by such public carrier. The changes in rates or fares covered by this subsection include changes which have the effect of either increasing or decreasing existing fares or rate in whole or in part.

(5) Whenever there is filed with the Authority by any public carrier any notice of a change or changes in rates or fares, or any notice stating a new rate or fare, the Authority may, either upon complaint or upon its own initiative, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate or fare or such changes, provided the order for such a hearing is made by the Authority no later, than the expiration of the twentieth day following the date

when the notice was filed with the Authority, not counting the day of filing in the computation of such twenty (20) day period. If no such order is made by the Authority within said twenty (20) day period, then the proposed change or changes in rates or fares, or the new rate or fare, as the case may be, shall become effective at the expiration of the thirtieth day following the date when the notice was filed with the Authority, not counting the day of filing in the computation of such thirty (30) day period. If an order for a hearing is made within said twenty (20) day period, the Authority shall with such order suspend the effectiveness of the new rate or fare, or of such of the proposed changes in rates or fares as it deems should not become effective at the expiration of the thirtieth day following the filing of the notice, provided, however, that the Authority may with such order permit the new rate or fare or a portion or all of such changes in rates or fares to be put into effect on a temporary basis pending the hearing and a final decision by the Authority. If the Authority has not held all of the hearing and rendered its final decision by the expiration of the ninety-fifth day following the date when the notice was filed with the Authority (not counting the day of filing in the computation of such ninety-five (95) day period) then the new rate or fare, or the proposed changes in rates or fares, as the case may be, even if then in effect on a temporary basis, shall go into effect automatically and as if finally approved by the Authority. If the Authority holds all of the hearing and renders its final decision within such ninety-five (95) day period, only so much of the changes or so much of the new rate or fare as the case may be, as shall be approved by the Authority in its final decision shall go into effect, at the end of such ninety-five (95) day period. All portions of proposed changes in rates or fares which are not suspended by the order of the Authority within the said twenty (20) day period, and which are not permitted by such order to become effective on a temporary basis as provided above, shall automatically go into effect at the end of the said thirty (30) day period as if finally approved by the Authority.

(6) The Authority on its own initiative may, after hearing, upon notice, by order in writing, fix just and reasonable individual rates or fares, joint rates or fares, charges or schedules thereof, as well as commutation, mileage and other special rates or fares, which shall be imposed, observed and followed thereafter by any public carrier affected by such order, if the Authority determines upon and after such hearing, that any existing individual rate or fare, joint rate or fare, toll, charge or schedule thereof, or commutation, mileage or other special rate or fare, is unjust, unreasonable, insufficient, unlawful, or unjustly discriminatory or preferential. No order of the Authority entered pursuant to this subsection (6) and requiring a change in rates or fares, shall become effective until at least thirty (30) days after service thereof upon the public carrier affected, except upon such carrier's written consent.

(7) In any proceeding upon the motion or initiative of the Authority, or upon complaint, or upon application of a public carrier, involving any proposed or existing rate or fare of any public carrier, or any proposed change in rates or fares, or any new rate or fare, the burden of proof to show that the rate or fare involved is just and reasonable, is upon the public carrier. The public carrier shall have the burden of proof in justifying every accounting entry of record questioned by the Authority. The Authority shall give preference to the hearing and decision of any rate or fare proceeding over all other proceedings and decide the same speedily as possible."

Section 10. Amend Chapter 18, Title 2, Delaware code, by adding at the end thereof two new Sections to be known as §1819 and §1820, respectively, to read as follows:

"§1819. Appeal from Authority's Order.

(a) Any public carrier affected by any final order made by the Authority, or any other original party to or any intervenor in the proceedings before the Authority in which such order was entered and affected thereby, may appeal from such order to the Superior Court within thirty (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 Authority 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 Authority.

(c) The scope of review before the Court shall be that the Authority's findings shall be upheld if they are supported by sufficient evidence, free of error of law and not arbitrary or capricious.

§1820. Stay Pending Appeal.

The filing of an appeal from any order of the Authority shall in no case supersede or stay the order of the Authority, 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."

Approved July 7, 1979.

CHAPTER 126

FORMERLY

HOUSE BILL NO. 476

AN ACT TO DIRECT THE BOARD OF PENSION TRUSTEES TO INCLUDE FOR THE PURPOSE OF COMPUTING A PENSION FOR HORACE WILKINSON 76 DAYS OF SICK LEAVE INCURRED WHEN HORACE WILKINSON SUFFERED THE LOSS OF AN EYE WHILE IN THE EMPLOY OF THE STATE.

WHEREAS, on April 11, 1939, Horace Wilkinson was employed by the Division of Highways of the Department of Transportation; and

WHEREAS, on April 11, 1939, while cutting a thorn hedge near Dover, Horace Wilkinson, using a brush axe, suffered an accident in which a thorn limb was thrust into his face and eyes; and

WHEREAS, as the result of this accident Horace Wilkinson loss the sight of his right eye.

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 include for the purpose of computing a pension for Horace Wilkinson, of Wyoming, 76 days of sick leave incurred when Horace Wilkinson suffered the loss of an eye in a job-related accident while in the employ of the State on April 11, 1939.

Approved July 7, 1979.

CHAPTER 127

FORMERLY

SENATE BILL NO. 108

AS AMENDED BY SENATE AMENDMENT NOS. 1, 2 AND 3

AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 21, TITLE 19, DELAWARE CODE
RELATING TO THE COMPOSITION OF THE INDUSTRIAL ACCIDENT BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2101 of Subchapter 1, Chapter 21, Title 19, Delaware Code by striking said section in its entirety and substituting in lieu thereof a new section 2101 to read as follows:

"§2101. Composition; Appointment; Term

The Industrial Accident Board is continued. It shall consist of five (5) members, each of whom shall be appointed by the Governor for a term of six (6) years. The appointments shall be made so that there shall always be on the Board two residents from New Castle County, one from Kent County, one from Sussex County and one at large, and not more than three (3) of said members shall be of the same political party."

Section 2. Amend §2103, Chapter 21, Title 19, Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§2103. Quorum; Decision of Quorum

Two members of the Board shall constitute a quorum for the exercise of any of the powers or authority conferred on the Board by Part II of this Title and a decision or an award by two members of the Board shall be valid; provided, however, that any disagreement involving a procedural issue arising prior or subsequent to a hearing may be decided by one member of the Board."

Approved July 7, 1979.

CHAPTER 128

FORMERLY

SENATE BILL NO. 197

AN ACT AWARDING SPECIAL PENSION BENEFITS TO OLIN CONAWAY, A FORMER STATE EMPLOYEE; APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

WHEREAS, Olin Conaway worked for the State of Delaware from 1955 until May of 1966, therefore having over 10 years of services; and

WHEREAS, Mr. Conaway was forced to resign his position because of poor eyesight.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to accept and approve Olin Conaway's application for a pension of \$41.87 a month, said pension to be based on the minimum criterion of five years of service, waiving eligibility criteria and statutory provisions.

Section 2. The sum of \$3,594 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware to implement the provisions of Section 1 of this act.

Section 3. 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.

Approved July 7, 1979.

CHAPTER 129

FORMERLY

SENATE BILL NO. 198

AN ACT AWARDDING SPECIAL PENSION BENEFITS TO MILDRED A TIEMAN (BLADES), A FORMER STATE EMPLOYEE; APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

WHEREAS, Mildred A. Tieman Blades worked for the State of Delaware at the Hospital for the Chronically Ill from 1947 until 1967.

WHEREAS, after 20 years of state service, Mrs. Blades was forced to resign her position because of a disabling heart condition.

WHEREAS, the Board of Pension Trustees was required in 1971 by its rules to deny an appeal of Mildred Tieman Blades because they lacked jurisdiction over the appeal.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees, is hereby authorized and directed to accept and approve Mildred Tieman Blades' application for a service pension of \$150 a month.

Section 2. The sum of \$21,379 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware to implement the provisions of Section 1 of this act.

Section 3. 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.

Approved July 7, 1979.

CHAPTER 130

FORMERLY

SENATE BILL NO. 246
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE PURPOSE OF RAISING GENERAL ASSISTANCE AND AID TO FAMILIES WITH DEPENDENT CHILDREN PAYMENTS AND AMENDING CHAPTER 5, TITLE 31, DELAWARE CODE, BY REQUIRING THAT AID TO FAMILIES WITH DEPENDENT CHILDREN BE AT 100% OF THE 1966 STANDARD OF NEED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §503, Title 31, Delaware Code, by striking the last sentence in Subsection (d) and by inserting in lieu thereof the following:

"But in no case shall the amount of assistance granted as aid to such families on and after October 1, 1979 fall below 100% of a 1969 Standard of Need."

Section 2. The Department of Health and Social Services is hereby authorized to increase the amount of assistance granted as aid in the General Assistance Program to a 1966 Standard of Need, effective October 1, 1979.

Section 3. In order to carry out the provisions of Sections 1 and 2 of this Act during the fiscal year ending June 30, 1980, there is hereby appropriated to the Department of Health and Social Services a supplemental appropriation in the amount of Five Million, One Hundred Twenty-four Thousand, Five Hundred Dollars (\$5,124,500). Such appropriation shall be allocated to the Department of Health and Social Services in the following manner:

(35-07-000) Division of Social Services

(35-07-001) Support Services

Aid to Families with Dependent Children	\$	3,037,800	
Child Care		247,500	
General Assistance Grants		1,006,500	
Title XIX Federal Programs Other than State Institutions		<u>705,500</u>	
Total Support Services			\$ 4,997,300

(35-07-002) Programs

(1.4) Salaries and Wages of Employees (1.6)	\$	14,800	
Other Employment Costs		<u>3,100</u>	
Total - Programs			\$ 17,900

(35-07-003) Operations

(3.3) Salaries and Wages of Employees (6.0)	\$	49,800	
Other Employment Costs		10,500	
Contractual Services		25,000	
Supplies and Materials		20,000	
Capital Outlay		<u>4,000</u>	
Total - Operations	\$		109,300
Total Division of Social Services	\$		5,124,500
Total Department of Health & Social Services	\$		5,124,500

Section 4. The amounts herein appropriated shall constitute a supplemental appropriation which shall be paid by the State Treasurer out of the General Fund from monies not otherwise appropriated. So much of such appropriation as shall remain unexpended and unencumbered as of June 30, 1980, shall revert to the General Fund.

Section 5. Any unemployed, able-bodied person receiving the public assistance provided by this Act shall be required by the Department of Health and Social Services to perform, at no cost to the State, at least 20 hours of public service per month as shall be assigned by the Secretary, or a designated representative. Public service shall be performed in, but not limited to, State service centers, State-funded day care centers, State-funded senior centers, anti-litter and beautification programs, and public housing security.

Approved July 7, 1979.

CHAPTER 131

FORMERLY

SENATE BILL NO. 248
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 35, PART IV, TITLE 12 OF THE DELAWARE CODE
RELATING TO TRUSTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 35, Part IV, Title 12 of the Delaware Code by adding a new section thereto to read as follows:

"§3541. Administration of Charitable Trusts

If at any time during the administration of a charitable trust (whether testamentary or inter vivos) governed by the laws of this State, the charitable purpose for which it was created becomes indefinite or impossible or impractical of fulfillment, or if such a charitable purpose shall not have been fulfilled for want of a trustee or because of the failure of a trustee to designate such a purpose, then, absent an express provision to the contrary in the trust's governing instrument, the Court of Chancery shall order the administration of the trust for such a charitable purpose, or the distribution of the trust to such a charitable entity, as fulfills as nearly as possible the intention of the trust's creator, whether his charitable intent was general or specific. The Court of Chancery may issue such an order on application of the Attorney General of this State, the trustee, the creator of the trust, or any interested person or organization, but, when the Attorney General is not the petitioner, only after proof of notice to the Attorney General."

Section 2. This Act shall be considered and construed as a codification of the existing common law of this State.

Approved July 7, 1979.

CHAPTER 132

FORMERLY

SENATE BILL NO. 303

AN ACT EXEMPTING ALL PERSONS DULY REGISTERED AS AN APPRENTICE PRIOR TO JUNE 23, 1955 FROM THE REQUIREMENTS OF GRADUATION FROM A REGULAR RECOGNIZED COLLEGE OF EMBALMING AND PASSING AN EXAMINATION BY THE BOARD OF FUNERAL SERVICE PRACTITIONERS, PRIOR TO ENGAGING IN THE FUNERAL SERVICE PROFESSION.

WHEREAS, prior to June 23, 1955, among other requirements, a prerequisite to the issuance of a certificate for one to engage in the Funeral Service Profession, was graduation from a college of embalming of no less than six (6) months; and

WHEREAS, there are now no known colleges of embalming in the United States that offer a six (6) month course in embalming and who will certify graduation of same; and

WHEREAS, therefore any person duly registered as an apprentice prior to June 23, 1955, who has been active in the profession from then until present, is confronted with an unrealistic college graduation requirement, particularly in light of the probable extensive practical knowledge of the profession that such a person likely has.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The qualifications of (1) attendance and graduation from a college of embalming, and (2) taking and passing an examination administered by the State Board of Funeral Service Practitioners, required prior to one being eligible to be licensed as a funeral practitioner are hereby abolished as to every person who (1) duly registered with the State Board of Funeral Service Practitioners as an apprentice prior to June 23, 1955, and (2) thereafter has engaged in no less than twenty (20) years of active apprenticeship; and provided that the other requirements for licensure, applicable to any given applicant are met, the State Board of Funeral Service Practitioners is hereby authorized and directed to issue a license to each such person to become a fully bona fide Funeral Service Practitioner in this State.

Approved July 7, 1979.

CHAPTER 133

FORMERLY

SENATE BILL NO. 321
AS AMENDED BY SENATE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 76, PART VII, TITLE 16 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPAL BUILDING, PLUMBING, ELECTRICAL AND OTHER CODES.

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 76, Part VII, Title 16 of the Delaware Code by adding thereto a new section designated as §7602, which new section shall read as follows:

"§7602. Code for Energy Conservation

No county or municipal building or plumbing code shall contain any provision which shall be materially at variance with the Code for Energy Conservation in New Building Construction jointly prepared by the Building Officials and Code Administrators International, Inc., (BOCAI), the International Conference of Building Officials (ICBO), the National Conference of States on Building Codes and Standards, Inc. (NCSBCS), and the Southern Building Code Congress International, Inc., (SBCCI). The provisions of this section shall not apply to subsection 505 of Section 5 and subsection 605 of Section 6 of said Code as promulgated in December, 1977 or any successor subsection adopted by the same groups dealing with similar subject matter."

Approved July 7, 1979

CHAPTER 134

FORMERLY

SENATE BILL NO. 339
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO DEPARTMENTS AND AGENCIES TO BE USED TO PAY OBLIGATIONS INCURRED IN A PRIOR FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$8,042.41 is hereby appropriated to the various Departments listed for prior years' salary obligations to State employees as follows:

(12-02-000) Auditor of Accounts

Salaries & Wages of Employees	\$	584.58
Other Employment Costs		111.25

(12-03-000) Insurance Commissioner

Salaries & Wages of Employees	\$	101.96
Other Employment Costs		19.41

(25-00-000) Department of Finance

(25-01-000) of the Secretary

Salaries & Wages of Employees	\$	74.72
Other Employment Costs		14.22

(25-06-000) Division of Revenue

Salaries & Wages of Employees	\$	588.15
Other Employment Costs		111.93

(30-00-000) Department of Administrative Services

(30-03-000) Alcoholic Beverage Control Commission

Salaries & Wages of Employees	\$	45.00
Other Employment Costs		8.57

(38-00-000) Department of Corrections

(33-08-003) Delaware Correctional Center

Salaries & Wages of Employees	\$	1,412.22
Other Employment Costs		268.75

(38-08-004) Sussex Correctional Institution

Salaries & Wages of Employees	\$	1,880.03
Other Employment Costs		357.77

(38-08-005) Women's Correctional Institution

Salaries & Wages of Employees	\$	23.53
Other Employment Costs		4.48

(38-08-007) Probation & Parole

Salaries & Wages of Employees	\$	170.18
Other Employment Costs		32.39

(38-13-002) Ferris School for Boys

Salaries & Wages of Employees	\$ 1,513.02
Other Employment Costs	287.93

(38-13-004) Bridge House Detention Center

Salaries & Wages of Employees	\$ 15.52
Other Employment Costs	2.96

(40-00-000) Department of Natural Resources and Environmental Control(40-05-001) Management and Support

Salaries & Wages of Employees	\$ 20.73
Other Employment Costs	3.95

(40-05-003) Fisheries

Salaries & Wages of Employees	\$ 7.62
Other Employment Costs	1.45

(40-05-004) Mosquito Control

Salaries & Wages of Employees	\$172.51
Other Employment Costs	32.83

(40-06-002) Operations and Maintenance

Salaries & Wages of Employees	\$60.43
Other Employment Costs	11.50

(40-08-003) Water Management

Salaries & Wages of Employees	\$268.00
Other Employment Costs	51.00

(40-08-004) Water Pollution Control

Salaries & Wages of Employees	\$1.50
Other Employment Costs	.29

(45-00-000) Department of Public Safety(45-07-000) Division of Motor Vehicles

Salaries & Wages of Employees	\$119.32
Other Employment Costs	22.71"

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 as of September 30, 1979, shall thereupon revert to the General Fund of the State of Delaware.

Approved July 7, 1979.

CHAPTER 135

FORMERLY

SENATE BILL NO. 21
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21, DELAWARE CODE BY ADDING A NEW CHAPTER 70 RELATING TO STOPPING, STANDING OR PARKING IN DESIGNATED FIRE LANES AND AREAS ESSENTIAL TO FIRE SAFETY AND PROVIDING PENALTIES 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 Part IV, Title 21, Delaware Code by adding thereto a new Chapter 70 to read as follows:

"Chapter 70
Fire Lanes

Subchapter 1. General Provisions

§7001. Stopping, Standing or Parking in Fire Lanes; Penalty

(a) No person shall stop, stand, or park a vehicle in any place which has been designated and properly identified as a fire lane pursuant to regulations of the State Fire Marshal, or in an area designated for a fire hydrant or stand pipe connection, except in compliance with the directions of a police officer or traffic control device.

(b) Any person authorized to make arrests for violations of this Chapter is hereby authorized to remove or cause to be removed, and stored at the owner's expense, any unattended vehicle left standing wholly or partially within a fire lane or any unattended vehicle left standing in a location so as to cause an obstruction to the accessibility to a fire lane, fire hydrant, or stand pipe connection.

(c) The State Fire Marshal and his deputies shall be authorized to enforce the provisions of this Chapter. Any fire officer in charge of firemen of a fire company responding to, operating at or returning from a fire, service call or other emergency, shall be authorized to enforce the provisions of this Chapter.

(d) The provisions of this Chapter shall apply upon highways and elsewhere throughout the State.

(e) Anyone violating any of the provisions of this Chapter shall be fined not less than \$10.00 nor more than \$100.00 for the first offense. For each subsequent like offense, he shall be fined not less than \$50.00 nor more than \$200.00 or imprisoned for not more than 30 days or both.

(f) Justice of the Peace Courts shall have jurisdiction of offenses under this section.

§7002. Immunity of Enforcement Officers,
Deputies & Employees and Garagemen

No law enforcement officer, fire officer in charge, or his delegate or fire marshal or his deputy, enforcing the provisions of this Chapter and no one who removes a vehicle from a prohibited area as described in this Chapter or stores such a vehicle, having been directed to remove or store such vehicle by a person authorized to enforce the provisions of this Chapter, shall be liable for criminal prosecution for any conduct directly relating to the enforcement of this Chapter or be liable to any person for negligence, resulting in the injury to or loss or destruction of any real or personal property if such negligence arises out of the enforcement of the provisions of this Chapter, provided, however, that such persons

shall be liable for loss or destruction of any real or personal property caused by acts or omissions amounting to gross negligence or willful or wanton misconduct.

\$7003. Owner Prima Facie Liable

If any vehicle found by a person authorized to enforce the provisions of this Chapter, to be in violation of any of the provisions of this Chapter is unattended, at the time the violation is discovered, and the identity of the operator is not apparent, the person in whose name such vehicle is registered as owner shall be held prima facie responsible for such violations."

Approved July 12, 1979.

CHAPTER 136

FORMERLY

SENATE BILL NO. 136
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE PROHIBITING THE REMOVAL OF A VEHICLE FROM THE SCENE OF AN ACCIDENT EXCEPT UNDER SPECIFIED CONDITIONS.

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 42, Title 21 of the Delaware Code by renumbering the present Section 4206 as 4207.

Section 2. Amend Chapter 42, Title 21 of the Delaware Code by adding thereto a new Section 4206 to read as follows:

"§4206. Removal of vehicles from accident scene prohibited

No person shall remove from the scene of an accident resulting in apparent property damage any vehicle without the consent of the owner of any property which has been damaged in such accident unless a police officer is present at the scene of such accident and authorizes the removal.

For the purposes of this section, the term 'person' shall not include the owner of the vehicle, the operator of the vehicle at the time of the accident, or a passenger in such vehicle at the time of the accident."

Approved July 12, 1979.

CHAPTER 137

FORMERLY

SENATE BILL NO. 194
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE
AWARD OF CONTRACTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6907, Title 29, Delaware Code, by adding at the end thereof the
following:

"In determining how the 'interest of the State shall be better served' the
agency may, when there are competitive bids from both in-state and out-of-state
vendors or contractors, consider such factors as in-state employment and fees and
taxes with regard to bids within two percent of the lowest bid."

Approved July 12, 1979.

CHAPTER 138

FORMERLY

SENATE BILL NO. 196

AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTERS 5, 7 AND 13 OF TITLE 7, DELAWARE CODE, RELATING TO HUNTING AND TRAPPING.

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 §552, Chapter 5, Title 7, Delaware Code, by striking such section in its entirety and substituting in lieu thereof the following:

"§552. License Fees

A resident of Delaware shall pay to the Department a fee of \$25 for a license under §551 of this Title. A non-resident of Delaware shall pay a fee of \$250 for such a license."

Section 2. Amend §554, Chapter 5, Title 7, Delaware Code, by striking the figure "\$10" as it appears therein and substituting the figure "\$100" in lieu thereof, and by striking the figure "\$50" as it appears therein and substituting in lieu thereof the figure "\$500".

Section 3. Amend §554, Chapter 5, Title 7, Delaware Code, by adding thereto a new sentence to read as follows:

"No fine imposed under this section shall be suspended."

Section 4. Amend §555(a), Chapter 5, Title 7, Delaware Code, by striking the word "record" as it appears in the first and second sentences thereof and substituting in lieu thereof the word "ledger".

Section 5. Amend §555(c), Chapter 5, Title 7, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"(c) Whoever violates this section shall be fined not less than \$150 nor more than \$350, and costs for each offense. No fine imposed under this section shall be suspended."

Section 6. Amend §793, Chapter 7, Title 7, Delaware Code, by striking the figures "\$50" and "\$100" as they appear therein and substituting in lieu thereof the figures "\$100" and "\$500" respectively.

Section 7. Amend §793, Chapter 7, Title 7, Delaware Code by adding thereto a new sentence to read as follows:

"Any penalty assessed under this Chapter shall not be suspended."

Section 8. Amend §794, Chapter 7, Title 7, Delaware Code, by striking such section in its entirety and substituting in lieu thereof the following:

"§794. Sale or Shipment of Red Fox Hides; Penalty

No red fox hide shall be sold, purchased, possessed, or exposed for sale, in this State, or shipped by freight or express, or otherwise, or taken from any place within this State to any place outside this State."

The provisions of this section as to the possession of red fox hides shall not apply to red fox hides brought into this State from another State or Country where trapping, killing or possession of red fox hide is permitted, provided the possession of such red fox hide has proof that such red fox hides originated in such other State or Country.

Whoever violates this section shall be fined not less than \$100 nor more than \$500 or imprisoned not more than thirty (30) days. No penalty imposed under this section shall be suspended."

Section 9. Amend §1304, Chapter 13, Title 7, Delaware Code, by striking such section in its entirety and substituting in lieu thereof the following:

"§1304. Penalty for Violation of an Game and Fish Law Excepting Those Specifying a Penalty.

Whoever violates provisions of Part I of this Title for which the penalty is not specifically prescribed shall be fined not less than \$50 nor more than \$250 plus costs. No penalty imposed by this section shall be suspended. Any person who fails to pay forthwith any fine imposed under the provisions of any fish or game law of this State together with the costs of prosecution, unless an appeal is taken, shall be imprisoned for thirty (30) days unless the fine and costs are sooner paid."

Approved July 12, 1979.

CHAPTER 139

FORMERLY

SENATE BILL NO. 224
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO STATE
EMPLOYEES' PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5501(b)(5) of Chapter 55, Title 29, Delaware Code by inserting the words "anywhere in the world" immediately after the phrase "...or an accredited private school or college..." and before the phrase "...provided that the individual who rendered such service (i)...".

Section 2. Amend §5501(b)(8) of Chapter 55, Title 29, Delaware Code by inserting the words "anywhere in the world" immediately after the phrase "...or an accredited private school or college..." and before the phrase "...provided that the individual pays into the Fund...".

Section 3. Amend §5501(b)(8), Chapter 55, Title 29, Delaware Code by inserting after the phrase "(iii) he subsequently acquires five (5) years of credited service," the following:

"or (iv) he has been involuntarily terminated for reason other than cause and is rehired within two (2) years of the involuntary termination."

Section 4. Amend §5501(a), Chapter 55, Title 29, Delaware Code by deleting the last sentence in subparagraph (4) and substituting in lieu thereof a new subparagraph (5) to read as follows:

"A person who meets the requirements of this subsection shall be regarded as an "employee" during the period he or she is on an approved leave and, for school personnel who do not work on a twelve-month (12) basis, during the period between the expiration of such leave and the beginning of the next regular school term."

Section 5. Amend §5501(b)(1), Chapter 55, Title 29, Delaware Code by striking said subsection and substituting in lieu thereof a new subsection (b)(1) to read as follows:

"(1) Service as an employee, excluding any period during which an employee is on an approved leave unless service credit for such period or periods of leave is purchased pursuant to subparagraphs (9), (10) and (11) of this Section."

Section 6. Amend §5501(b), Chapter 55, Title 29, Delaware Code by adding a new subparagraph (11) to read as follows:

"(11) Approved leave other than approved medical and sabbatical leaves provided the employee pays into the Fund, prior to the commencement of the leave, contributions equal to the sum of the employee contributions and State appropriations which would have been made to the Fund during such periods of leave."

Section 7. Amend §5501(b) of Chapter 55, Title 29, Delaware Code by adding a new subparagraph (12) to read as follows:

"(12) In determining an employee's eligibility under this Chapter such an employee shall be considered to have been in covered employment during a period

of documented interruption not to exceed two (2) months and not otherwise provided for in this Chapter. The term 'documented interruption' shall be defined in the Rules and Regulations of the Board of Pension Trustees but shall not include interruptions due to termination of employment. Time so credited under this subsection for eligibility shall not be used for the computation of retirement benefits. This subsection shall apply to employees who retire on or after January 1, 1979."

Approved July 12, 1979.

CHAPTER 140

FORMERLY

SENATE BILL NO. 225
AS AMENDED BY SENATE AMENDMENT NO. 2
AND SENATE AMENDMENT NO. 1
TO SENATE AMENDMENT NO. 2

AN ACT TO AMEND SECTION 4123, CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLES FOLLOWING ANOTHER VEHICLE TOO CLOSELY.

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 (b), Section 4123, Chapter 41, Title 21 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) The driver of any truck or vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district, and which is following another vehicle, shall, whenever conditions permit, leave sufficient space, but not less than 300 feet, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles. Whoever violates the provisions of this subsection, shall, for the first offense, be fined not less than \$25.00 nor more than \$200.00 or imprisoned not less than 10 nor more than 30 days or both. For each subsequent like offense within two years, he shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned not less than 10 nor more than 60 days or both."

Approved July 12, 1979.

CHAPTER 141

FORMERLY

SENATE BILL NO. 264
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND PART IV, TITLE 12 OF THE DELAWARE CODE BY STRIKING THE PRESENT CHAPTER 45 ENTITLED "UNIFORM GIFTS TO MINORS ACT" AND BY SUBSTITUTING A NEW CHAPTER 45 ENTITLED "UNIFORM GIFTS TO MINORS ACT" IN LIEU THEREOF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part IV, Title 12 of the Delaware Code by striking the present Chapter 45 and by substituting in lieu thereof a new Chapter 45 to read as follows:

"CHAPTER 45. UNIFORM GIFTS TO MINORS ACT

§4501. Definitions

In this Chapter, 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, industrial bank, savings and loan association, building and loan association, or credit union.
- (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 selling 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 or endowment insurance policies, annuity contracts, money, interest in tangible personal property, and interests in real property 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 Chapter;
 - (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 or endowment insurance policies, annuity contracts, interest in tangible personal property, interest in real property and income, and the proceeds from the surrender of or loans upon such insurance policies and annuity contracts.
- (f) A "custodian" is a person so designated in a manner prescribed in this Chapter; 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, a federal credit union or a credit union chartered and supervised under the laws of a state; an "insured financial institution" is one, deposits (including a savings, share, certificate or deposit account) in which are, in whole or in part,

insured by the Federal Deposit Insurance Corporation, by the Federal Savings and Loan Insurance Corporation, or by a deposit insurance fund approved by a state.

(h) A "gift" includes an inter vivos transfer, a distribution pursuant to the terms of a will or trust agreement or a payment pursuant to the terms of a life or endowment insurance policy or annuity contract; a gift shall be deemed to be made at the time of transfer, distribution or payment.

(i) 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.

(j) 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.

(k) 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.

(l) "Life or endowment insurance policies and annuity contracts" means only life or endowment insurance policies and annuity contracts on the life of the minor or a member of the minor's family as defined in Subsection (m) of this Section.

(m) A "member" of a "minor's family" means any grandparent or lineal descendant of a grandparent of the minor, whether of the whole blood or the half blood, or by or through legal adoption.

(n) A "minor" is a person who has not attained the age of eighteen years, except that if the donor, pursuant to §4504(d) of this Chapter, shall have directed that the custodianship shall terminate when a person shall attain an age between eighteen and twenty-one years, "minor" shall refer to such person so long as he shall not have attained the age so directed by the donor.

(o) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, certificate or other evidence of a limited partner's interest in a limited partnership, contract to buy or sell commodities, collateral trust certificate, transferable share, voting trust certificate 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 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.

(p) 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.

(q) A "trust company" is a bank, corporation or other legal entity authorized to exercise trust powers.

§4502. Manner of Making Gift

(a) An adult person may, during his lifetime, make or provide for a gift of a security, a life or endowment insurance policy or annuity contract, money, an

interest in tangible personal property, or an interest in real property to a person who is a minor on the date of the gift:

(1) if the subject of an inter vivos gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Delaware Uniform Gifts to Minor Act."

(2) if the subject of an inter vivos gift is a security not in registered form, by delivering it to an adult other than the donor or to 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**

I, (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 an inter vivos gift is money, by paying or delivering it to a broker or a financial institution for credit to an account in the name of the donor, another adult 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 an inter vivos gift is a life or endowment insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing life insurance company in the name of the donor, another adult or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act."

(5) if the subject of an inter vivos gift is a payment pursuant to the terms of a life or endowment insurance policy or annuity contract, by designating, in a writing registered with the issuing life insurance company, the donor, another adult or a trust company as the beneficiary of such insurance policy or contract, followed, in substance, by the words: "as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act." When the custodian receives any proceeds of such policy or contract, the proceeds shall at that time become custodial property.

(6) if the subject of an inter vivos gift is tangible personal property, or an interest therein, by delivering it to an adult other than the donor or to 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**

I, (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

property: (insert an appropriate description of the item or items of tangible personal property delivered sufficient to identify it or them)

(signature of donor)

"(name of custodian) hereby acknowledges receipt of the above described property as custodian for the above minor under the Delaware Uniform Gifts to Minors Act.

Dated: _____

(signature of custodian)."

(7) if the subject of an inter vivos gift is real property, or an interest therein, by executing and delivering to the custodian (which may be the donor, another adult or a trust company), in the appropriate manner, an acknowledged deed in the form, in substance, prescribed by Section 121 of Title 25, naming the minor as grantee and containing a recital, in substance, that the real property, or the interest therein, transferred is to be "held by (name of custodian), and his successors, as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act;" but such gift shall not be effective, nor shall title to the real property or interest vest in the minor, unless and until such deed is recorded, in the manner prescribed by Section 151 of Title 25 in the recorder's office for the county wherein such property or interest is situated. The deed may (for the purpose of promoting the efficient research of titles to real property) also recite the date of birth of the minor and the date the minor will attain his majority (or a later date designated by the donor as the date of termination of the custodianship pursuant to §4504(d) of this Chapter), but the failure to do so shall not affect the validity of the gift.

(8) if the gift is distributable by a personal representative pursuant to the terms of a will, by stating in the will, in substance, that the bequest or devise is made "under the Delaware Uniform Gifts to Minors Act." The personal representative shall distribute the subject of the gift by transferring it, in the manner and form prescribed in the preceding paragraphs of this Subsection (a), to an adult or trust company designated as custodian by the testator, or, absent such designation, or if the designated custodian has died or is otherwise unable or unwilling to serve, and subject to any limitations contained in the will, to an adult or trust company designated as custodian by the personal representative in accordance with §4507(g) of this Chapter. The receipt of the custodian for the subject of the gift shall constitute a full release and discharge of the personal representative with respect to the property so transferred.

(9) if the gift is distributable by a trustee pursuant to the terms of a will or trust agreement, by stating in the will or trust agreement, in substance, that the gift is made "under the Delaware Uniform Gifts to Minors Act." The trustee shall distribute the subject of the gift by transferring it, in the manner and form prescribed in the preceding paragraphs of this Subsection (a), to an adult or trust company designated as custodian in the will or trust agreement, or absent such designation, or if the designated custodian has died or is otherwise unable or unwilling to serve, and subject to any limitations contained in the will or trust agreement, to an adult or trust company designated as custodian by the trustee in accordance with §4507(g) of this Chapter. The receipt of the custodian for the subject of the gift shall constitute a full release and discharge of the trustee with respect to the property so transferred.

(b) If, pursuant to the terms of a will or trust agreement, any property of the type described in Subsection (a) is required to be distributed to a minor, or if, pursuant to the terms of a life or endowment insurance policy or annuity contract, a payment is required to be made to a minor, and if the will, trust agreement, insurance policy or contract does not require that such property be distributed to a custodian in accordance with the provisions of this Chapter, the personal representative, trustee or insurance company, may, nevertheless, in his discretion (but subject to any limitations or prohibitions contained in the will, trust

agreement, insurance policy or annuity contract), distribute such property or make such payment in accordance with the provisions of this Chapter by transferring it, in the manner and form prescribed in Subsection (a), to an adult or trust company designated as custodian by the personal representative, trustee or insurance company in accordance with §4507(g) of this Chapter.

(c) 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, but additional gifts to the same minor using the same or a different custodian may be made.

(d) A donor who makes a gift to a minor in a manner prescribed in Subsection (a), and each legal representative, trustee and insurance company effecting a gift under this Chapter, 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 his failure to comply with this Subsection, nor his designation of an ineligible person as custodian, nor the unwillingness or inability to act of the person designated as custodian shall affect the validity of the gift.

(e) A gift (other than a gift of real property, or an interest therein) may be made under this Chapter only if, at the time of the gift (or, in the case of a gift pursuant to the terms of a will, trust agreement, life or endowment insurance policy or annuity contract, at the time of execution of such document), one or more of the donor, the minor or the custodian is a resident of this State. In the case of a gift of real property, or an interest therein, a gift may be made under this Chapter only if such property or interest is located in this State. A gift made under this Chapter shall not be affected by the fact that at some future time none of the donor, the minor or the custodian is a resident of this State, nor shall a gift of real property, or an interest therein, be affected by the fact that at some future time such property or interest is converted into other custodial property not having a situs in this State.

§4503. Effect of Gift

(a) A gift made in a manner prescribed in this Chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the custodial property. No guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this Chapter, and if a guardian of the property of a minor shall become custodian, the custodial property shall be segregated from the guardianship property and shall be held under the provisions of this Chapter.

(b) By making a gift in a manner prescribed in this Chapter, the donor incorporates in his gift all the provisions of this Chapter 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 Chapter.

§4504. Duties and Powers of Custodian

(a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) 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.

(c) 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.

(d) 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; provided, however, that if the donor, in the written instrument making or providing for the gift, shall have so directed, the custodian shall deliver or pay it over to the minor on his attaining any age between eighteen and twenty-one years, or if the minor dies before attaining the age so directed by the donor, the custodian shall thereupon deliver or pay it over the estate of the minor.

(e) The custodian shall invest and reinvest the custodial property in accordance with the fiduciary standards set forth in §3302 of Chapter 33 of this Title, except that he may not acquire as custodial property any property other than securities, life or endowment insurance policies, annuity contracts, money, interests in tangible personal property and interests in real property, and except that he may, in his discretion, and without liability to the minor or his estate, retain a security, a life or endowment insurance policy or annuity contract, an interest in tangible personal property or an interest in real property given to the minor in a manner prescribed in this Chapter, or hold money so given in an account in the financial institution to which it was paid or delivered by the donor, and the custodian may, in his discretion, and without liability to the minor or his estate, invest the custodial property in a life or endowment insurance policy or annuity contract on the life of the minor or of a member of the minor's family in which life the minor has insurable interest.

(f) 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; provided, however, that a custodian may not acquire property not authorized to be acquired as custodial property, except that a trust company, in its capacity as custodian, may acquire as custodial property interests in one or more common trust funds established and maintained by the trust company pursuant to Chapter 33 of this Title. 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 of 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. On dissolution or liquidation of an issuer of a security which is custodial property, the custodian may receive the minor's share of any property resulting from such dissolution or liquidation and retain and manage it as custodial property, except that he may not exchange it for property not authorized to be acquired as custodial property. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) With respect to any interest in real estate, the custodian may perform the same acts that any adult owner of such interest in real estate could perform, including, but not limited to, the power to buy, sell (including a sale on credit), assign, transfer, convey, dedicate, partition, exchange, mortgage, create or redeem ground rents, grant or exercise options, and effect and keep in force fire, rent, liability, casualty and other insurance; make execute, acknowledge and deliver deeds, conveyances, releases, mortgages and leases, including mortgages and leases extending beyond the minority of the minor; collect rents; improve, subdivide or develop; construct, alter, demolish or repair; settle boundary lines and easements; pay taxes; and protest assessments.

(h) The custodian shall register each security which is custodial property and in registered form 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 hold all money which is custodial property in an account with a broker or in an insured 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 sufficient to identify it clearly as custodial property, except that custodial property, when held by a trust company as custodian, may be held in a common trust fund established and maintained by the trust company pursuant to Chapter 33 of this Title.

(i) 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.

(j) The custodian, in his capacity as custodian, shall have and may exercise all the incidents of ownership in all life and endowment insurance policies and annuity contracts held by him, whether acquired under the provisions of §4502(a)(4) of this Chapter or under Subsection (e) of this Section, to the same extent as if he were the owner thereof, except that if the policy or contract is on the life of the minor, the designated beneficiary thereof shall be the minor's estate, and if the policy or contract is on the life of a person other than the minor, the designated beneficiary thereof shall be the custodian, as custodian for the minor for whom he is acting. The custodian may pay premiums on any such policy or contract held by him out of the custodial property.

(k) The custodian may employ, retain, or consult accountants, agents, attorneys-at-law, investment counsel, and other professional advisors as he, in his discretion, deems advisable in the management of the custodial property, and the reasonable fees and expenses of such services shall be proper charges against the custodial property.

§4505. Custodian's Expenses, Compensation and Bond

(a) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

(b) A custodian may act without compensation for his services.

(c) Unless he is a donor, a custodian may receive from the custodial property such reasonable compensation for his services as shall be fixed by written direction of the donor at the time the gift is made or provided for.

(d) In the absence of a direction by the donor with respect to compensation, a custodian may receive from the custodial property such compensation as shall be allowed by the rules of the court governing trustees' commissions, as though such rules applied to custodianships under this Chapter; provided, however, that upon the petition of the donor, his legal representative, the minor, his legal representative, an adult member of the minor's family, or the custodian, the court, in its discretion, may, upon such notice and opportunity for a hearing as the court shall direct, allow a greater or lesser amount of compensation.

(e) Except as otherwise provided in this Chapter, a custodian shall not be required to give a bond for the performance of his duties.

§4506. Exemption of Third Persons from Liability

(a) 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 by the purported donor 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 Chapter, or is obliged to inquire into the validity or propriety under this Chapter 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 §4507 of this Chapter, is responsible for determining whether the person designated as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this Chapter of the instrument of designation.

(b) Each legal representative, trustee and life insurance company effecting a gift under the provisions of this Chapter and receiving a receipt from the custodian for the custodial property shall be discharged from any further liability or responsibility for the custodial property and shall have no duty, responsibility or right to inquire whether the custodian thereafter acts in conformity with the provisions of this Chapter.

§4507. Resignation, Death or Removal of Custodian; Bond; Designation of Successor Custodian

(a) Any adult or trust company eligible to be designated as original custodian shall be eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of the original custodian.

(b) A donor may, in the written instrument making or providing for the gift, designate one or more successor custodians to serve, in the order specified by the donor, in the event that the custodian originally designated, or a prior successor custodian, resigns, dies, becomes legally incapacitated or is removed.

(c) In the absence of an effective designation of a successor custodian by the donor in the written instrument making or providing for the gift, a vacancy in the custodianship shall be filled, within a reasonable time after the commencement of such vacancy, by the execution (before a subscribing witness other than the successor) of an instrument of designation of successor custodian by one of the following persons, in the order of priority stated:

(1) the donor (provided that the donor may not designate himself as successor custodian);

(2) the custodian;

(3) a parent of the minor; or

(4) the minor, if he has attained the age of fourteen years; provided, however, that any designation of successor custodian by such a minor shall be subject to review by the court upon petition filed by any person listed in Paragraph (1), (2) or (3) or by an adult member of the minor's family.

(d) If a person listed in Subsection (c) has executed more than one instrument of designation of successor custodian, the last such instrument shall take precedence over any previously executed instrument.

(e) The designation of a successor custodian pursuant to Subsection (b) shall not be effective unless and until the designated successor, within sixty days of the date of the resignation, death, legal incapacity or removal of the original custodian or the prior successor custodian, has, on the instrument of designation or another written instrument, indicated his acceptance of the custodianship by signing and dating such instrument of designation or other written instrument, nor shall the designation of a successor custodian pursuant to Subsection (c) be effective unless and until the designated successor, within sixty days of the date of the designation of successor custodian, has indicated his acceptance of the custodianship in a similar manner.

(f) If all persons designated as custodian or as successor custodian as provided in this Section are not eligible, die, become legally incapacitated or are removed before the minor attains the age when he is entitled to have the custodial property delivered or paid over to him, the guardian of the property of the minor

shall be the successor custodian. If there be no such guardian, the legal representative of the donor or of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian, and in the case of a gift pursuant to the terms of a will, trust agreement, life or endowment insurance policy or annuity contract, the legal representative, trustee or life insurance company involved may petition the court for the designation of a successor custodian.

(g) Nothing in this Section shall be deemed to affect the authority of a personal representative, trustee or life insurance company to designate an original custodian (pursuant to, and subject to the conditions stated in, §4502(a)(8), 4502(a)(9) or 4502(b) of this Chapter), but the designation of such original custodian shall be accomplished by the execution of a designation of custodian by such personal representative, trustee, or life insurance company in accordance with the procedure specified in this Section in the same manner as if a successor custodian were being designated.

(h) 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, becomes legally incapacitated or is removed and the custodian or his legal representative:

(1) causes the item, if it is a security in registered form or a life or endowment insurance policy or annuity contract, to be registered, with the issuing life insurance company in the case of an 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;"

(2) if the item is a payment pursuant to the terms of a life or endowment insurance policy or annuity contract, causes the successor custodian to be designated, in a writing registered with the issuing life insurance company, as the beneficiary thereof, followed, in substance, by the words: "as custodian for (name of minor) under the Delaware Uniform Gifts to Minors Act;"

(3) if the item is real property, or an interest therein, causes to be recorded in the Miscellaneous Index in the recorder's office for the county wherein such property or interest is situated the instrument of designation of successor custodian, acknowledged in the manner prescribed in Title 25 for the acknowledgement of deeds; and

(4) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(i) A custodian who resigns or is removed, or 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.

(j) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the property of a minor or the minor, if he has attained the age of fourteen years, may petition the court, for cause shown in the petition, that the custodian be removed and a successor custodian, determined in accordance with the provisions of this Section, be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(k) 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, shall grant such relief as the court finds to be in the best interests of the minor.

§4508. Accounting by Custodian

(a) 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, but such right to petition shall terminate two years after (1) the minor has attained the age when he is entitled to have the custodial property delivered or paid over to him, or (2) the minor has died before attaining the age when he was entitled to have the custodial property delivered or paid over to him.

(b) The court, in a proceeding under this Chapter or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and shall order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

§4509. Construction of Chapter

(a) Except to the extent inconsistent with the express provisions of this Chapter, this Chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) This Chapter shall not be construed as providing an exclusive method for making gifts to minors.

§4510. Short Title

This Chapter may be cited as the Delaware Uniform Gifts to Minors Act."

Section 2. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of 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 3. The provisions of present Chapter 45 of this Title are hereby repealed, effective on the date specified in Section 4 of this Act, but the repeal does not affect gifts made in a manner prescribed therein nor the powers, duties, and immunities conferred by gifts made in such manner upon custodians and persons dealing with custodians. The provisions of this Act shall apply, however, from and after the date specified in Section 4 of this Act, to all gifts made in a manner and form prescribed in the said Chapter 45 of this Title hereby repealed, except insofar as such application impairs constitutionally vested rights. The provisions of this Act shall be construed as a continuation of the provisions of the said Chapter 45 of this Title hereby repealed, modified or amended according to the language employed, and not as a new enactment.

Section 4. The provisions of this Act shall become effective on the first day of the second successive month following the date of enactment.

Approved July 12, 1979.

CHAPTER 142

FORMERLY

SENATE BILL NO. 287
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE BY PROVIDING A UNIT FOR GIFTED AND TALENTED PUPILS AND AUTHORIZING STAFF OR SERVICES OR MATERIALS FOR SUCH UNITS IN PUBLIC SCHOOLS; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 17, of Title 14, Delaware Code by adding thereto a new section to read as follows:

"§1717. Gifted or Talented Unit and Funding

(a) 'Gifted or talented unit' is defined for funding purposes as one (1) funding unit for each six hundred (600) enrollees in a school district, grades K through 12 excluding enrollees counted in certified units for handicapped persons. Districts shall qualify for partial funding for a gifted or talented unit for a fractional part of six hundred (600) authorized pupils enrolled.

(b) Each pupil may be counted only once in a district or districts. For pupils who attend schools in more than one district during each school day, the pupil is to be counted in each school district for the portion of the day that he or she is in attendance there.

(c) 'Gifted or talented units' shall include pupils meeting the criteria set forth in this Title, Chapter 31, as further defined according to rules and regulations of the State Board of Education.

(d) Funds appropriated in support of this unit may be used for expenditures under Division I or Division II for the purchase of services from persons or agencies or for the purchase of supplies to be used in the teaching of the gifted or talented pupils only, upon the decision of a school district board of education to use the funds for that purpose in substitution for the employment of a teacher.

(e) The dollar value of this unit when applied to the employment of a teacher shall be as provided in this Title, but when applied as herein described for services or supplies and materials shall be the number of dollars set in the State supported salary schedule for a teacher holding a Master's Degree with ten (10) years of experience and employed for ten (10) months. The calculation of this funding shall be for the current school year. Expenditures on behalf of this unit when used for the purchase of services, supplies, or materials shall be up to, but not in excess of, the amount herein authorized.

(f) Funding authorized by this section shall be used to supplement regular school programs, and may provide that the assignment of 180 pupil days and 185 employment days described in this Title, §1305(c) be assigned during any of the months of a 12 month fiscal year beginning July 1.

(g) Any school district wishing to use funds under any of the options set forth in this section shall make application to the State Board of Education for that use. The application shall indicate that these funds are being used to supplement programs in the school district and that their use will not supplant personnel, services, supplies or materials provided from local funding sources during fiscal year 1979.

(h) The introduction and implementation of this unit for funding purposes for Fiscal Year 1980 shall be one-sixth (1/6) of the calculated units (ratio 1/3600). Funding for introduction and implementation of this unit after Fiscal Year 1980 shall be as hereafter provided for by law."

Section 2. In order to carry out the provisions of this Act during Fiscal Year 1980 an amount of Four Hundred Sixty-five Thousand Four Hundred Dollars (\$465,400) is appropriated to the State Board of Education for distribution to the school districts of the State.

Section 3. 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 4. The funds herein appropriated remaining unexpended as of June 30, 1980 shall revert to the General Fund of the State of Delaware.

Approved July 12, 1979.

CHAPTER 143

FORMERLY

SENATE BILL NO. 289
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SECTION 1321, CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL LUNCH SUPERVISORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1321, Chapter 13, Title 14 of the Delaware Code by striking subparagraph (10) of subsection (e) of said section and substituting in lieu thereof the following:

"(10) Supervisors of school lunch for a period of 10 months per year, such supervisors to be paid at the salary schedule of 'supervisors' as set forth in subsection (c) above at the rate of:

(i) one such supervisor in any district having less than 500 units having four or more schools with school lunch programs;

(ii) one in any district having 500 units or more, one such school district shall employ additional such supervisors so that the total number of such supervisors equals one supervisor for each 300 full units to be paid out of revenue receipts from cafeteria funds.

Qualifications for such supervising manager shall be set by the certifying board."

Approved July 12, 1979.

CHAPTER 144

FORMERLY

SENATE BILL NO. 305

AN ACT TO AUTHORIZE THE CAPITAL SCHOOL DISTRICT TO TRANSFER FUNDS FROM ITS MINOR CAPITAL IMPROVEMENTS ACCOUNT TO ITS OPERATING ACCOUNT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Capital School District is hereby authorized to transfer \$40,000 from its Minor Capital Improvements Account to its Operating Account for the purpose of purchasing institutional supplies and materials. The funds hereby transferred shall not be used for salaries of School District employees.

Approved July 12, 1979.

CHAPTER 145

FORMERLY

SENATE BILL NO. 332

AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 1, TITLE 22 OF THE DELAWARE CODE RELATING TO THE AUTHORIZATION FOR MUNICIPALITIES TO ACQUIRE, THROUGH EMINENT DOMAIN, PROPERTIES TO BE REHABILITATED USING FEDERAL COMMUNITY DEVELOPMENT FUNDS FOR BOTH ACQUISITION AND REHABILITATION.

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 1, Title 22 of the Delaware Code by adding thereto a new section to read as follows:

"Section 107. Use of Eminent Domain Powers for Federal Community Development Programs.

(a) Declaration of Necessity

It is found and declared that there exists in the City of Wilmington, areas which, as a whole, are not slum or blighted areas, but which contain parcels that are in a deteriorated condition which is injurious and inimical to the public health, safety, morals and welfare of the residents of such areas; that the existence of said deteriorated parcels impairs or impedes the sound growth of the City of Wilmington; that said parcels require acquisition for clearance and/or rehabilitation to prevent further decline or decay of the parcel and/or its surrounding area; that federally funded community development programs exist for the purpose of eliminating such deteriorated parcels and that said community development housing rehabilitation program is in addition to and furtherance of the provisions of the Slum Clearance and Redevelopment Act (Title 31 of the Delaware Code, Chapter 35).

(b) The City of Wilmington may acquire real property by the exercise of the power of eminent domain whenever it may deem it necessary and to be unsafe in violation of the building provisions of the City of Wilmington's building code and after the appropriate official has declared that acquisition and rehabilitation is a necessary part of an overall community development program, a public purpose, and funds are available to accomplish this purpose, whether or not continued public ownership is contemplated; provided, the City of Wilmington shall rehabilitate or cause to be rehabilitated any property acquired pursuant to this section within twenty-four (24) months of the date of its acquisition by the City of Wilmington. The City of Wilmington may acquire real property under this section after the adoption by it of an ordinance describing the property containing the appropriate declarations. The City of Wilmington may exercise the power of eminent domain in the manner prescribed by Chapter 61 of Title 10 of the Delaware Code. Property already devoted to a public use may be acquired in the like manner; provided, that no real property belonging to the County, or the State may be acquired without its consent. When the City of Wilmington has found and determined by ordinance that certain real property described therein is necessary for a community development housing rehabilitation program, the ordinance shall be conclusive evidence that the acquisition of such real property is necessary for the public purpose described therein."

Approved July 12, 1979.

CHAPTER 146

FORMERLY

SENATE BILL NO. 374

AN ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF OBLIGATIONS TO FINANCE COSTS OF VARIOUS PROJECTS, APPROPRIATING THE PROCEEDS TO SUCH USES BY VARIOUS AGENCIES OF THE STATE AND BY THE STATE BOARD OF EDUCATION, APPROPRIATING AMOUNTS IN THE BOND REVERSION ACCOUNT TO FINANCE COSTS OF VARIOUS PROJECTS, DEAUTHORIZING THE ISSUANCE OF OBLIGATIONS FOR VARIOUS PROJECTS AND MAKING PROVISIONS FOR THE ISSUANCE OF OBLIGATIONS AND THE APPLICATION OF SUCH PROCEEDS BY REPEALING CHAPTER 74, TITLE 29, DELAWARE CODE, AS AMENDED, AND REENACTING AS CHAPTER 74, TITLE 29 NEW PROVISIONS FOR THE ISSUANCE OF OBLIGATIONS BY THE STATE AND THE APPLICATION OF SUCH PROCEEDS, PROVIDING FOR A FIRST LIEN ON REVENUES OF THE STATE IN CASE OF DEFAULT IN PAYMENT OF SUCH OBLIGATIONS, AUTHORIZING THE ISSUANCE OF REVENUE ANTICIPATION NOTES AND BY AMENDING CHAPTER 75, TITLE 29, DELAWARE CODE, AS AMENDED, RELATING TO ISSUANCE OF OBLIGATIONS BY THE STATE FOR SCHOOL PROJECTS AND THE APPLICATION OF PROCEEDS OF SUCH OBLIGATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Authorization of Twenty Year Bonds. The State hereby authorizes the issuance of \$10,930,253 bonds to which the State will pledge its full faith and credit. Bonds authorized to be issued by this section shall mature not later than twenty (20) years from their date of issuance. The proceeds of such bonds are hereby appropriated to the following Departments and Agencies and in the following amounts for the purposes set forth in the annual capital projects schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Department of Administrative Services	\$ 75,000
Department of Correction	3,025,822
Department of Health & Social Services	2,025,500
Department of Public Safety	58,000
Department of Transportation	336,362
Office of Management, Budget and Planning	300,000
Budget Commission	39,569
State Fire Prevention Commission	1,200,000
University of Delaware	3,400,000
Delaware Technical & Community College	435,000
State Board of Education	<u>35,000</u>
TOTAL	\$ 10,930,253

Section 2. Authorization of Ten Year Bonds. The State hereby authorizes the issuance of \$15,682,162 bonds to which the State will pledge its full faith and credit. Bonds authorized to be issued by this section shall mature not later than ten (10) years from their date of issuance. The proceeds of such bonds are hereby appropriated to the

following Departments and Agencies and in the following amounts for the purposes set forth in the annual capital projects schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>		
Department of Administrative Services	\$	93,000	
Department of Correction		215,000	
Department of Health & Social Services		882,500	
Department of Natural Resources & Environmental Control		647,484	
Department of Public Safety		108,000	
Department of State		70,000	
Department of Transportation		10,006,369	
Budget Commission		128,808	
State Fire Prevention Commission		30,000	
Delaware State College		403,000	
Delaware Technical and Community College		361,000	
State Board of Education			
	<u>Total Cost</u>	<u>Local Share</u>	<u>State Share</u>
Appoquinimink, Redding Middle	\$ 375,000	\$ 150,000	\$ 225,000
Minor Capital Improvements	2,849,686	1,062,685	1,787,001
School Building Maintenance	<u>725,000</u>	<u>-0-</u>	<u>725,000</u>
	3,949,686	1,212,685	<u>2,737,001</u>
TOTAL			\$ 15,682,162

Section 3. Transfers from Reversion Accounts. The State Treasurer shall transfer amounts on deposit in the agency and school bond reversion accounts to the following Departments and Agencies in the following amounts for the purposes set forth in the annual capital projects schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Department of Correction	\$ 14,178
Department of Health & Social Services	235,400
Department of Natural Resources & Environmental Control	3,628,516
Department of Transportation	1,538,638
State Board of Education	330,000
Budget Commission	<u>2,431</u>
TOTAL	\$ 5,749,163

Section 4. Repeal of Prior Bond Authorizations. There is hereby repealed the authorization to issue bonds, the proceeds of which were appropriated to the following Departments and Agencies pursuant to the following laws for the following projects in the following amounts:

<u>Department or Agency</u>	<u>Volume and Chapter</u>	<u>Project Account Code</u>	<u>Amount</u>
Department of Correction	60-691	38-08-003-77-86	\$ 5,700
Department of Health & Social Services	61-376	35-06-002-78-81	10,000
Department of Natural Resources and Environmental Control	60-7	40-08-004-75-85	647,484
Department of Transportation	60-271	55-06-000-76-97	<u>476,731</u>
TOTAL			\$ 1,139,915

Section 5. Appropriations for Minor Capital Improvements. The sum of \$1,787,001 appropriated by Section 2 of this act to the State Board of Education for minor capital improvements to school buildings, shall be paid by the State Board of Education to local districts in the following amounts:

<u>School District</u>	<u>Maximum Total Cost</u>	<u>Maximum State Share</u>	<u>Local Share</u>
New Castle County	\$ 1,605,793	\$ 963,476	\$ 642,317
New Castle Vo-Tech	108,410	108,410	-0-
Caesar Rodney	83,000	49,800	33,200
Capital	153,253	91,952	61,301
Kent Vo-Tech	25,249	25,249	-0-
Lake Forest	73,639	44,183	29,456
Milford	89,608	53,765	35,843
Smyrna	78,052	46,831	31,221
Cape Henlopen	24,000	14,400	9,600
Delmar	20,265	12,159	8,106
Indian River	124,300	74,580	49,720
Laurel	54,775	32,865	21,910
Seaford	86,597	51,958	34,639
Sussex Vo-Tech	23,115	23,115	-0-
Woodbridge	30,000	18,000	12,000
NCCSD - Special Schools	36,200	36,200	-0-
Vocational Equipment	100,000	60,000	40,000
State Board of Education	<u>133,430</u>	<u>80,058</u>	<u>53,372</u>
TOTAL	\$ 2,849,688	\$ 1,787,001	\$ 1,062,685

Section 6. Repeal and Reenactment of Chapter 74, Title 29, Delaware Code. Chapter 74, Title 29, Delaware Code, as amended, is hereby repealed and sections 7 through 29, inclusive, of this act shall be enacted as Chapter 74, Title 29 of the Delaware Code. All obligations issued pursuant to this act shall be issued pursuant to Chapter 74, Title 29 as reenacted by this act.

Section 7. Definitions. As used in this act:

(a) "Issuing Officers" means the Governor, Secretary of State and State Treasurer of the State.

(b) "Authorization Act" means an act of the General Assembly, concurred in by three-fourths of all the members of each House, appropriating funds of the State from the proceeds of bonds authorized to be issued by such act.

(c) "Bonds" means any bonds authorized to be issued by the State pursuant to an authorization act and to the payment of which the State has pledged its full faith and credit.

(d) "Notes" means notes issued by the State in anticipation of the issuance of bonds authorized by an authorization act and to the payment of which the State has pledged its full faith and credit.

(e) "Revenue Notes" means notes issued by the State in anticipation of the receipt by the State of taxes and revenues payable to the State and the payment of which the State has pledged its full faith and credit.

Section 8. Issuing Authority. The issuing officers shall authorize the issuance of bonds, notes and revenue notes of the State by resolution adopted by the unanimous vote of the issuing officers. Each issuing officer may designate a deputy to represent him as a member at meetings of the issuing officers with full powers to act and vote in his behalf. Bonds and notes shall be issued for the purposes authorized in an authorization act. Revenue notes shall be issued for purposes authorized by this act.

Section 9. Notes. 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. Such notes may be issued for a period of not exceeding one year and may be renewed from time to time for periods not exceeding one year but all such notes, including renewals, shall mature and be paid from sources, including the proceeds of bonds, but other than the proceeds of notes, not later than four years after their initial date of issuance. No notes shall be issued in excess of the amount of bonds authorized and unissued in anticipation of which the notes are issued. All other terms, forms and contents of such notes shall be determined by the issuing officers subject to this act.

Section 10. Revenue Notes. The issuing officers are authorized to issue revenue notes, in an amount they determine necessary, to meet a casual deficiency of revenue in the general fund to pay general fund obligations, to pay the costs of repelling invasions, suppressing insurrections and defending the State in war, or to pay existing debts. Revenue notes may be issued at any time and from time to time prior to June 15 in any State fiscal year.

If, at any time during a State fiscal year, but prior to June 15, there shall be a casual deficiency of revenue in the general fund to pay general fund obligations or to pay existing debts, the State Treasurer may transfer available money from the State's special funds, to the extent permitted by law, to the general fund to pay such obligations or debts. Such money shall be reimbursed to the appropriate special funds as soon as sufficient general fund monies become available, but not later than June 15 of the State fiscal year in which such transfer occurred.

The issuing officers shall determine the terms, form and contents of revenue notes subject to the provisions of this act. The issuing officers shall sell revenue notes at such price or prices, at such rate or rates, at public or private sale, in such manner and from time to time, subject to the provisions of this act, as they determine. Such notes and any

renewals thereof shall mature within one year from the date of original issuance of such notes.

Section 11. Full Faith and Credit of the State Pledged. All bonds, notes and revenue notes shall be direct general obligations of the State and the full faith and credit of the State are expressly pledged for the prompt and complete payment of the principal of and interest on such bonds, notes and revenue notes when due.

Section 12. Terms, Forms and Contents of Bonds. The resolution of the issuing officers authorizing the issuance of bonds may include provisions for the date or dates of such bonds, the maturity of such bonds, which shall not exceed twenty years from their date, provisions for either serial or term bonds, sinking fund or other reserve fund requirements, if any, due dates of the interest thereon, the form of such bonds, the denominations and designation of such bonds, registration, conversion and transfer privileges and the terms of redemption with or without premium and the date and manner of public sale of such bonds, provisions for the consolidation of such bonds authorized to finance all or a portion of the costs of projects authorized in one or more authorization act with bonds authorized by one or more other authorization acts, limitations with respect to the interest rate or rates on such bonds, provisions for receipt and deposit or investment of the good faith deposit pending delivery of such bonds and such other terms and conditions of such bonds and of the issuance and sale thereof as the issuing officers may determine to be in the best interests of the State.

Section 13. Sale of Bonds. Sufficient notice of public sale of bonds shall be deemed to have been given if such notice shall have been published at least once ten or more days before the date of sale, in at least one newspaper of general circulation in the State, and in a financial journal of general circulation in The City of New York, New York.

Section 14. Place of Payment. Bonds, notes and revenue notes and the interest thereon shall be payable at Farmers Bank of the State of Delaware, a state banking institution, and may be payable at such additional place or places without the State as the issuing officers may determine by resolution.

Section 15. Recitals in Bonds, Notes and Revenue Notes Conclusive on State; Negotiability. All bonds and notes shall recite that they are issued for a purpose or purposes set forth in an authorization act. Revenue notes shall recite that they are issued for one or more of the purposes for which revenue notes may be authorized by this act. Bonds, notes and revenue notes shall also recite that they are issued pursuant to the Constitution and laws of this State. Upon the sale and delivery of any such bonds, notes or revenue notes against payment, such recitals shall be conclusive as to the right, power and authority of the State to issue such bonds, notes or revenue notes and of the legality, validity and enforceability of the obligation of the State to pay principal of and interest on such bonds, notes and revenue notes. The legality, validity and enforceability of such bonds, notes or revenue notes containing such recitals shall never be questioned in any court of law or equity by the State or any person after the issuance, execution and delivery against payment of such bonds, notes and revenue notes.

All bonds, notes and revenue notes are hereby declared to have all the qualities and incidents of negotiable instruments under the commercial code of the State.

Section 16. Execution of Bonds, Notes and Revenue Notes. Bonds, notes and revenue notes shall be executed on behalf of the State by the Governor, the Secretary of State and the State Treasurer and shall bear the impression, or a facsimile, of the Great Seal of the State. The facsimile signatures of two of the issuing officers may be engraved, printed or stamped on such bonds, notes or revenue notes but the signaute of the third issuing officer shall be in his own handwriting. Interest coupons shall bear the facsimile signature of the State Treasurer. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons, notes or revenue notes shall cease to be such officer before the delivery of such obligations, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

Section 17. Exemption from Taxation. Bonds, notes and revenue notes and the interest thereon shall be exempt from income taxation by the State or any political subdivision thereof.

Section 18. Registration, Recording and Cancellation Agent. (a) The State Treasurer shall contract with Farmers Bank of the State of Delaware, a state banking institution, to act as (i) registration agent for bonds, notes and revenue notes; and (ii) recording agent to provide a permanent record of all bonds and coupons pertaining thereto, notes and revenue notes which shall have been paid or redeemed; and (iii) cancellation agent to cancel all such bonds and coupons pertaining thereto, notes and revenue notes which have been paid or redeemed. The State Treasurer may contract with Farmers Bank of the State of Delaware for related services. Any such contracts shall provide for reasonable compensation to the Farmers Bank of the State of Delaware for the services to be performed by it pursuant to such contract. Any such contract shall provide that Farmers Bank of the State of Delaware shall be responsible to the State for the faithful and safe conduct of the services to be performed by it as such registration agent, or services related thereto, for the fidelity and integrity of the officers and agents of such bank performing the duties of a registration agent, or services related thereto, and for all loss or damage which may result from any failure of such officers or agents to discharge their duties and for any improper or incorrect discharge of those duties and shall save the State free and harmless from any and all loss or damage occasioned by or incurred in the performance of such services. Such contracts may be terminated by the State Treasurer at any time. Any such contract shall be executed in duplicate, and one copy thereof shall be filed in the office of the State Treasurer as a public record, and the other copy shall be delivered to the Farmers Bank of the State of Delaware.

Section 19. Replacement of Lost, Stolen, Mutilated or Destroyed Obligations. The State Treasurer may issue a replacement bond, with coupons pertaining thereto, a replacement note or a replacement revenue note, to replace unmatured bonds and coupons, notes or revenue notes, respectively, which have been lost, stolen, mutilated or destroyed upon receipt of (a) satisfactory proof (i) of ownership and (ii) of loss or destruction, or, in the case of a mutilated or destroyed bond, coupon, note or revenue note, the mutilated or destroyed bond, coupon, note or revenue note; (b) adequate security to indemnify the State and the bank or banks at which the bond, coupon, note or revenue note is payable against any loss that may be suffered by them on account of the issuance of such replaced obligation; and (c) payment of the cost of preparation of the replacement obligation.

Any replacement bond, coupon, note or revenue note shall be of the same form and tenor as those originally issued, shall be executed by the manual or facsimile signature of the officers in office at the time of the replacement and shall bear an impression or reproduction of the Great Seal of the State or a facsimile thereof. A facsimile of the State Treasurer's signature may appear on coupons but on a bond, note or revenue note the signature of the State Treasurer shall be in his own proper handwriting. There shall be endorsed on the bond, note or revenue note a statement in substantially the following form:

"This bond (note or revenue note) has been reissued to replace a (lost, stolen, mutilated or destroyed) (bond, note or revenue note)."

Section 20. Deposit of Money. All money received from the sale of bonds, notes or revenue notes, shall be deposited by the State Treasurer in Farmers Bank of the State of Delaware. Any money received as premium or accrued interest from the issuance and sale of such obligations shall be deposited to the credit of the General Fund. The remaining proceeds from the issuance and sale of bonds and notes shall be deposited in a special fund or funds of the State. Proceeds from the issuance and sale of revenue notes shall be deposited in the General Fund of the State.

Section 21. Use of Proceeds of Bonds and Notes. The funds appropriated by an authorization act may be used only for the costs of the projects set forth in such act in an amount for each such project not exceeding the amount authorized by such act for such project. Costs of projects may include costs of surveys, maps, plans, designs, inspections, incidental land and equipment acquisition, incidental construction and reconstruction, landscaping, costs of issuing bonds and notes, capitalized interest during construction and reconstruction, fees for construction managers or persons performing similar functions, and other costs incidental to the project. Such funds shall not be used for ordinary or normal maintenance expenses or repair, except for costs authorized by law for maintenance of and minor capital improvements to school buildings.

Section 22. Timetable for Use of Funds and the Sale of Bonds and Notes. (a) No funds appropriated by an authorization act shall be encumbered more than three years after the passage of such act for any individual project unless (i) such project has progressed into any of the following phases prior to that date: planning, initial engineering, land, building or equipment acquisition, construction or reconstruction; and (ii) five percent of the project costs have been expended on one or more of such phases.

(b) No bonds or notes shall be issued or funds borrowed pursuant to an authorization act, four years after the passage of such act, except (i) as provided in 54 Delaware Laws, Chapter 345, as amended (Title 29, Chapter 75, as amended), and (ii) with respect to bonds authorized prior to this act which shall remain subject to the law under which they were originally authorized.

Section 23. Payment of Debt Service; First Lien. Each annual budget appropriation bill enacted by the General Assembly shall make sufficient provisions for the payment of principal of, premium, if any, and interest on all bonds, notes, and revenue notes payable or to be paid by their terms during the fiscal year of the State for which such budget appropriation bill is enacted.

Vouchers for the payment of principal of, premium, if any, and interest on bonds, notes and revenue notes and for payment of expenses incident to the issuance of such obligations shall be signed by the State Treasurer.

If, at any time, the State fails to make sufficient provisions to pay such principal of, premium, if any, and interest on bonds, notes or revenue notes, or, at the time such principal, premium or interest is payable sufficient moneys are unavailable for such payment, a sufficient sum shall be set apart by the State Treasurer from the first revenues thereafter received by the State and shall be applied to such purposes. The State Treasurer may be required to set apart and apply such revenues as provided herein at the suit of any holder of obligations for which such insufficient provision is made.

Section 24. Use of Unexpended Funds. Any funds borrowed pursuant to an authorization act, and remaining unencumbered after the completion or abandonment of a project authorized to be financed pursuant to such act or because a project authorized to be financed by such act is not timely undertaken, or upon the expiration of the period set forth in the Section of this act entitled "Timetable for Use of Funds and the Sale of Bonds", shall be deposited in a special fund and applied, with the approval of the issuing officers, to the cost of financing any previously authorized projects. The head of the department or agency to which such funds were appropriated for a project shall determine when such project is completed or abandoned.

Section 25. Approval of Plans, Specifications, Estimates and Cash Flows of Projects. Delaware Technical and Community College, Delaware State College and all State departments and agencies shall submit to the Office of Management, Budget and Planning all proposed contracts for architectural services and all architectural, structural, electrical and mechanical plans, specifications and cost estimates. The Office of Management, Budget and Planning shall be responsible for reviewing and approving such plans, specifications and cost estimates prior to bid advertisement, and no such contracts nor contracts for construction and reconstruction of such projects (except highway construction and reconstruction contracts and school district minor capital improvements contracts) shall be executed without the prior approval of the Office of Management, Budget and Planning. All such contracts shall be let on the condition, among others, that the contractor comply with the State's equal opportunity laws.

Each State agency, department and institution of higher learning to which proceeds of bonds or notes are appropriated, must, on an annual basis, report to the Office of Management, Budget and Planning the status and anticipated cash flow for each project which is not complete.

Section 26. Project Restrictions. (a) All new construction and/or reconstruction of existing structures financed with the proceeds of bonds or notes shall comply with flood plain management requirements adopted by the municipality in which such structure is located pursuant to the National Flood Insurance Act of 1968, as amended or successor acts. If any such structure is in a flood program non-participating municipality, then the State shall comply with the criteria set forth in Title 24, Code of Federal Regulations,

§§1910.3, 1910.4 and 1910.5 issued pursuant to the National Flood Insurance Act of 1968, as amended or successor acts.

(b) All projects funded with the proceeds of bonds or notes shall be built to standards that are no less stringent than American Society of Heating, Refrigerating, and Air Conditioning Engineering, Inc., Standard 90-75, or successor standards.

(c) The restrictions imposed by this section shall be applicable to projects for which no expenditure has been made prior to the effective date of this section, unless such project has been made subject to the same restrictions by another act of the General Assembly or by contract.

(d) The department, agency or other body of the State to which proceeds of bonds or notes are appropriated shall require the inspection of buildings to be constructed, reconstructed or rehabilitated with the proceeds of bonds or notes, and, at the discretion of the Office of Management, Budget and Planning, shall require the inspection of other structures to be financed with the proceeds of such obligations excluding highways, roads and bridges. Proceeds of bonds or notes shall be allocated to provide for the cost of inspecting the projects to be financed with such funds. The portion of the total funds appropriated to the cost of any such inspection shall not exceed the following percentages of such total funds appropriated to the cost of such projects:

- | | |
|---|--------|
| (i) projects with a maximum cost in excess of \$1,000,000 | 1 1/4% |
| (ii) projects with a maximum cost of \$1,000,000 or less | 1 1/2% |
| (iii) reconstruction and renovation projects | 1 1/2% |

The department or agency of the State to which proceeds of bonds or notes are appropriated shall let contracts for such inspection. If the total maximum cost of a project is less than \$50,000, the employment of an inspector shall be discretionary with the department, agency or other body to whom such funds are appropriated. If a department, agency or other body retains a construction manager, retention of an inspector shall be discretionary with the department, agency or other body regardless of the total maximum cost of the project. In contracting for the inspection of such projects, first preference shall be given to an experienced and able Delaware organization offering to provide such inspection services on a non-profit, at-cost basis. Such contracts shall not be deemed public works contracts as defined in 54 Delaware Laws, Chapter 106, as amended. (Title 29, Chapter 69, Delaware Code, as amended). If no such organization is able or willing to perform such inspection services on such non-profit, at-cost basis, then the contracts for such services may be let with profit-making organizations subject to the provisions of 54 Delaware Laws, Chapter 106, as amended. (Title 29, Chapter 69, Delaware Code, as amended).

Section 27. Bonds, Notes and Revenue Notes as Legal Investments for Institutions and Fiduciaries; Legal Deposit. Bonds, notes and revenue notes are securities in which any officer of the State and any officers of political subdivisions, administrative departments, boards and commissions of the State, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who are now or may, on and after enactment of this act, be authorized to invest in bonds, notes, revenue notes or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control.

Such bonds, notes and revenue notes are securities which may properly and legally be deposited with and received by any officer of the State, or an officer of any political subdivision or agency of the State for any purpose for which the deposit of bonds, notes, revenue notes or other obligations of the State is now, or may on and after enactment of this act be authorized by law.

Section 28. Debt Limitation. (a) The aggregate principal amount of bonds (i) authorized to be issued and (ii) issued and outstanding, pursuant to an authorization act, shall not exceed at any time, an amount equivalent to one and one-half times the State's General Fund revenue, as determined by the Secretary of Finance in the most recently published official statement of revenues of the State, for the fiscal year of the State, next preceding the date of determining such debt limit.

(b) In addition to the foregoing indebtedness, there shall be included in determining such debt limit obligations issued, the principal and interest on which are guaranteed by the State or an agency or department of the State and to which the State's full faith and credit are pledged.

(c) The following obligations shall be excluded from calculations of such debt limit:

(i) notes and revenue notes;

(ii) outstanding bonds and notes of the State issued to acquire a like principal amount of full faith and credit obligations issued by local school districts, to the extent such local school district obligations are outstanding and not in default; and

(iii) outstanding bonds issued by the State pursuant to Volume 60, Chapter 358, Delaware Laws.

(d) There shall be attached to every bill and amendment introduced in the House of Representatives and/or in the Senate, of the General Assembly, which authorizes the issuance of bonds or notes, or authorizes the guarantee of obligations by a pledge of the full faith and credit of the State, a debt statement in substantially the following form:

OFFICE OF STATE TREASURER

DEBT STATEMENT, DATED _____

THIS DEBT STATEMENT TO BE ATTACHED TO _____ AS REQUIRED BY SECTION _____, CHAPTER 74, TITLE 29, DELAWARE CODE.

(1) DEBT

(a) Aggregate principal amount of bonds and notes pledging faith and credit of State issued and outstanding. (excludes revenue notes of \$ _____).

\$ _____

(b) Aggregate principal amount of such bonds authorized but not issued

\$ _____

(c) Aggregate principal amount of bonds and notes guaranteed and authorized to be guaranteed by a pledge of the full faith and credit of the State

\$ _____

TOTAL DEBT \$ _____

(2) DEDUCTIONS FROM DEBT

(a) Aggregate principal amount of outstanding bonds and notes of the State issued to acquire a like principal amount of full faith and credit obligations of local school districts to the extent such local school district obligations are outstanding and not in default

\$ _____

(b) Aggregate principal amount of outstanding bonds issued by the State pursuant to Volume 60, Chapter 358, Delaware Laws (Farmers Bank)

\$ _____

TOTAL DEDUCTIONS

\$ _____

(3) **TOTAL NET DEBT** [ITEM (1) LESS ITEM (2)]

\$ _____

(4) DEBT LIMIT

(a) Amount of State General Fund revenues for the State fiscal year July 1, 19__ to June 30, 19__,

\$ _____

(b) 1.5 times such amount

\$ _____

(c) Debt margin [Item 4(b) less Item 3]

\$ _____

(5) AUTHORIZATION LIMIT

(a) Amount of bonds or notes of the State that may be authorized in the State fiscal year July 1, _____ to June 30, _____, as determined on June 30 of the State's next preceding fiscal year.

\$ _____

(b) Amount of bonds or notes deauthorized in State's fiscal year for which this debt Statement is prepared.

\$ _____

(c) Amount of bonds or notes previously authorized in such period.

\$ _____

(d) Authorization margin for such period [Item 5(a) plus Item 5(b) less 5(c)]

\$ _____

(e) Amount of bonds or notes, including guaranteed debt, to be authorized by _____.

\$ _____

I, _____, State Treasurer of the State of Delaware, do hereby certify that as of _____ the above statement is true and correct. In witness whereof, I have hereunto set my hand as State Treasurer of The State of Delaware this _____ day of _____, 19__.

State Treasurer

The State Treasurer shall prepare, certify as accurate and deliver a debt statement to the Controller General and the Office of Management, Budget and Planning on each Tuesday while the General Assembly is in session and at such other times as may be reasonably requested by the Speaker of the House of Representatives or the President Pro Tempore of the Senate of the General Assembly, or the Governor.

Section 29. Authorization Limit. The authorization by the General Assembly of bonds or notes shall be limited in any fiscal year of the State to seventy-five percent of the principal amount of bonds retired in the prior fiscal year. For purposes of complying with this section, the General Assembly shall not authorize the issuance of additional bonds or notes by the State, in any fiscal year of the State, if the aggregate principal

amount of such obligations authorized in any fiscal year of the State exceeds an amount equal to seventy-five percent of the aggregate principal amount of such obligations issued by the State and retired in the next prior fiscal year from a source other than the proceeds of such obligations. In determining the amount of such obligations that may be authorized, the General Assembly may increase the amount to be authorized in any fiscal year for appropriation to a Department of State or for appropriation to the State Board of Education, to Delaware Technical and Community College, to the University of Delaware or to Delaware State College, by an amount equal to the aggregate principal amount of such obligations authorized to be issued by the State, the authorization for which has been duly repealed or reduced by the General Assembly in such fiscal year for such Department or predecessor of such Department, whether or not such authorization was adopted prior to the formation of such Department or for the State Board of Education, Delaware Technical and Community College, the University of Delaware, or Delaware State College, respectively.

Section 30. Amendments to Section 7501, Chapter 75, Title 29, Delaware Code.
Amend Chapter 75, Title 29, Delaware Code, as amended, by amending subsection (1) of Section 7501 thereof and by adding a new subsection (9) to read as follows:

(1) "School construction bond authorization act" means an Authorization act of the General Assembly concurred in by three-fourths of all the members of each House, authorizing, among other things, the issuance of Bonds and the appropriation of the proceeds thereof to finance school construction.

(9) "Minor Capital Improvement" means Minor Capital Improvement as that term is defined in Section 7528 of this Chapter.

Section 31. Amendments to Section 7526, Chapter 75, Title 29, Delaware Code.
Amend Chapter 75, Title 29, Delaware Code, as amended, by amending Section 7526 thereof to read as follows:

(a) The State Board of Education and the relevant School district shall apply such portions of the Total Cost of any School construction improvement authorized by a School construction bond authorization act as shall be necessary to provide for the cost of auditing such School construction improvement, but in no event shall such portion exceed one-half percent (1/2%) of such Total Cost. The Auditor of Accounts shall be responsible for conducting or having conducted such audit subject to the provisions of Section 2906(c) and (d) and Sections 2907, 2908 and 2909 of Title 29, Delaware Code, as amended.

(b) The State Board of Education and the relevant School district shall allocate such portion of the Total Cost of major School construction improvements for which funds are appropriated by an Authorization act as shall be necessary to provide for the cost of inspecting such school construction improvement. The State Board of Education may also allocate a portion of the funds appropriated for minor school improvements for such inspection services. The portion of such Total Cost to be allocated for inspection services shall not exceed the following percentages of the Total Cost:

- | | |
|---|--------|
| (1) Improvements with a Total Cost in excess of \$1,000,000 | 1 1/4% |
| (2) Improvements with a Total Cost of \$1,000,000 or less | 1 1/2% |
| (3) Reconstruction and renovation improvements | 1 1/2% |

(c) The State Board of Education shall let contracts for inspection of School construction improvements. In contracting for the inspection of major or minor School construction improvements, the State Board of Education shall give first preference to an experienced and able Delaware organization offering to provide such inspection services on a non-profit, at-cost basis. Such contracts shall not be deemed Public works contracts as defined in Chapter 69, Title 29, Delaware Code, as amended. If no such organization is able or willing 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 subject to the provisions of Chapter 69, Title 29, Delaware Code.

Section 32. Amendments to Chapter 75, Title 29, Delaware Code, Adding New Sections 7527, 7528 and 7529. Amend Title 29, Chapter 75, by adding thereto Sections 7527, 7528 and 7529 as follows:

Section 7527. Expendable Supplies. Funds appropriated for School construction improvements by an Authorization act shall not be expended for educational supplies of an expendable nature which are consumed or materially changed as they are used or which have a useful life of less than four years; provided, that such funds may be applied to the purchase of supplies necessary or appropriate for the initial operation of schools constructed or reconstructed with such funds.

Section 7528. Minor Capital Improvements. (a) The proceeds of Bonds and Notes may be applied to the cost of Minor Capital Improvements. Minor Capital Improvements shall mean, but shall not be limited to, capital expenditures for rebuilding or major repairs of roofs, floors, heating systems or facilities, painting, electrical systems or facilities and plumbing or water systems or facilities and the removal of architectural barriers to the handicapped. The State Board of Education shall establish rules, consistent with this Section, for defining Minor Capital Expenditures.

(b) The State Board of Education, or any other department or agency of the State, shall, in no case, pay more than sixty percent (60%) of the cost of Minor Capital Improvements nor more than the total amount designated in an Authorization act as "Maximum State Share", for any Minor Capital Improvements nor less than sixty percent (60%) rounded to the nearest one hundred dollars (\$100.) of the final actual total costs therefor. Any funds transferred to a School District from any source for the purpose of removing architectural barriers for the handicapped shall constitute the sixty per cent (60%) portion of a Minor Capital Improvement. No expenditure of such funds may be made by a school district unless and until it has provided its forty percent (40%) share of such Minor Capital Improvement. Notwithstanding the foregoing, the State may provide for the entire costs of Minor Capital Improvements for schools entirely supported by the State.

(c) Before contracts for Minor Capital Improvements are let or funds expended for Minor Capital Improvements by any School district, a portion of the costs of which are to be funded with the proceeds of Bonds or Notes, such School district shall transmit a request for approval of such Capital Expenditures to the State Board of Education, which request shall (i) itemize the Minor Capital Improvements to be undertaken and (ii) show the estimated cost of each such item. The State Board of Education applying the rules established pursuant to subsection (a) of this Section, shall decide the School district's payment for such Minor Capital Improvements after (i) inspecting the building or facilities to be improved in order to determine both the need for such Minor Capital Improvements and compliance with the rules established pursuant to subsection (a) of this section; and (ii) estimating the cost of each such Minor Capital Improvement.

(d) The State Board of Education shall (i) provide necessary help to the School District in letting bids on Minor Capital Improvements; (ii) inspect such improvements upon completion to determine that all specifications have been met and that the work and materials used are of acceptable quality; and thereupon (iii) pay the State's share of the cost of such improvements made by the School district but only subsequent to the deposit with the State Treasurer by the School district of the School district's share, if any, of the cost of such improvements.

(e) Any School district may levy and collect a tax on taxable real property in the School district to pay its share of the cost of Minor Capital Improvements. Such taxes shall be levied and collected by the School district subject to the provisions of Chapter 19, Title 14, Delaware Code, as amended.

(f) The expenditure of funds for Minor Capital Improvements shall be governed solely by the provisions of this section.

Section 7529. School Building Maintenance. (a) Funds appropriated to pay building maintenance of School district buildings by an Authorization act shall be determined as follows: for each building in the School district, an amount equal to the age of the

building up to a maximum life of thirty (30) years multiplied by the full number of units of twenty-five (25) pupils assigned to such building as of September 30th of the most recent school year multiplied by nine dollars (\$9.00).

(b) Such funds shall be expended only for the purpose of maintenance of buildings and integral parts thereof including but not limited to the heating plant, plumbing system and electrical system, or for painting. Such funds shall not be expended for the purchase of routine janitorial supplies, equipment not permanently affixed to a building nor for the repair of such equipment, or upkeep of grounds.

(c) Before the State Board of Education shall make any such allocation, it shall require that the School district submit a plan of maintenance and the estimated cost thereof.

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

Section 33. Effective Date. This act shall take effect immediately upon adoption.

Approved July 12, 1979.

CHAPTER 147

FORMERLY

HOUSE BILL NO. 85
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND HOUSE AMENDMENT NO. 1
TO HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO THE EQUIPMENT AND CONSTRUCTION OF VEHICLES; AND PROVIDING CERTAIN BUMPER HEIGHT RESTRICTIONS.

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 43, Title 21 of the Delaware Code by adding thereto a new section, designated as §4318, which new section shall read as follows:

"§4318. Alteration of Motor Vehicle Bumper Heights

(a) Except for antique motor vehicles registered under Section 2196 of this Title, no motor vehicle registered under Section 2121 of this Title with a plate not containing a letter prefix designating a special use or registration class shall be registered or operated upon any highway of the State if the bumper height of such vehicle exceeds 22 inches from the ground to the bottom of the bumper.

(b) Any person found guilty of driving a passenger car or station wagon in violation of the provisions of this section shall for the first offense, be fined not less than \$10.00 nor more than \$100.00 or imprisoned not less than 10 nor more than 30 days, or both. For each subsequent like offense within one year, he shall be fined not less than \$50.00 nor more than \$200.00, or imprisoned not less than 15 nor more than 30 days, or both."

Section 2. This Act becomes effective 90 days after its enactment into law.

Approved July 12, 1979.

CHAPTER 148

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR HOUSE BILL NO. 137

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES AND PROVIDING FOR AN UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY ACT.

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. This Act shall be known and may be cited as the Underground Utility Damage Prevention and Safety Act.

Section 2. Amend Title 26 of the Delaware Code by adding thereto a new Chapter to be designated as Chapter 7, which new Chapter shall read as follows:

"CHAPTER 7. UNDERGROUND UTILITY DAMAGE PREVENTION AND SAFETY

§701. Purpose; construction

For the purpose of providing for the protection of the public health and safety, certain procedures are necessary to assure that persons performing excavation or demolition operations know, prior to commencing such operations, of the presence or location of underground utilities in the excavation or demolition area. Certain precautions must be taken to avoid injuries and damage to life, limb, and property, to avoid disruption and discontinuation of utility services to members of the public, and to promote safe operations during excavation and demolition. This Chapter shall be liberally construed and applied to promote its underlying purposes and policies.

§702. Definitions

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

(a) 'Contractor' shall mean any person, either as an employer or employee, performing excavation or demolition work.

(b) 'Damage' shall mean, but is not limited to:

(1) the complete or partial destruction, dislocation, or weakening of structural or lateral support of a utility line, or

(2) the complete or partial penetration or destruction of any utility line, appurtenance, protective coating, covering, housing, or other protective device, or

(3) the complete or partial severance of any utility line.

(c) 'Demolish' or 'demolition' shall mean any operation by which a structure or mass of material is wrecked, razed, rendered, moved, or removed by means of any tools, equipment, or discharge of explosives capable of damaging underground or submarine utility lines.

(d) 'Designer' shall mean any architect, engineer, or other person, this either as an employer or employee, who prepares a drawing for a construction or other project which requires excavation or demolition.

(e) 'Emergency' shall mean any condition constituting a clear and present danger to life, health, or property by reason of escaping gas or petroleum products,

exposed or broken wires, other breaks or defects in an operator's utility line, or by reason of any disaster of artificial or natural causes.

(f) 'Excavate' or 'excavation' shall mean any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosives and includes, without limitation, grading, trenching, digging, dredging, ditching, drilling, augering, tunnelling, scraping, cable or pipe plowing, driving, but not including the tilling of, the soil for agricultural purposes, or patch-type paving where same, including cutback does not exceed twelve inches in depth measured from the surface of the pavement being patched.

(g) 'Notification center' shall mean any organization among whose purposes is the dissemination to one or more operators, of the notification of planned excavation or demolition in a specified area.

(h) 'Operator' shall mean any person who furnishes or transports materials or services by means of a utility line

(i) 'Person' shall mean any individual, firm, joint venture, partnership, corporation, association, municipality, other political subdivision, governmental unit, department or agency, and shall include any trustee, receiver, or personal representative thereof, provided, however, that nothing in this section shall apply to any excavation or demolition done by the owner of a private residence when said excavation or demolition is made entirely on the land on which the private residence is situated, provided there is no encroachment on any operators' right-of-way and/or easements.

(j) 'Utility line' shall mean any item of personal property which shall be buried or placed below ground or submerged for use in connection with the storage or conveyance of water, sewage, electronic, telephonic, or telegraphic communications, electronic energy, oil, petroleum products, gas, or other substances, and shall include, but not be limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those portions of poles, pylons, or other supports below ground or submerged.

(k) 'Working day' shall mean every day, except Saturday, Sunday, and national and legal State holidays.

\$703. Operators; duties

It shall be the duty of each operator:

(a) To give written notice to the Recorder of Deeds of each county in which its lines are located which shall state:

(i) the name of the operator;

(2) the names of the county's political subdivisions in which its lines are located; and

(3) the operator's office address (street, number, and political subdivision) and the telephone number to which inquiries may be directed as to the location of such lines.

(b) To give like written notice within five (5) working days after any of the matters stated in the last previous notice shall have changed.

(c) To accompany each such written notice with a filing fee of five dollars (\$5.00) payable to and for the use of the county.

(d) To respond to requests from a contractor, operator, or designer who identifies the site of excavation or demolition, or proposed excavation or demolition, for information as to the approximate location and type of the operator's utility lines in the area, not more than two (2) working days after receipt of such request.

(e) To inform contractors, operators, or designers who identify the site of excavation or demolition, or proposed excavation or demolition, not more than two (2) working days after receipt of a request therefor, the following:

(1) if it is determined by an operator that a proposed excavation or demolition is planned within five (5) feet of a utility line as measured in the horizontal plane and that the utility line may be damaged, the operator shall notify the person who proposes to excavate or demolish and shall physically mark the horizontal location of the utility line within 18 inches of the utility line on the ground by means of stakes, paint, or other suitable means within two (2) working days after the request. The operator shall also notify the person who proposes to excavate or demolish as to the size of the utility line and its depth if known. In the case of extraordinary circumstances, if the operator cannot mark the location within two (2) working days, the operator shall notify the person who proposes to excavate or demolish and shall, in addition, notify the person of the date and time when the location will be marked;

(2) the cooperative steps which the operator may take, either at or off the excavation or demolition site, to assist him in avoiding damage to its lines;

(3) suggestions for procedures that might be followed in avoiding such damage;

(4) if the operator has no utility line within five (5) feet of the proposed excavation or demolition as measured in the horizontal plane and if a proposed excavation or demolition by blasting is not planned in such proximity to the operator's utility lines that the utility lines may be damaged, the operator shall advise the person who proposes to excavate or demolish that marking is unnecessary and that the person may therefore begin the excavation or demolition;

(5) in marking the approximate location of utility lines, the operator shall follow the color coding described herein:

Electric Power Distribution and Transmission - Safety Red
Municipal Electric Systems - Safety Red
Gas Distribution and Transmission - High Visibility Safety Yellow
Oil and Petroleum Products Distribution and Transmission - High Visibility Safety Yellow
Dangerous Materials, Product Lines, Stream Lines - High Visibility Safety Yellow
Telephone and Telegraph Systems - Safety Alert Orange
Police and Fire Communications - Safety Alert Orange
Cable Television - Safety Alert Orange
Water Systems - Safety Precaution Blue
Slurry Systems - Safety Precaution Blue
Sewer Systems - Safety Green

(f) Upon receipt of a request pursuant to subsections (d) and (e), to assign such request a serial number, inform the requestor of such number, and to maintain a register showing the name, address, and telephone number of the requestor, the site to which the request pertains, and the assigned serial number.

\$704. Recorder of Deeds; duties

It shall be the duty of the Recorder of Deeds in each of the respective counties:

(a) To ascertain from the notices received pursuant to subsection (a) of §703 the identity of all operators having lines in each political subdivision of his respective county and to maintain for each political subdivision a listing showing, as to such operators, the information prescribed by said §703.

(b) To make such lists available for public inspection without charge and to provide a copy of the list of any political subdivision to anyone who requests it for a copy fee of one dollar (\$1.00) payable to and for the use of the county.

§705. Designers; duties

It shall be the duty of each designer:

(a) To inspect or obtain a copy of the list of operators maintained by the Recorder of Deeds as required by §704.

(b) To obtain the information prescribed in §703, subsection (d), from each operator's office designated on the list of operators maintained by the Recorder of Deeds as required by §704.

(c) To show upon the drawing the type of each line, derived pursuant to the request made as required in subsection (b) of this section, the name of the operator and telephone number as shown on the list referred to in subsection (a) of this section.

§706. Additional Duties of Contractors, Operators, and Designers

In addition to the duties otherwise specified in this Chapter, it shall be the duty of each contractor, operator, or designer:

(a) To ascertain the location and type of utility lines at such site, either by inspection of the designer's drawing made pursuant to §705, or if there be no such drawing, then by the same manner as that prescribed for a designer in subsections (a) and (b) of §705.

(b) To request from each such operator's office designated on the list of operators obtained pursuant to subsection (a) of §705 the information prescribed by subsection (e) of §703, not less than two (2) working days, but no more than ten (10) working days, prior to the day of the commencement of such work.

(c) To inform each person employed by him at the site of such work of the information obtained by him pursuant to subsections (a) and (b) of this section.

(d) To report immediately to the operator any break in, or leak on, its utility lines, any dent, gouge, groove, or other damage to such lines or to the coating or cathodic protection made or discovered in the course of the excavation or demolition work.

(e) To alert immediately the occupants of premises as to any emergency that he may create or discover at or near such premises.

(f) The requirement of subsections (a), (b), and (c) shall not apply to an operator or contractor performing excavation or demolition work in an emergency.

§707. Notification Center

Operators may form and operate an organization providing for the receipt of excavation and demolition operations information in accordance with the provisions of this Chapter. An organization providing such services on behalf of operators having utility lines within the State of Delaware shall file with the Recorder of Deeds of each county the name, telephone number, and address of the organization, a description of the geographical area served by the organization, and a list of the names and addresses of each operator receiving such service from the organization.

§708. Injunction; mandamus

Whenever it appears that any person has engaged in, is engaging in, or is about to engage in excavation or demolition in a manner contrary to safe practices, thereby posing a threat, or potential threat, of injury or damage to life, limb, or property, not necessarily limited to utility lines, the Attorney General or any operator or owner of said utility line may institute an action, either by injunction or mandamus, in a court of competent jurisdiction in the county in which the excavation or demolition has occurred, is occurring, or is about to occur, or in which the defendant, respondent, has his or its principal place of business. The

procedure for all such proceedings shall be as provided in the rules of procedure in the court where said action is commenced or as established by the usual practice and procedure in said court.

\$709. Violations; penalties

It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this Chapter. Whoever violates a provision of this Chapter shall, for the first offense, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). For each subsequent like offense, such person shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00). Before being punishable as such, a subsequent offense shall have been committed within twelve (12) months after the commission of the immediately preceding offense.

\$710. Conviction not Evidence

A conviction under this section, even when obtained pursuant to a guilty plea, shall not be admissible in any civil proceedings involving personal injury, wrongful death or property damage.

\$711. Compliance not Precluding Civil Liability

(a) Obtaining information as required by this Act does not excuse any person making any excavation or demolition from doing so in a careful and prudent manner, nor shall it excuse any person from liability for any damage or injury resulting from the excavation or demolition."

(b) If the information required to be provided pursuant to this Act is not provided in accordance with the terms hereof, any person damaging or injuring underground facilities shall not be liable for such damage or injury except on proof of negligence."

Section 3. If any provision of this Act, or the applicability thereof, to any person or circumstances is held unconstitutional or otherwise invalid, such unconstitutionality or invalidity in the application of such provision to other persons or circumstances shall not affect any other provision or application of this Act, and to that end the provisions of this Act are declared to be severable.

Section 4. This Act shall not be deemed to amend or repeal any other law or any local ordinance enacted pursuant to law concerning the same subject matter, it being the legislative intent that both this Act and any such other law or local ordinance shall have full force and effect.

Section 5. This Act shall be effective one hundred twenty (120) days after signature by the Governor.

Approved July 12, 1979.

CHAPTER 149

FORMERLY

HOUSE BILL NO. 217

AS AMENDED BY HOUSE AMENDMENT NO. 1
AND HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 15, TITLE 24 OF THE DELAWARE CODE RELATING TO HOTELS, RESTAURANTS AND PLACES OF ENTERTAINMENT; AND PROVIDING FOR THE INSPECTION OF FOOD PREPARATION AREAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 15, Title 24 of the Delaware Code by adding thereto a new section, designated as §1503, which new section shall read as follows:

"§1503. Inspection of Food Preparation Areas

"The food preparation area of any hotel restaurant, place of business, institution or business which prepares or serves food for human consumption shall be subject to a State health inspection, without advance notice. For purposes of this section, a 'food preparation area' shall include any kitchen, food storage area, locker or other area where food is prepared or kept prior to being served. For purposes of this section, the term 'advance notice' shall mean any form of communication of a plan or schedule for inspection by any representative of the State Board of Health, prior to the inspection."

Approved July 12, 1979.

CHAPTER 150

FORMERLY

HOUSE BILL NO. 258

AN ACT TO AMEND CHAPTER 1 OF TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES WHICH DO NOT MEET MINIMUM INSPECTION STANDARDS.**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. Amend §101 of Chapter 1, Title 21 of the Delaware Code by adding a new paragraph (61) to read as follows:

"(61) 'Specialized Vehicle' shall mean a vehicle or motor vehicle which may be registered by the Division of Motor Vehicles, but with special restrictions as determined by the Division of Motor Vehicles."

Section 2. Amend Chapter 21, Title 21 of the Delaware Code by adding thereto a new §2120 to read as follows:

"§2120. Registration of Specialized Vehicles; Fees, Restrictions

(a) The Division of Motor Vehicles may register a specialized vehicle which will not meet the Division's standards for inspection or performance. The specialized vehicle shall be registered with restrictions as determined by the Division to be in the best interest of highway safety.

(b) The annual registration fee shall be the same fee as assessed to a vehicle or motor vehicle in a similar class and according to the fees in this Chapter.

(c) Specialized Vehicles shall be subject to annual inspection in accordance with regulations as adopted by the Division of Motor Vehicles.

(d) Specialized self-propelled vehicles shall not be registered unless such vehicles are insured pursuant to §2118 of this Title."

Approved July 12, 1979.

CHAPTER 151

FORMERLY

HOUSE BILL NO. 259

AN ACT TO AMEND CHAPTER 1 OF TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF TRIPEDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §101 of Chapter 1, Title 21 of the Delaware Code by adding thereto a new paragraph (60) to read as follows:

"(60) 'Triped' shall mean a pedal cycle having three wheels, either of which is over twenty inches in diameter, and having a helper motor, characterized in that the maximum piston displacement is less than 55 cc., rated at no more than 1.5 brake horsepower, and that the maximum speed does not exceed 25 miles per hour."

Section 2. Amend §4194A, Chapter 41, Title 21 of the Delaware Code by striking the period "." as it appears after the word "Moped" in the title of the section and adding the words "and Tripeds".

Section 3. Amend §4194A, Chapter 41, Title 21 of the Delaware Code by adding the words "and Tripeds" after the word "Mopeds" in Subsection (a).

Section 4. Amend §4194A (b) of Chapter 41, Title 21, Delaware Code by adding the words "or Tripeds" after the word "Moped" as it appears in the first sentence of said subsection (b) and by further striking the period "." at the end of the second sentence of said subsection (b) and inserting the words "or triped".

Section 5. Amend §4194A (c) of Chapter 41, Title 21, Delaware Code by adding the words "or Triped" after the word "Moped" as it appears in said subsection (c).

Section 6. Amend §4194A (d) of Chapter 41, Title 21, Delaware Code by adding the words "or Tripeds" after the word "Mopeds" as it appears in the first sentence of said subsection (d) and further adding the words "or Tripeds after the word "Moped" as the same appears in the second and third sentence of said subsection (d).

Approved July 12, 1979.

CHAPTER 152

FORMERLY

HOUSE BILL NO. 278

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 41 AND SUBCHAPTER II, CHAPTER 84, TITLE 9, DELAWARE CODE, TO EMPOWER THE GOVERNMENT OF KENT COUNTY TO INVEST IDLE FUNDS AS RECOMMENDED BY THE COUNTY COMPTROLLER AND AUTHORIZED BY THE COUNTY GOVERNMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 41, Title 9, Delaware Code, by adding a new Section 4122 to read as follows:

"§4122. Investment Powers

The County government by its Levy Court may authorize and order the investment of idle funds kept as surplus by the Receiver of Taxes not reasonably required to be maintained on a demand basis in such manner as recommended by the County Comptroller. Investment of County funds shall be in accordance with the provisions of General State Law and of the ordinances of the County Government governing such investments. All interest or investments and moneys so earned from these idle or surplus funds shall accrue only to the benefit of the County of Kent."

Section 2. Amend §8427, Subchapter II, Chapter 84, Title 9, Delaware Code, by striking the final sentence and inserting in lieu thereof the following:

"The same shall remain therein, unless determined by the County government to be idle or surplus and thereupon by order or authorization invested in accordance with Section 4122, Title 9, Delaware Code, or until drawn by him in payment of legal demands, or in the transfer thereof to his successor."

Approved July 12, 1979

CHAPTER 153

FORMERLY

HOUSE BILL NO. 332

AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

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 §4172A (b) by striking the "." at the end thereof and substituting in lieu thereof the following:

" , nor so as to cause or threaten to cause injury or death to any person."

Approved July 12, 1979.

CHAPTER 154

FORMERLY

HOUSE BILL NO. 395

AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO ABSENCE OF TEACHERS AND OTHER SCHOOL EMPLOYEES FROM EMPLOYMENT BECAUSE OF DEATH IN THE IMMEDIATE FAMILY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1318 (b), Title 14 of the Delaware Code by adding the word "grandchild" after the word "daughter," and before the word "husband" as the same appear in the second sentence of said subsection.

Approved July 12, 1979.

CHAPTER 155

FORMERLY

HOUSE BILL NO. 402
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE TO PROVIDE TAX CREDITS AGAINST CORPORATION INCOME TAXES AND A REDUCTION IN MANUFACTURERS AND WHOLESALERS GROSS RECEIPTS TAXES TO PERSONS DEVELOPING NEW BUSINESS FACILITIES AND CREATING ADDITIONAL JOBS WITHIN DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 20, Part II, Title 30, of the Delaware Code by striking the title to said Chapter and substituting in lieu thereof the following:

"CHAPTER 20. BUSINESS TAX CREDITS AND DEDUCTIONS".

Section 2. Amend Chapter 20, Part II, Title 30, Delaware Code redesignating all of present Chapter 20 as new Subchapter I to be entitled as follows:

"Subchapter I. Neighborhood Assistance Tax Deduction".

Section 3. Amend Chapter 20, Part II, Title 30, Delaware Code by adding thereto a new subchapter, designated as Subchapter II, to read as follows:

"Subchapter II. Tax Credit and Tax Reduction for New Employees and Investment in New Business Facilities

\$2010. Tax Credit and Reduction in License Fees

(a) Any taxpayer who shall establish a new business facility in this State, as defined in §2011(b), the utilization of which results in the employment of twenty-five (25) or more new business facility employees engaged or maintained in employment at the new business facility for the taxable year, or with respect to which new business facility investment, as defined in §2011(f), equals or exceeds One Million Dollars (\$1,000,000), shall be allowed a credit, in the amount determined under subsection (b), against the tax imposed on the new business facility income under Chapter 19 of this Title (relating to corporation income tax), and a reduction in the license fee, as determined under subsection (c), imposed on gross receipts under Chapter 27 or Chapter 29 of this Title (relating to the manufacturers and wholesalers license tax), for the taxable year or license year during which commencement of commercial operations, as defined in §2011(g), occurs at such new business facility, and for each of the nine (9) succeeding taxable years or license years.

(b) Subject to the limitations specified in subsection (d), the credit allowed by subsection (a) shall be a portion of the tax otherwise imposed on the taxpayer's new business facility income under Chapter 19 of this Title, which portion shall be an amount equal to the sum of the following:

(1) Seventy-five Dollars (\$75.00) for each new business facility employee, as determined under §2011(e), plus:

(2) One Hundred Eighty-five Dollars (\$185.00) for each One Hundred Thousand Dollars (\$100,000.00), or major fraction thereof, in new business facility investment, as defined in §2011(f).

(c) Subject to the limitations specified in subsection (d), the reduction in the license fee allowed by subsection (a) shall be a percentage of the license fee otherwise imposed on the taxpayer's new business facility gross receipts under §2702(b) or §2902(c) of this Title determined as follows:

If the number of whole months elapsed since commencement of commercial operations of the new business facility is:

Then the license fee otherwise imposed on the new business facility gross receipts shall be reduced by the following percentage:

1 to 12 months	90%
12 to 24 months	80%
24 to 36 months	70%
36 to 48 months	60%
48 to 60 months	50%
60 to 72 months	40%
72 to 84 months	30%
84 to 96 months	20%
96 to 108 months	10%
108 to 120 months	5%
over 120 months	0%

(d)(1) The credit allowed under this Section shall not exceed fifty percent (50%) of the tax otherwise imposed under Chapter 19 of this Title which is directly attributable to the new business facility income.

(2) No credit or reduction in license fees shall be allowed under this Section for the establishment or expansion of a public utility as defined in Chapter 1, Title 26, Delaware Code.

\$2011. Definitions

(a) The term 'facility' shall mean any factory, mill, plant, refinery, warehouse, building, or complex of buildings located within this State, including the land on which located and all machinery, equipment and other real and tangible personal property located at or within such facility used in connection with the operation of such facility. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered a separate facility eligible for the credit allowed by \$2010 if (1) the taxpayer's investment in the expansion as determined in accordance with subsection (f) of this Section exceeds One Million Dollars (\$1,000,000), and (2) the expansion otherwise constitutes a new business facility as defined in subsection (b).

(b) The term 'new business facility' shall mean a facility which meets the requirements of paragraphs (1), (2), (3) and (4) of this subsection.

(1) Such facility is acquired by, or leased to, the taxpayer after June 30, 1979, and prior to July 1, 1984. A facility shall be deemed to have been acquired by, or leased to, the taxpayer if the transfer of title to the taxpayer, or the commencement of the term of the lease to the taxpayer, occurs after June 30, 1979, and prior to July 1, 1984, or if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is completed after June 30, 1979, and prior to July 1, 1984.

(2) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise, as defined in subsection (c).

(3) Such facility was not employed, immediately prior to the transfer of title to such facility to the taxpayer, or the commencement of the term of the lease of such facility to the taxpayer, by any person or persons in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially the same enterprise.

(4) Such facility is not a replacement business facility, as defined in subsection (d).

(c) The term revenue producing enterprise shall mean:

(1) The assembly, fabrication, manufacture or processing of any agricultural, mineral or manufactured product;

(2) The storage, warehousing, distribution or sale for purposes of resale of any products of agriculture, mining or manufacturing;

(3) The operation of laboratories or other facilities for scientific, agricultural or industrial research, development or testing;

(4) The administrative management of any of the foregoing activities; or

(5) Any combination of the foregoing activities.

(d) The term 'replacement business facility' shall mean a facility which replaces another facility located within the State which the taxpayer or a related taxpayer previously operated but discontinued operating and which:

(1) was operated by the taxpayer or a related taxpayer for more than two (2) taxable years out of the five (5) taxable years next preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(2) was employed by the taxpayer or related taxpayer in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially the same enterprise.

(e) The term 'new business facility employee' shall mean a person employed by the taxpayer on a regular and full-time basis in the operation of a new business facility during the taxable year for which the credit allowed by this Section is claimed. The number of new business facility employees during any taxable year shall be determined by the dividing by twelve (12) the sum of the number of new business facility employees on the last business day of each month of such taxable year. If the facility is in operation for less than the entire taxable year, the number of new business facility employees shall be determined by dividing the sum of the number of such employees on the last business day of each full calendar month during which the new business facility was in operation by the number of full calendar months during such period.

(f) The term 'new business facility investment' shall mean the value of the real and tangible personal property, except inventory or property held for sale to customers in the ordinary course of the taxpayers business, which constitutes the new business facility, or which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit or reduction in license fee allowed by §2010 is claimed. The value of such property during such taxable year shall be:

(1) its original cost if owned by the taxpayer, or

(2) eight (8) times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined as of the last business day of the taxable year for which the credit or reduction in license fee allowed by §2010 is claimed.

(g) Commencement of commercial operations shall be deemed to occur during the first taxable year or license year for which the new business facility is first available and used by the taxpayer in the revenue producing enterprise the taxpayer intended for the new business facility.

(h) The term 'related taxpayer' shall mean:

(1) a corporation, partnership, trust or association controlled by the taxpayer;

(2) an individual, corporation, partnership, trust or association in control of the taxpayer; or

(3) a corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of this Chapter, 'control of a corporation' shall mean ownership, directly or indirectly, of stock possessing at least fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote and at least fifty percent (50%) of all other classes of stock of the corporation, 'control of a partnership or association' shall mean ownership of at least fifty percent (50%) of the capital or profits interest in such partnership or association; and 'control of a trust' shall mean ownership, directly or indirectly, of at least fifty percent (50%) of the beneficial interest in the principal or income of such trust.

(i) The term 'new business facility income' shall mean the Delaware taxable income, as defined and computed under §1903, Chapter 19, of this Title, and amendments thereto, which is attributable to and derived by the taxpayer from the operation of the new business facility. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this State, the Delaware taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Delaware taxable income, computed in accordance with §1903, Chapter 19 of this Title, by a fraction the numerator of which is the property factor, as defined in paragraph (1), plus the payroll factor, as defined in paragraph (2), and the denominator of which is two (2).

(1) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in connection with the operation of the new business facility during the tax period, and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used in this State during the tax period.

(2) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as a new business facility employees, as determined under subsection (e), at the new business facility, and the denominator of which is the total amount paid in this State during the tax period by the taxpayer for compensation. The formula set forth in this subsection (i) shall not be used for any purpose other than determining the new business facility income attributable to a new business facility.

(j) The term 'new business facility gross receipts' shall mean:

(1) If the taxpayer is subject to licensing as a manufacturer, the total Delaware gross receipts, as defined and computed under Chapter 27 of this Title attributable to and derived by the taxpayer from the operation of the new business facility.

(2) If the taxpayer is subject to licensing as a wholesaler, the total Delaware gross receipts, as defined and computed under Chapter 29 of this Title attributable to and derived by the taxpayer from the operation of the new business facility.

§2012. Termination of Operations

If a taxpayer has terminated the operation of a revenue producing enterprise at a new business facility prior to the expiration of the ten-year (10) period during which a credit is allowed under this §2010, and later resumes the operation of the same or a different revenue producing enterprise at such new business facility, the taxpayer may, with the consent of the Secretary of Finance, elect to claim a credit, upon resuming the operation of a revenue producing enterprise at such new business facility, computed in accordance with §2010, but for a number of years following resumption of such operations equal to ten (10) reduced by the number of years for which the credit was claimed prior to termination of operation of such revenue producing enterprise. The Secretary of Finance shall grant such consent if it is determined that the termination of operations was due to reasonable cause and that the resumption of operations of a revenue producing enterprise at such new business facility will provide increased opportunities for employment and result in a substantial contribution to the economy of the State.

§2013. Rules and Regulations

The Secretary of Finance or his delegate shall prescribe such rules and regulations as may be deemed necessary to carry out the purposes of this subchapter."

Section 4. This Act shall take effect upon approval by the Governor.

Approved July 14, 1979.

CHAPTER 156

FORMERLY

HOUSE BILL NO. 407

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF TEMPORARY INSTRUCTION PERMITS PRIOR TO AGE 16.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2710, Title 21 of the Delaware Code by adding a new section (e) thereto as follows:

"(e) The Department, upon receiving proper notice that a person has successfully completed a driver education course approved by the State Board of Education, may issue a temporary instruction permit to such person for up to two months prior to the person's 16th birthday provided the person meets all other Department requirements. Any person issued a temporary instruction permit pursuant to this paragraph is entitled to drive a motor vehicle upon the highways only when accompanied by a properly licensed parent or guardian. If the parent(s) or guardian(s) are not licensed to operate a motor vehicle, the holder of the temporary instruction permit must be accompanied by a licensed driver who is 25 years of age or older."

Approved July 12, 1979.

CHAPTER 157

FORMERLY

HOUSE BILL NO. 419

AN ACT TO AMEND CHAPTER 31, TITLE 16 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF BIRTH CERTIFICATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3127(d), Title 16 of the Delaware Code by striking the phrase "secured from the state of his birth" therefrom and substituting in lieu thereof the phrase "secured from the state or nation of his birth".

Approved July 12, 1979.

CHAPTER 158

FORMERLY

HOUSE BILL NO. 435
AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2
AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 52, TITLE 29, OF THE DELAWARE CODE TO PROVIDE FOR THE PAYMENT OF PREMIUM OR SUBSCRIPTION CHARGES FOR HEALTH CARE INSURANCE FOR STATE EMPLOYEES AND THEIR DEPENDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5201, Chapter 52, Title 29 of the Delaware Code by adding a new subsection thereto to read as follows:

"(c) An 'eligible child dependent' is one who is an unmarried child under the age of 21 years of a regular officer, employee, eligible pensioner or spouse of a regular officer, employee, or eligible pensioner, either by birth or adoption or who depends for support upon and resides with a regular officer, employee, eligible pensioner in a regular parent-child relationship; or such an unmarried child regardless of age who is incapable of self-support because of a mental or physical incapacity which existed before age 21."

Section 2. Amend §5206, Chapter 52, Title 29 of the Delaware Code by striking the words "Secretary of Finance" as the same appears in the catch line and in the first and last sentences of said section and substituting in lieu thereof in each instance the words "State Treasurer".

Section 3. Amend Chapter 52, Title 29 of the Delaware Code by striking Section 5202 (a) in its entirety and adding in lieu thereof the following:

"(a) The State shall pay premium or subscription charges for the following, whichever is greater:

(i) The full cost of a basic individual contract of health care insurance coverage for all regular officers, employees and eligible pensioners of the State not otherwise covered under a group health care insurance contract, or

(ii) 75% of the cost of the Basic Subscriber and Child contract or Basic Family Contract for eligible regular officers, employees and pensioners not eligible for Federal Medicare."

Section 4. Amend Chapter 52, Title 29 of the Delaware Code by adding subsection 5202 (d), as follows:

"(d) Agencies or other units of the State providing a contribution on April 1, 1979, by contract, agreement or otherwise, toward the cost of health care coverage of regular officers, employees and eligible pensioners, their spouses, dependent children or families, shall continue to make such contributions after said date, unless relieved of such responsibility by an Act of the General Assembly."

Section 5. This Act shall become effective January 1, 1980.

Approved July 12, 1979.

CHAPTER 159

FORMERLY

HOUSE BILL NO. 449
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION TO INCREASE THE DIVISION III UNIT ALLOCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$1,800,000 is hereby appropriated to the State Board of Education for reallocation to the public school districts so that the amount per unit authorized for Division III-Educational Advancement, will total \$2165.

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

Section 3. Any monies appropriated but not expended by June 30, 1980, shall revert to the General Fund.

Approved July 12, 1979.

CHAPTER 160

FORMERLY

HOUSE BILL NO. 469

AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO CLASSES FOR PARTIALLY SIGHTED PUPILS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1703 (d) of Chapter 17, Title 14, Delaware Code, by striking the words "classes for the partially sighted one (1) unit for ten (10) children;" as the same appears in the first sentence thereof, in their entirety, and substituting in lieu thereof the words, "classes for the partially sighted, one (1) unit for ten (10) children, except that even though the pupil count may be less than otherwise required by this Chapter, there shall be a minimum of one (1) class for the partially sighted in each county.

Approved July 12, 1979.

CHAPTER 161

FORMERLY

HOUSE BILL NO. 486

AN ACT TO AMEND CHAPTER 25, TITLE 24 OF THE DELAWARE CODE RELATING TO THE SUBSTITUTION OF DRUGS, NONEQUIVALENT LIST PREPARATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2589(d)(2) c by striking said subsection in its entirety and substituting in lieu thereof the following:

"c. Within thirty days after preparation of additions or deletions of the list, the Division of Public Health shall mail a copy to each pharmacy registered with the State Board of Pharmacy and at least two copies to the State associations representing authorized prescribers registered in the State. Other interested persons may obtain copies on written request. The Division may charge a reasonable fee to cover the cost of supplying the list. Funds collected may be retained in a special fund and may only be used to defray the cost of list distribution or consumer education."

Approved July 12, 1979.

CHAPTER 162

FORMERLY

HOUSE BILL NO. 505

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF OBTAINING PARTICIPATING FUNDS FROM THE FEDERAL HIGHWAY ADMINISTRATION TO ERECT A VISUAL BARRIER ALONG A PORTION OF INTERSTATE ROUTES 95 AND 495.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Sum of \$6,500 is hereby appropriated to the Department of Transportation for the sole purpose of being used to obtain federal participating funds to create a vegetation sight barrier on certain portions of Interstate 95 and 495.

Section 2. The sum hereby appropriated shall be considered a supplemental appropriation for the purposes expressed herein and shall be paid by the State Treasurer from funds of the General Fund not otherwise appropriated. Any funds appropriated, or pro-rata portion thereof, remaining unexpended on December 3, 1979, shall revert to the General Fund.

Approved July 12, 1979.

CHAPTER 163

FORMERLY

HOUSE BILL NO. 582
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO
UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 3313 (b) (2) c, Chapter 33, Title 19 of the Delaware Code by striking the period at the end of the sentence and adding the following:

"; however, for the period beginning July 1, 1979 and ending June 30, 1981, claims filed for weeks of unemployment will not be less than \$20.00 nor more than \$150.00"

Section 2. Amend Section 3349 (b), Chapter 33, Title 19, Delaware Code, by adding at the beginning of the paragraph:

(b) "Prior to January 1, 1980".

Section 3. Further amend Section 3349, Chapter 33, Title 19, Delaware Code by adding a paragraph (c) as follows:

"(c) After December 31, 1979, no employer's rate shall be reduced below the standard rate for any calendar year unless and until he has had employment in each of the three consecutive experience years immediately preceding the computation date and no employer shall be eligible for a reduced rate if he has reported no employment for five or more consecutive calendar quarters in such three experience years."

Section 4. Amend subparagraph (5) of Section 3350, Chapter 33, Title 19, Delaware Code, by increasing the maximum employer's basic assessment rate from 3% to 5% in increments of one tenth of one percent (.1%) by adding to the existing table twenty (20) additional columns as follows:

(See page 3)

Section 5. Further amend subparagraph (5) of Section 3350, Chapter 33, Title 19, Delaware Code by removing the "3%" in the last sentence of the paragraph and inserting in lieu thereof "5%".

Section 6. The provisions of this Act shall become effective as of June 30, 1979.

Approved July 12, 1979.

When the State Experience Factor Is	If the Employer's Benefit Wage Ratio Does Not Exceed:																			
	100.0%	310.0%	320.0%	330.0%	340.0%	350.0%	360.0%	370.0%	380.0%	390.0%	400.0%	410.0%	425.0%	430.0%	440.0%	450.0%	460.0%	470.0%	480.0%	490.0%
1 or less.....	150.0	155.0	160.0	165.0	170.0	175.0	180.0	185.0	190.0	195.0	200.0	205.0	210.0	215.0	220.0	225.0	230.0	235.0	240.0	245.0
2	150.0	150.0	103.3	106.7	110.0	113.3	116.7	120.0	123.3	126.7	130.0	133.3	136.7	140.0	143.3	146.7	150.0	153.3	156.7	160.0
3	150.0	150.0	77.5	80.0	82.5	85.0	87.5	90.0	92.5	95.0	97.5	100.0	102.5	105.0	107.5	110.0	112.5	115.0	117.5	120.0
4	150.0	150.0	60.0	62.0	64.0	66.0	68.0	70.0	72.0	74.0	76.0	78.0	80.0	82.0	84.0	86.0	88.0	90.0	92.0	94.0
5	150.0	150.0	51.7	53.3	55.0	56.7	58.3	60.0	61.7	63.3	65.0	66.7	68.3	70.0	71.7	73.3	75.0	76.7	78.3	80.0
6	150.0	150.0	42.9	44.3	45.7	47.1	48.6	50.0	51.4	52.9	54.3	55.7	57.1	58.6	60.0	61.4	62.9	64.3	65.7	67.1
7	150.0	150.0	37.5	38.6	40.0	41.3	42.5	43.8	45.0	46.3	47.5	48.8	50.0	51.3	52.5	53.8	55.0	56.3	57.5	58.8
8	150.0	150.0	33.3	34.4	35.6	36.7	37.8	38.9	40.0	41.1	42.2	43.3	44.4	45.6	46.7	47.8	48.9	50.0	51.1	52.2
9	150.0	150.0	30.0	31.0	32.0	33.0	34.0	35.0	36.0	37.0	38.0	39.0	40.0	41.0	42.0	43.0	44.0	45.0	46.0	47.0
10	150.0	150.0	27.3	28.2	29.1	30.0	30.9	31.8	32.7	33.6	34.5	35.5	36.4	37.3	38.2	39.1	40.0	40.9	41.8	42.7
11	150.0	150.0	25.0	25.8	26.7	27.5	28.3	29.2	30.0	30.8	31.7	32.5	33.3	34.2	35.0	35.8	36.7	37.5	38.3	39.2
12	150.0	150.0	23.1	23.8	24.6	25.4	26.2	26.9	27.7	28.5	29.2	30.0	30.8	31.5	32.3	33.1	33.8	34.6	35.4	36.2
13	150.0	150.0	21.4	22.1	22.9	23.6	24.3	25.0	25.7	26.4	27.1	27.9	28.6	29.3	30.0	30.7	31.4	32.1	32.9	33.6
14	150.0	150.0	20.0	20.7	21.3	22.0	22.7	23.3	24.0	24.7	25.3	26.0	26.7	27.3	28.0	28.7	29.3	30.0	30.7	31.3
15	150.0	150.0	18.8	19.4	20.0	20.6	21.3	21.9	22.5	23.1	23.8	24.4	25.0	25.6	26.3	26.9	27.5	28.1	28.8	29.4
16	150.0	150.0	17.6	18.2	18.8	19.4	20.0	20.6	21.2	21.8	22.4	22.9	23.5	24.1	24.7	25.3	25.9	26.5	27.1	27.6
17	150.0	150.0	16.7	17.2	17.8	18.3	18.9	19.4	20.0	20.6	21.1	21.7	22.2	22.8	23.3	23.9	24.4	25.0	25.6	26.1
18	150.0	150.0	15.8	16.3	16.8	17.4	17.9	18.4	18.9	19.5	20.0	20.5	21.1	21.6	22.1	22.6	23.2	23.7	24.2	24.7
19	150.0	150.0	15.0	15.5	16.0	16.5	17.0	17.5	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5
20 or more ..	150.0	150.0	15.0	15.5	16.0	16.5	17.0	17.5	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5

The Employer's Basic Assessment Rate Shall Be:

3.0% 3.1% 3.2% 3.3% 3.4% 3.5% 3.6% 3.7% 3.8% 3.9% 4.0% 4.1% 4.2% 4.3% 4.4% 4.5% 4.6% 4.7% 4.8% 4.9%

CHAPTER 164

FORMERLY

HOUSE BILL NO. 604

AS AMENDED BY HOUSE AMENDMENT NOS. 2, 3, 4 AND 5

A TRANSPORTATION PROGRAM ACT OF THE STATE OF DELAWARE REPEALING CHAPTERS 13, 14, 16, 17 AND 19 OF TITLE 2, DELAWARE CODE, AS AMENDED, AND SECTIONS 8407, 8408 AND 8409 OF CHAPTER 84, TITLE 29, DELAWARE CODE, AS AMENDED, CONSTITUTING LAWS PERTAINING TO THE DELAWARE TRANSPORTATION AUTHORITY, THE DELAWARE TURNPIKE, LOCAL TRANSPORTATION AUTHORITIES, SPECIALIZED TRANSPORTATION AUTHORITIES, AND THE COUNCIL ON TRANSPORTATION, REESTABLISHING THE DELAWARE TRANSPORTATION AUTHORITY, AS CHAPTER 13 OF TITLE 2, DELAWARE CODE, AS AMENDED, AUTHORIZING THE CREATION OF SUBSIDIARY CORPORATIONS FOR PUBLIC TRANSPORTATION AND SPECIALIZED TRANSPORTATION, AUTHORIZING THE ISSUANCE OF BONDS BY THE DELAWARE TRANSPORTATION AUTHORITY AND THE STATE OF DELAWARE FOR CERTAIN HIGHWAY PROJECTS, AUTHORIZING THE IMPOSITION, COLLECTION AND PLEDGING OF TOLLS ON THE DELAWARE TURNPIKE, TRANSFERRING CERTAIN HIGHWAY PROJECTS TO THE TRANSPORTATION AUTHORITY FROM THE STATE, CANCELLING THE AUTHORITY OF THE STATE TO ISSUE BONDS FOR SUCH HIGHWAY PURPOSES, AUTHORIZING THE DELAWARE TRANSPORTATION AUTHORITY TO REFUND OUTSTANDING BONDS OF SUCH AUTHORITY AND REESTABLISHING THE COUNCIL ON TRANSPORTATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Chapters 13, 14, 16, 17, and 19, Title 2 of the Delaware Code are hereby repealed.

Section 2. Amend Title 2 of the Delaware Code by adding a new chapter thereto to read as follows:

CHAPTER 13. DELAWARE TRANSPORTATION AUTHORITYSection 1301. Short Title.

This chapter shall be known as the Delaware Transportation Authority Act.

Section 1302. Legislative Findings and Determinations.

(a) The General Assembly finds that (i) there is a continuing need to apply the resources of the State to implement plans for air, water, vehicular, public and specialized transportation in the State; (ii) there is a continuing need to implement such plans on a comprehensive and integrated basis for the benefit of all people in the State in order to obtain an economical, efficient and unified system of air, water, vehicular, public and specialized transportation; (iii) there is a continuing need to provide methods for financing existing and future transportation facilities in the State to maintain and develop such economical transportation systems for the health, welfare, convenience and safety of the people of the State, and (iv) air, water, vehicular, public and specialized transportation facilities form a unified system of transportation because, among other reasons, (x) such facilities, as a whole, contribute to the commerce of the State and the unification of the planning for and financing of such facilities will increase the economic vitality of State; (y) the use of one form of transportation will reduce congestion in the use of another form of transportation; and (z) the use of public and specialized transportation will reduce environmental pollution and conserve energy for the benefit of all users of transportation facilities and of the people of this State and such unified system of transportation is of grave concern to the State.

(b) The General Assembly hereby determines that in order to remedy such conditions and to implement the purposes of this act, there shall be created an authority which shall be a body politic and corporate constituting a public instrumentality having the powers, duties and functions provided in this act; that the creation of the authority and the powers conferred on such authority under this act and the expenditure of moneys pursuant to this act constitute a valid public purpose and the performance of a valid public function; that the enactment of the provisions hereinafter set forth is in the public interest and for the public benefit and welfare and is hereby so declared to be as a matter of express legislative determination.

Section 1303. Definitions.

"Aeronautics Administrator" means the person appointed to administer the Aeronautics Administration.

"Airport Facility" means an air transportation facility, including but not limited to terminal improvements, air cargo facilities, airfield improvements and general aviation facilities, and necessary or incidental site improvements, utilities, roads, parking lots, land or rights in land, machinery, equipment, apparatus and appurtenances for use in handling air carrier service and general aviation activities.

"Authority" means the Delaware Transportation Authority and its successors.

"Bond" means bonds, notes or other obligations issued by the Authority pursuant to this act.

"Cost" means the cost of constructing, reconstructing, improving, extending, altering, modernizing, repairing, operating and maintaining a Transportation Facility, including but not limited to the costs of acquisition of land and rights in land, demolition of structures on such land, machinery, equipment, furnishings and apparatus, financing charges including interest on borrowed money for a Transportation Facility for a period ending one year after commencement of operations of such Transportation Facility, the funding of reserves, estimates, plans, reports, specifications and studies, legal, financial, architectural, consulting, engineering, administrative and other expenses deemed necessary or incident to the construction, reconstruction, improvement, extension, alteration, modernization, repair, operation or maintenance of a Transportation Facility by the Authority.

"Council" means the Council on Transportation reestablished by this act.

"Delaware Turnpike" means the toll express highway designated Delaware Interstate 95 extending from a point in the vicinity of Farnhurst, Delaware, to a point at or near the boundary line between the State and the State of Maryland.

"Department" means the Department of Transportation and its successors.

"Director" means the Director of the Authority.

"Division of Highways" means the division of the Department created by 57 Del. Laws, c 514, Section 1 (Section 85406, c. 84 Title 29, Del. Code, as amended).

"General Assembly" means the Senate and the House of Representatives of the State.

"Operating Expenses" means the reasonable and necessary current expenses of operating, repairing and maintaining Transportation Facilities, including administrative expenses of the Turnpike Administration, but not the administrative expenses of the Authority.

"Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, not for profit corporations, or other legal entities, including public or governmental bodies as well as natural persons and Subsidiaries created pursuant to this Act.

"Port Facility" means any water port, including but not limited to piers, docks, wharves, warehouses, sheds, elevators, compressors, refrigeration and other storage structures, terminals, land or rights in land and site improvements used or to be used in the handling, storage, loading and unloading of freight, the embarking and disembarking of passengers, or both, at a water port.

"Public Transportation Facility" means a bus, rail or other facility, owned or operated by the Authority, which provides general service to the public on a regular and continuing basis.

"Revenues" means charges, fares, fees, gifts, receipts, rentals, tolls or other payments or moneys derived from or with respect to the operation, lease, sale or other disposition of Transportation Facilities by the Authority, including but not limited to proceeds from insurance covering Transportation Facilities, investment income from Revenues, the proceeds of Bonds and investment income therefrom, and gifts, grants or appropriations from any Person.

"Secretary" means the Secretary of the Department of Transportation.

"Specialized Transportation Facility" means a Transportation Facility designed or intended to be utilized by persons who are disabled by reason of physical or mental infirmity or age.

"State" means The State of Delaware.

"Subsidiary" means a corporation created by the Authority pursuant to this act.

"Transportation Facility" means any facility used in connection with the performance of a transportation service, including but not limited to an Airport Facility, Turnpike, Port Facility, road, highway, bridge, tunnel, subway or parking facility, and all equipment, machinery, fixtures, buildings and structures, land or rights in land incidental to or required in connection with the performance of transportation services.

"Turnpike" means any express toll road, or part or parts thereof, including but not limited to land and rights in land, bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, exits, approaches, service stations, restaurants, administration, lodging, storage and other buildings and facilities which the Authority may deem necessary or appropriate for the construction, reconstruction, improvement, extension, alteration, modernization, repair, operation and maintenance of a Turnpike.

"Turnpike Administrator" means the person appointed to administer the Turnpikes.

Section 1304. Creation and Organization of Authority.

(a) There is hereby established a body corporate and politic, to be known as the "Delaware Transportation Authority". The Authority shall be a public instrumentality of the State exercising public and essential governmental functions, and the exercise by the Authority of the powers conferred by this act is hereby determined to be an essential governmental function of the State in order to create an economical, efficient and unified system of air, water, vehicular, public and specialized transportation in the State. The exercise of power by the Authority pursuant to this act is hereby mandated by the State as sovereign, it being the intention of the State to displace competition with regulation or monopoly public service.

(b) The Authority shall consist of the Authority Director. The Director shall be appointed by the Secretary, with the advice and consent of the Governor, and shall serve at the pleasure of the Secretary. The Director shall be a person qualified by training and experience to perform the duties of his office. Preference shall be given to a qualified resident of the State. The Director may also be known as the "Director of Transportation" of the Department.

(c) All action by the Authority shall be taken by the Director or by the Director's duly appointed agent. In the event of death, resignation, temporary incapacity or removal of the Director or the vacancy of the office and prior to the appointment of the Director's successor, the Secretary may appoint an acting director.

(d) The Authority may be dissolved by an act of the General Assembly on condition that the Authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the Authority, all property, funds and assets thereof shall be vested in the State.

(e) The Authority shall make an annual report of its activities to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate of the General Assembly, the Controller General and the Auditor of Accounts. Each such report shall contain a complete operating and financial statement covering the Authority's operations during the past fiscal year of the Authority and shall include copies of the audits required to be obtained by the Authority pursuant to this act.

(f) No director, officer, employee or agent of the Authority shall be interested, either directly or indirectly, in any project or in any contract, sale, purchase, lease or transfer of real or personal property to which the Authority is a party. The existence of any such interest shall not affect the validity of Bonds issued pursuant to this act.

(g) No director, officer, employee or agent of the Authority shall be deemed to have forfeited or shall forfeit any other State office or employment or any benefits or emoluments thereof by reason of acceptance of an office of the Authority or services therefor, subject to the provisions of this act.

Section 1305. Turnpike Administration.

There is hereby created, as an administrative body of the Authority, the Turnpike Administration. The Turnpike Administration shall be responsible for the operation and maintenance of the Delaware Turnpike and shall perform such other duties and functions as shall be specifically delegated by the Director as approved in writing by the Secretary.

Such administration shall be supervised by the Turnpike Administrator who shall be appointed and shall serve at the pleasure of the Director. The Director shall fix the salary of the Turnpike Administrator.

Section 1306. Aeronautics Administration.

There is hereby created, as an administrative body of the Authority, the Aeronautics Administration. The Aeronautics Administration shall be responsible for the administration of the laws of the State appearing in Chapters 1, 3, 5, 7 and 9, Title 2, Del. Code, as amended, and successor sections, and shall perform such other duties and functions as shall be specifically delegated by the Director with the written approval of the Secretary. Such administration shall be supervised by the Aeronautics Administrator. The Aeronautics Administrator, who shall be qualified by training and experience to perform the duties of his office, shall be appointed and shall serve at the pleasure of the Director. The Director shall fix the salary of the Aeronautics Administrator.

Section 1307. Subsidiaries.

(a) The Authority may create or abolish one or more Subsidiary corporations and grant to such Subsidiaries any or all of the powers to perform the duties, functions or activities granted by this act to the Authority necessary or convenient to execute the powers and duties and to undertake the functions and activities granted by this act to the Authority with respect to any Transportation Facilities including but not limited to Public Transportation Facilities and Specialized Transportation Facilities except as prescribed by this Section.

The Subsidiary shall consist of an Administrator appointed by the Director, with the approval of the Secretary, who shall serve at the pleasure of the Director. The Director shall fix the salary of such Administrator. Each Subsidiary shall have all the privileges, immunities, tax exemptions and other exemptions of the Authority. A Subsidiary shall be created by filing with the Secretary of State of The State of Delaware, a certificate of incorporation. Such certificate shall be filed by the Secretary. Such certificate shall set forth (i) the name of the Subsidiary; (ii) the address of the Subsidiary; (iii) the term of existence of the Subsidiary; (iv) the name of the original administrator of the Subsidiary; (v) the purposes of the Subsidiary; (vi) the powers of the Subsidiary granted by the Authority; and (vii) such other matters as the Director may deem appropriate. If the Authority shall determine that one or more of its Subsidiaries shall be a public benefit corporation, constituting a public instrumentality of the State exercising public and essential governmental functions, such certificate shall make such recital and such Subsidiary shall be a body politic and corporate of the State.

The Authority shall have no power or right (i) to grant any Subsidiary the power to issue bonds, notes or other obligations of the Subsidiary evidencing an obligation of the Subsidiary to repay borrowed money, except that any Subsidiary may borrow money for Operating Expenses for its current fiscal year in such amounts as may be approved in writing by the Secretary; or (ii) to grant, donate, pledge, assign or otherwise transfer or create an obligation to transfer any Revenues of the Authority derived from the operation of the Delaware Turnpike.

The provisions of Chapter 69, Title 29 of the Delaware Code shall not apply to any contracts between any Subsidiary and an agency or department of the State or any of its political subdivisions.

(b) On or prior to the creation of the Subsidiaries required to be created by the following section of this act, the Secretary shall establish such advisory commissions, to serve at his pleasure, to advise Subsidiaries performing the public transportation functions of the Authority as the Secretary shall deem necessary and appropriate.

(c) If, by operation of law, any appointed commissioner of a local transportation authority or a specialized transportation authority in office on the effective date of this act, is entitled to retain his office, the Director shall create a board composed of such commissioners, the administrator and such additional members of the board as shall, with the administrator, constitute a majority of the board. As the terms of such commissioners expire or the commissioners resign, they shall not be replaced. The board shall exercise all powers of the Subsidiary by a majority vote of all members of the board until the terms of the commissioners expire or if such terms have not expired, until such commissioner (or commissioners) has resigned at which time the board will dissolve and the administrator alone shall exercise the powers granted to the Subsidiary.

(d) (1) All subsidiaries operating any public transportation facility or specialized transportation facility shall have authority to bargain collectively with labor organizations representing employees and may enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances of such employees.

(2) In the case of any labor dispute between such a subsidiary and its employees where collective bargaining does not result in a settlement, the same may be submitted at the written request of either party to final and binding arbitration pursuant to the provisions of any agreement entered into between the subsidiary and the employees so providing, or in the absence of such provisions, with the written consent of both parties to an arbitration board composed of 3 persons, 1 appointed by the subsidiary, 1 appointed by the labor organization representing the employees and a third member to be agreed upon by the subsidiary and the labor organization or, if no such third member is mutually acceptable, selected from a list of 5 persons, to be furnished by the American Arbitration Association at the request of either party, by alternately striking 1 name until only 1 name remains.

(3) the determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute.

(4) No employee of such a subsidiary shall strike while in the performance of his official duties.

Section 1308. Termination of Local and Specialized Transportation Authorities.

Within ninety days from the effective date of this act, the rights and privileges exercised by and the duties and obligations incurred by any local transportation authority created pursuant to 56 Del. Laws, c. 268, §8, as amended, (Title 2, c. 16, Del. Code, as amended) or a specialized transportation authority created pursuant to 59 Del. Laws, c. 306, §1, as amended, (Title 2, c. 17, Del. Code, as amended) shall be transferred to one or more Subsidiaries of the Authority, which Subsidiary or Subsidiaries the Authority is hereby required to create, to assist the Authority in the effective organization and support of an economical, efficient and unified State transportation system. Such authorities shall then cease their existence and the right to exercise any rights or privileges or to incur any obligations or perform any duties pursuant to any law of this State. The Secretary shall file a notice of termination of existence of any such authority with the Secretary of State of the State of Delaware to evidence such termination of existence. The obligations and duties of such authorities shall continue as obligations and duties of such Subsidiaries until such time as the Authority or such Subsidiaries alters such obligations or duties pursuant to this act or 56 Del. Laws, c. 268, §8, as amended, (Title 2, c. 16, Del. Code, as amended) and 59 Del. Laws, c. 306, §1, as amended (Title 2, c. 17, Del. Code, as amended). All claims that are or may be asserted against such authorities shall be asserted or may be asserted against such Subsidiaries.

Prior to the expiration of such ninety-day period, there shall be conducted and completed a thorough audit of all books, records and contracts of such authorities. Such audit may include the regular annual financial audit of such authorities for their fiscal year ending June 30, 1979.

Section 1309. Powers of Authority.

The Authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, to be exercised with the written approval of the Secretary, including, but without limiting the generality of the foregoing, the power:

(a) to adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) to prescribe rules, regulations and policies in connection with the performance of its functions and duties, and to provide penalties for the violation of such rules and regulations and to provide for the enforcement of State law in or on any Transportation Facility owned or operated by the Authority or a Subsidiary;

(c) to adopt an official seal and to alter the same at pleasure;

(d) to sue in its own name;

(e) to acquire in the name of the Authority, without the approval of the Public Service Commission or any other public body, by purchase, lease, assignment, gift or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land or interest therein or personal property for any Transportation Facility; however, no facility of the Greater Wilmington Airport, owned by New Castle County, the Sussex County Airport, owned by Sussex County, the Port of Wilmington, owned by the City of Wilmington, or any facility of the Wilmington Parking Authority may be acquired by the Authority unless specifically authorized to do so by an act of the General Assembly.

(f) to supervise or contract for the supervision of all engineering work for any Transportation Facility appointing such deputies as may be necessary to assist the Authority in such supervision;

(g) to employ consulting engineers, architects, attorneys in accordance with 29 Del. C. §2507, real estate counselors, appraisers, accountants, construction and financial experts, superintendents, managers and such other consultants and employees or to enter into contracts with a Person, upon such terms and conditions as the Authority shall determine to be reasonable, to effect the purposes of this act including but not limited to payment or reimbursement for planning, designing, financing, constructing, reconstructing, improving, extending, altering, modernizing, repairing, operating and maintaining a Transportation Facility, to fix their compensation from funds available to the Authority, and to compromise any claims arising therefrom;

(h) to construct, reconstruct and maintain an administration office or offices or such other facilities at such places within the State as it may determine for the effective and efficient operation of the Authority;

(i) to construct, reconstruct, improve, extend, alter, modernize, repair, operate and maintain Transportation Facilities;

(j) to manage, operate, sell, lease, convey, enter into management contracts, grant options or exclusive licenses, or otherwise dispose of real and personal property acquired by the Authority, for such consideration and upon such terms as the Authority may determine to be reasonable;

(k) to provide for the removal of abandoned, wrecked, or disabled motor vehicles and other objects from Transportation Facilities; provided that only such Persons as the Authority may designate shall be permitted to enter any Transportation Facility owned or operated by the Authority for the purpose of such removal; or, to provide any assistance to any Person for compensation;

(l) to fix and revise from time to time, and to charge and collect charges, fares, fees, rentals and tolls, for use of Transportation Facilities as the Authority may deem necessary, proper, desirable or reasonable and to apply such charges, fares, fees, rentals and tolls, and other Revenues, to the Cost of any Transportation Facility without regard to the source of such Revenues to assist in financing an economical, efficient and unified system of air, water, vehicular, public and specialized transportation in the State subject to the provisions of this act;

(m) to designate the locations and to establish, limit and control the points of ingress and egress from a Turnpike as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of a Turnpike, and to prohibit entrance to a Turnpike from any point or points not so designated;

(n) to contract for and to receive and accept gifts, grants or loans of funds or property or financial or other aid from any Person for the purposes of this act and to comply, subject to the provisions of this act, with the terms and conditions thereof; and to make grants or loans to any Person for any transportation purpose approved by the Authority;

(o) to issue Bonds for the purposes of this act;

(p) to appoint and fix the salary of the Turnpike Administrator, the Aeronautics Administrator and the administrator of any other administration or Subsidiary created pursuant to this act;

(q) to purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness;

(r) to establish and maintain reserve and insurance funds with respect to any Transportation Facility;

(s) to invest any funds or money of the Authority pending the application of such funds or moneys to the purposes of this act;

(t) to procure insurance against any losses in connection with its property, operations or assets of any of its administrations or Subsidiaries in such amounts and from such insurers as it deems desirable;

(u) to change the location of any portion of any public highway, or to vacate or relocate any highway affected by construction of Transportation Facilities, provided that the Authority reconstruct such relocated highway at such location as the Authority shall deem most favorable, of substantially the same type and in as good condition as the existing highway at the time the Authority changed the location of such highway, provided further that the cost of such reconstruction and any damage incurred in changing the location of any such highway shall be paid by the Authority;

(v) to construct, reconstruct, maintain or improve grade separations at intersections with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation, provided that the cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be paid by the Authority;

(w) to enter upon any lands, waters and premises in the State for the purpose of making such surveys, soundings, drillings and examinations as the Authority may deem necessary or convenient for the purposes of this act, such entry not being deemed a trespass, nor shall an entry for such purposes be deemed entry under any condemnation proceedings which may be then pending; provided that the Authority shall make reimbursement for any actual damage resulting from such activities;

(x) to grant easements for the installation, construction, reconstruction, maintenance, repair, renewal, relocation and removal of tracks, pipes, pipelines, mains, conduits, cables, wires, towers, poles and other equipment and appliances to any Person owning or operating such facilities in, on, along, over or under any Transportation Facility provided that if the Authority shall determine that it is necessary that any such facilities which now are, or after the enactment of this act may be located in, on, along, over or under any Transportation Facility should be relocated or should be removed from such Transportation Facility, the Person owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority; provided further that the Person owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations; provided, however, that the cost of removal or relocation of such facilities, or of installing such facilities in a new location, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation, removal or installation, shall be paid by the Authority;

(y) to take by eminent domain such land abutting a Transportation Facility, subject to the provisions of this act, as the Authority may deem necessary or desirable for the purpose of removing or relocating all or any part of the facilities of a public utility and may thereafter lease the same or convey an easement or any other interest therein to such Person upon such terms as the Authority, in its sole discretion, may determine; provided that the relocation of such facilities of any public utility, in accordance herewith shall be valid subject to the filing of the plans thereof, as may be required by law, with the Public Service Commission, and no other general laws or other special laws or parts thereof shall be applicable to such relocation;

(z) to place and maintain, or to grant permission by easement or otherwise to any Person to place and maintain, on or under or within a Transportation Facility ducts, pipes, pipelines, wires or other structures or fixtures, to be so located as not to interfere with the safe and convenient operation and maintenance of such Transportation Facility, and may contract with any such Person for such permission on such terms and conditions as may be fixed by the Authority; provided that the construction, reconstruction, maintenance, improvement and repairs of such ducts, pipes, pipelines, wires or other structures or fixtures shall be subject to such directions and regulations as the Authority may impose.

(aa) to create or abolish Subsidiaries, as provided in this act;

(bb) to develop plans and programs (i) to foster efficient and economical public transportation and (ii) to serve citizens requiring specialized transportation;

(cc) to fix from time to time, after a public hearing (except in the case of changes in schedules or routes for a period not exceeding thirty days) and without approval of the Public Service Commission or any other agency of the State, schedules, routes, rates or fares, and charges for use of public transportation services furnished or operated by the Authority pursuant to this act; provided that the rate of fare or charge for individuals 65 years of age or older shall be not more than forty (40) percent of the regular fare charged per zone;

(dd) to provide specialized transportation services to those Persons contracting for such services by pooling and coordinating the resources of public transportation including the Authority's facilities and private services including taxi cabs and other privately owned transportation services;

(ee) to provide service without charge to all blind citizens of the State on any Public Transportation Facility operated by the Authority, provided that an identification card issued by the Delaware Commission for the Blind shall be sufficient evidence of the qualification of the patron for such free transportation;

(ff) to regulate public carriers as provided in 60 Del. Laws, c. 503 (Title 2, c. 18, Del. Code as amended);

(gg) to perform such other acts and duties as are necessary or convenient to carry out the powers expressly granted in this act.

Section 1310. Revenues; Establishment and Application.

(a) The Authority may make and enforce such rules and regulations and establish, fix, and revise from time to time, and charge and collect (or authorize by contract, franchise, lease or otherwise, the establishment, fixing, revising, changing, charging and collecting of) such charges, fares, fees, rates, rentals and tolls for the use of any Transportation Facility or parts or sections thereof, operated by the Authority, as the Authority may deem necessary, proper, desirable or reasonable, subject to the provisions of this act. The Authority may contract with any Person desiring the use of any part of a Transportation Facility, including rights-of-way for placing thereon, telephone, telegraph, electric light or power lines, gas stations, garages, restaurants and advertisements, or for any other purposes, and fix the terms, conditions, charges, fares, fees, rates, rentals and tolls for such use. Such charges, fares, fees, rates, rentals and tolls shall be so fixed and changed from time to time in respect to the aggregate of charges, fares, fees, rates, rentals and tolls from any Transportation Facility in order to provide a fund sufficient with other available Revenues, if any, (1) to pay the Operating Expenses of the Authority with respect to such Transportation Facility; (2) to pay the principal of, premium, if any, and interest on Bonds of the Authority issued under this act, including Bonds issued to refund such Bonds at or prior to maturity thereof, and Bond financing costs, with respect to such Transportation Facility; and (3) to provide operating and debt service reserve funds of such character and amount as the Authority shall determine to be necessary to ensure proper maintenance of such Transportation Facility and to protect the holders of such Bonds.

(b) Prior to the application of Revenues derived from the Delaware Turnpike to any other purpose, the Authority shall apply such charges, fares, fees, rates, rentals and tolls collected from or with respect to the operation of the Delaware Turnpike in the following order and for the following purposes, to the extent such Revenues are available for such purposes;

(i) to pay the Operating Expenses of the Delaware Turnpike;

(ii) to pay any amounts that may be owing to an operating expense reserve fund established by resolution or trust indenture of the Authority to provide a reserve for Operating Expenses;

(iii) to pay principal of, premium, if any, and interest on Bonds of the Authority to finance costs of the Delaware interstate system including the Delaware Turnpike, and feeder roads to the Delaware Turnpike;

(iv) to pay any amounts that may be owing to a debt service reserve fund established by resolution or trust indenture of the Authority to secure the payment of the Authority's Bonds issued to finance costs of the Delaware interstate system including the Delaware Turnpike, and feeder roads to the Delaware Turnpike;

(v) to make payments to an improvement fund to provide for improvements and repairs, other than ordinary annual repairs, to the Delaware Turnpike;

(vi) to pay the annual costs of operating and maintaining the Delaware interstate system as part of the unified transportation system of the State, as presently designated by the Secretary with the approval of the Federal Highway Administration, but excluding the Delaware Turnpike, the Delaware Memorial Bridge, and roads designated as feeder roads of the Interstate System, such amounts to be established by the resolution authorizing the issuance of Bonds or the trust indenture securing the Bonds which will mandate the allocation of such available Revenues at least annually to such purposes;

(vii) to make payments to an improvement fund to provide for improvements and repairs, other than ordinary annual repairs, to the Delaware interstate system excluding the Delaware Turnpike and the Delaware Memorial Bridge;

(viii) to make payments to a transportation fund established by a resolution or indenture of the Authority. Money from such transportation fund shall be transferred periodically to a special fund of the State for appropriation by the General Assembly to assist in financing an economical, efficient and unified system of air, water, vehicular, public and specialized transportation in the State;

(c) The Authority's power to review and revise such tolls, fares, rents, rates and other charges shall not be subject to supervision or regulation by any department, division, commission, board, council, bureau or agency of the State or any political subdivision thereof. The Authority will consider the purposes of this act when establishing such charges, fares, fees, rates, rentals and tolls.

Section 1311. Bonds.

The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of duly authorized Bonds of the Authority for any of its corporate purposes, including the refunding of its Bonds. The principal of, premium, if any, and the interest on any issue of Bonds shall be payable solely from, and may be secured by a pledge and assignment of Revenues, and from the proceeds of Bonds or any Transportation Facility, subject to the provisions of this act, provided, that the proceeds of any Bonds may be used, pledged and assigned for the establishment of any or all reserves for such payment or security or for other corporate purposes as the Authority may authorize in its resolution authorizing the issuance of Bonds or in a trust agreement

securing the same. The Bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times, may be redeemed before maturity, at the option of the Authority, at such price or prices and under such terms and conditions, all as may be fixed by the Authority prior to the issuance of the Bonds. The Authority shall determine the form of the Bonds including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the Bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The Bonds shall be signed by the Secretary or shall bear the Secretary's facsimile signature and the official seal of the Authority or a facsimile thereof shall be impressed, imprinted, engraved or otherwise reproduced thereon. The official seal or facsimile thereof shall be attested by the Director or by such other officer or agent as the Authority shall appoint and authorize and any coupons attached to such Bonds shall bear the facsimile signature of the Director. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds or coupons shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. All Bonds issued under the provisions of this act are hereby declared to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State. The Bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon Bonds as to principal alone and also as to both principal and interest, and for the reversion into coupon Bonds of any Bonds registered as to both principal and interest. The Authority may sell such Bonds in such manner, whether at public or private sale, and for such price, as it may determine to be in the best interests of the Authority. Neither the Secretary nor any person executing the Bonds shall be personally liable on the Bonds or be accountable by reason of his execution of any Bonds or the issuance thereof in accordance with the provisions of this act.

The proceeds of the Bonds of each issue shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such Bonds or in the trust agreement securing the same, subject to the provisions of this act.

Prior to the preparation of definitive Bonds, the Authority may, under like restrictions, issue interim receipts or temporary Bonds, with or without coupons, exchangeable for definitive Bonds when such Bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any Bonds which shall become lost, stolen, mutilated or destroyed. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this act.

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, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such Bonds may pledge and assign Revenues which the Authority's right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of such Bonds, but shall not convey or mortgage any road, highway, bridge, tunnel, overpass, underpass, interchange, entrance plaza, exit or approach constituting a portion of a Turnpike. 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 holders of Bonds as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, reconstruction, improvement, extension, alteration, modernization, repair, operation and maintenance of Transportation Facilities, the charges, fares, fees, rates, rentals and tolls to be imposed, the payment, security or redemption of Bonds, and the custody, safeguarding and application of all moneys, and provisions for the employment of Persons in connection with the undertaking, maintenance or operation of such Transportation Facilities.

Any such trust agreement or resolution may set forth the rights and remedies of the holders of Bonds and of the trustee, and may restrict the individual rights of action by holders of Bonds. 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 holders of Bonds, subject to the provisions of this act. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of the operation of a Transportation Facility.

It shall be lawful for 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 to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority.

This section is intended and shall be construed to authorize the Authority to finance any Transportation Facility or any combination of Transportation Facilities by any combination of issues or series of Bonds which may be secured by the pledge of Revenues derived from any Transportation Facility or Facilities or combination of such Facilities designated by the resolution authorizing the issuance of such Bonds or by any trust agreement securing such Bonds.

Section 1312. Authorized Projects of the Authority.

The Authority is hereby authorized to issue Bonds to refund outstanding Bonds of the Authority and to issue Bonds to finance the Costs of the following Transportation Facilities forming part of the unified transportation system of the State:

- (a) reconstructing and improving the Delaware Turnpike;
- (b) constructing and reconstructing the following highways by the Division of Highways:
 - 1) I-95, Viaduct Widening and Christina Interchange
 - 2) Wilmington Boulevard, Interstate Portion
 - 3) Wilmington Boulevard, Urban Portion
 - 4) I-495, Christina River to Edgemoor Bridge
 - 5) I-95, 295, 495 Safety and Completion Projects
 - 6) I-495, Manor Avenue Pedestrian Crossing
 - 7) I-495, Twelfth Street Interchange
 - 8) I-495, Terminal Avenue Interchange
 - 9) I-495, Additional Exit Between 12th Street and Intersection of I-95, I-495
 - 10) Twelfth Street, Wilmington
 - 11) Edgemoor Bridges
 - 12) Naaman's Road, U.S. 13 to U.S. 202
 - 13) Harvey Road, I-95 to Philadelphia Pike
 - 14) Marsh Road, I-95 to Wilson Road
 - 15) Concord Pike, Augustine Cut-Off to Pennsylvania Line
 - 16) Airport Road

- 17) Route 7, Stanton to U.S. 13
- 18) Christiana Bypass, Rts. 7 to 273
- 19) Rt. 273, Newark through Ogletown
- 20) Rt. 896, U.S. 40 to Rt. 4
- (21) Otts Chapel Road, I-95 to U.S. 40

The proceeds of Bonds issued to finance the cost of the above highways to be constructed or reconstructed by the Division of Highways shall be transferred periodically to a special fund of the State to meet the costs of such construction or reconstruction. No Bonds other than Bonds for the above Transportation Facilities, except refunding Bonds, shall be issued by the Authority without the express approval of the General Assembly.

Section 1313. Projects Transferred to Authority; Cancellation of State General Obligation Bond Authority.

There is hereby repealed the authorization to issue bonds, to which the State has been authorized to pledge its faith and credit, the proceeds of which were appropriated to the Department of Transportation, by the following laws, for the following projects and in the following amounts:

<u>Volume and chapter</u>	<u>Project Account Code</u>	<u>Amount</u>
60-271	55-05-000-76-80	\$ 1,800,000
60-271	55-05-000-76-81	1,100,000
60-691	55-05-000-77-80	3,202,000
61-376	55-05-000-78-80	1,498,000
61-376	55-05-000-78-81	80,000
61-408	55-05-000-79-80	3,547,000
61-408	55-05-000-79-81	<u>315,000</u>
	TOTAL	\$ <u>11,542,000</u>

Such projects, described in subparagraph (b) of the next preceding section, are hereby transferred to the Authority. Such transfer shall be effective on the date the Authority issues Bonds to finance such Transportation Facilities. The proceeds of such Bonds shall be deposited, from time to time, in a special fund of the State and applied to the purposes for which such Bonds are issued in order to meet payments due under executed contracts for such Projects. The Division of Highways shall continue to supervise construction and to maintain and operate such projects. It is the intention of the General Assembly that the Authority issue Bonds within a reasonable period after the adoption of this act in order to permit the uninterrupted pace of construction of such projects.

Section 1314. Authorization of State Highway Projects.

(a) In order to assist the program of highway construction and reconstruction authorized in the foregoing two sections of this act and in connection with the construction and reconstruction of the State's unified transportation system, the State hereby authorizes the issuance of \$9,145,000 bonds by the State to which the State pledges its full faith and credit. Bonds authorized to be issued by this subsection shall mature not later than twenty (20) years from their date of issuance. The proceeds of such bonds are hereby appropriated to the Department of Transportation for the purposes and in the amounts as set forth in the Capital Projects Schedule attached hereto and made a part hereof.

(b) In addition to such bonds, and in order to further assist such program of highway construction and reconstruction, the State hereby authorizes the issuance of \$2,397,000 bonds by the State to which the State pledges its full faith and credit. Bonds authorized to be issued by this subsection shall mature not later than ten (10) years from their date of issuance. The proceeds of such bonds are hereby appropriated to the Department of Transportation for the following purposes and in the amounts as set forth in the Capital Projects Schedule attached hereto and made a part hereof;

(c) Bonds issued pursuant to this section shall be issued by the State pursuant to 29 Del. Laws, c. 69, as amended, (Title 29, Section 74, Del. Code, as amended).

Section 1315. Credit of State Not Pledged to Authority Bonds.

Bonds issued by the Authority under the provisions of this act shall not constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but such Bonds, unless refunded by Bonds of the Authority authorized by this act, shall be payable solely from funds and property pledged, assigned or available for their payment as specifically authorized in the resolution authorizing such Bonds or in the trust indenture securing such Bonds. All Bonds shall contain on the face thereof a statement to the effect that the Authority is obligated to pay such Bonds and the interest thereon only from Revenues or other specifically pledged property, and that neither the State nor any political subdivision thereof is obligated to pay the Bonds or the interest thereon and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such Bonds.

All expenses incurred in carrying out the provisions of this act, other than for the issuance of general obligation bonds by the State, shall be payable solely from funds provided under this act and nothing in this act shall be construed to authorize the Authority to incur indebtedness or any liability on behalf of or payable by the State or any political subdivision thereof.

Section 1316. Bonds as Legal Investments; Legal Deposit.

Bonds issued pursuant to this act are securities in which all State officers and officers of political subdivision, administrative departments, boards and commissions of the State, all banks, bankers, savings banks and institutions, building and loan associations, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital, belonging to them or within their control.

Such Bonds are obligations which may properly and legally be deposited with and received by any officer of the State, or of any political subdivision or agency of the State, for any purpose for which the deposit of bonds or other obligations of the State is now, or may hereafter be, authorized by law.

Section 1317. Revenues as Trust Funds; Pledge of Revenues.

All moneys received pursuant to this act, whether as proceeds from the sale of Bonds, from grants or other contributions or other Revenues, shall be trust funds, to be held and applied solely as provided in this act. A resolution authorizing the issuance of Bonds and/or the execution and delivery of a trust agreement securing such Bonds shall provide that any officer with whom or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof subject to such regulations as this act and such resolution or trust agreement may provide.

Any pledge of tolls or other Revenues or other moneys made by the Authority shall be valid and binding from the time when the pledge is made; the tolls or 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, however, copies of such resolution or trust agreement shall be retained by the Authority.

Section 1318. Certain Contract with Bondholders.

The State hereby pledges to and agrees with the holders of Bonds issued pursuant to this act, that the State will not limit or restrict the rights granted to the Authority by this act to construct, reconstruct, improve, extend, alter, modernize, repair, operate and maintain any Transportation Facilities, or to establish and collect such charges, fares, fees, rates, rentals and tolls as may be convenient or necessary to produce sufficient Revenue to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of Bonds authorized by this act or in any way impair the rights or remedies of the holders of such Bonds until the principal of, premium, if any, and interest on such Bonds are fully paid and discharged.

Section 1319. Exemption from Taxation.

The State covenants with the purchasers and with all subsequent holders, owners and transferees of Bonds, in consideration of the acceptance of and payment for the Bonds, that the Bonds, and their transfer, shall be exempt from taxation by the State and its political subdivisions, except for estate, inheritance or gift taxes. The Authority may elect to issue Bonds the interest on which is subject to federal income taxation.

Any real or personal property of the Authority and all Revenues of the Authority shall be exempt from any and all taxation by the State or any political subdivision thereof for any purpose.

Section 1320. Special Provisions Relating to Delaware Turnpike.

(a) The Authority and the State shall always maintain and keep in good condition and operating repair the Delaware Turnpike.

(b) The Authority may provide or make provision for an adequate police force to enforce the laws of the State and the rules and regulations established by the Authority and governing the use of the Delaware Turnpike.

(c) Any operator of a vehicle using the Delaware Turnpike who refuses to pay the toll prescribed by the Authority, or who evades or attempts to evade payment of the toll prescribed by the Authority, may be arrested without a warrant. The fine for such offense shall be not less than \$10 and not more than \$100 in addition to costs.

(d) The Authority may incorporate in the Delaware Turnpike as an integral part thereof any existing state highway or bridge or any partially completed state highway or bridge which it may deem necessary, provided that such incorporation shall not impair the right of the Authority to impose tolls on the Delaware Turnpike.

(e) If any property other than money which has been abandoned, mislaid or lost on the premises of the Delaware Turnpike comes into the possession of the Authority and remains unclaimed in the possession of the Authority for a period of 120 days, the Authority may sell the property at public auction after notice of such sale has been published for three successive weeks in a newspaper with general circulation in the county where such property was recovered. The net proceeds of sale, after deducting the cost of storage and the expenses of the sale, and all money unclaimed for such 120 day period, shall be paid into and become the property of the Authority. If, in the opinion of the Authority, any property so abandoned, mislaid or lost, which comes into the possession of the Authority and remains unclaimed in its possession for a period of 120 days, is of value of \$10 or less, the Authority may donate the same to a charitable organization without offering such property for sale.

(f) A budget for each fiscal year of the Authority shall be prepared by the Authority and submitted to the General Assembly at the same time the State prepares and submits its annual budget appropriation bill to the General Assembly. The annual budget shall show, among other things, the Operating Expenses of the Authority for each administration and Subsidiary, and the estimated amount required to be deposited in various funds created by any resolution pursuant to which Bonds have been issued or any trust indenture securing such Bonds, including but not limited to an operating fund. The budget shall be approved by the General Assembly before its adoption by the Authority.

In approving the budget of the Authority, the General Assembly shall not:

approve an amount for Operating Expenses of the Delaware Turnpike less than the amount actually incurred as Operating Expenses for the Delaware Turnpike in the last prior fiscal year of the Authority, plus an inflation factor equal to the U.S. Consumer Price Index (CPI) or successor indices, annualized at November of the year prior to the year for which such budget is prepared, unless the budget prepared by the Authority requests a lesser amount.

(2) approve an amount for application to pay debt service on Bonds and an amount to meet any debt service reserve fund requirement less than the amounts required, by any resolution of the Authority pursuant to which Bonds of the Authority are issued or pursuant to a trust indenture pursuant to which Bonds are secured, to pay debt service on Bonds and to meet any debt service reserve requirements.

If the General Assembly does not approve the budget of the Authority prior to July 1 for the year such budget is submitted, the budget, as submitted to the General Assembly, shall be adopted by the Authority until such time as a budget is approved by the General Assembly. Any obligations incurred by the Authority pursuant to an adopted budget shall be binding.

(g) The State or the Authority shall neither make nor authorize any appropriation or expenditure of money that would impair the right or power of the Authority to impose tolls on the Delaware Turnpike.

(h) The Authority shall operate only one facility for the collection of tolls for use of the Delaware Turnpike which shall be located on the Delaware Turnpike at or near the boundary between the State of Maryland.

(i) The Authority shall, upon request, furnish a user of the Delaware Turnpike a receipt showing the amount of the toll paid, the classification of the vehicle, the date the toll was paid and the name of the Authority.

Section 1321. Limitation on Jurisdiction of Political Subdivisions.

No political subdivision of the State shall exercise any power, authority or jurisdiction over property of the Authority including but not limited to the exercise of the police power or the exercise of the power of condemnation, without the consent of the Authority.

Section 1322. Conveyance to Authority.

Any political subdivision, agency, department or commission of the State, notwithstanding any contrary provision of law, may lease, grant, or convey to the Authority any real property or rights in real property, including but not limited to public roads and other real property already devoted to public use, at the written

request of the Authority, upon such terms and conditions as such political subdivision, agency, department or commission may deem reasonable and fair, without the necessity for any advertisement, court order, or other action other than the adoption of a resolution of such agency, department or commission, or, in the case of a political subdivision, the adoption of an ordinance or resolution.

Notwithstanding the foregoing, no facilities of the Port of Wilmington, the Sussex County Airport, the Greater Wilmington Airport or the Wilmington Parking Authority may be leased, granted or conveyed to the Authority unless specifically authorized by an act of the General Assembly.

Section 1323. Audit of Books.

The Authority shall cause an audit of its books and accounts to be made annually by a certified public accountant licensed to practice in the State. The Authority may require the Turnpike Administration, the Aeronautics Administration and any Subsidiaries to maintain a separate set of books and accounts, which books and accounts shall be audited annually by a certified public accountant licensed to practice in the State. Copies of such audits shall be furnished to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate of the General Assembly, the Auditor of Accounts, the Controller General, the Secretary and the Director. The Auditor of Accounts may also audit the books and accounts of the Authority, its administrations and Subsidiaries.

Section 1324. Damage to Private Property.

All private property damaged or destroyed in the exercise by the Authority of the powers granted by this act shall either be restored or repaired and placed in its condition prior to such damage or destruction, as nearly as practicable, or adequate compensation made therefor, as determined solely by the Authority from funds available to the Authority.

Section 1325. Employees of Authority and Subsidiaries.

Persons holding the following positions shall be exempt from Chapter 59, Title 29, Del. Code, as amended.

- (1) The Director;
- (2) The administrators of all administrations;

(3) All employees of any public or specialized transportation administration or of any Subsidiary created pursuant to this act. Such employees shall not be considered State employees for purposes of wages, salaries, fringe benefits (including all provisions of Part V of Title 29, Delaware Code) or for purposes of any other benefits which may accrue to State employees whether exempt or merit employees, including benefits that may accrue under the provisions of Executive Order No. 36 dated November 23, 1977.

Section 1326. John F. Kennedy Memorial Highway.

The Delaware Interstate Highways 295 and 95 leading from the Delaware Memorial Bridge to the Maryland state line shall be known as the "John F. Kennedy Memorial Highway." The Authority shall cause to be erected suitable signs or markers to inform the public of the name of such highway.

Section 1327. Operation of Service Stations.

The Authority may lease a retail fuel outlet or service station to a manufacturer of petroleum products. The manufacturer, its subsidiary or agents may operate such outlet or service station notwithstanding the provisions of Section 2905, Chapter 29, Title 6, Del. Code, as amended.

Section 1328. Application of the State Freedom of Information Act.

The Authority, its administrations and its subsidiaries shall be subject to all applicable provisions of the State Freedom of Information Act, Chapter 100, Title 29, Delaware Code.

Section 3. Amend §8409, Chapter 84, Title 29 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §8409 to read as follows:

§8409. Council on Transportation

(a) There is hereby established a "Council on Transportation."

(b) The Council shall serve in an advisory capacity, except as otherwise provided, to the Secretary, the Director of Highways, to the Director of Transportation Authority, and the Governor, and shall:

(1) Consider matters relating to transportation in the State and other matters such as the budget and capital improvement program which may be referred to it by the Governor or the Secretary of the Department;

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

(3) Have final approval of and adopt the six year Highway Improvement Program which shall be submitted annually to the Council by the Department;

(i) On or before July 30 of each year, the Council shall review the updated Six Year Department Capital Improvements Program prepared by the Department of Transportation, established in §9114, Chapter 91, Title 29, of the Del. Code, as amended. On or before September 15 of each year, the Council shall publish notices in a newspaper of general circulation in each county. The notices shall specify dates on which public meetings will be held, one in each county. The notices shall specify dates on which public meetings will be held, one in each county, by the Council at which time the program will be reviewed and publicly explained and objections or comments may be made by any individual or group. Following the public meetings, the Council may make priority changes to the proposed Six Year Department Capital Improvements Program in an open meeting by documenting the reasons and justifications for changes and adopt the program. The adopted program shall be submitted to the Office of Management, Budget and Planning and members of the General Assembly on or before October 15 of each year for inclusion in the State Capital Improvements Program for the following fiscal year.

(ii) The Six Year Department Capital Improvements Program as recommended by the Office of Management, Budget and Planning shall set forth estimated expenditures by project and/or program for engineering, rights-of-way and construction. The program shall include detailed information by project as to location, description and the reasons for the projects assigned priority.

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

(5) Have final approval on matters relating to Highway Priority Planning as set forth in Section 9114, Subchapter 1, Chapter 9, Title 29 Del. Code, as amended.

(6) Review and comment on the issuance, suspension, revocation or reinstatement of all certificates of public convenience and necessity issued pursuant to Chapter 18, Title 2, Del. Code, as amended.

(c) The Council shall adopt all motions and approve all projects only by a majority vote of the entire membership of the Council. All voting shall be done in person and at regular or special meetings of the Council. If the Council for any reason, shall fail to approve and adopt in writing within a reasonable period of time after receipt of the programs or projects referred to it, the Secretary of the Department may, with the approval of the Governor, upon 40 days prior written notice to the Chairperson of the Council, give final approval to said programs or projects notwithstanding the absence of the Council's written comments or approval.

(d) The initial membership of the Council shall consist of the appointed members of the Council on Transportation existing prior to the effective date of this Act.

(e) The Governor shall appoint the members of the Council, two who shall be persons who reside in New Castle County outside the City of Wilmington, two who shall be persons who reside in Kent County and two who shall be persons who reside in Sussex County. A Chairperson of the Council shall be appointed by the Governor from the membership of the Council to serve at his pleasure.

(f) No person shall be eligible for appointment to the Council on Transportation who is a director, officer or employee of any public carrier, as defined by Chapter 18, Title 2, Del. Code, as amended, or who owns or directly or indirectly controls more than one percent (1%) of the stock of any public carrier.

(g) No member of the Council 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 their membership on the Council.

(h) Members of the council on Transportation existing prior to this Act shall be permitted to complete the existing term of their membership pursuant to the foregoing, but shall not be considered appointed members for purposes of subsection (j) of this Section. As the terms of the members of the Council expire, the Council shall be reduced to nine members, and shall remain at nine thereafter.

(i) After the membership is reduced to nine, no more than five members shall be of one political party, provided however that failing or declining to announce one's political affiliations shall not make such person ineligible for appointment.

(j) Appointments made after the effective date of this Act shall be for three years, provided however, that after such time as the number of members of the Council has been reduced to nine, members shall continue to serve until such time as the Governor appoints a replacement.

(k) 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.

(l) Removal of members.

(1) Failure to attend three consecutive regular meetings of the Council shall be construed as a request by that member to resign from the Council and a replacement may thereafter be appointed in his stead.

(2) Members may be removed only for just cause, except as otherwise provided herein. Prior to removal, members shall be entitled to notice of the reason for removal and shall be entitled to a hearing before the Governor or his designee.

(m) Any replacement appointment to the council to fill a vacancy prior to the expiration of the terms shall be filled for the remainder of the term.

Section 4. §8407 and §8408, Chapter 84, Title 29 of the Delaware Code are hereby repealed.

Section 5. Insofar as the provisions of this act are inconsistent with the provisions of any general, special or local laws, or parts thereof, the provisions of this act shall be controlling.

Section 6. If any section, part, phrase, or provision of this act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the application thereof.

Section 7. This act, being necessary for the prosperity and welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 8. The provisions of any laws repealed by this act that constitute covenants with holders of outstanding bonds of the Delaware Transportation Authority or any trustee for such bondholders, shall with respect to such bondholders and trustee, survive the adoption of this act until such bonds are paid or provisions for their payment has been made pursuant to the resolution authorizing the issuance of such bonds and/or the trust indenture securing such bonds.

CAPITAL PROJECTS SCHEDULE

<u>Projects</u>	<u>Major Capital Improvements (1)</u>	<u>Minor Capital Improvements (2)</u>	<u>Total</u>
Statewide Bridges	\$ 287,000	\$ -0-	\$ 287,000
Statewide Safety Projects	470,000	-0-	470,000
Lewes-Rehoboth Canal-Savannah Road Br.	1,125,000	-0-	1,125,000
Route 8 - Pearsons Corner to Dover	438,000	-0-	438,000
US 113 - Little Heaven to South of Air Base	462,000	-0-	462,000
SR 41 - SR 2 to Milltown Road	28,000	-0-	28,000
Saulsbury Road - Walker Road to Denny's Rd	80,000	-0-	80,000
US 40 - Maryland Line to US 13	500,000	-0-	500,000
DuPont Road, Elsmere	1,550,000	-0-	1,550,000
Chapman Road	100,000	-0-	100,000
Valley Road	325,000	-0-	325,000
US 13 - Smyrna to Odessa	900,000	-0-	900,000
Airport Road (CR 340)	380,000	-0-	380,000
Route 4 - SR 2 to SR 7	2,500,000	-0-	2,500,000
Engineering and Contingencies	-0-	1,397,000	1,397,000
Heavy Equipment	-0-	500,000	500,000
Dirt Roads	-0-	<u>500,000</u>	<u>500,000</u>
TOTAL	\$ 9,145,000	\$ 2,397,000	\$ 11,542,000

(1) To be financed with bonds not to exceed twenty (20) years in maturity.
 (2) To be financed with bonds not to exceed ten (10) years in maturity.

Approved July 12, 1979.

CHAPTER 165

FORMERLY

HOUSE BILL NO. 396
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, TITLE 21, OF THE DELAWARE CODE RELATING TO EMERGENCY VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

"Section 1. Amend §4307, Chapter 43, Title 21 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

§4307. Warning Devices for Emergency Vehicles

(a) Every police, fire department and fire patrol vehicle and every ambulance used for emergency calls, except as provided in subsection (b) of this section, shall be equipped with a bell, siren or exhaust whistle.

(b) A vehicle used by a fire chief, deputy chief, assistant fire chief, chief fire engineer or fire policeman of a duly organized fire department, which is not owned by or the property of the fire department, shall not be equipped with such warning devices."

Section 2. Amend §4356 (b), Title 21 of the Delaware Code by inserting the phrase "or City of Wilmington Bureau of Fire vehicle" after the phrase "police vehicle" in said subsection.

Approved July 12, 1979.

CHAPTER 166

FORMERLY

HOUSE BILL NO. 479

AN ACT TO AMEND CHAPTER 39, TITLE 10 OF THE DELAWARE CODE RELATING TO PARENTAL LIABILITIES.

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 3922, Title 10 of the Delaware Code by said section and substituting in lieu thereof:

"§3922 Destruction of property by minors; recovery of damage from parents.

Any municipal corporation, county, town, school district, and agency of the State or any person, partnership, corporation or association, or any religious organization whether incorporated or unincorporated, shall be entitled to recover damages in an appropriate civil action in an amount not to exceed \$1,000 in a court of competent jurisdiction from the parents or guardians of any minor under the age of 18 years, living with the parents, who shall intentionally or recklessly destroy or damage property, real, personal, or mixed, belonging to such municipal corporation, county, town, school district, or agency of the State, or person, partnership, corporation or association or religious organization. However, if any such minor shall be charged with any act of delinquency as a result of such destruction or damage and thereafter be found delinquent of such charge, whether by trial or by admission, the appropriate court, as part of its sentence, may assess an amount not to exceed \$1,000 against the parents or guardians of the child if the child was living with his parents or guardians at the time of such destruction or damage."

Approved July 12, 1979.

CHAPTER 167

FORMERLY

HOUSE BILL NO. 177
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 28, TITLE 24, OF THE DELAWARE CODE RELATING TO THE APPLICABILITY OF THE FREEDOM OF INFORMATION ACT TO THE COUNCIL OF THE DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 28, Title 24 of the Delaware Code by adding a new §2828 thereto as follows:

"§2828. Applicability of the Freedom of Information Act

(a) The Association and the Council shall each be deemed a 'public body' as that term is used in the Freedom of Information Act, Chapter 100, Title 29 of the Delaware Code, and that for the purpose of this Section all references to the Council shall be deemed to refer to the Association and vice versa.

(b) In addition to the records which are not deemed public by reason of §10002 (d) of the Freedom of Information Act, the following records shall not be deemed to be public records:

(1) The application, and all documents, files and records pertaining thereto, of any person to practice engineering in the State of Delaware, except the name and address of the applicant, the date of the application, the action of the Council on the application and the status of the person's authorization to practice engineering in the State of Delaware.

(2) Records and information, including written communications received by the Council, relating to charges against any person which could result in disciplinary action by the Council. However any such records and information which may be disclosed in any public hearing conducted by the Council with respect to the charges and any findings or orders of the Council arising out of the charges which are adverse to the person against whom the charges are made shall be deemed to be public records.

(c) In addition to the purpose for which a public body may go into executive session pursuant to the Freedom of Information Act, the Council may conduct an executive session for the following purposes:

(1) Consideration of the application of any person for authorization to practice engineering in the State which consideration involves matters of qualification, recommendations, education, experience or testing of the applicant.

(2) Consideration of any charges which could result in disciplinary action by the Council.

(d) For purposes of this Section, the term "application" shall mean any application or filing with the Council for the purpose of obtaining registration, a certificate of authorization, a temporary permit, or certification as an engineer-in-training."

Approved July 12, 1979.

CHAPTER 168

FORMERLY

HOUSE BILL NO. 477
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO
AN AWARD OF ALIMONY IN DIVORCE AND ANNULMENT ACTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1502, Title 13, Delaware Code, by striking subsections (5) and (7) therefrom and substituting therefor a new subsection (5) reading as follows:

"(5) To award alimony under this Chapter to a dependent party but only during the continuance of such dependency;"

Section 2. Amend §1512, Title 13, Delaware Code, by striking such section in its entirety and substituting therefor the following:

"§1512. Alimony in divorce and annulment actions; waiver or release

(a) The court may grant alimony for a dependent party as follows:

(1) Temporary alimony for either party during the pendency of an action for divorce or annulment;

(2) Alimony for a respondent commencing after the entry of a decree dissolving an irretrievably broken marriage characterized by mental illness; or

(3) Alimony for a petitioner, or for a respondent who does not qualify for alimony under subdivision (2) above, commencing after the entry of a decree of divorce or annulment but not to continue for more than two years after marriage dissolution unless the parties were married for more than twenty years.

(b) A party is dependent if the party or someone on behalf of the party shall aver in an affidavit of dependency filed in the action and shall prove by a preponderance of the evidence that such party:

(1) Is dependent upon the other party for support and the other party is not contractually or otherwise obligated to provide that support after the entry of a decree of divorce or annulment;

(2) Lacks sufficient property including any award of marital property, to provide for the party's 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.

(c) The alimony order shall be in such amounts and for such time, except as limited in time under subsection (a) above, as the court shall deem just without regard to marital misconduct and after considering all relevant factors justified by the evidence, including:

(1) Financial resources of the party seeking alimony 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 such party includes a sum for that party as custodian;

(2) Time necessary to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment;

(3) Standard of living established during the marriage;

(4) Duration of the marriage;

(5) Age, and the physical and emotional condition of the party seeking alimony;

(6) Ability of the other party to meet his or her needs while meeting those of the party seeking alimony; and

(7) Tax consequences.

(d) A party who has contractually waived or released his or her right to alimony shall have no remedy under this section."

Section 3. Amend §1518, Title 13, Delaware Code, by striking subdivision (h) in its entirety.

Section 4. This Act shall become effective thirty (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.

Approved July 13, 1979.

CHAPTER 169

FORMERLY

HOUSE BILL NO. 507

AN ACT AWARDED PENSION BENEFITS TO LAWRENCE C. POND, A FORMER STATE EMPLOYEE; APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE; AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF IT WERE AWARDED PURSUANT TO CHAPTER 55, TITLE 29 OF THE DELAWARE CODE.

WHEREAS, Lawrence C. Pond of Odessa worked for the State of Delaware for approximately 18 years between October 23, 1951, and March 31, 1970; and

WHEREAS, Lawrence Pond's services were terminated on March 31, 1970, through no fault of his; and

WHEREAS, Lawrence Pond is ill and in serious need of a pension which the present law does not authorize.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to accept and approve Lawrence C. Pond's application for a disability pension of \$250 a month, said pension to be based on the criterion of fifteen years of service, waiving statutory provisions.

Section 2. The sum of \$34,075 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware to implement the provisions of Section 1 of this Act.

Section 3. 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.

Approved July 13, 1979.

CHAPTER 170

FORMERLY

SENATE BILL NO. 245
AS AMENDED BY SENATE AMENDMENT NO. 5 AND
SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 5 AND
HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLES 10 AND 31, DELAWARE CODE, FOR THE PURPOSE OF CREATING A FOSTER CHILD REVIEW BOARD AND ESTABLISHING A SYSTEM OF CITIZEN AND COURT REVIEW OF FOSTER CHILD CARE.

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 Title 31, Delaware Code, by inserting therein a new Chapter to read as follows:

"CHAPTER 38. FOSTER CHILD REVIEW ACT

§3801. Purpose

It is determined that an independent monitoring system to identify and periodically review children in foster care in the State of Delaware is in the best interests of the health and welfare of all citizens of Delaware. It is the purpose of this Act to provide such a system in order to insure continuing efforts to obtain permanent homes for children; to acknowledge that the time perception of children differs from that of adults; to provide stability in the lives of children who must be removed from their homes, and to make the ongoing needs of a child for proper physical, mental, and emotional growth and development the decisive considerations in permanency planning.

§3802. Definitions

(a) 'Placement agency' shall mean the Division of Social Services and any agency, organization or institution engaged in the placement of children in foster care in this State.

(b) 'Child' shall mean any child who has been placed in the custody or care of the Division of Social Services or any other placement agency by court order, or placed voluntarily in a private placement agency for more than one year.

§3803. Foster Child Review Board

(a) There is hereby established a Delaware Foster Child Review Board. For administrative purposes, the Board shall be within the Administrative Office of the Courts.

(b) The Board shall consist of twenty-one (21) members, of whom one shall be the Chairman. No more than eleven (11) Board members shall be registered members of the same major political party. When appointed, a Board member shall be a citizen of the United States and a resident of this State for at least one (1) year immediately preceding the appointment. Four (4) members shall reside in the City of Wilmington, four (4) members shall reside in the remainder of New Castle County, four (4) members shall reside in Kent County, four (4) members shall reside in Sussex County, and five (5) members shall reside anywhere within this State.

(c) Seven (7) of the original members of the Board shall be appointed to three-year terms, seven (7) of the original members of the Board shall be appointed to two-year terms, and six (6) of the original members of the Board shall be appointed to one-year terms. At the expiration of the terms of the original members of the Board, all appointments shall be for three (3) years. A member shall continue to serve until his successor is appointed by the Governor.

(d) The Governor shall appoint the Chairman and members of the Board. The Chairman will serve at the Governor's pleasure. The Governor may remove a Board member for cause.

(e) When vacancies occur for whatever reasons, the Governor shall appoint replacements for the unexpired term only.

§3804. Meetings

The Board as a whole shall meet at least two times per year and shall annually elect such officers as are necessary from among its members.

§3805. Compensation and Expenses for Board Members

Each member of the Board shall receive, upon request, reimbursement for necessary expenses to attend meetings. Such expenses may not exceed the mileage rate paid to State employees, per mile actually travelled, or the cost of public transportation and no more than \$10 per meeting for other miscellaneous expenses.

§3806. Qualification of Members

(a) Board members shall be citizens who have demonstrated an interest in children and their welfare through community service or professional experience, or possess a background in law, sociology, psychology, psychiatry, education, theology, social work, medicine, or related fields.

(b) No person employed by the Division of Social Services, any placement agency, or Family Court of the State of Delaware may be appointed to the Board.

(c) There shall be no discrimination in appointment of Board members on the basis of sex, socioeconomic, racial, or ethnic factors.

§3807. Powers of the Board

The Board shall have the power and authority to:

(a) Adopt rules and regulations consistent with the purpose and provisions of this Chapter and with applicable Federal and State laws, subject to the provisions of the Administrative Procedures Act, 29 Delaware Code, Chapter 64, Subchapter II.

(b) Designate an Executive Committee which may act between meetings of the Board, subject to confirmation of its decisions by a quorum of the Board, which Executive Committee shall consist of not less than five (5) members of the Board and shall be chaired by the Chairman of the Review Board.

(c) Employ, supervise and evaluate an Administrative Coordinator, who shall serve as chief administrator, to properly implement and administer the provisions of this Chapter, subject to budget restraints.

(d) Advise the Administrative Coordinator on the establishment of training, with periodic in-service training, of the Review Board.

(e) Monitor and evaluate the effectiveness of the implementation of this Act.

(f) Review and analyze reports on the status of all children in foster care, which reports shall be provided at least quarterly by the placement agencies. The first reports shall be provided within 180 days of effective date of this Act. Such reports are to include information concerning the number of children entering and leaving foster care during each quarter.

(g) Provide advice to placement agencies concerning the kind of information which should be maintained and provided by said agencies to assist in the review and monitoring of the foster care system.

(h) Consult with placement agencies and other entities as appropriate in arriving at policies and procedures in order that the maximum amount of coordination and cooperation may be achieved between the Board and organizations which are involved in foster child care.

(i) Approve the Administrative Coordinator's annual budget request and other applications for funds from any sources.

(j) Make recommendations to the Governor, the Chief Justice of the Supreme Court of the State of Delaware, the General assembly concerning resources, policies, procedures and statutes which affect the goal of permanency for children.

(k) Make a written annual report on the effectiveness of this Act to the Governor, the Chief Justice of the Supreme Court of the State of Delaware, the General Assembly, which shall be available to the general public upon request.

§3808. General Responsibilities for Case Review

(a) The Board is hereby authorized to select annually a representative sample of the foster care caseloads of placement agencies for individual review, subject to the following:

(1) A maximum of 400 reviews per year may be conducted.

(2) The number of reviews from each placement agency's caseload is to be proportionate to that agency's percentage of the total.

(3) The Board may review an individual child's case twice yearly.

(4) The Board shall begin reviewing cases effective July 1, 1980.

(b) The Board is authorized to divide itself into committees of not less than five (5) members for the purpose of reviewing the cases of individual children in foster care.

(c) The purposes of case review are as follows:

(1) To submit review reports with findings and recommendations to the placement agency and participating parties.

(2) To encourage and facilitate movement toward the return of a child to his or her parents or guardian or initiation of termination of parental rights proceedings.

(3) To encourage stable, long-term foster care in the event that return to the parents or guardian or termination of parental rights is not possible, feasible, or in the best interest of the child.

(4) To encourage and facilitate stability in foster care by urging fewer changes in placement per child and by urging good foster parent recruitment procedures.

(5) To assist placement agencies with dissemination of information about the rights and responsibilities of biological parents, foster parents, and other interested parties in regard to a child in foster care.

(6) To make recommendations to the Board regarding foster care policies and procedures.

§3809. Review Board Procedures

(a) The review procedures for the Board shall include consideration and evaluation of such matters as:

- (1) The goal of the permanent placement plan.
- (2) Services to the child and others involved.
- (3) Placement of siblings.
- (4) Length of time spent in foster care.
- (5) Number of placements.
- (6) Whether the child's wishes were considered, where appropriate.
- (7) Efforts made to fulfill the permanent placement plan by all involved.
- (8) The opportunity to have and participate in regular visits with the child by the biological parents or legal guardian.
- (9) Whether there are obstacles which hinder or prevent attainment of the placement goal.

(b) Any Board member who has personal knowledge of, or is acquainted with, any of the principals in a case shall disqualify himself or herself from reviewing that case.

(c) Meetings at which individual cases are discussed or reviewed shall not be subject to the provisions of Title 29, Delaware Code, Chapter 100, §10004.

(d) Records of the Review Board which pertain to individual cases and reviews thereof shall be exempt from the provisions of Title 29, Delaware Code, Chapter 100.

§3810. Notice of Review

The Review Board shall send out written notices of a scheduled review at least thirty (30) days in advance to the following, who may appear at the review session: The placement agency; the child, where appropriate; parents or legal guardian; foster parents; child's attorney, if applicable; and any person or agency interested in or having knowledge or information about the child.

§3811. Records of Review

(a) At least seven (7) days before each child's review, the placement agency shall submit to the Administrative Coordinator the child's permanent placement plan and a written report on the progress towards implementation of such plan.

(b) Subject to legal requirements, placement agencies are obligated to provide the Review Board with information needed for review, in addition to the information supplied in §3811(a). The Board may petition Family Court for a hearing if it is refused records which it believes it should have under the provisions of this Section.

§3812. Confidentiality of Records

(a) All records and information in the possession of the Division of Social Services, any placement agency, or the Foster Child Review Board regarding children and their parents or relatives shall be deemed confidential, and shall be disclosed only pursuant to the provisions of this Chapter.

(b) Violation of this Section is a Class C misdemeanor. The Superior Court shall have jurisdiction over violations of this Section.

(c) Any member of the Review Board or the administrative staff of the Review Board who violates these provisions and improperly discloses confidential information shall immediately be removed or dismissed.

§3813. Review Board Recommendations

The Review Board shall submit a written report of the review, within fifteen (15) days, to the placement agency and other participating parties. This report shall offer findings and recommendations such as:

- (a) Return of the child to his or her parents or guardian.
- (b) Adoption of the child.
- (c) Initiation of termination of parental rights proceedings.
- (d) Continued foster care placement is best and permanent placement plan is appropriate.
- (e) Continued foster care placement is best but permanent placement plan is not appropriate.

§3814. Petition for Judicial Hearing

(a) Upon receipt of the Review Report required by §3813, the placement agency shall inform the Board within ten (10) days of any disagreement with the Board's recommendations, in which case the Board or other participating parties may petition Family Court within fifteen (15) days for a judicial hearing. If the agency fails to advise the Board of such disagreement, it shall be presumed that the agency agrees with the recommendations of the Board and will act accordingly.

(b) The Board may petition Family Court for a judicial hearing if there has been no documented action toward achievement of a permanency plan during a one-year period.

§3815. Notice of Hearing

A judicial hearing by Family Court of the State of Delaware shall be held upon petition by the Review Board or participating party, within forty-five (45) days after filing date of such petition. The court shall send written notification of such hearing at least fifteen (15) days in advance to: The placement agency; the Administrative Coordinator; the child, where appropriate; the parents or legal guardian; the foster parents; the child's attorney, where applicable; and other interested or involved persons.

§3816. Court Orders

After a judicial hearing, Family Court of the State of Delaware may enter an order:

- (a) Directing the return of the child to his or her parents or guardian;
- (b) Continuing placement under the current permanent placement plan; or
- (c) Continuing placement under a revised permanent placement plan; or
- (d) Appointing an attorney to represent the child and recommend that the child's attorney initiate termination of parental rights proceedings on behalf of the child in the appropriate court of competent jurisdiction.

§3817. Permanent Placement Plan

(a) The placement agency holding custody shall prepare, with consultation and information from the child's parents or guardian, the child's attorney if applicable, and where appropriate the child, a permanent placement plan for the child. Where no placement agency holds custody, the placement agency having care of the child shall prepare the permanent placement plan.

(b) The permanent placement plan for each child shall include:

- (1) The purpose for which the child was placed.
- (2) The goal for permanent placement.
- (3) The length of time in foster care needed to achieve the goal.
- (4) A statement of duties of the placement agency, parents, legal guardian, and foster parents and services to be provided by the placement agency and other service providers.
- (5) The person in the placement agency directly responsible for the implementation of the permanent placement plan.

§3818. Duties of the Administrative Coordinator

Under the direction of the Board, the Administrative Coordinator's duties shall include, but not be limited to:

- (a) Application for and administration of funds for the Foster Child Review System.
- (b) Hiring and supervising of system employees and maintaining all necessary records and files.
- (c) Implementing policies and procedures of the Board and representing the Board's policies in contacts with various other agencies and organizations.
- (d) Collecting necessary data and statistics in order that the Board may monitor and evaluate the effectiveness of implementation of this Act.
- (e) Supervising the day-to-day operations of the Review Board.
- (f) Providing training programs for the Board.
- (g) Conduct research and develop advocacy programs designed to improve the lives of children in foster care.
- (h) Consulting the placement agencies and other appropriate parties to assure the maximum coordination and cooperation between everyone involved in foster care.

§3819. Timetable

All appointments of Board members shall be made within ninety (90) days of the effective date of this Act, and the Administrative Coordinator shall be selected within one hundred eighty (180) days of effective date of this Act.

§3820. Construction

This Chapter, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

§3821. Severability

The provisions of this Chapter are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

§3822. Evaluation of Foster Care Review System

No later than three (3) years after the effective date of this Act, the Review Board, in consultation with the Department of Health and Social Services, shall retain a qualified consultant to perform an independent evaluation of the State's

foster care review program, who shall, by December 1, 1982, make recommendation to the Governor and the General Assembly as to the continuation or termination of the foster care review program and the proper scope of the program, including the expansion or reduction of the number of individual case reviews.

§3823. Conflict with Existing Laws

Any provisions of this Chapter which shall cause the State to lose Federal funding shall be considered null and void."

Section 2. Amend Title 10, Delaware Code, Chapter 9, by adding thereto a new §914 to read as follows:

§914. Designation of Foster Care Review Board

Pursuant to any requirement of Federal law, the Court may designate the Foster Care Review Board to serve as the arm of the Court for the purpose of monitoring the progress of children in foster care."

Approved July 13, 1979.

CHAPTER 171

FORMERLY

SENATE BILL NO. 311
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO
CONSENT FOR TERMINATION OF HUMAN PREGNANCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 17, Title 24 of the Delaware Code by adding thereto a
new Section 1794 to read as follows:

"§1794. Written consent prior to termination of human pregnancy

(a) No abortion may be performed unless the woman submitting to the abortion first gives her written consent to the abortion stating that she freely and voluntarily consents to the abortion and that she has received a full explanation of the abortion procedure and effects, including, but not limited to the following:

- (1) The abortion procedure to be utilized.
- (2) The probable effects of the abortion procedure on the woman, including the effects on her child-bearing ability and effects on possible future pregnancies.
- (3) The facts of fetal development as of the time the proposed abortion is to be performed.
- (4) The risks attendant to the procedure.
- (5) An explanation of the reasonable alternatives to abortion and of the reasonable alternative procedures or methods of abortion.

(b) No abortion may be performed on a woman within twenty-four hours after giving written consent pursuant to subsection (a) unless, in the opinion of her treating physician, an emergency situation presenting substantial danger to the life of the woman exists.

In the event a woman's treating physician determines an abortion is necessary because an emergency situation presenting substantial danger to the life of the woman existed and such woman is unable to give her consent to an abortion, an abortion may be performed on such woman."

Approved July 13, 1979.

CHAPTER 172

FORMERLY

HOUSE BILL NO. 502

AN ACT TO AMEND PART VI, CHAPTER 61, TITLE 29, DELAWARE CODE, RELATING TO CERTAIN FEES AND TUITION PAYMENTS COLLECTED BY DELAWARE TECHNICAL AND COMMUNITY COLLEGE.

WHEREAS, Section 6102 (h), Chapter 61, Title 29, Delaware Code, authorizes Delaware Technical and Community College to collect and retain Continuing Education Division tuition and fees; and

WHEREAS, Delaware Technical and Community College also collects fees, other than Continuing Education fees, and deposits the fees in fund accounts which revert at the end of the fiscal year; and

WHEREAS, these fees, most of which benefit student activities, are collected at varying times throughout the fiscal year and in varying amounts; and

WHEREAS, to derive the greatest benefit for student activities, the fees should be deposited in special fund accounts or internal funds to be expended only for the purposes for which they are collected.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6102 (h), of Chapter 61, Title 29, Delaware Code, by redesignating the paragraph as subsection (1) of paragraph (h) and adding a new subsection to paragraph (h) to read as follows:

"(2) Fees, other than day tuition, which are received by Delaware Technical and Community College shall be deposited in special fund accounts or internal funds and shall be expended only for the purposes for which they are collected."

Section 2. This Act shall become law upon signature of the Governor.

Approved July 13, 1979.

CHAPTER 173

FORMERLY

HOUSE BILL NO. 614

AN ACT TO AMEND CHAPTER 68, VOLUME 62 OF THE LAWS OF DELAWARE, ALSO KNOWN AS HOUSE BILL NO. 333 OF THE 130TH GENERAL ASSEMBLY, TO CHANGE THE EFFECTIVE DATE OF STATE FUNDING OF TRANSPORTATION OF PUPILS TO SPECIAL SCHOOLS TO JULY 1, 1980.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 68, Volume 62 of the Laws of Delaware, also known as House Bill No. 333 of the 130th General Assembly by striking all of Section 2906 of Section 45 and inserting in lieu thereof the following:

"Section 2906. Transportation of Pupils to Special Schools

The State shall fund school districts that operate special schools for the trainable, hearing, impaired, orthopedic, or other special school serving students from one or more school districts."

Section 2. This Act shall become effective July 1, 1980.

Approved July 13, 1979.

CHAPTER 174

FORMERLY

SENATE BILL NO. 265

AS AMENDED BY SENATE AMENDMENT NOS. 1, 2, 3 AND 4

AN ACT TO AMEND TITLE 29, DELAWARE CODE BY PROVIDING FOR THE REPEAL OF SECTION 6917, BY CREATING A NEW CHAPTER 73, DEALING WITH HANDICAPPED PERSONS AND PROMOTING ACCESSIBILITY TO AND USE OF CERTAIN BUILDINGS AND FACILITIES BY SUCH PERSONS, AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, Delaware Code by adding thereto a new Chapter 73, to read as follows:

CHAPTER 73. ARCHITECTURAL ACCESSIBILITY ACT

§7301. Purpose

It is the purpose of this Chapter to enable handicapped members of society to make use of public facilities with the maximum of safety and independence by providing for the implementation of standards for the elimination of architectural barriers. This Chapter shall be construed liberally to achieve that purpose.

§7302. Definitions

As used in this Chapter:

(1) 'Facility' means any building, structure, installation or improved area of any nature whatsoever or any part thereof, which is utilized or held out for use by the public and shall include, but not be limited to:

(a) sidewalks, ramps or other means of ingress and egress;

(b) parks and recreational areas;

(c) public telephones, drinking fountains and restrooms;

(2) 'Alteration' means any modification or renovation of a facility which involves a structural change.

(3) 'Handicapped person' means a person who permanently or temporarily has a physical, mental or communicative condition or characteristic, and who, because of the condition or characteristic, is restricted in using facilities.

(4) 'Architectural barrier' means any physical attribute or design feature which by its presence, absence or design restricts access to or use of any facility by a handicapped person.

(5) 'Person' means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, representatives, trustees, receivers or agents whether or not associated in any way with the State of Delaware.

(6) 'Board' means the Architectural Accessibility Board.

§7303. Applicability of Chapter

(a) The provisions of this Chapter shall be applicable to any facility or part of any facility and to any alteration thereto, which, after the effective date of this Chapter, is:

- (1) constructed by or on behalf of the State of Delaware;
- (2) is leased or rented in whole or in part by the State of Delaware;
- (3) is financed in whole or in part by the State of Delaware or by bonds guaranteed in whole or in part by the State of Delaware

The provisions of this Chapter shall not be applicable to any facility designated by the Board of Electors of any county as a polling place for any election for any official for the State of Delaware.

Provided, that the provisions of this Chapter shall apply only to the alteration actually being made to any facility and not to any of the surrounding or related area or facility.

\$7304. Architectural Accessibility Board; Composition; Compensation

(a) There is hereby created an Architectural Accessibility Board which is an agency of the State of Delaware for carrying out the purpose of this Chapter. The Board, for administrative purposes, shall be within the Department of Administrative Services.

(b) The Board shall be composed of nine voting members who shall be responsible for carrying out the duties of the Board, and ex officio members, who shall serve in an advisory capacity.

(c) The voting members of the Board shall be:

- (1) one architect registered in the State of Delaware;
- (2) one registered professional engineer in the field of structural engineering;
- (3) one general contractor with experience in commercial construction;
- (4) one attorney licensed in the State of Delaware;
- (5) four handicapped persons, at least one of whom shall be confined to a wheelchair;
- (6) one member of the general public who is a parent, guardian, or representative of a handicapped person or handicapped persons or who provide services to handicapped persons, or who has a demonstrated involvement in programs for handicapped persons.

Provided, nothing herein shall be construed to prevent or disfavor a handicapped person from serving in any of the positions described in subparagraphs (1) through (4). It is the intent of subparagraphs (5) and (6) to provide for representatives of various types of handicaps and those handicapped persons who cannot effectively represent themselves on the Board.

(d) The following persons, or persons designated by one of the following, shall be ex officio, or non-voting members of the Board:

- (1) Secretary of the Department of Health and Social Services;
- (2) Secretary of the Department of Labor;
- (3) Secretary of the Department of Transportation;
- (4) Secretary of the Department of Administrative Services;
- (5) Superintendent of the Department of Public Instruction;
- (6) Director of the Office of Management, Budget and Planning;

(7) Chairperson of the Governor's Commission of Employment of the Handicapped;

(8) Chairperson of the Developmental Disabilities Planning Council;

(9) Chairperson of the Human Relations Commission;

(10) Chief Building Inspectors of each of the Counties of the State and of the City of Wilmington, or in the event that no such position exists, then a person designated by the governing body of the jurisdiction.

Provided, nothing herein shall limit the persons from whom the Board may seek advice in the exercise of its duties.

(e) Voting members of the Board shall be appointed by the Governor for terms of four (4) years, except that the terms of those initially appointed shall be as follows:

(1) the general contractor and one specified handicapped person shall be appointed for a term of one year;

(2) the professional engineer and one specified handicapped person shall be appointed for a term of two (2) years;

(3) the architect and one specified handicapped person shall be appointed for a term of three (3) years;

(4) the attorney and one specified handicapped person shall be appointed for a term of four (4) years.

(f) The Chairperson shall be appointed by the Governor from among the voting members of the Board.

(g) Any vacancy among the voting members of the Board shall be filled by the Governor for the balance of the unexpired term. The missing of either three consecutive meetings or of any four out of any twelve consecutive meetings shall constitute an executed resignation from the Board by a voting member. The Governor has the authority to remove a voting member of the Board for good cause.

(h) Voting members of the Board shall receive a compensation of twenty-five (\$25) dollars per day when they are engaged in their duties as members of the Board. The members shall be reimbursed for their actual travel and other necessary expenses incurred in carrying out their duties.

§7305. Procedures of the Board

(a) The Board shall meet as often as deemed necessary by a majority of the Board, but in no event shall the Board meet less frequently than once every two calendar months.

(b) Six voting members of the Board shall constitute a quorum, which shall be necessary to vote on any issue.

(c) Except as otherwise provided by this Chapter, the Board shall not take any action without a majority vote of a quorum of the voting members at a duly-called meeting.

(d) The Board shall adopt other procedures as it deems appropriate.

§7306. Duties and Powers of the Board

(a) In addition to the other duties expressly conferred by this Chapter, the Board shall have the following duties and responsibilities:

- (1) Promulgate rules and regulations which shall contain standards for the design and construction of facilities covered by this Chapter to assure that such facilities covered by this Chapter to assure that such facilities are safely accessible to and usable by handicapped persons. Such standards shall be adopted by a majority vote of the Board following public hearings and shall take into account the requirements and standards recommended by the American National Standards Institute (ANSI) and the Building Officials and Code Administrators (BOCA) and any amendments thereto, and standards and requirements set out in applicable guidelines of the federal government; Provided, that until such time as the regulations containing standards as required by this paragraph are formally adopted by the Board, the standards contained in subsections (a) through (n) of §6917, Title 29 shall remain in force and effect and shall be applied by the Board;
 - (2) Promulgate rules and regulations for the granting of waivers from the requirements of this Chapter and the Board's standards. Such rules and regulations shall be adopted by a majority vote of the Board after public hearings may provide for conditional or temporary waivers where appropriate, and shall take into account such factors as the availability of acceptable alternatives to the Board's standards; and whether or not compliance with the standards will produce extreme economic hardship without substantial benefit to handicapped persons.
 - (3) Publish the standards and regulations adopted pursuant to subparagraphs (1) and (2) and make copies available to architects, engineers, contractors, state and local building inspectors and public works officials and other interested persons and groups;
 - (4) Review all submissions to the Board pursuant to the requirements of §7308 of this Chapter to determine if the requirements of this Chapter and the standards of the Board are met and, upon a determination that the pertinent requirements are met, issue a letter of approval for such construction;
 - (5) Monitor compliance with pertinent standards during construction of a facility for which a letter of approval has been issued;
 - (6) Upon written application setting forth good and sufficient reason therefor, grant written waivers from this Chapter and the standards of the Board, pursuant to §7309 of this Chapter.
 - (7) Receive and act upon complaints concerning alleged non-compliance with this Chapter and the standards of the Board;
 - (8) Survey existing facilities which have been constructed, leased or financed by the State prior to the effective date of this Chapter and recommended to the Secretary of Administrative Services steps to eliminate existing architectural barriers;
 - (9) Formulate educational and training courses to assist in the accomplishment of the purpose of this Chapter;
 - (10) Make studies and collect and retain data relative to the purpose of this Chapter;
 - (11) Provide for public awareness of architectural accessibility and of the requirements relative thereto;
- (b) For the effectuation of the purposes of this Chapter, the Board, in addition to such other powers expressly granted to it by this Chapter, shall have the following powers:

(1) To make and promulgate rules and regulations, not inconsistent with the provisions of this Chapter, that are necessary and proper for the administration and operation of the Board and for the conduct of the business of the Board;

(2) To appoint in conjunction with the Secretary of Administrative Services, a chief administrator, who shall serve as the chief executive officer for the Board and who shall supervise such clerical and other staff as may be provided by the Secretary of the Department of Administrative Services;

(3) To hold hearings, inspect construction or to provide for inspection by the Chief Administrator, by other staff of the Department of Administrative Services as may be made available by the Secretary, or by purchase of services, request information and perform other acts which are necessary and proper for effectuating the purpose of this Chapter.

§7307. Applicability of Administrative Procedures Act

The Board shall be a State agency affected by the Administrative Procedures Act, Title 29, Chapter 64, of the Delaware Code. Except as otherwise specifically required by this Chapter or the regulations of the Board, public hearings as defined by the Administrative Procedures Act, shall not be required.

§7308. Submission of Plans

(a) No person shall undertake the construction or alteration of any facility covered by this Chapter without first submitting the plan, specifications or design for such construction to the Board for review and approval. No such construction shall commence until the Board has issued a letter of approval stating that the proposed construction conforms with this Chapter and the Board's standards.

(b) Plans, specifications or designs for all construction or alterations shall be filed with the Board by the design architect or engineer, or in the case of plans and specifications for which there is no design architect or engineer by a person responsible for the construction or alterations. All solicitations for bids on projects for construction or alteration of facilities covered by this Chapter, which are published pursuant to the provisions of this Title, shall state that conformity to the Delaware Architectural Accessibility Act and the standards of the Board shall be required.

(c) No facility shall be leased or rented by the State of Delaware unless the State agency responsible for the lease has submitted to the Board for review and approval such plans, description, specifications or other documentation concerning the accessibility of such facility as the Board by regulation may require.

(d) Any plans, specifications, designs or other documentation required under this Section which are properly submitted to the Board at least ten (10) days prior to a meeting of the Board shall be acted upon by the Board on or before the meeting next following such meeting of the Board, or within sixty days following its submission, whichever first occurs. In the event that the Board has not acted upon a submission within such period, the Chairperson of the Board shall issue a letter of approval to the submitter.

(e) The Board may reject any submission either in whole or in part for non-compliance with this Chapter or the standards of the Board. The Board shall state in writing its reason for such rejection.

§7309. Granting of Waivers

(a) Upon written application setting forth good and sufficient reason, the Board may grant a waiver from this Chapter and the Board's standards.

(b) Such application shall specify the facts relating to the request for the waiver. Any waiver granted by the Board shall be in writing and shall specify the Board's reason for granting the waiver.

§7310. Judicial Review and Enforcement

(a) Any person aggrieved by a final order of the Board may appeal pursuant to the provisions of the Administrative Procedures Act, 29 Delaware Code, Chapter 64.

(b) Whenever the Board has evidence that any person has violated or is violating any provision of this Chapter or the Board's standards, the Board shall notify the alleged violator and by informal negotiation attempt to resolve the problem. Such notice shall contain a date upon which the Board will next meet, at which time the person so notified may hear in its entirety the basis of the Board's finding. The Board and the person so notified shall attempt to agree upon a solution for compliance, which shall prescribe the action necessary to achieve compliance.

(c) If no solution for compliance is agreed upon, or if the alleged violation continues, the Board shall refer the matter to the Attorney General, who may institute appropriate legal proceedings, including an action for an injunction or temporary restraining order to enjoin violations of the Chapter or the Board's standards.

(d) Any handicapped person or groups of handicapped persons may bring an action for legal or equitable relief from violations of this Chapter and the Board's standards and may be awarded compensatory and punitive damages suffered as a result of such violations. If successful in such litigation, the handicapped persons bringing the litigation shall be reimbursed for all costs and expenses of the litigation, including attorneys' fees as may be allowed by the Court.

(e) The Superior Court in and for the County for in which alleged violation occurred shall have jurisdiction of civil actions under this section. The Court of Chancery in and for the County in which the alleged violation occurred shall have jurisdiction over actions for injunctive relief.

(f) Any person who violates any provision of this Chapter or any standard or order of the Board shall be subject to a civil penalty not to exceed five hundred dollars (\$500) for each day such violation continues.

(g) No action hereunder may be commenced after the expiration of two (2) years from the completion of the construction of any facility or alteration thereto.

§7311. Criminal Penalties

(a) Any person who violates any provision of this Chapter or the regulations of the Board shall be guilty of a Class B misdemeanor and fined as provided in §4207 of Title 11.

(b) Whenever any person is convicted of a misdemeanor hereunder, no public construction contract with the State shall be awarded to or received by such person or any firm, partnership or corporation in which such person has an interest until the expiration of one year from the date sentence was pronounced and any fine has been paid in full.

(c) The Superior Court shall have jurisdiction of offenses under this Section.

§7312. Insignia

The Board shall adopt a symbol of access to handicapped persons, which may be the international symbol of access, which shall be permanently and prominently displayed on all buildings covered by this Chapter which comply with the requirements of the Chapter and the Board's standards. Said insignia shall not be displayed unless compliance exists."

Section 2. Appropriation.

(a) The sum of fifty thousand (\$50,000) dollars is appropriated to the Board to effectuate the provisions of this Act for the Fiscal Year 1980.

(b) The funds appropriated by subsection (a) are a supplemental appropriation and shall be paid from the General Fund of the State Treasury from monies not otherwise appropriated. The funds herein appropriated shall be expended only in the manner set forth herein and funds appropriated but unexpended on June 30, 1980, shall revert to the General Fund.

Section 3. Severability Clause.

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 and to this end the provision of the Act are declared severable.

Section 4. The provisions of §6917 of Title 29, Delaware Code, with the exception of subsection (a) through (n) thereof, are hereby repealed. The provisions of subsection (a) through (n) of §6917 shall be repealed upon formal adoption by the Architectural Accessibility Board of the regulations required by §7305 (a) (1) of Section 1 of this Act.

Approved July 13, 1979.

CHAPTER 175

FORMERLY

HOUSE BILL NO. 428
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 11, TITLE 16 OF THE DELAWARE CODE RELATING
TO THE PUBLIC HEALTH AND SAFETY, AND PROVIDING FOR A UNIFORM
ALCOHOLISM AND INTOXICATION TREATMENT ACT.

WHEREAS, alcoholism is a medical-social problem which cannot be dealt with under the provisions of criminal law but should be dealt with by the instrumentalities of education and public and mental health; and

WHEREAS, those who chronically, habitually, or periodically use alcoholic beverages to the extent that they injure their health or substantially interfere with their social or economic functioning, have in recent years increased in number; and

WHEREAS, the purpose of this Act is:

(a) to establish a comprehensive program for the prevention of alcoholism and the rehabilitation of alcoholics;

(b) to provide for medical, and other treatment of alcoholics so as to assure that every such person who is in need of treatment and who seeks the same is afforded full opportunity for such care as may be necessary to restore him to adequate functioning;

(c) to establish methods of handling intoxicated persons that will be beneficial to them and will more fully protect them and the public;

(d) to promote research activities on the risks of intoxication and the dangers of alcoholism; and

(e) to disseminate information on alcohol-related programs in programs of public education.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code by adding thereto a new chapter, designated as Chapter 22, which new Chapter shall read as follows:

"CHAPTER 22. UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT

§2201. Declaration of Policy

This Chapter is designed to provide proper treatment for those who have been habitually misusing alcohol as a beverage. It is the policy of this State that alcoholics and intoxicated persons may not be subject to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society.

§2202. Establishment of Bureau of Alcoholism and Drug Abuse

There is hereby established a bureau of Alcoholism and Drug Abuse within the Department of Health and Social Services.

§2203. Definitions

For purposes of this Chapter, the following words and phrases, unless otherwise indicated, shall be deemed to have the following meanings:

(1) 'Alcoholic' means any person who chronically, habitually or periodically uses alcoholic beverages to the extent that they injure his health or substantially interfere with his social or economic health.

(2) 'Approved private treatment facility' shall mean a private agency providing facilities for the care or lodging of alcoholic, which meets the standards prescribed in this Chapter for the treatment of alcoholics or intoxicated persons or persons incapacitated by alcohol.

(3) 'Approved public treatment facility' means a treatment agency operating under the direction and control of the Department or providing treatment under this Act through a contract with an agency of the Department in accordance with §2208 of this Chapter.

(4) 'Secretary' means the Secretary of the Department of Health and Social Services.

(5) 'Department' means the Department of Health and Social Services.

(6) 'Director' means the Director of the Division of Mental Health.

(7) 'Division' means the Division of Mental Health.

(8) 'Bureau' means Bureau of Alcoholism and Drug Abuse.

(9) 'Incapacitated by alcohol' means that a person as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision as to his need for treatment. 'Incapacitated by alcohol' may be determined by evidence of extreme debilitation, physical harm or threats to others, or chronic inability to hold regular employment.

(10) 'Incompetent person' means a person who has been adjudged incompetent by an appropriate State court.

(11) 'Intoxicated person' means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(12) 'Patient' shall mean a person who is an informal patient, a voluntary patient, a proposed patient, or an involuntary patient.

(13) 'Treatment' means the broad range of emergency, out-patient, intermediate, and in-patient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons.

(14) 'working day' means all days other than Saturdays, Sundays and legal holidays.

(15) 'Chief' shall mean administrator of the Bureau of Alcoholism and Drug Abuse."

§2204. Powers of Bureau

The Bureau may:

(1) plan for, establish, amend, and revise standards for treatment programs when necessary or desirable;

(2) make contracts necessary or incidental to the performance of its duties and the execution of its powers;

(3) solicit and accept for use any money, real property or personal property made by Will or otherwise, and any grant of money, services or property from the Federal government, the State, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the Federal government or any of its agencies in making an application for any grants;

(4) administer or supervise the administration of the provisions relating to alcoholics and intoxicated persons of any State plan submitted for Federal funding pursuant to Federal health, welfare or treatment legislation;

(5) coordinate its activities and cooperate with alcoholism programs in this and other states, and make contracts and other joint or cooperative arrangements with State, local, or private agencies in this and other States for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(6) keep records and engage in the gathering of relevant statistics;

(7) do other acts and things necessary to execute the authority expressly granted to it; and

(8) acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment facilities for alcoholics and intoxicated persons.

\$2205. Duties of Bureau

The Bureau shall:

(1) develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and treatment of alcoholics and intoxicated persons in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes;

(2) coordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in the prevention of alcoholism and treatment of alcoholics and intoxicated persons;

(3) cooperate with the Department of Public Safety and the Division of Adult Corrections in establishing and conducting programs to provide treatment for alcoholics and intoxicated persons who are arrested or who are on parole from penal institutions.

(4) cooperate with the Department of Public Instruction, the State Board of Education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and treatment of alcoholics and intoxicated persons, in preparing curriculum materials thereon for use at all levels of school education;

(5) prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol;

(6) develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol;

(7) organize and foster training programs for all persons engaged in treatment of alcoholics and intoxicated persons;

(8) sponsor and encourage research into the causes and nature of alcoholism and treatment of alcoholics and intoxicated persons, and serve as a clearing-house for information relating to alcoholism;

(9) specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, nature of treatment, frequency of admission and readmission, and frequency and duration of treatment;

(10) advise the Governor in the preparation of a comprehensive plan for treatment of alcoholics and intoxicated persons for inclusion into a State comprehensive health plan;

(11) review all State health, welfare and treatment plans relating to alcoholism;

(12) assist in the development of, and cooperation with, alcohol education and treatment plans for employees of State and local governments and businesses and industries in the State;

(13) utilize the support and assistance of interested persons in the community, particularly recovered alcoholics, to encourage alcoholics voluntarily to undergo treatment;

(14) cooperate with the Secretary of the Department of Public Safety and the Secretary of the Department of Highways and Transportation in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while under the influence of intoxicating liquor;

(15) encourage hospitals and other health facilities to admit such alcoholics and intoxicated persons as is within their capabilities to treat;

(16) encourage all health and disability insurance programs to include alcoholism as a covered illness; and

(17) submit to the Governor and General Assembly an annual report covering the activities of the Office.

§2206. Advisory Council on Alcoholism

The Governor shall appoint an Advisory Council on Alcoholism, composed of fifteen (15) members. The members shall serve for overlapping terms of three (3) years each, one-third of the members first appointed shall be appointed for one (1), two (2) and three (3) year terms respectively. Members shall have professional, research, or personal interest in alcoholism problems. The Council shall meet at least once every three (3) months and report on its activities and make recommendations to the Governor at least once a year.

The Council shall advise the Bureau on the broad policies, goals, and operation of the alcoholism program and other matters referred to the Council, and shall encourage public understanding and support of the alcoholism program.

Members of the Council shall serve without compensation but may receive reimbursement for travel and other necessary expenses actually incurred in the performance of their duties.

§2207. Comprehensive Program for Treatment

(a) The Bureau shall establish a comprehensive and coordinated program for the treatment of alcoholic and intoxicated persons. Subject to the approval of the Secretary of the Department of Health and Social Services, the Office may divide the State into appropriate regions for the conduct of the program and establish

standards for the development of the program on a regional level. In establishing the regions, consideration shall be given to any existing regional organization being utilized by other State agencies engaged in the delivery of health care. When feasible, programs shall be established with maximum local community involvement.

(b) The Bureau shall initiate a program which will include:

(1) emergency treatment provided by a facility affiliated with or part of the medical services of a general hospital.

(2) in-patient treatment;

(3) intermediate treatment; and

(4) out-patient and follow-up treatment.

(c) The Bureau shall provide for adequate and appropriate treatment for alcoholics and intoxicated persons admitted under §2210 through §2213 within the limits of available State and Federal funds.

(d) The Bureau shall have the ultimate responsibility to maintain, supervise and control their facilities subject to policies of the Department.

(e) All appropriate public and private resources shall be coordinated with and utilized in the program, if possible. The Bureau shall prepare, publish and distribute annually a list of all approved public and private treatment facilities.

(f) The Bureau may not contract for the use of any facility as an approved public treatment facility unless said facility is under the supervision of the Department of Health and Social Services and its Director, subject to the policies of the Department, considers such contract to be an effective and economical course to follow.

§2208. Standards for Public and Private Treatment Facilities

(a) The Bureau shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility, and fix the fees to be charged by the Bureau for the required inspections. The standards may concern the health standards to be met and the standards of services and treatment to be afforded patients.

(b) The Bureau periodically shall inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(c) The Bureau shall maintain a list of approved public and private treatment facilities.

(d) Each approved public and private treatment facility shall file with the Bureau on request, data, statistics, schedule and information the Bureau reasonably requires. An approved public or private treatment facility that without good cause fails to furnish any data, statistics, schedules, or information as requested or files fraudulent returns thereof, may be removed from the list of approved treatment facilities, and its approval revoked or suspended.

(e) The Bureau, with or without a hearing, may suspend, revoke, limit, or restrict an approval, or refuse to grant an approval, for failure to meet the provisions of this Chapter or the standards established thereunder.

(f) The Superior Court may restrain any violation of this section, review any denial, restriction or revocation of approval, and grant other relief required to enforce its provisions.

(g) The Bureau may at reasonable times enter and inspect and examine the books and accounts of any approved public or private treatment facility which

does not give its consent to inspection or examination by the Bureau or which the Bureau has reasonable cause to believe is operating in violation of the provisions of this Chapter.

§2209. Acceptance for Treatment

The Bureau may adopt and may amend and repeal rules for acceptance of persons into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholism, persons incapacitated by alcohol, and intoxicated persons. In establishing the rules the Bureau shall be guided by the following standards:

(a) If possible, a patient shall be treated on a voluntary rather than an involuntary basis.

(b) A patient shall be initially assigned or transferred to out-patient or intermediate rather than in-patient care, unless he is found to require in-patient care for medical reasons, or unless he is found to be likely to inflict physical harm on others if not admitted.

(c) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

(d) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(e) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

§2210. Voluntary Treatment of Alcoholics; Minors and Incompetent Persons

(a) An alcoholic may waive any of the rights to due process provided in this Chapter by applying for voluntary treatment directly to an approved public treatment facility. If the applicant is an incompetent person, or a minor under twelve (12) years of age, a parent, custodian or legal guardian may make the application for voluntary treatment.

(b) A minor twelve (12) years of age or over who professes to be an alcoholic may give written consent to an approved public treatment facility for voluntary treatment of his alcoholism. Consent so given by a minor twelve (12) years of age or over shall, notwithstanding his minority, be valid and legally effective for all purposes, regardless of whether such minor's alcoholism is subsequently medically confirmed, and shall be binding upon such minor, his parents, custodian and legal guardians as effectively as if the minor were of full legal age at the time of giving such written consent. Consent so given shall not be subject to later disaffirmance or disclaimer by reason of such minority; and the consent of no other person or court shall be necessary for the treatment rendered such minor; provided, however, the voluntariness of such consent may be challenged by a parent, custodian or legal guardian in a court of competent jurisdiction. A minor twelve (12) years of age or over who does not consent to voluntary treatment is subject to the involuntary commitment provision provided by this Chapter.

(c) Subject to rules adopted by the Chief of Bureau, or person in charge of an approved public treatment facility may determine who shall be admitted for treatment. If a person is refused admission to an approved public treatment facility, the Bureau, subject to the rules adopted by the Chief, shall refer the person to another approved public treatment facility for treatment if possible and appropriate.

(d) If a patient receiving in-patient care leaves an approved public treatment facility, he shall be encouraged to consent to appropriate out-patient or intermediate treatment. If it appears to the Chief of Bureau that the patient is an alcoholic who requires help, the Bureau may arrange for assistance in obtaining supportive services and residential facilities.

(e) If a patient leaves an approved public treatment facility, with or against the advice of the person in charge of the facility, the Bureau may make reasonable provisions for his transportation to another facility or to his home. If he has no home, he shall be assisted in obtaining shelter. If he is a minor or an incompetent person the request for discharge from an in-patient facility shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he was the original applicant.

§2211. Treatment and Services for Intoxicated Persons

(a) An intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consent to the proffered help, may be assisted to his home, an approved public treatment facility, or an approved private treatment facility, whichever he may choose, by a law enforcement officer.

(b) Any person incapacitated by alcohol except where apprehended under a criminal charge, shall be taken into protective custody, and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available he shall be taken to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person and in taking him to an approved public treatment facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. A taking into protective custody under this section is not an arrest. Unless such person has been taken into custody for a charge other than simple alcoholism or public intoxication, no entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(c) A person who comes voluntarily or is brought to an approved public treatment facility shall be examined by a qualified person under the supervision of a licensed physician as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved public treatment facility shall arrange for his transportation.

(d) A person who by medical examination is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at the time after his admission, may not be involuntarily detained at the facility if:

(1) when he is no longer incapacitated by alcohol or

(2) if he remains incapacitated by alcohol more than forty-eight (48) hours after admission as a patient, unless he is committed under §2212 of this Chapter.

A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(e) A person who is not admitted to an approved public treatment facility, is not referred to another health facility, and has no funds, may be taken to his home, if any. If he has no home, the approved public treatment facility shall assist him in obtaining shelter.

(f) Law enforcement officers who act in compliance with this section are acting in the course of their official duty and are not criminally or civilly liable therefor. If a licensed physician and the administrator in charge of the approved public treatment facility determine it is for the patient's benefit, based on a medical examination by the physician, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

§2212. Emergency Commitment

(a) An intoxicated person who has threatened, attempted, or inflicted physical harm on himself or on another person or property and is likely to inflict physical harm on himself or on another person or property unless committed, or is incapacitated by alcohol and in need of immediate emergency treatment and care may be committed to an approved public treatment facility for emergency treatment. The refusal to undergo treatment does not in itself constitute evidence of lack of judgment as to the need for treatment.

(b) A physician, spouse, guardian or relative of the person to be committed, or any other responsible person, may make a written application for commitment under this section, directed to the administrator of the approved public treatment facility. The application shall state the facts to support the need for emergency treatment and be accompanied by the certificate of a certifying physician stating that the physician has examined the person sought to be committed, within two (2) days before the certificate's date, and the facts supporting such need for emergency treatment. The certifying physician shall be someone other than the person making the written application for commitment.

(c) Upon approval of the application by the administrator in charge of the approved public treatment facility, the person shall be brought to the facility by a peace officer, health officer, the applicant for commitment, the patient's spouse, the patient's guardian, or any other interested person. The person shall be retained at the facility to which he was admitted, or transferred to another appropriate public or private treatment facility, until discharged under the provisions of this section. However, no person may be detained under this section for more than two working days unless a Family Court or State Superior Court judge has reviewed and approved the commitment application.

(d) The administrator in charge of an approved public treatment facility shall refuse an application if in his opinion the application and certificate fail to sustain the grounds for commitment.

(e) When on the advice of the medical staff the administrator determines that the grounds for commitment no longer exist, he shall discharge a person committed under this section. No person committed under this section may be detained in any treatment facility for more than five (5) days. If a petition for involuntary commitment under §2215 of this Chapter has been filed within the five (5) days and the administrator in charge of the approved public treatment facility finds that grounds for emergency commitment still exist, he may detain the person until the petition has been heard and determined, but no longer than ten (10) days after filing the petition.

(f) A copy of the written application for commitment and of the physician's certificate, and a written explanation of the person's right to counsel, shall be given to the person within twenty-four (24) hours after commitment by the administrator, who shall provide a reasonable opportunity for the person to consult counsel.

§2213. Involuntary Commitment of Alcoholics

(a) A person may be committed to custody of the Bureau by the Superior Court, or Family Court, upon the petition of his spouse or guardian, a relative, the certifying physician, or the administrator in charge of any approved public treatment facility. The petition shall allege that the person is an alcoholic who habitually lacks self control as to the use of alcoholic beverages and that he:

(1) has threatened, attempted, or inflicted physical harm on himself and that unless committed he is likely to inflict physical harm on himself or

(2) is incapacitated by alcohol.

A refusal to undergo treatment does not in itself constitute evidence of lack

of judgement as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two (2) days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the Bureau is not eligible to be the certifying physician.

(b) Upon filing the petition, the court shall fix a date for a hearing not less than five (5) days nor more than ten (10) days after the filing of the petition, provided that the court may, upon motion of the person whose commitment is sought, and upon good cause shown, extend the date for the hearing. A copy of the petition and of the Notice of Hearing, including the date fixed by the court, shall be served upon the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, a parent or his legal guardian if he is a minor, the administrator in charge of the approved public treatment facility to which he has been committed for emergency care, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(c) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his presence is likely to be injurious to him; in this event the court shall appoint a guardian *ad litem* to represent him throughout the proceeding. The court shall examine the person whose commitment is sought in open court, or, if advisable, shall examine the person out of the courtroom. If the person has refused to be examined by a court-appointed licensed physician. If he refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him to the Bureau for a period of not more than five (5) days for purposes of a diagnostic examination.

(d) If after hearing all relevant evidence, including the results of any diagnostic examination by the Bureau, the court finds that grounds for involuntary commitment have been established by clear and convincing proof, it shall make an Order of Commitment to the Bureau. It shall not order commitment of a person unless it determines that the Bureau is able to provide adequate and appropriate treatment for him and the treatment is likely to be beneficial.

(e) A person committed under this section shall remain in the custody of the Bureau for treatment for a period of thirty (30) days unless sooner discharged. At the end of the thirty-day period, he shall be discharged automatically unless the Bureau before expiration of the period obtains a court Order for his recommitment upon the grounds set forth in subsection (a) of this section for a further period of ninety (90) days unless sooner discharged. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the Bureau shall apply for recommitment if after examination it is determined that the likelihood still exists.

(f) A person recommitted under subsection (e) of this section who has not been discharged by the Bureau before the end of the ninety-day period shall be discharged at the expiration of that period unless the Bureau, before expiration of the period, obtains a court Order on the grounds set forth in subsection (a) for recommitment for a further period not to exceed ninety (90) days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the Bureau shall apply for a recommitment if after examination it is determined that the likelihood still exists. Only two Reccommitment Orders under subsection (e) and subsection (f) of this section are permitted.

(g) Upon the filing of a petition for recommitment under subsection (e) or subsection (f), the court shall fix a date for hearing not less than five (5) nor more than ten (10) days after the filing of the petition, provided that the court, upon motion of the person whose commitment is being sought and upon good cause

shown, may extend the date for the hearing. A copy of the petition and of the Notice of Hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, the original petitioner under subsection (a) if different from the petitioner for recommitment, one of his parents or his legal guardian if he is a minor, and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (c) of this section.

(h) The Bureau shall provide for adequate and appropriate treatment of a person committed to its custody. The Bureau may transfer any person committed to its custody from one approved public treatment facility to another if transfer is medically advisable.

(i) A person committed to the custody of a facility for treatment may be discharged at any time before the end of the period for which he has been committed, and he shall be discharged by Order of the court if either of the following conditions are met:

(1) in case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(2) in case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists, further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(j) The court shall inform the person whose commitment or recommitment is sought of his right to contest the application, be represented by counsel at every stage of the proceedings relating to his commitment and recommitment, and have counsel appointed by the court or provided by the court, if he wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him regardless of his wishes. The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(k) If a competent patient in a public treatment facility or his parent, sibling, adult child, or guardian requests the transfer of such patient to another public or private treatment facility and the facility agrees with such request, the administrator of the facility having custody over such patient shall transfer him to the requested public or private treatment facility.

(l) A person committed under this Act may at any time seek to be discharged from commitment by writ of habeas corpus. The venue for proceedings under this section is the county in which the person to be committed resides or is present if such person has no residence.

(m) Any party aggrieved by any action taken under the provisions of this section may appeal to the Supreme Court.

§2214. Records of Alcoholic and Intoxicated Persons

The registration and other records of treatment facilities shall remain confidential in accordance with Federal Regulation 42 CFR; Part II and are privileged to the patient.

Notwithstanding other provisions of this Act, the Bureau may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

§2215. Visitation and Communication of Patients

Subject to reasonable rules regarding hours of visitation which the Bureau Chief may adopt, patients in any approved treatment facility shall be granted opportunities for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program.

Neither mail nor other communications to or from a patient in any approved treatment facility may be intercepted, read, or censored. The Bureau may adopt reasonable rules concerning the use of the telephones by patients in approved treatment facilities.

§2216. Payment for Treatment

If treatment is provided by an approved public treatment facility and the patient has not paid the charge therefor the Bureau is entitled to:

(a) any payment received by the patient or to which he may be entitled because of the services rendered, and

(b) from any public or private source available to the Bureau because of the treatment provided to the patient.

A patient in an approved treatment facility, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability, is liable to the Bureau for costs of maintenance and treatment of the patient therein in accordance with the rate established.

The Chief shall adopt rules governing financial ability that take into consideration the income, savings, insurance, and other personal and real property of the person require to pay, and any support being furnished by him to any person he is required by law to support.

§2217. Criminal Laws Limitations

No county, municipality, or other political subdivision shall adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal penalty or sanction. No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provisions of this section.

Nothing in this Chapter shall affect any law, ordinance, resolution, or rule against operating or having a motor vehicle under his physical control or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages at stated times and places or by a particular class of persons.

§2218. Application of Administrative Procedure Act

Except as otherwise provided in this Act, the State Administrative Procedure Act applies to and governs all administrative actions taken by the Chief.

§2219. Applicability and Scope

Sections 2220 and 2221 apply to the Chief and prescribes the procedures to be observed by him in exercising his powers under this Act.

§2220. Public Information; Adoption of Rules; Availability of Rules and Orders

(a) In addition to other rulemaking requirements imposed by law, the Chief shall:

(i) Adopt as a rule a description of the organization of his office, stating the general course and method of the operations of his office and methods whereby the public may obtain information or make submissions or requests;

(2) Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the Chief or the Bureau;

(3) Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the Chief in the discharge of his functions; and

(4) Make available for public inspection all final orders, decisions, and opinions.

(b) No rule, order, or decision of the Chief is effective against any person or party, nor may it be invoked by the Chief for any purpose, until it has been made available for public inspection as herein required. This provision is not applicable in favor of any person or party who has knowledge thereof.

\$2221. Procedure for Adoption of Rules

(a) Prior to the adoption, amendment, or repeal of any rule, the Chief shall:

(1) Give at least twenty (20) days' notice of his intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their view thereon. The notice shall be mailed to all persons who have made timely request of the Chief for advance notice of his rulemaking proceedings and shall be published in a newspaper of statewide circulation; and

(2) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five (25) persons, by a governmental subdivision or agency, or by an association having not less than twenty-five (25) members. The Chief shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule the Chief, if requested to do so by an interested person either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein his reasons for over-ruling the considerations urged against its adoption.

(b) No rule is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within two (2) years from the effective date of the rule.

\$2222. Filing and Taking Effect of Rules

(a) The Chief shall file in the Office of the Secretary of State a certified copy of each rule adopted by him. The Secretary of State shall keep a permanent register of the rules open to public inspection.

(b) Each rule hereafter adopted is effective twenty (20) days after filing, except that, if a later date is specified in the rule, the later date is the effective date.

\$2223. Publication of Rules

(a) The Secretary of State shall compile, index, and publish all effective rules adopted by the Chief. Compilations shall be supplemental or revised as often as necessary.

(b) Compilations shall be made available upon request to agencies and officials of this State free of charge and to other persons at prices fixed by the Secretary of State to cover mailing and publication costs.

§2224. Petition for Adoption of Rules

An interested person may petition the Chief requesting the adoption, amendment, or repeal of a rule. The Chief shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within thirty (30) days after submission of a petition, the Chief either shall deny the petition in writing (stating his reasons for the denials) or shall initiate rulemaking proceedings in accordance with the provisions on procedure for adoption of rules (§2221).

§2225. Declaratory Judgement on Validity or Applicability on Rules

The validity or applicability of a rule may be determined in an action for declaratory judgement in the Superior Court if it is alleged that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The Chief shall be made a party to the action. A declaratory judgement may be rendered whether or not the plaintiff has requested the Chief to pass upon the validity or applicability of the rule in question.

§2226. Declaratory Rulings by Chief

The Chief shall provide by rule for the filing and prompt disposition of petitions or declaratory ruling as to the applicability of any statutory provision or of any rule of the Chief. Rulings disposing of petitions have the same status as decisions or orders in contested cases.

§2227. Contested Cases; Notice; Hearings; Records

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include:

- (1) A statement of the time, place, and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) A reference to the particular provisions of the statutes and rules involved; and
- (4) A short and plain statement of the matters asserted.

(b) If the Chief or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent, order, or default.

(e) The record in a contested case shall include:

- (1) All pleadings, motions, intermediate rulings;
- (2) Evidence received or considered;
- (3) A statement of matters officially noticed;
- (4) Questions and offers of proof, objections, and rulings thereon;

(5) Proposed findings and exceptions;

(6) Any decision, opinion, or report by the officer presiding at the hearing; and

(7) All staff memoranda or data submitted to the hearing officer or members of the office of the Chief in connection with their consideration of the case.

(f) Oral proceedings or any part thereof shall be transcribed on request of any party, but at his expense.

(g) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

§2228. Rules of Evidence; Official Notice

In contested cases:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the Superior Court of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The Chief shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

(3) A party may conduct cross-examinations required for a full and true disclosure of the facts; and

(4) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Chief's specialized knowledge. Parties shall be notified either before or during the hearing, or by referee in preliminary reports or otherwise, of the material notices, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Chief's experience, technical competence, and specialized knowledge may be utilized in the valuation of the evidence.

§2229. Decisions and Orders

A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with rules of the Chief, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

§2230. Judicial Review of Contested Cases

(a) A person who has exhausted all administrative remedies available before the Chief and who is aggrieved by a final decision in a contested case is entitled to judicial review under this part. This Section does not limit utilization of or the

scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate action or ruling of the Chief is immediately reviewable if review of the final decision of the Chief would not provide an adequate remedy.

(b) Proceedings for review are instituted by filing a petition in the Superior Court within thirty (30) days after mailing notice of the final decision of the Chief or, if a rehearing is requested within thirty (30) days after the decision thereon. Copies of the petition shall be served upon the Chief and all parties of record.

(c) The filing of the petition does not itself stay enforcement of the decision of the Chief. The Chief may grant, or the reviewing court may order, a stay upon appropriate terms.

(d) Within thirty (30) days after the service of the petition, or within further time allowed by the Court, the Chief shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Chief, the court may order that the additional evidence be taken before the Chief upon conditions determined by court. The Chief may modify his finds and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(f) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the Chief, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(g) The court shall not substitute its judgement for that of the Chief as to the weight of the evidence on questions of fact. The court may affirm the decision of the Chief or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the Chief;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

§2231. Appeals

An aggrieved party may obtain a review of any final judgement of the Superior Court under this part by appeal to the Supreme Court. The appeal shall be taken as in other civil cases."

Section 2. This Act may be cited as the Uniform Alcoholism and Intoxication Treatment Act.

Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 4. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this Act among those states which enact a Uniform Alcoholism and Intoxication Treatment Act.

Section 5. This bill shall become law when signed by the Governor.

Approved July 16, 1979.

CHAPTER 176

FORMERLY

HOUSE BILL NO. 410
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE BY ADDING A NEW CHAPTER RELATING TO AGRICULTURAL COMMODITIES DEVELOPMENT.

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 Part I of Title 3 of the Delaware Code by adding the following new Chapter:

"CHAPTER 7. AGRICULTURAL COMMODITIES DEVELOPMENT ACT

§701. Short Title

This Chapter shall be known and may be cited as the 'Delaware Agricultural Commodities Development Act'.

§702. Purposes

It is hereby declared to be in the interest of the public welfare that Delaware farmers who produce agricultural commodities for domestic and foreign markets shall be permitted to act separately or jointly in cooperation with handlers, dealers and processors of such products, with the Delaware Department of Agriculture, the University of Delaware's College of Agricultural Sciences and any other qualified agencies, to provide funds to assist in education, research, production and market development related to such commodities. It is further declared that provisions for the establishment of Agricultural Commodity Advisory Boards are deemed an appropriate means to accomplish the purpose.

The sections of this Chapter shall not be construed to abrogate or limit in any way the rights, powers, duties and functions of the Secretary of Agriculture or any other agency of the State, but shall be supplementary thereto, and in aid and cooperation therewith.

§703. Definitions

For the purpose of this Chapter:

(1) 'Agricultural Commodity' means any agricultural product, including, but not limited to, plants and animals and plant and animal products, grown, raised, or produced within the State of Delaware for use as food, feed, seed or any aesthetic, industrial or chemurgic purpose.

(2) 'Commercial Channels' means the processes of the sale of any agricultural commodity to any commercial buyer, dealer, processor, cooperative or to any person, public or private, who resells such commodity or any product produced from such commodity for storage, slaughter, processing or distribution.

(3) 'Person' means any individual, corporation, association, cooperative, partnership or organized group of persons whether incorporated or not.

(4) 'Board' or 'Advisory Board' means the boards created under the provisions of the sections of this Chapter in connection with the organization of producers as herein provided.

(5) 'First Purchaser' means any person that buys agricultural commodities for movement into commercial channels from the producer; or any lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or

pledgee, who gains title to the agricultural commodity from the producer as the result of exercising any legal rights by the lienholder, secured party, pledge, or assignee thereof, regardless of when the lien, security interest or pledge was created.

(6) 'Secretary' means the Secretary of Agriculture of the State of Delaware.

(7) 'Producer' means any person who owns or operates an agricultural producing or growing facility for the agricultural commodity under consideration for referendum and shares in the profits and risk of loss from such facility, and who grows, raises, feeds or produces said agricultural commodity in Delaware during the current marketing year.

(8) 'Qualified Voter' means any person who would be subject to the payment of fees imposed to finance the activities described in this Chapter.

(9) 'Development Order' means an order issued by the Secretary with the advice and consent of an Agricultural Commodity Advisory Board pursuant to the provisions of this Chapter.

(10) 'Sale' means any passing of commodity title from the producer to the first purchaser. Sale includes any pledge, security, interest or lien.

§704. Boards; Membership; Election; Term

(1) An Agricultural Commodity Advisory Board is hereby created for the producers of each agricultural commodity who file with the Secretary a petition requesting that the producers of such commodity be subjected to the provisions of the sections of this Chapter. The petition is to be signed by a least 100 producers or at least 10 percent of the producers of such commodity whichever is less. Such petition shall be certified by at least two producers to have been signed only by producers of the commodity involved.

(2) Membership. Upon petition of the required number of producers, the Secretary shall, after consultation with the various agricultural or commodity organizations petitioning for a referendum, determine the size of the Agricultural Commodity Advisory Board and distribution of the Board membership. The advisory board may designate agricultural industry, Department of Agriculture and University of Delaware personnel, either by name or by office, to serve as consultants to the board.

(3) Election. Within 30 days after the filing of the petition by the required number of the producers, the Secretary shall appoint a nominating committee of five persons from the involved agricultural or commodity organizations who shall, within 60 days from the filing of such petition, nominate at least two candidates for each advisory board position and certify the names of such nominees to the Secretary. Nominees shall be selected with a view to establishing a fair representation of all producers throughout the area to be organized, which shall comprise the entire State unless otherwise determined by the Secretary after consultation with agricultural and commodity organizations, in which event he shall define such area following county lines. Upon receipt of the nominations, the Secretary shall promptly arrange an election to be held at places designated by him, reasonably convenient to all producers in the organized area, and give at least 14 days' notice of such election in at least one newspaper having a general circulation in the organized area. Ballots setting forth the names of nominated candidates and providing for write-in candidates shall be made available at all polling places. Only producers of the particular commodity shall be qualified to elect members of that commodity's advisory board. Polling procedures shall be established to avoid voting by others than those qualified to vote. An impartial committee appointed by the Secretary shall tabulate the votes and the candidates receiving the most votes shall be declared elected to the first advisory board. In each calendar year following the one in which the first board is elected, candidates shall be selected and an election shall be held to elect a successor or successors to the board member or members whose term or terms expire in that year. Nominations shall be made and the elections shall be held in the same manner as

prescribed for the first board except that the choice of nominating committee members, the time of nominations and the time and place of elections shall be fixed by the Secretary with the consent of the advisory board.

(4) Terms. At the first meeting of the first advisory board the Secretary shall determine by lot one-third of the board members whose terms shall expire June 30 in the calendar year following the year of the first election, one-third of the board members whose terms shall expire June 30 in the second calendar year and the remaining board members whose terms shall expire June 30 in the third calendar year. In the event the Secretary has designated specific areas for representation on the advisory board, the terms of board members in any one area shall not expire in the same year. All elected successor board members shall be elected for three year terms and each shall serve until his successor is elected and qualified. No board member shall succeed himself after serving two full terms. In the event a board member ceases to have any of the qualifications herein established, his office shall be deemed vacant. Any interim vacancy on the board shall be filled by appointment of the board for the remainder of the term vacated.

(5) Organization. The Secretary of Agriculture shall serve as secretary of the advisory board without vote. The board shall elect, from its own membership, a chairman, and a vice chairman who shall act in the absence of the chairman, and such other officers as the board may deem appropriate. The terms of such officers shall expire on June 30 of each year and their successors shall be elected at the first meeting following that date.

§705. Meetings; Quorum

Subject to the requirements of the sections of this Chapter, the advisory board shall meet at such times and place as it may determine or upon call of the chairman or of any three members of the board. A majority of the voting members of the board shall constitute a quorum for the transaction of all business in carrying out the duties of the board.

§706. Advisory Board to Formulate and Submit Development Order

(1) Within 30 days after the election of an Agricultural Commodity Advisory Board by the producers of a particular commodity, the advisory board shall meet and formulate a development order establishing a program to assist such functions as education, research, production and market development relating to such commodity or commodities and establishing fees to be paid by producers to finance the proposed activities.

(2) Hearings. The Secretary, with the advice and consent of the advisory board, shall hold a public hearing or public hearings on the proposed development order in a area or areas and at a time or times affording reasonable opportunities to producers to attend. The advisory board together with the Secretary shall determine after such hearings whether or not the development order shall be amended, modified, or supplemented. If changes or additions of substance are made, the advisory board and the Secretary shall hold like public hearings on the amended or supplemented development order.

(3) Referendum. Following the hearing, or hearings, the advisory board and Secretary shall conduct a referendum on the proposed final development order. At least 14 days' notice of the time and places of such referendum shall be published in a legal newspaper of general circulation in each county affected. In addition, direct written notice thereof shall likewise be given to each county extension office in any county involved in the referendum. Such notice shall include details of the development order to afford all producers access to complete information about the development order. The development order shall become effective if it is approved by a majority of those voting in the referendum, and such order shall be applicable only to those producers of the subject commodity within the area of the State organized to the sections of this Chapter. Upon completion of the referendum, the Secretary shall make findings and issue an appropriate order based on said findings.

**§707. Additional Powers and Duties of the Agricultural Commodity
Advisory Board**

(1) Adoption of Regulations and Budget. The Agricultural Commodity Advisory Board shall:

a. Adopt and administer rules and regulations for the administration of the development order.

b. Recommend amendments to the order, such amendments to be adopted only after a referendum in which a majority of the producers voting favor such adoption.

c. Prepare an annual estimated budget for the operation of the development order; and

d. Prepare an annual report on the programs of the order, said report to be made available to the producers concerned.

(2) The advisory board shall provide a procedure for collection of the producer assessments to finance the development order and for the proper administration of the order.

(3) Refunds of fees. The advisory board shall provide for the refund of any fees or assessments paid by the producer who objects to payments of said fees or assessments.

(4) Donations. The advisory board is authorized to accept donations of funds, property, services or other assistance from public or private sources for the purpose of furthering the objectives of this Chapter.

(5) Right to Sue and to Be Sued. The advisory board shall have the right to investigate and prosecute in the name of the State of Delaware any action or suit to enforce the collection or insure payment of fees or assessments authorized by the provisions of the sections of this Chapter, and to sue and to be sued in the name of the board; to do all other things necessary to the administration and implementation of this Chapter.

(6) Collection and Expenditure of Funds: Audit. The advisory board shall be responsible for the collection and expenditure of all funds provided for under the sections of this Chapter and shall provide for an annual audit of funds to be made by a certified auditing firm. An annual financial statement shall be available to any participant upon request.

§708. Powers and Duties of Secretary

(1) Contracts. The Secretary with the advice and consent of the advisory board, will contract and cooperate with the University of Delaware's College of Agricultural Sciences, or with other qualified agencies, persons or organizations to meet the purpose of the development order.

(2) Personnel. The Secretary, with the advice and consent of the advisory board, may appoint, employ, provide necessary bond, discharge, fix compensation for and prescribe the duties of such administrative, clerical, technical and other personnel and agencies as may be deemed necessary.

(3) General Powers. In administering the sections of this Chapter, the Secretary shall have such other powers as may be conferred upon him by law not inconsistent with the provisions of this Chapter.

(4) Regulations. In the organization and operation of a development order for any agricultural commodity coming under the sections of this Chapter, the Secretary shall follow the rules and regulations as developed by the advisory board pursuant to the provisions of this Chapter.

\$709. Fees to Defray Expenses

(1) Assessment. For the purpose of providing funds to defray the necessary expenses incurred by the Secretary and the advisory board in formulating, submitting to referendum, issuing, administering and enforcing an agricultural commodity development order, the development order shall provide for assessing and collecting fees in amounts sufficient to defray such expenses. Any increase in the maximum assessment provided for in the development order must be within the limit herein prescribed and must be approved by the majority of voting, participating producers in a referendum held for that purpose after reasonable notice of such proposed increase.

(2) The Agricultural Commodity Advisory Boards together with the Secretary shall establish the procedure for the payment of the assessment by the producer and such procedures shall be clearly outlined in the proposed development order. Such procedure must be fair, reasonable and shall be deducted by the first purchaser at the time of sale. The first purchaser shall submit to the advisory board through the Secretary's office any fees so deducted once every 30 days. When proof of payment of the fee assessed can be furnished, it shall not be necessary for any subsequent buyer to deduct the fee at time of purchase.

(3) Financing Referendums. The Secretary shall require producers petitioning for a development order to deposit with him in advance such amount as he deems necessary to defray the expense of electing the first board formulating an order, submitting it to referendum and issuing the order. If the order is issued, such persons shall be reimbursed when funds are available from assessments. If the order is not issued the Secretary shall refund only that portion of the deposit remaining after payment of expenses incurred on a pro rata basis.

(4) Deposit and Use of Fees. Fees collected pursuant to the sections of this Chapter shall be deposited in a bank or banks or other depository approved by the Secretary of Finance of the State of Delaware and shall be disbursed by such officers and employees as may be approved by the advisory board for the necessary expenses incurred in the administration of this Chapter. Fees collected shall be used exclusively for the purpose collected and not for legislative or political activities.

\$710. Compensation and Expenses

Each member of the advisory board, except the Secretary, shall be entitled to a reasonable per diem to be fixed in the development order and actual expenses incurred while attending board meetings, but only actual expenses incurred while engaged in official business of the advisory board.

\$711. Legal Counsel

The advisory board may appoint an attorney who shall act for the board and the Secretary when required. The board shall fix the compensation and terms of employment of such attorney.

\$712. Records of the Advisory Board

All of the records of the advisory board shall be public records and shall be available for inspection for any lawful purpose, provided, however, that the advisory board shall be empowered to make reasonable rules and regulations concerning the time or place of such inspection, as provided in the Delaware Sunshine Law, 29 Delaware Code, 1001 et. seq.

\$713. Refund of Fees

Any producer, by the use of forms to be provided by the Secretary and upon presentation of such proof as the Secretary and advisory board may require by rule or regulation, have the fee paid pursuant to the sections of this Chapter refunded to him. Such request for refund must be received in the office of the Secretary or the advisory board within 60 days following the payment of such fee, but in no

event shall these requests for refund be accepted more often than 12 times per year and must be made at least once each year. Refund shall be made by the Secretary or advisory board within 30 days of the request for refund provided that the fee sought to be refunded has been received. Rules and regulations governing the refund of fees for the commodity involved shall be formulated by the board together with the Secretary and shall be fully outlined at the hearing, or hearings, and be available for the information of all persons concerned with the referendum.

§714. Termination of the Order

(1) By Advisory Board. The advisory board shall suspend or terminate a development order whenever it finds, after a public hearing or hearings, that an order is contrary to or does not tend to effectuate the purposes or provision of the sections of this Chapter, provided that such suspension or termination shall not become effective until the expiration of the current marketing year. The current marketing year described under the sections of this Chapter shall be determined by the board together with the Secretary.

(2) By Referendum. Upon petition of the same number of producers as required to initiate the development order, the Secretary with the advice and consent of the advisory board shall within 60 days conduct a referendum to determine whether or not the development order shall be continued. He shall terminate the order at the end of the current marketing year if a majority of the persons voting in the referendum vote in favor of termination. Such petitions of producers shall include a certification statement that the signatures are those of qualified producers of the commodity involved.

§715. Expenditure of Funds Upon Termination of Order

Any funds remaining with the advisory board after the termination of a development order shall be expended to meet existing legal obligations of the board. Any surplus remaining shall be expended for research purposes, or other lawful purposes under the sections of this Chapter at the discretion of the board.

§716. Association of Procedures Not Illegal

No activity, including meetings, undertaken in pursuance of the provisions of the sections of this Chapter that are intended to benefit the procedures, handlers and processors of such agricultural commodity shall be deemed or considered illegal or in restraint of trade.

§717. Penalty for Violations

Any person who violates any provision of the sections of this Chapter or rule or regulation of a Agricultural Commodity Advisory Board promulgated pursuant to the sections of this Chapter is guilty of a Class C misdemeanor. Justices of the Peace shall have jurisdiction over all offenses under this Chapter.

Approved July 17, 1979.

CHAPTER 177

FORMERLY

SENATE BILL NO. 357

AS AMENDED BY HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID, BEING SENATE BILL NO. 347 OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Amend Section 2 of Senate Bill No. 347 of the 130th General Assembly of the State of Delaware, being an Act entitled "An Act to Make a Supplementary Appropriation for Certain Grants-in-Aid", by striking certain figures in their entirety as they appear and substituting certain figures in lieu thereof, with reference to the lines and pages on which the same appear in Senate Bill No. 347 as herein prescribed:

<u>Page</u>	<u>Line</u>		<u>From</u>	<u>To</u>	<u>Increase (Decrease)</u>
2	30	St. Patrick's Senior Center	\$ 37,000	\$ 57,000	\$ 20,000
3	31	Open Door, Inc.	15,000	25,000	10,000
3	42	Total Living Care, Inc.	40,080	20,080	(20,000)
4	10	Disabled American Veteran's Department of Delaware	2,000	3,500	1,500

Section 2. Amend Senate Bill No. 347 of the 130th General Assembly of the State of Delaware by recomputing all sub-totals and totals.

Section 3. Amend Senate Bill No. 347 of the 130th General Assembly of the State of Delaware by adding thereto a new section to read as follows:

"Section 15. Section 2 of this Act appropriates \$20,080 to Total Living Care, Inc. It is the intent of this Act that:

- (a) The sum of \$3,000 is for rent and utilities at its present location.
- (b) The balance of \$17,080 is for other operating expenses."

Section 4. Amend Senate Bill No. 347 of the 130th General Assembly of the State of Delaware by renumbering lines 50 through 53, page 3, as lines 51 through 54, page 3 and by adding the following as new line 50, page 3:

"Wilmington Medical Center, Inc. 30,000".

Section 5. Amend Senate Bill No. 347 of the 130th General Assembly of the State of Delaware by adding thereto the following new sections to read as follows:

"Section 16. The sum of \$25,000 is hereby appropriated to Families in Transition.

Section 17. The sum of \$10,000 is hereby appropriated to the Delaware Heritage Commission.

Section 18. Amend Senate Bill No. 347 of the 130th General Assembly of the State of Delaware by recomputing all subtotals and totals to reflect the contents of the amendment.

Approved January 21, 1980.

CHAPTER 178

FORMERLY

HOUSE BILL NO. 123

AN ACT TO AMEND CHAPTER 19, TITLE 29, DELAWARE CODE, RELATING TO THE FISCAL PROJECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1901, Chapter 19, Title 29 of the Delaware Code by redesignating all of the present section as new subsection (a) of said section, and by adding thereto a new subsection (b), which shall read as follows:

"(b) Any bill or Joint Resolution in either House of the General Assembly which relates to any public pension or retirement plan applicable to any person including, but not limited to, any public employee, officer, or appointee of the State of Delaware that would authorize or necessarily involve expenditures not 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 or necessarily involve expenditures not specifically provided for in the bill or Joint Resolution, shall include a fiscal projection reflecting the estimated actuarial long-term cost of the proposed bill or resolution whether or not such pension or retirement plan is funded on an actuarial reserve basis. The long-term fiscal projection shall be attached by the sponsor prior to its initial committee consideration in the House of origin."

Section 2. Amend Section 1902, Chapter 19, Title 29 of the Delaware Code by inserting the following sentence in front of the last sentence in said section:

"In the case of a bill or Joint Resolution authorizing expenditures or relating to pension or retirement plan as defined by Section 1901 (b) of this Chapter, such projection shall, in addition to the other requirements of this section, state the estimated actuarial long-term cost of the proposed bill or Joint Resolution as obtained by the Controller General from the Board of Pension Trustees or other qualified actuarial source."

Approved January 22, 1980.

CHAPTER 179

FORMERLY

HOUSE BILL NO. 646

AN ACT TO AWARD AN ELECTED OFFICIALS SURVIVORS PENSION TO THE SURVIVING SPOUSE OF THE LATE DANIEL KELLY AND MAKING APPROPRIATION THEREFOR.

WHEREAS, Daniel Kelly was elected three times to serve in the House of Representatives and did so with distinction; and

WHEREAS, Daniel Kelly was taken from us just two months short of the date of his eligibility for an Elected Officials Pension.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to determine that Daniel Kelly had served five years as an elected official of the State of Delaware and to pay his surviving spouse a survivors pension beginning December 1, 1980.

Section 2. The sum of \$6,795 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, to implement the provisions of Section 1 of this Act.

Approved January 22, 1980.

CHAPTER 180

FORMERLY

HOUSE BILL NO. 674

AN ACT TO AMEND VOLUME 62, LAWS OF DELAWARE, CHAPTER 146 IN RELATION TO THE BOND AUTHORIZATION FOR THE APPOQUINIMINK SCHOOL DISTRICT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Amend Volume 62, Laws of Delaware, Chapter 146, in Section 2 entitled "Authorization of Ten Year Bonds" by deleting all of the words and numbers in that section relating to "Appoquinimink, Redding Middle" and by inserting the following words and numbers:

	<u>Total Cost</u>	<u>Local Share</u>	<u>State Share</u>
"Appoquinimink, Redding Middle	\$ 492,000	\$ 267,000	\$ 225,000."

Section 2. Amend Volume 62, Laws of Delaware, Chapter 146 by changing any applicable totals in Section 2 or other appropriate portions of the Act to reflect this modification.

Section 3. Amend Volume 62, Laws of Delaware, Chapter 146 in the related schedule entitled "FISCAL YEAR 1980 CAPITAL PROJECTS SCHEDULE" in the subsection entitled "STATE BOARD OF EDUCATION" in the column headed "New 1980 Authorization" for the item "Appoquinimink, Redding Middle" by deleting the asterisk that appears beside the number \$225,000.

Approved January 22, 1980.

CHAPTER 181

FORMERLY

HOUSE BILL NO. 597

AN ACT TO AMEND CHAPTER 12 AND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO SUBSTITUTE TEACHERS; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1326, Chapter 13, Part I, Title 14 of the Delaware Code, by striking said section in its entirety, and substituting in lieu thereof the following:

"§1326. Salary Schedule for Substitute Teachers

Each substitute teacher who holds a certificate issued in accordance with Chapter 12 of this Title shall be paid in accordance with the following schedule:

Class A: Thirty-six dollars and thirty-five cents
(\$36.35) per day.

Class B: Twenty-nine dollars and thirty-five cents
(\$29.35) per day.

Class C: Twenty-two dollars and thirty-five cents
(\$22.35) per day."

Section 2. In order to carry-out the provision of this Act during Fiscal Year 1980, an amount of Two Hundred Fifty Thousand Dollars (\$250,000) is hereby appropriated to the State Board of Education for distribution to the school districts of the State.

Section 3. 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 4. The funds herein appropriated remaining unexpended as of June 30, 1980, shall revert to the General Fund of the State of Delaware.

Approved January 29, 1980.

CHAPTER 182

FORMERLY

SENATE BILL NO. 449

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE ENERGY OFFICE FOR THE OPERATION OF THE "DELAWARE ENERGY CRISIS ASSISTANCE PROGRAM" TO ASSIST HOMEOWNERS AND OTHERS IN PURCHASING HEATING FUELS.

WHEREAS, the cost of energy for residential heating has risen dramatically to a point where it imposes a severe financial burden upon Delaware's families; and

WHEREAS, the critical nature of such rapid escalation of energy costs presents a danger to the health of those Delaware families unable to bear such costs; and

WHEREAS, current programs exist whereby federal funds are distributed to provide emergency energy cost assistance to families whose incomes fall below one hundred and twenty-five per centum (125%) of the Community Services Agency poverty line; and

WHEREAS, financial assistance should be provided to other Delaware families in need, especially those whose incomes fall between one hundred and twenty-five per centum (125%) and one hundred and fifty per centum (150%) of the Community Services Agency poverty line.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of one million, four hundred thousand dollars (1,400,000.00) is hereby appropriated to the Delaware Energy Office to be used in the maintenance of the Delaware Energy Crisis Assistance Program; said program being designed to provide, as a priority energy cost assistance to families whose incomes fall between one hundred and twenty-five per centum (125%) and one hundred and fifty per centum (150%) of the Community Services Agency poverty line, except that funds shall be made available to provide emergency energy loan assistance to families whose income exceeds these levels.

Section 2. Participation in the Delaware Energy Crisis Assistance Program shall be subject to the following limitations and conditions:

(a) No family whose income level otherwise entitles it to receive energy cost financial assistance shall receive more than \$200.00 under the Program.

(b) Disbursements under the Program shall be applied only to the purchase of the following fuels: oil kerosene, wood, coal, bottled gas, natural gas, or electric heat.

(c) Disbursements shall be made only for the purchase of heating fuels and no disbursements shall be applied to bills due for prior deliveries.

(d) Disbursements under the Program shall be made directly to heating fuel vendors upon certification by such vendors that new fuel deliveries have been made in anticipation of payment from funds disbursed under the Program.

Section 3. Loans provided under the Delaware Energy Crisis Assistance Program shall be subject to the following conditions.

(a) Loans shall be made available to households for the purchase of residential heating fuels. The proceeds of the loan shall not be made to the household in the form of cash, but shall, instead, be made directly to the fuel vendor following delivery of the home heating fuel to the borrower.

(b) Loans under this program may only be used for purchase of residential fuels. Loan proceeds under the provisions of this subchapter shall not be applied retroactively for the purpose of satisfying past debts owed by households to retail heating fuel outlets; provided, however, the Delaware Energy Office may assist a household in arranging a repayment plan for such past debts acceptable by both the client and vendor.

(c) No household shall be eligible for more than one loan.

(d) No single loan shall be in excess of two hundred dollars per household.

(e) Repayment of loans granted under the provisions of this Subchapter may be made over a period of twelve (12) months in the following manner; however, nothing herein shall prevent an early repayment of the loan:

(1) For the first six (6) months of the loan the percent of interest shall be zero percentum; or

(2) For a period of six (6) months beyond the first six (6) months the interest rate shall be one percent per month on the unpaid balance.

(f) Loans granted under the provisions of this Subchapter shall be forgiven upon presentation of satisfactory evidence by the borrower of expenditures for energy conservation improvements undertaken after the loan has been granted and completed within the terms of the loan agreement. The rate of loan abatement shall be as follows:

(1) Persons at above 150% of poverty income level, one dollar (\$1) for each two dollars (\$2) of expenditures for energy conservation improvements on the outstanding loan or loans.

(g) Energy conservation improvements eligible for consideration as stated in (f) above shall be identified in regulations issued by the Delaware Energy Office.

(h) The Director may provide for forgiveness of the loan in the event that exigent circumstances exist which prevent its repayment.

Section 4. The Director shall issue such rules and regulations as necessary or appropriate for carrying out the provisions of this Act.

Section 5. Loans under this Act shall be made only to the extent that the appropriations are available; provided, however, that loan repayments may be used to make such additional loans as shall be necessary to accomplish the purposes of this Act.

Section 6. Whoever knowingly provides false information in any application or report required under this Subchapter or under any rules and regulations promulgated by the Delaware Energy Office under authority of this Act, shall be guilty of a Class C misdemeanor. Jurisdiction for violations of this Subchapter shall be in Superior Court of the State of Delaware.

Section 7. This is a supplemental appropriation and the funds appropriated shall be paid by the State Treasurer out of funds in the General Fund not otherwise appropriated. Any monies appropriated, but not expended or encumbered by June 30, 1980 shall transfer to the Delaware Energy Office for the Weatherization Program. Furthermore, any monies thereafter not expended by June 30, 1981 shall revert to the General Fund.

Approved February 1, 1980.

CHAPTER 183

FORMERLY

HOUSE BILL NO. 361

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PENALTY FOR LATE FILED WITHHOLDING TAX RETURNS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1195(d) of Title 30, Delaware Code, by striking said subsection (d) in its entirety and relettering the remaining subsections accordingly.

Section 2. This Act shall apply with respect to withholding tax returns due after April 1, 1979.

Approved February 4, 1980.

CHAPTER 184

FORMERLY

HOUSE BILL NO. 678

AN ACT TO AMEND DELAWARE CODE, TITLE 14, BY MAKING TECHNICAL CHANGES IN ORDER TO REMOVE LEGAL AMBIGUITIES OR CONFLICTS IN STATEMENTS THAT NOW APPEAR TO EXIST IN THE INSTRUCTIONS FOR VOTING BY PAPER BALLOT AND/OR VOTING MACHINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. AMEND Delaware Code, Title 14, §1908 (a) by striking said subsection in its entirety and inserting in lieu thereof the following:

"(a) For an election under this chapter to increase taxes, the election may be conducted by the use of printed paper ballots or by the use of voting machines. The words 'For additional tax' and 'Against additional tax' shall appear on the printed paper ballot next to squares added for convenience in marking or shall appear on the machine next to the appropriate levers."

Section 2. AMEND Delaware Code, Title 14, §1908 by striking subsection (b) and (c) thereof in their entirety and inserting in lieu thereof the following:

"(b) For an election under this chapter for the purpose of increasing the real estate tax under this chapter, while simultaneously decreasing the real estate tax under Chapter 21 of this Title by the same amount, the election may be conducted by the use of printed paper ballots or by the use of voting machines. The words 'For tax transfer' and 'Against tax transfer' shall appear on the printed paper ballot next to squares added for convenience in marking or shall appear on the machine next to the appropriate levers."

Section 3. AMEND Delaware Code, Title 14, §2004 by striking from that section the phrase "The following form shall be used on the ballots in such election:" and substituting in lieu thereof the words "The election may be conducted by the use of printed paper ballots or by the use of voting machines. Provisions shall be made for the following form to appear on the printed paper ballots next to squares added for convenience in marking and on the voting machine next to the appropriate levers:"

Section 4. AMEND Delaware Code, Title 14, §2122 (g) by striking said subsection in its entirety and inserting in lieu thereof the following:

"(g) For an election under this chapter for the purpose of authorizing a bond issue the election may be conducted by the use of printed paper ballots or by the use of voting machines. The words 'For the bond issue' and 'Against the bond issue' shall appear on the printed paper ballot next to squares added for convenience in marking or shall appear on the machine next to the appropriate levers."

Section 5. AMEND Delaware Code, Title 14, §2122 (h) by deleting said subsection in its entirety and inserting in lieu thereof the following:

"(h) For an election under this chapter for the purpose of increasing the real estate tax rate under the provisions of Chapter 19 of this Title, while simultaneously decreasing the real estate tax rate under the provisions of Chapter 21 of this Title by the same amount, the election may be conducted by the use of printed paper ballots or by the use of voting machines. The words 'For tax transfer' and 'Against tax

transfer' shall appear on the printed paper ballot next to squares added for convenience in marking or shall appear on the machine next to the appropriate levers."

Section 6. AMEND Delaware Code, Title 14, §2122 (i) by striking said subsection in its entirety and by relettering the subsequent subsection accordingly.

Approved February 5, 1980.

CHAPTER 185

FORMERLY

SENATE BILL NO. 433

AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF GEORGETOWN" TO PERMIT THE SALE OF BOND OR CERTIFICATE OR CERTIFICATES OF INDEBTEDNESS BY PUBLIC OR PRIVATE SALE.

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 Thirteenth Paragraph of Section 20, Chapter 166, Volume 166, Laws of Delaware, as amended, be and the same is hereby further amended by striking all of said Thirteenth Paragraph of said Section 20 and substituting in lieu thereof a new Thirteenth Paragraph to read as follows:

"The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by the Town Council of Georgetown after the Special Election. Any bond or bonds or certificates of indebtedness issued pursuant to this Section may be sold at either public or private sale."

Approved February 8, 1980.

CHAPTER 186

FORMERLY

HOUSE BILL NO. 694

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE FIRE MARSHAL'S OFFICE FOR THE PURPOSE OF MATCHING FEDERAL FUNDS AWARDED TO DELAWARE BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION TO AUGMENT AN ARSON CONTROL PROGRAM.

WHEREAS, Delaware has been selected as one of nine states to participate in the nation's first anti-arson strategy; and

WHEREAS, Federal funds totalling Four Hundred Eighty-one Thousand, Four Hundred Seventy-two Dollars (\$481,472) have been awarded to Delaware by the Law Enforcement Assistance Administration; and

WHEREAS, the thrust of the program will be to enhance the existing expertise of the State of Delaware and the City of Wilmington Fire Marshal's Offices in detecting, investigating and prosecuting arson; and

WHEREAS, the programs will focus on gaining convictions as a result of stepped-up investigations by the Fire Marshal's Offices, police and the Attorney General; and

WHEREAS, the program will be administered by the State Fire Marshal; and

WHEREAS, in addition to what already exists, the program will initiate a system of investigative resources consisting of trained investigators, specialized equipment and technical assistance.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of Forty-three Thousand Seven Hundred Twenty-eight Dollars (\$43,728) is hereby appropriated to the State Fire Marshal's Office for the purpose of matching Federal funds in the amount of Four Hundred Eighty-one Thousand, Four Hundred Seventy-two Dollars (\$481,472) awarded to Delaware from the Law Enforcement Assistance Administration to augment the existing Arson Control Program.

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

Section 3. The funds so appropriated shall be used only for the purposes set forth in Section 1 of this Act, and any funds so appropriated but unexpended or unencumbered by June 30, 1980, shall thereupon revert to the General Fund of the State of Delaware.

Approved February 8, 1980.

CHAPTER 187

FORMERLY

SENATE BILL NO. 385

AN ACT TO AMEND AN ACT ENTITLED " AN ACT CHANGING THE CORPORATE NAME OF "THE COMMISSIONERS OF WYOMING" TO "THE TOWN OF WYOMING" AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, 1941, AS AMENDED BY EXPRESSLY AUTHORIZING THE COUNCIL OF THE TOWN OF WYOMING TO BORROW MONEY FROM THE FIRST NATIONAL BANK OF WYOMING FOR THE PURPOSE OF ACQUIRING THE TOWN RAILROAD STATION BUILDING AND LANDS FROM THE PRESENT OWNER.

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 38 of Chapter 189, Volume 43, Laws of Delaware, 1941, as amended, is hereby further amended by designating the present Section "38A", and by inserting a new paragraph "B" to read as follows:

"B. The Town Council of said Town shall have the full power and authority to borrow from the First National Bank of Wyoming the sum of Twenty Thousand Dollars (\$20,000.00) at six and one-half percent (6 1/2%) per annum for a period of twenty-five (25) years, for the specific purpose of purchasing from the Delaware Railroad Company the property, land and building, known as "Old Railroad Station", more particularly described as follows:

ALL THAT PARCEL of land with the building and improvements thereon erected, situate in the City of Wyoming, County of Kent and State of Delaware, bounded and described according to a plan of survey made by Mann-Talley, Inc., dated November 2, 1977, as follows; VIZ:

BEGINNING at a point marked by a P.K. nail set at the intersection of the northwest line of Railroad Avenue, at 50 feet wide, with the northeast line of Camden-Wyoming Avenue, at 50 feet wide; thence from said point of BEGINNING along the said northeasterly line of Camden-Wyoming Avenue, North 55 degrees 05 minutes 00 seconds West, 51.03 feet to an iron pipe set in the southeasterly line of land which has been conveyed to Consolidated Rail Corporation (Conrail) by The Delaware Railroad Company, at 66 feet wide; thence thereby parallel with the centerline of the southbound track of railroad formerly of said The Delaware Railroad Company and distant 41.50 feet southeasterly therefrom when measured at right angles thereto, North 46 degrees 28 minutes 00 seconds East, 369.91 feet to an iron pipe set in the southwesterly line of Broad Street, at 70 feet wide, the last described course passing through an existing brick building, said building being the old railroad station; thence along said southwesterly line of Broad Street, South 43 degrees 32 minutes 00 seconds East, 50.00 feet to a P.K. nail in the said northwest line of Railroad Avenue; thence thereby, South 46 degrees 28 minutes 00 seconds West, 359.70 feet to a P.K. nail set in the said northeast line of Camden-Wyoming Avenue, the point and place of beginning.

CONTAINING 18,240 square feet of land, or 0.4187 of an acre, more or less,

and is further authorized to secure said sum by executing a first mortgage or lien to the First National Bank of Wyoming to secure said debt, duly authorized by Resolution of the Council, with the corporate seal of the Town affixed as is requested by the bank advancing the money on said note or mortgage. Said sum of money borrowed according to this authority shall be paid on an amortized schedule for the term of twenty-five (25) years at six and one-half percent (6 1/2%) per

annum, by either monthly, quarterly or yearly payments as determined by the Town Council of the Town of Wyoming."

Approved February 8, 1980.

CHAPTER 188

FORMERLY

SENATE BILL NO. 384

AN ACT TO AUTHORIZE THE CAPITAL SCHOOL DISTRICT TO EXPEND FUNDS FROM ITS DEBT SERVICE ACCOUNT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Capital School District is hereby authorized to expend \$200,000.00 from its debt service account to revitalize and renovate the athletic complex at Dover High School and do other miscellaneous renovations and site work at other schools within the Capital School District.

Approved February 8, 1980.

CHAPTER 189

FORMERLY

SENATE BILL NO. 380

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE MAGNOLIA VOLUNTEER FIRE COMPANY FOR THE MAINTENANCE AND OPERATION OF AN AMBULANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(Three-quarters of all members elected to each House thereof concurring therein):

Section 1. There is hereby appropriated to the Magnolia Volunteer Fire Company the sum of One Thousand Two Hundred Fifty Dollars (\$1,250) to be used for the maintenance and operation of an ambulance in the public service.

Section 2. This Act is a supplemental appropriation and the monies appropriated shall be paid by the State Treasurer out of monies in the General Fund not otherwise appropriated.

Approved February 8, 1980.

CHAPTER 190

FORMERLY

HOUSE BILL NO. 422

AN ACT TO AMEND CHAPTERS 3, 21 AND 23, TITLE 21, DELAWARE CODE TO DELETE CERTAIN OUTDATED REQUIREMENTS AND PROCEDURES PERTAINING TO THE DIVISION OF MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 304, Chapter 3, Title 21 of the Delaware Code by deleting the words "or chauffeurs" as they appear in subsection (a).

Further amend Section 304 by deleting the words "and chauffeurs" as they appear in subsection (b).

Section 2. Amend Section 306, Chapter 3, Title 21 of the Delaware Code by deleting said section in its entirety.

Section 3. Amend Section 312, Chapter 3, Title 21 of the Delaware Code by deleting the last sentence of said subsection (b).

Section 4. Amend Section 317, Chapter 3, Title 21 of the Delaware Code by deleting said section in its entirety.

Section 5. Amend Section 2104, Chapter 21, Title 21 of the Delaware Code by deleting the words "number of cylinders" as they appear in paragraph (2) of subsection (b).

Section 6. Amend Section 2108, Chapter 21, Title 21 of the Delaware Code by deleting the words "or chauffeur" as they appear in said section.

Section 7. Amend Section 2157, Chapter 21, Title 21 of the Delaware Code by deleting the words "of the same class" as they appear in said section.

Section 8. Amend Section 2174, Chapter 21, Title 21 of the Delaware Code by deleting said section in its entirety.

Section 9. Amend Section 2176, Chapter 21, Title 21 of the Delaware Code by deleting paragraph (3) in its entirety.

Section 10. Amend Section 2304, Chapter 23, Title 21 of the Delaware Code by deleting said section in its entirety.

Section 11. Amend Section 2308, Chapter 23, Title 21 of the Delaware Code by adding the following sentence: "Certificates of title issued by other jurisdictions may be returned to those jurisdictions at the discretion of the Director of Motor Vehicles."

Section 12. Amend Section 2310, Chapter 23, Title 21 of the Delaware Code by deleting the words "engine or" as they appear in said section.

Section 13. Amend Section 2311, Chapter 23, Title 21 of the Delaware Code by deleting said section in its entirety.

Approved February 8, 1980.

CHAPTER 191

FORMERLY

HOUSE BILL NO. 555

AN ACT TO AMEND CHAPTER 6, TITLE 14 OF THE DELAWARE CODE RELATING TO TUITION CHARGES UNDER CERTAIN CIRCUMSTANCES FOR HANDICAPPED PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §604(a), Chapter 6, Title 14 of the Delaware Code by deleting the period at the end of said subsection and substituting in lieu thereof the following:

" , except that in the case of a district assigned by the State Board of Education to administer a school or program for handicapped persons, the district so assigned shall be both the sending and receiving district in regard to that school or program and is authorized to collect tuition charges accordingly."

Approved February 8, 1980.

CHAPTER 192

FORMERLY

SENATE BILL NO. 414

AN ACT TO AMEND CHAPTER 5, TITLE 18, DELAWARE CODE, RELATING TO
GENERAL REQUIREMENTS AND AUTHORIZATION OF INSURER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §506, Chapter 5, Title 18, Delaware Code by adding thereto a
new subsection (6) to read as follows:

"(6) Underwriting-membership in a regulated insurance exchange."

Approved February 8, 1980.

CHAPTER 193

FORMERLY

SENATE BILL NO. 220
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF
FINANCE FOR PAYMENT OF A BONA FIDE VETERAN'S CLAIM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of three hundred dollars (\$300) is hereby appropriated to the Department of Finance for the purpose of paying a bona fide veteran's claim to the following:

Raymond E. Bogan, Rt. 1, Box 439, Milford, Delaware, 19963

Section 2. Funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Funds herein appropriated and remaining unexpended or unencumbered on June 30, 1980, shall revert to the General Fund of the State of Delaware.

Approved February 11, 1980.

CHAPTER 194

FORMERLY

HOUSE BILL NO. 663

AS AMENDED BY HOUSE AMENDMENTS NO. 1, 4, 9, 10, 11, 12 AND 15
AND SENATE AMENDMENT NO. 1

AN ACT ESTABLISHING AN EMERGENCY LOAN COMMITTEE, MAKING A SUPPLEMENTAL APPROPRIATION THERETO, AND AUTHORIZING THE COMMITTEE TO MAKE LOANS TO THE CHRYSLER CORPORATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Purpose

It is the purpose of this Act to prevent the severe impact on the economy of the State of Delaware which would result from the financial collapse of the Chrysler Corporation, and to facilitate the return of the Chrysler Corporation to a position of financial viability through a program of limited State financial assistance. It is the intent of the General Assembly that the appropriation contained in Section 5 of this Act be identified as available from the surplus General Fund monies over and above those required to fully fund the Budget Reserve Account.

Section 2. Establishment of Committee

There is hereby established an Emergency Loan Committee composed of the State Treasurer, who shall be the Chairman of the Committee; the Secretary of Finance; the Secretary of State; one member appointed by the President Pro Tem of the Senate; and one member appointed by the Speaker of the House.

Section 3. Authority

The Committee may, on behalf of the State, lend monies belonging to the State to the Chrysler Corporation; said loan or loans being made pursuant to the limitations and conditions set forth hereinafter and pursuant to such other terms and conditions as the Committee, in its sole and absolute discretion, shall deem necessary.

The affirmative vote of a majority of the members appointed to the Committee shall be required for approval of any loan or loans.

Section 4. Limitations and Conditions

(a) The committee may make a loan under this Act only if -

(1) The Committee finds that the loan is needed to enable the Chrysler Corporation to meet the conditions for the receipt of Federal financial assistance imposed under the "Chrysler Corporation Emergency Loan Guarantee Act of 1979" enacted by the Federal Government.

(2) Such loan is continuously and fully secured by property the value of which is sufficient, in the judgment of the Committee, to protect any and all rights granted to the State of Delaware under any loan agreement made pursuant to this Act.

(b) In addition to such other default provisions to which the Committee may agree, any loan agreement between the Committee on behalf of the State of Delaware,

and the Chrysler Corporation shall provide that any outstanding loan or loans shall be callable and no other loan or loans shall be made if the Chrysler Assembly Plant in Newark, Delaware ceases its manufacturing operations under circumstances wherein the Committee has not been provided with adequate assurances that manufacturing operations will be resumed.

(c) Without limitation to the Committee's discretionary authority to impose such terms and conditions as it shall deem necessary, the Committee is authorized to enter into a loan agreement or agreements with Chrysler Corporation that provide that any interest due upon a loan or loans extended by the State of Delaware may be paid in money or in kind; provided, however, that any loan to the Chrysler Corporation shall carry a rate of interest of at least 10% (ten percent). To the extent that the Committee elects to receive such interest in the form of products manufactured by Chrysler Corporation, the Committee shall determine, in its absolute discretion, the value of such products and, with respect to the acquisition of such products, the requirements of Chapter 69 of Title 29 shall not apply.

(d) It is deemed appropriate that the burden created by the need to provide the Chrysler Corporation with financial assistance be shared, to the extent possible, by the City of Newark and New Castle County. The Committee is authorized to condition its entry into any loan agreement with the Chrysler Corporation upon participation in such agreement, in a form acceptable to the Committee, by the City of Newark and New Castle County.

Section 5. Appropriation

There is hereby appropriated to the Committee the sum of five million dollars (\$5,000,000.00) to be used in making such loan or loans to the Chrysler Corporation as are described more fully by this Act.

Section 6. Reversion to the General Fund

This Act is a supplemental appropriation and the monies appropriated shall be paid by the State Treasurer out of the monies in the General Fund not otherwise appropriated. Any funds remaining unexpended, uncommitted or unencumbered by December 31, 1982 shall revert to the General Fund.

Section 7. Inconsistencies with Federal Legislation

Notwithstanding any other provisions of this Act, the Committee may enter into a loan agreement with the Chrysler Corporation which agreement includes terms or conditions inconsistent with any of the provisions of Section 4 of this Act upon receipt of an opinion rendered by the Attorney General to the Committee that such provision of Section 4 interferes with Chrysler's ability to meet any requirements of the "Chrysler Corporation Emergency Loan Guarantee Act of 1979."

Section 8. In the event that it shall be determined by a court of competent jurisdiction that any member of the Committee is not eligible to serve, any acts taken by the Committee during such member's tenure may be ratified by a majority of those members of the Committee properly serving, and such ratification shall relate back to the date of such act.

Section 9. Any loans, whether made directly by the Committee or guaranteed by the State of Delaware must be for the purpose of providing for capital improvements to property or facilities located within the State of Delaware or for items commonly referred to as overhead, inventory or equipment located within this State or payroll for persons employed in this State.

Approved February 12, 1980.

CHAPTER 195

FORMERLY

SENATE BILL NO. 326
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, BY INCREASING THE AMOUNT OF BONDS AND NOTES THE DELAWARE STATE HOUSING AUTHORITY CAN ISSUE.

WHEREAS, the General Assembly has authorized the Delaware State Housing Authority to issue bonds and notes in an amount not to exceed \$100,000,000; and

WHEREAS, the Delaware State Housing Authority has issued bonds and notes in excess of \$88,000,000 in serving the housing needs of low and moderate income Delaware families; and

WHEREAS, the General Assembly desires to increase said Authority to issue bonds and notes to \$250,000,000.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4053(18) of Chapter 40, Title 31, Delaware Code, by striking the figure "100,000,000" as the same appears in said paragraph 18 and inserting in lieu thereof the figure "\$250,000,000".

Approved February 12, 1980.

CHAPTER 196

FORMERLY

HOUSE BILL NO. 696

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO MAINTAIN AN ADEQUATE SERVICE LEVEL.

WHEREAS, the importance of the promotion in Delaware of minority business enterprise is recognized as necessary to the well being of the citizens of the State; and

WHEREAS, the loss to the Office of Minority Business Enterprise of most of their federal funds has placed this budget unit in an insolvent position for the remainder of Fiscal Year 1980; and

WHEREAS, the loss of technical and procurement services seriously impairs the development and growth of minority business; and

WHEREAS, the creation of new jobs, community revitalization and the economic well being of Delaware citizens directly results from small and minority business growth;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of Eighteen Thousand Dollars (\$18,000) is hereby appropriated to the Department of Community Affairs and Economic Development, Budget Unit, Office of Minority Business Enterprise to be expended in the following manner:

Salaries and Wages (2 pos.)	\$	14,800
Pension		1,900
Health		300
F.I.C.A.		<u>1,000</u>
TOTAL:	\$	18,000

Section 2. This is a supplemental appropriation and the funds hereby appropriated shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 3. The funds so appropriated shall be used only for the purposes set forth in Section 1, herein, and any funds appropriated and not expended or encumbered by June 30, 1980, shall revert to the General Fund of the State of Delaware.

Approved February 12, 1980.

CHAPTER 197

FORMERLY

HOUSE BILL NO. 728

AN ACT AUTHORIZING THE STATE TREASURER TO PAY \$9,438. TO VANTASYLAND FOR WORK PERFORMED AT THE REQUEST OF THE DIVISION OF VOCATIONAL REHABILITATION.

WHEREAS, the purpose of the Division of Vocational Rehabilitation is to help the physically handicapped return to the job market; and

WHEREAS, two clients of the Division of Vocational Rehabilitation are paraplegics confined to wheelchairs and need modifications to their vans in order to commute to their jobs; and

WHEREAS, the Division of Vocational Rehabilitation entered into a contract with Vantasyland whereby Vantasyland supplied parts and service in the amount of \$9,438. in modifying these two vans; and

WHEREAS, the money for this type of expenditure is available and has been budgeted by the Division of Vocational Rehabilitation for this installation; and

WHEREAS, the Secretary of Finance has refused to approve the payment of this debt because the Division of Vocational Rehabilitation failed to submit a proper purchase order prior to the work being performed, and the Division of Vocational Rehabilitation failed to follow the bid laws of the State of Delaware.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The State Treasurer is authorized to pay \$9,438. to Vantasyland for work performed at the request of the Division of Vocational Rehabilitation, notwithstanding the failure of the Division of Vocational Rehabilitation to comply with the State bid laws and its failure to submit a proper purchase order prior to work being performed.

Approved February 12, 1980.

CHAPTER 198

FORMERLY

HOUSE BILL NO. 712

AN ACT AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

WHEREAS, the State Personnel Office has recommended certain reclassifications/upgradings of the salary levels of nursing positions to be effective July 1, 1980, and

WHEREAS, the Department of Health and Social Services has experienced difficulty in attracting and retaining qualified nursing personnel because of inadequate salary levels, and

WHEREAS, adequate nursing staff is necessary in order to provide for the proper care and treatment of patients under the aegis of the Department of Health and Social Services, and

WHEREAS, it is in the best interests of the State of Delaware to facilitate for the recruitment of qualified nursing staff at the earliest possible date;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. A sum of \$111,304 is hereby appropriated to the Department of Health and Social Services for the purpose of upgrading and/or reclassifying nursing classifications in the Department, effective March 1, 1980, notwithstanding the provisions of Section 33 of House Bill No. 333 as amended and commonly known as the Budget Act for the fiscal year ending June 30, 1980. Such reclassifications/upgrades shall be in accordance with the State Personnel Office authorizations.

Section 2. This supplemental appropriation shall be distributed as follows:

Community Health (35-05-002)

Salaries & Wages	\$	8,586	
FICA		527	
Pension		<u>1,107</u>	
TOTAL			\$ 10,220

E. P. Bissell Hospital (35-05-003)

Salaries & Wages	\$	16,498	
FICA		1,011	
Pension		<u>2,128</u>	
TOTAL			\$ 19,637

Delaware Hospital (t/ Chronically Ill (35-05-004)

Salaries & Wages	\$	17,513	
FICA		1,073	
Pension		<u>2,259</u>	
TOTAL			\$ 20,845

Delaware State Hospital (35-06-002)

Salaries & Wages	\$	22,981	
FICA		1,409	
Pension		<u>2,965</u>	
TOTAL			\$ 27,355

Mental Hygiene Clinics (35-06-003)

Salaries & Wages	\$	5,442	
FICA		223	
Pension		<u>468</u>	
TOTAL			\$ 6,133

Governor Bacon Health Center (35-06-004)

Salaries & Wages	\$	5,157	
FICA		316	
Pension		<u>665</u>	
TOTAL			\$ 6,138

Community Mental Health Center (35-06-005)

Salaries & Wages	\$	1,741	
FICA		107	
Pension		<u>225</u>	
TOTAL			\$ 2,073

Bureau of Alcoholism & Drug Abuse (35-06-008)

Salaries & Wages	\$	2,905	
FICA		178	
Pension		<u>375</u>	
TOTAL			\$ 3,458

Hospital f/t Mentally Retarded (35-11-002)

Salaries & Wages	\$	12,976	
FICA		795	
Pension		<u>1,674</u>	
TOTAL			\$ <u>15,445</u>

GRAND TOTAL			\$ <u>111,304</u>
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Section 3. This Act is a supplemental appropriation to be paid by the State Treasurer from funds not otherwise appropriated. Any funds appropriated in this Act, but not spent by June 30, 1980, shall revert to the General Fund of the State.

Approved February 15, 1980.

CHAPTER 199

FORMERLY

HOUSE BILL NO. 681

AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2 AND 3

AN ACT AUTHORIZING THE DELAWARE ENERGY OFFICE TO PROVIDE FINANCIAL ASSISTANCE TO CERTAIN DELAWARE FAMILIES FOR THE PURCHASE OF ENERGY CONSERVATION MATERIALS FOR THEIR HOMES AND MAKING A SUPPLEMENTAL APPROPRIATION TO THE DELAWARE ENERGY OFFICE FOR THE OPERATION OF SUCH A PROGRAM.

WHEREAS, it is the public policy and responsibility of the State of Delaware to provide for the health, safety and welfare of its citizens; and

WHEREAS, it is also the declared public policy of this State to encourage and promote the conservation of energy; and

WHEREAS, many Delaware families will be unable to afford the costs of effective energy conservation measures for their homes; and

WHEREAS, household energy conservation measures will contribute not only to the public welfare by permitting families to cope with rising costs of home heating, but will also help reduce the consumption of limited and nonrenewable energy resources.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby established the Energy Conservation Grants Program, said program to be administered by the Delaware Energy Office as follows:

(a) Any household, the total income of which is no greater than 200% of the Community Services Administration poverty line for 1979, may, through the head of said household, apply to the Delaware Energy Office for reimbursement of one-half of the cost of designated home weatherizing materials as set forth in subsection (b).

(b) The weatherizing materials for which reimbursement may be obtained are as follows:

- | | |
|-----|---|
| (1) | insulation |
| (2) | weatherstripping |
| (3) | caulking |
| (4) | day/night thermostats |
| (5) | such other materials or equipment
which the Director, in his discretion,
may designate by regulation. |

(c) In no event shall any household be entitled to receive more than \$200.00 under this program nor shall any household be eligible for reimbursement for any costs other than those incurred in the purchase of designated materials.

(d) Pursuant to his authority in 29 Del. C. §9406 (6), the Director may promulgate rules and regulations governing the application procedure under this program, eligibility requirements for assistance, additional materials or types of materials to which this program shall apply and any other matters deemed necessary or advisable for implementing this program. The Director shall give notice or proposed regulations in two newspapers of statewide circulation and shall hold a public hearing on any proposed regulations or amendments thereof at least 60 days prior to their effective date. Any regulations adopted under this subsection shall be published in at least two newspapers of general circulation in the State at least thirty days prior to the time the regulation, or amendment thereof, becomes effective.

(e) Any person who knowingly makes any false statement, representation or certification in any application record report or other document filed or required to be maintained under this section or under any rule or regulation promulgated under this section shall, upon conviction shall be guilty of a felony and be punished by a fine of not less than \$500.00 nor more than \$5,000.00 or by imprisonment for not more than six months, or both.

(f) The Director or his duly authorized representatives may inspect such records, books, receipts, reports or other documents required to be filed or maintained by this statute or regulations adopted thereunder. It is the intent of the General Assembly that the appropriation contained in Section 2 of this Act be identified as available from the surplus General Fund monies over and above those required to fully fund the Budget Reserve Account.

Section 2. There is hereby appropriated to the Delaware Energy Office the sum of \$1,700,000.00 to implement this program.

Section 3. Said appropriation is a supplemental appropriation and shall be paid by the State Treasurer from the General Fund monies not otherwise appropriated.

Section 4. Funds appropriated and remaining unexpended or unencumbered on June 30, 1981, shall revert to the General Fund of the State of Delaware.

Section 5. This legislation will become effective upon signature by the Governor and no reimbursement in respect of the purchase, prior to such effective date of any weatherizing materials shall be made.

Approved February 15, 1980.

CHAPTER 200

FORMERLY

SENATE BILL NO. 222

AN ACT TO AMEND CHAPTER 39, TITLE 14, DELAWARE CODE, TO PROVIDE POST RETIREMENT INCREASES TO RETIRED AND DISABLED TEACHERS WHO RETIRED PRIOR TO 1978.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 39, Title 14, Delaware Code, by designating the first paragraph of Section 3909, as paragraph (a).

Section 2. Amend Section 3909, Chapter 39, Title 14, Delaware Code, by adding a new Subsection (b) to read as follows:

"(b) Any pension under this Chapter that is payable on the date this Subsection is enacted into law shall be increased effective January 1, 1979 by \$20 per month."

Approved February 15, 1980.

CHAPTER 201

FORMERLY

SENATE BILL NO. 294

AN ACT AWARDED SPECIAL PENSION BENEFITS TO JOHN LONGOBARDI, A FORMER STATE EMPLOYEE, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

WHEREAS, John Longobardi was on medical leave of absence from the Division of Highways when the 1976 Pension Act was enacted; and

WHEREAS, John Longobardi had state service of 11 years, eight months, and eight days and would have been eligible for a vested disability pension under provisions of the 1976 Pension Act; and

WHEREAS, John Longobardi was unable to return to work long enough to apply for a disability pension as required by law; and

WHEREAS, John Longobardi has been deprived of a pension because of the refusal of his physicians to allow him to return to work to meet the legal requirements of filing for a pension.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to accept and approve John Longobardi's application for a disability pension of \$97.17 per month, said pension to be based on the minimum criterion of service comprising 11 years, eight months, and eight days, waiving eligibility criteria and statutory provisions.

Section 2. The sum of \$10,486 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, to implement the provisions of Section 1 of this Act.

Approved February 15, 1980.

CHAPTER 202

FORMERLY

SENATE BILL NO. 405
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 19, DELAWARE CODE, RELATING TO CHILD LABOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §544, Chapter 5, Title 19, Delaware Code, by striking the first sentence thereof in its entirety and substituting in lieu thereof the following:

"Employment certificates shall be issued by the superintendent of a public or a chief administrative office of a non-public middle school, junior high school, or senior high school of this State or by some other person designated by him in writing who is a public or non-public school employee retained by the public or non-public school on a 12 month or complete calendar year basis."

Approved February 15, 1980.

CHAPTER 203

FORMERLY

SENATE BILL NO. 422

AN ACT TO AMEND TITLE 9, OF THE DELAWARE CODE RELATING TO THE POWER OF KENT COUNTY TO ISSUE SINGLE FAMILY MORTGAGE REVENUE BONDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 9, Delaware Code by adding thereto a new chapter to read as follows:

"CHAPTER 53. SINGLE FAMILY MORTGAGE REVENUE BONDS

\$5301. Authority to Issue Bonds. The Levy Court of Kent County, Delaware is hereby empowered to issue and sell single family mortgage revenue bonds to finance the acquisition of notes secured by mortgages on residential property and the acquisition or rehabilitation of residential property.

\$5302. Limited Obligations. All bonds issued by Kent County under the authority of this Chapter shall be limited obligations of the County payable solely from bond proceeds, revenue and other amounts derived from the mortgage loans with respect to which such bonds are issued. The bonds and coupons, if any, attached thereto shall not constitute an indebtedness, liability, general or moral obligation or pledge of the faith and credit of Kent County, the State of Delaware or any other political subdivision thereof and the taxing power of Kent County, the State of Delaware or any political subdivision thereof shall not be pledged to the payment of the principal of, premium, if any, and interest on such bonds. In no event shall the total amount of the bonds issued pursuant to this Chapter exceed \$50,000,000.00

\$5303. Form and Terms. The bonds issued pursuant to this Chapter shall be authorized by resolution of the Levy Court and shall be issued in such form, in such denomination, bear such date, mature at such time, bear such interest rate, be executed in such manner, be payable in such places, be subject to such terms of redemption and bear such other terms as provided in the authorizing resolution.

\$5304. Conflicting Laws. Notwithstanding any provisions in any law to the contrary, all bonds issued pursuant to the Chapter shall be governed solely by the provisions of this Chapter."

Approved February 15, 1980.

CHAPTER 204

FORMERLY

SENATE BILL NO. 423

AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE, BEING "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS."

WHEREAS, the amount of \$43,000 was appropriated for Capital Outlay under Special Programs (40-06-003) for the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control;

WHEREAS, Section 100 provides that \$41,475 be used for a portable band stand; and

WHEREAS, the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control was able to obtain and equip a portable band stand for less than the amount appropriated therefor; and

WHEREAS, there is a need to make general repairs to the Figure 8 Barn at Bellevue State Park so that it may be used by the public for athletic purposes.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 100, Chapter 68, Volume 62, Laws of Delaware, by deleting the period after the word "stand" in the second sentence of said Section and substituting the following:

" , and funds not expended for such portable band stand to be used for general repairs to the Figure 8 Barn at Bellevue State Park, in order that said barn may be used by the public for athletic purposes."

Section 2. The funds appropriated by this Act may be used for the costs incidental to the project set forth in Section 1 of this Act.

Approved February 15, 1980.

CHAPTER 205

FORMERLY

SENATE BILL NO. 432

AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF DELAWARE FOR THE PURCHASE OF EQUIPMENT TO BE USED AT THE AGRICULTURE SUB-STATION NEAR GEORGETOWN AND TO MAKE IMPROVEMENTS THERE.

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 \$41,000 is hereby appropriated to the University of Delaware for the purchase of equipment to be used at the Agriculture Sub-Station near Georgetown and to make improvements there.

Section 2. This is a supplemental appropriation and the funds shall be paid out of the General Fund from monies not otherwise appropriated.

Section 3. Any part of this appropriation not expended or encumbered on June 30, 1980, shall revert to the General Fund.

Approved February 15, 1980.

CHAPTER 206

FORMERLY

HOUSE BILL NO. 289
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE, TO GIVE OFFICIAL RECOGNITION TO THE HISTORICAL VINTAGE CAR CLUB OF DELAWARE, INCORPORATED IN THE REGISTRATION OF ANTIQUE MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2196, Chapter 21, Title 21, of the Delaware Code by striking the last sentence of the first paragraph starting with the word "applicant" and inserting in lieu thereof the following:

"Applicant must furnish proof that said antique motor vehicle is registered in the Antique Automobile Club of America, Incorporated or the Veteran Motor Car Club of America, or the Historical Vintage Car Club of Delaware, Incorporated, or of an antique fire apparatus that it must be so designated by a fire department or registered in the Delaware Vintage Fire Apparatus Association, Inc., and/or the National Society for the Preservation and Appreciation of Antique Motor Fire Apparatus in America (SPAAMFAA), since said antique motor vehicle is not to be operated daily or as other registered vehicles."

Approved April 1, 1980.

CHAPTER 207

FORMERLY

SENATE BILL NO. 163

AN ACT TO AMEND CHAPTER 51, TITLE 16, DELAWARE CODE, RELATING TO THE PROCEDURE FOR VOLUNTARY ADMISSION OF MENTALLY ILL PERSONS TO THE DELAWARE STATE HOSPITAL AND OTHER HOSPITALS AND DISCHARGE THEREFROM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5123(a) of Chapter 51, Title 16, Delaware Code by striking from the first sentence the words "being 16 years of age or over," between the words "who" and "applies".

Approved April 1, 1980.

CHAPTER 208

FORMERLY

SENATE BILL NO. 172

AN ACT TO AMEND CHAPTER 53, TITLE 16, DELAWARE CODE, RELATING TO DEPARTMENTS WITHIN THE GOVERNOR BACON HEALTH CENTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5303 of Chapter 53, Title 16, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§5303. Departments within Center

The Department of Health and Social Services may establish the following sections at the Center, under the direction of the Division of Mental Health:

(1) A section for the evaluation, care and treatment of adolescents who are either seriously emotionally maladjusted or mentally ill, who are amenable to modern care and treatment and who appear to meet the admissions criteria for care and treatment. Evaluation may include social, psychological and psychiatric study and examination.

(2) A section for adults who suffer from mental and physical disorders, but who are without frank psychosis and who require only nursing care.

(3) Any other section which the Department deems related to health and welfare problems."

Approved April 1, 1980.

CHAPTER 209

FORMERLY

SENATE BILL NO. 323

AN ACT TO CHANGE THE NAME OF THE DELAWARE HOSPITAL FOR THE MENTALLY RETARDED, A FACILITY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, TO THE STOCKLEY CENTER.

WHEREAS, many persons who give their time and help to the Delaware Hospital for the Mentally Retarded at Stockley believe that the official name of this facility should be changed to eradicate the connotation of mental illness or retardation; and

WHEREAS, the policy in recent years among the states has been to substitute new and non-connotative names for such institutions; and

WHEREAS, there is agreement among friends of the facility that a better name would be Stockley Center; and

WHEREAS, legislation making this the official name for the facility will provide the proper method of changing the present name.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The name of the Hospital for the Mentally Retarded at Stockley, a facility of the Department of Health and Social Services, is changed to Stockley Center.

Section 2. After the effective date of this proposed Act all official references in law to this facility shall be Stockley Center.

Approved April 1, 1980.

CHAPTER 210

FORMERLY

HOUSE BILL NO. 669

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 88, VOLUME 62 OF THE DELAWARE LAWS, MAKING
A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANT-IN-AID.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The conditions listed in Section 11 (b) of Senate Bill No. 347 of the 130th General Assembly have been substantially complied with and the balance of \$25,000 is hereby appropriated to St. Ann's Neighborhood Center for additional operating expenses, which sum shall be paid by the State Treasurer as soon as possible after March 15, 1980.

Approved April 3, 1980.

CHAPTER 211

FORMERLY

SENATE BILL NO. 132

AN ACT TO AMEND CHAPTER 68, TITLE 7, DELAWARE CODE, RELATING TO APPEALS FROM DECISIONS OF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6803, Chapter 68, Title 7, Delaware Code, by adding thereto new subsections (g) and (h) to read as follows:

"(g) Any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the State, aggrieved by any decision of the Secretary, may appeal as provided by law 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 on the record and shall be perfected within thirty (30) days of the receipt of the decision of the Secretary.

(h) The Court may affirm, reverse or modify the Secretary's decision. The secretary'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 Secretary for completion of the record."

Approved April 3, 1980.

CHAPTER 212

FORMERLY

SENATE BILL NO. 152

AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO HUNTING AND FISHING LICENSES BY ALLOWING AUTHORIZED AGENTS TO CHARGE A FEE OF NO MORE THAN FIFTY CENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §511, Chapter 5, Title 7, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"§511. Persons authorized to sell licenses; bonds; instructions; compensation

(a) The Department may authorize suitable persons to sell licenses whenever, in the discretion of the Department, such authorization is necessary or desirable to effectuate a convenient distribution of such license.

(b) Proprietors of sporting goods stores and all other persons authorized by the Department to sell licenses shall be required to give bond in the penal sum of \$5,000, conditioned for the faithful performance of their duties and for the prompt and correct remittance to the Department of the monies received from the sale of licenses.

(c) The Department from time to time shall issue instructions to persons authorized to sell licenses regarding the character of proof to be required of applicants as to citizenship and residence within the meaning of this Chapter.

(d) Persons authorized to sell licenses shall be entitled to add a surcharge to the license fee not to exceed fifty cents (\$.50) for each such license issued."

Approved April 3, 1980.

CHAPTER 213

FORMERLY

SENATE BILL NO. 302

AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF MAIL-IN FINES FOR VIOLATIONS OF STATE PARK REGULATIONS.

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 §1311 (a), Chapter 13, Title 7, Delaware Code by inserting after the word "title" and before the word "or" as the same appear therein the following:

" , Chapter 47 of this Title".

Section 2. Amend §4702 (d), Chapter 47, Title 7, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(d) Justices of the Peace shall severally throughout the State have jurisdiction of violations of the rules and regulations of the Department of Natural Resources and Environmental Control with the condition that any person arrested for such violation shall either be taken before the closest available Justice of the Peace in the county where such violation is alleged to have occurred or be provided a voluntary assessment form in accordance with the provisions of §1311, Chapter 13 of this Title."

Approved April 3, 1980.

CHAPTER 214

FORMERLY

HOUSE BILL NO. 380

AN ACT TO AMEND CHAPTER 64, TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY EMPLOYEES' RETIREMENT BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6402, Chapter 64, Title 9 of the Delaware Code, by striking all of said section and inserting in lieu thereof the following:

"§6402. Definitions

(a) 'Covered Employee' means an employee who receives a regular salary or wages wholly or in part directly or indirectly from Sussex County; provided, however, than 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 Sussex County;

(2) Justices of the Peace and Constables, for time spent prior to March 31, 1965;

(c) 'Continuous employment' means service without interruption except allowable interruptions aggregating not more than five years.

(d) 'Allowable interruption' 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 §6404 of this Title;

(4) involuntary severance of employment not due to any fault or neglect or 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 §6403, Chapter 64, Title 9 of the Delaware Code by striking all of said section and inserting in lieu thereof the following:

"§6403. Eligibility for Retirement Benefits;
Reduction Because of Other Benefits

(a) A covered employee who shall have service with Sussex 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 §6405, Chapter 64, Title 9 of the Delaware Code, to read as follows:

§6405. 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 herein after 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 Sussex 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 Sussex County beyond age 65, each such additional year shall be credited toward his retirement but no such credits shall be accumulated beyond age 70."

Approved April 8, 1980.

CHAPTER 215

FORMERLY

HOUSE BILL NO. 381

AN ACT TO AMEND CHAPTER 81, TITLE 9 OF THE DELAWARE CODE RELATING TO THE APPLICATION OR TAX EXEMPTIONS FOR PERSONS OVER 65 YEARS OF AGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8133, Chapter 81, Title 9 of the Delaware Code by striking the words "on or before November 1 of the pretax year" and inserting in lieu thereof the words "at any time prior to the last date of the pretax year".

Approved April 8, 1980.

CHAPTER 216

FORMERLY

HOUSE BILL NO. 389

AN ACT TO AMEND CHAPTER 61, TITLE 9 OF THE DELAWARE CODE RELATING TO
AID FOR MAINTENANCE OF PUBLIC DUMPING AREAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6107, Chapter 61, Title 9 of the Delaware Code by deleting from the first sentence thereof the words "not to exceed \$75,000" and substituting in lieu thereof the words "such sums as it deems necessary".

Approved April 8, 1980.

CHAPTER 217

FORMERLY

HOUSE BILL NO. 788

AN ACT AUTHORIZING THE PUBLIC SERVICE COMMISSION TO EXPEND FUNDS FROM THE PUBLIC SERVICE COMMISSION REGULATORY REVOLVING FUND TO PAY FOR THE SERVICES OF CONSULTANTS RETAINED BY THE COMMISSION FOR CURRENT RATE HEARINGS, ASSOCIATED RATE HEARING EXPENSES, AND OTHER CONTRACTUAL SERVICES.

WHEREAS, the Public Utilities Act of 1974, enacted on June 28, 1974, provides for the funding of the operations of the Public Service Commission from a Regulatory Revolving Fund derived from a 2 (.002) mills annual assessment of utility operating revenues to be paid into the fund on or before April 1st of each year; and

WHEREAS, said assessments have been deposited in the fund; and

WHEREAS, the Public Service Commission requires additional funds for hearings as a result of: unanticipated expenditures arising from Delmarva Power & Light Company's tariff design proceeding, the filing of two major rate cases during the second half of FY 80, and the impact on the Commission's FY 80 operating budget of a transfer of \$50,000 from the Commission's FY 79 budget to the Office of the Public Advocate;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby authorized to be expended from the Public Service Commission Regulatory Revolving Fund the sum of \$90,000 in addition to those funds authorized in the approved Budget for its operations to June 30, 1980, in accordance with the provisions of Section 116, Chapter 1, Public Service Commission, Title 26, Delaware Code.

Section 2. The funds authorized shall be allocated to line items as follows:

30-11-001 Public Service Commission

(1)	Personal Services	\$87,000
(2)	Contractual Services	<u>\$3,000</u>
Total Authorization		\$90,000

(1) The transfer of \$50,000 during fiscal year 1979 to the Public Advocate resulted in a deferral of some matters from fiscal year 1979 to fiscal year 1980.

Delmarva Power & Light Company's Phase III hearings have resulted in expenses in excess of that which were estimated due to participation by the United States Department of Energy, as well as other parties to the proceeding.

Three major filings are scheduled to be heard in the second half of 1980. These cases will require substantial review and analysis.

(2) Additional expenses in this area are due mainly to the high rate of inflation and a greater number of proceedings requiring additional advertising and printing costs.

Approved April 9, 1980.

CHAPTER 218

FORMERLY

SENATE BILL NO. 424

AN ACT TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF JUSTICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$8101.47 is hereby appropriated to the Department of Justice for the salary and wages and other employment costs for one deputy attorney general to be assigned full-time to the Industrial Accident Board.

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

Section 3. Any of the funds appropriated herein remaining unexpended or unencumbered as of June 30, 1980, shall revert to the General Fund of the State of Delaware.

Section 4. The number of authorized positions for the Department of Justice shall be increased by one (1).

Approved April 9, 1980.

CHAPTER 219

FORMERLY

SENATE BILL NO. 63
AS AMENDED BY SENATE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE RELATING TO
QUALIFICATIONS FOR JURY DUTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4506 (b)(4), Chapter 45, Title 10, Delaware Code, by striking all of said subsection and substituting in lieu thereof the following:

"(4) Is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; provided, however, that no person shall be deemed incapable solely because of loss of sight in any degree; or".

Approved April 11, 1980.

CHAPTER 220

FORMERLY

HOUSE BILL NO. 72
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE 11, DELAWARE CODE RELATING TO
THE MINIMUM WAGE FOR EMPLOYEES IN DEFAULT OF PAYMENT OF FINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4105(b) of Chapter 41, Title 11, *Delaware Code* by striking the second sentence commencing with the word "For" and ending with the word "costs" as the same appears in said subsection (b) and inserting a new sentence to read as follows:

"For purposes of this Section, the hourly rate shall be established in accordance with the then-prevailing Federal minimum wage, and shall be used in computing the amount credited to any person discharging fines and costs."

Approved April 11, 1980.

CHAPTER 221

FORMERLY

SENATE BILL NO. 493

AN ACT TO AUTHORIZING CERTAIN PAY GRADE AND CLASSIFICATION CHANGES FOR POSTIONS OF EMPLOYMENT WITHIN THE DEPARTMENT OF CORRECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Notwithstanding any provision of the Appropriations Act for the fiscal year ending June 30, 1980, to the contrary.

(a) The pay grade assigned to the following postions within the "Correctional Officer" series shall be as indicated:

<u>JOB CLASS TITLE</u>	<u>PAY GRADE</u>
Correctional Officer Trainee	15
Correctional Officer	19A
Correctional Lieutenant	21
Correctional Staff Lieutenant	22
Correctional Captain	23

Provided, however, that the minimum step increment for the pay grade assigned to an employee whose job title is designated as "Correctional Officer Trainee" shall be step four (4). Upon satisfactory completion of the probationary period, the employee shall receive a one step increment increase.

(b) The pay grade assigned to the following "Correctional Staff" positions shall be as indicated:

<u>JOB CLASS TITLE</u>	<u>PAY GRADE</u>
Correctional Officer/Auto Mechanic	19A
Correctional Officer/Auto Supervisor	21
Correctional Officer/Storekeeper	19A
Correctional Officer/Laundry Operator	19A
Correctional Officer/Cook	19A
Correctional Officer/Kitchen Manager	20
Correctional Officer/Chef	21
Correctional Officer/Carpenter	20
Correctional Officer/Farm Foreman	19A
Correctional Officer/Farm Manager	20
Correctional Officer/Ground Maintenance	19A
Correctional Officer/Group Leader	19A
Correctional Officer/Building Maintenance Mechanic I	19A
Correctional Officer/Building Maintenance Mechanic II	20
Correctional Officer/Building Maintenance Foreman	21
Correctional Officer/Laundry Supervisor	20
Correctional Officer/Trades Instructor	20

(c) The pay grades assigned to the position of "Warden" shall be as indicated:

<u>JOB CLASS TITLE</u>	<u>PAY GRADE</u>
Warden, Delaware Correctional Center	28
Warden, Sussex Correctional Institution	27
Warden, Kent Correctional Center	26
Warden, Women's Correctional Institution	26
Warden, Pre-Trial Annex	26

(d) The positions currently classified as "Work Release Officer" and "Work Release Supervisor" shall be deemed "Correctional Officer" and "Correctional Lieutenant", respectively.

(e) Current employees, other than "Correctional Captains", who are affected by subparagraphs (a), (b), and (d) of this section shall receive a salary increase of at least \$1,600.00 but no more than \$2,200.00 annually in excess of the rate of total compensation received on the day immediately preceding the effective date of this Act. Correctional Captains shall receive a salary increase of at least \$1,600.00 but no more than \$2,200.00 annually above the rate of total compensation received on September 30, 1979. Total compensation means the sum total of base pay, premium pay and hazardous duty pay.

(f) No employee's review date shall change as a result of any provision of this Act.

Section 2. Employees whose job class title contains the term "Correctional Officer", or whose position is within the "Correctional Officer" series; and, who are assigned a pay grade of "19" through and including "24" may be compensated at a straight time rate for overtime service or holiday work which they are authorized and required to perform.

Section 3. No employee shall receive a rate of base pay under the provisions of this Act which is less than the rate of total compensation received on the date immediately preceding the effective date of this Act. Thereafter, salary increases shall be in accordance with the provisions of the Merit System, Title 29, Chapter 59. Provided, however, that any general adjustment to the uniform pay plan will insure to the benefit of any employee whose salary is "frozen" as a result of the provisions of this Act.

Section 4. This Act shall become effective April 1, 1980 contingent upon the execution by the Commissioner of the Department of Correction and American Federation of State, County and Municipal Employees, A.F.L.-C.I.O., Local 1726 and Council 81 of amendments to the collective bargaining agreement between the parties.

Section 5. Nothing contained within this Act shall be construed to exclude any position of State employment from "classified service" under Title 29, Chapter 59 of the Delaware Code.

Section 6. If any provision of this Act, or the application of such provision to any person or circumstances, is held to be invalid, the remainder of this Act shall not be affected thereby.

Approved April 15, 1980.

CHAPTER 222

FORMERLY

SENATE BILL NO. 251

AN ACT TO AMEND CHAPTER 68 OF TITLE 16, DELAWARE CODE RELATING TO IMMUNITY FOR THE REPORTING OF ARSON.

WHEREAS, the crime of arson has become an increasing problem in our society resulting in the loss of life and property; and

WHEREAS, insurance companies undergo a substantial risk of being involved in civil litigation if they report suspected acts of arson to appropriate authorities; and

WHEREAS, it is felt that it would be helpful in reducing the instances of arson by granting a certain limited immunity for the reporting of suspected arson to appropriate authorities.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 68, Title 16, Delaware Code by designating §6801 and §6802 as Subchapter I and establishing a new Subchapter II to read as follows:

"Subchapter II. Immunity for Reporting of Arson

§6810. Definitions

As used in this Subchapter:

(a) 'Authorized agencies' shall mean:

(1) The State Fire Marshal, or his equivalent in any political subdivision of the State of Delaware, when authorized or charged with the investigation of fires at the place where the fire actually took place.

(2) The State Police or Police of a duly organized county or municipal police agency;

(3) The Department of Justice of the State of Delaware;

(4) County Law Departments or the Solicitor of a Municipality;

(5) The Federal Bureau of Investigation or any other Federal agency;

(6) The United States Attorney's Office when authorized or charged with investigation or prosecution of the fire in question.

(b) 'Relevant' means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the evidence.

(c) Material will be 'deemed important', if within the sole discretion of the 'authorized agency', such material is requested by that 'authorized agency'.

(d) 'Action', as used in this statute, shall include nonaction or the failure to take action.

(e) 'Immune', as used in §6810(d) of this Act, shall mean that neither a civil action nor a criminal prosecution may arise from any action taken pursuant to the §s 6811, 6812, and 6813 of this Act where actual malice on the part of the insurance company or authorized agency against the insured is not present.

(f) As used in this Section 'insurance company' includes the Insurance Placement Facility of Delaware (FAIR Plan).

§6811. Disclosure of information

(a) Any authorized agency may, in writing require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency which the company may have in its possession, relating to the fire loss in question. Relevant information may include, without limitation herein:

(1) Pertinent insurance policy information relevant to a fire loss under investigation and any application for such a policy;

(2) Policy premium payment records which are available;

(3) History of previous claims made by the insured;

(4) Material relating to the investigation of the loss, including statements of any person, proof of loss, or any other evidence relevant to the investigation.

(b)(1) When an insurance company has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, and such fire loss is in excess of Five Thousand Dollars (\$5,000.00), then, for the purpose of notification and for having such fire loss investigated, the company shall, in writing, notify an authorized agency and provide it with any or all material developed from the company's inquiry into the fire loss.

(2) When an insurance company provides any one of the authorized agencies with notice of a fire loss, it shall be sufficient notice for the purpose of this act.

(3) Nothing in §6811(b) of this Act shall abrogate or impair the rights or powers created under §6811(a) of this Act.

(c) The authorized agency provided with information pursuant to §6811(a) or §6811(b) of this Act and in furtherance of its own purposes, may release or provide information to any of the other authorized agencies.

(d) Any insurance company providing information to an authorized agency or agencies pursuant to §6811(a) or §6811(b) of this Act shall have the right to request relevant information and receive from the authorized agency or agencies within a reasonable time, not to exceed thirty (30) days, the information requested.

(e) Any insurance company, or person acting in its behalf; or authorized agency who releases information whether oral or written, pursuant to §6811(a) or §6811(b) of this Act shall be immune from any liability arising out of a civil action, or criminal prosecution.

§6812. Evidence

(a) Except as provided in §6811(c) any authorized agency and insurance company described in §6810 or §6811 of this Act who receives any information furnished pursuant to this Act, shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

(b) Any authorized agency referred to in §6810 of this Act, or their personnel, may be required to testify in any litigation in which the insurance company at interest is named as a party.

§6813. Enforcement

(a) No person or agency shall intentionally or knowingly refuse to release any information requested pursuant to §6811(a) or §6811(b) of this Act.

(b) No person shall intentionally or knowingly refuse to release to authorized agencies relevant information pursuant to §6811(b) of this Act.

(c) No person shall fail to hold in confidence information required to be held in confidence by §6812 of this Act.

§6814. Severability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby, and to this and the provisions of this Act are declared to be severable."

Section 2. This Act shall become effective immediately upon enactment into law.

Approved April 15, 1980.

CHAPTER 223

FORMERLY

SENATE BILL NO. 463

AN ACT TO AMEND VOLUME 62, CHAPTER 146, LAWS OF DELAWARE, RELATING TO THE ANNUAL BOND AUTHORIZATION ACT OF THE STATE OF DELAWARE FOR THE STATE'S FISCAL YEAR BEGINNING JULY 1, 1979, BEING FORMER SENATE BILL NO. 374 OF THE 130TH GENERAL ASSEMBLY.

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 Volume 62, Chapter 146, Laws of Delaware, by striking the word "equipment" as the same appears on page 7 in the Fiscal Year 1980 Capital Projects Schedule under the heading DELAWARE TECHNICAL AND COMMUNITY COLLEGE, and substituting in lieu thereof the words "Equipment and Burn Laboratory Building".

Approved April 15, 1980.

CHAPTER 224

FORMERLY

SENATE BILL NO. 476

AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, RELATING TO THE DELAWARE STATE HOUSING AUTHORITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4053(17) of Chapter 40, Title 31, Delaware Code by adding thereto a new subsection (l) to read as follows:

"l. Bonds, debentures, notes or other obligations issued by any of the following: Bank for Cooperatives, Export-Import Bank of the United States, Government National Mortgage Association, Federal Financing Bank, Small Business Administration, or any other agency or instrumentality of the United States of America, created by an Act of Congress (substantially similar to the foregoing in its legal relationship to the United States of America);".

Section 2. Amend §4055(a) of Chapter 40, Title 31, Delaware Code by striking the words 'aforesaid Farmers Bank' as the same appears in the fourth sentence thereof and inserting in lieu thereof the word 'Authority'.

Section 3. Amend §4069(13) of Chapter 40, Title 31, Delaware Code by striking said subsection 13 in its entirety and inserting in lieu thereof a new subsection (13) to read as follows:

"(13) 'Mortgage Lender' means any bank or trust company, savings bank, national banking association, savings and loan association, Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, approved mortgage banker, building and loan association, or any insurance company authorized to transact business in the State."

Section 4. Amend §4071(1) of Chapter 40, Title 31, Delaware Code by deleting the phrase 'upon the terms set forth in §4077 of this Title' as the same appears in said subsection (1) and inserting in lieu thereof a period "."

Section 5. Amend §4053(18) of Chapter 40, Title 31, Delaware Code by striking the semicolon ";" after the word "approval" and inserting the following:

"with respect to bonds and notes subject to the Capital Reserve Fund established under §4057A of this Chapter."

Section 6. Amend §4057A(b) of Chapter 40, Title 31, Delaware Code by striking all the words commencing with the word 'Except' and ending with the words 'hereof. The' as they appear in the beginning of said subsection (b) and inserting in lieu thereof the following:

"Except with respect to an issue, or portion of an issue, of bonds designated by Resolution of the Authority as not being subject to the requirements and provisions of this section, the".

Section 7. Amend §4055(a), Chapter 40, Title 31, Delaware Code by inserting after the word 'semiannually' the following:

"or at such other time or times as shall be determined by Resolution of the Authority."

Section 8. Amend §4057A(f) of Chapter 40, Title 31, Delaware Code by striking said subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

"(f) For the purposes of this section, the term 'bonds' shall mean all obligations of the Authority bearing a maturity date more than two (2) years after the date thereof, except any bonds, notes or other obligations of the Authority which are designated by Resolution of the Authority prior to the issuance thereof as being not subject to the provisions of this Section."

Approved April 15, 1980.

CHAPTER 225

FORMERLY

HOUSE BILL NO. 391

AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE INCREASING THE PENALTY FOR SCHOOL TAX DELINQUENCIES IN KENT COUNTY AND SUSSEX COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1917, Chapter 19, Title 14 of the Delaware Code by striking the last sentence of subsection (a) and inserting in lieu thereof the following:

"The Receiver of Taxes of Kent and Sussex Counties only shall, after the thirtieth day of September in the year in which the tax rolls shall be delivered to them, assess a penalty of one percent per until the same shall be paid."

Approved April 15, 1980.

CHAPTER 226

FORMERLY

HOUSE BILL NO. 603

AN ACT APPROVING THE SALE OF A PARCEL OF LAND OWNED BY THE LAUREL SCHOOL DISTRICT TO MAURICE L. AND NANCY B. CANNON.

WHEREAS, the Board of Education of the Laurel School District has approved the sale of a parcel of land of approximately two-tenths of an acre to Maurice L. and Nancy B. Cannon of Bethel; and

WHEREAS, the purchase price has been agreed upon by the Board of Education and the Cannons and is based upon two professional appraisals; and

WHEREAS, the Board of Education of the Laurel School District has advertised the proposed sale of the Bethel School Plot; and

WHEREAS, sale of the plot to the Cannons will enable them to extend their adjoining property; and

WHEREAS, approval of the sale by the General Assembly is required so that the parties can complete the sales agreement.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sale and conveyance of the Bethel School Plot, also described as the United School Districts Property, owned by the Laurel School District, at the the appraised price are hereby approved.

Section 2. The said property lies between the Old Sailors Path to the East and Northeast, the Kenneth M. Moore Property to the Southeast, the Cannon residence to the Southwest and West, and First Street to the North in the town of Bethel.

Section 3. The Governor and the Department of Administrative Services are authorized and empowered to execute and deliver to Maurice L. and Nancy B. Cannon a good sufficient deed transferring and conveying the Bethel School Plot, also known as the United Districts Property.

Section 4. This Act shall become effective immediately upon signing by the Governor.

Approved April 15, 1980.

CHAPTER 227

FORMERLY

HOUSE BILL NO. 707
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF MAKING ADJUSTMENTS WITH THE SCHOOL BUS CONTRACTORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$508,600 is hereby appropriated to the State Board of Education for the purpose of making adjustments with the school bus contractors.

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, 1980, shall revert to the General Fund.

Approved April 16, 1980.

CHAPTER 228

FORMERLY

HOUSE BILL NO. 845

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND TITLE 5 AND TITLE 6, DELAWARE CODE, RELATING TO LOANS, INTEREST AND OTHER CHARGES AND TERMS, DEFERMENTS, PREPAYMENTS AND REFINANCING, FINANCE CHARGE LIMITATIONS, CREDIT UPON ANTICIPATION OF PAYMENTS, FORMULA TO DETERMINE MAXIMUM LOAN, LEGAL RATE, SERVICE CHARGE AUTHORIZED AND SERVICE CHARGE RATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (a), §2108, Chapter 21, Title 5, Delaware Code, by adding the following thereto:

"To the extent that the discount rate charged by the Federal Reserve Bank in the Federal Reserve District encompassing the State of Delaware exceeds 12%, the base rate of 9% expressed above shall be increased by the same amount as such excess."

Section 2. Amend subsection (c), §2108, Chapter 21, Title 5, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof the following:

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, any lender, at the request of the borrower, may extend or defer the scheduled due date of all or any part of any installment or installments, and may restate the amount of the installments and the time schedule therefor. The lender may collect for such extension or deferral a charge of 1 1/2% of the loan balance. Upon payment of such charge the lender shall note the new expiration date of such contract and advise the borrower."

Section 3. Amend §2907, Chapter 29, Title 5, Delaware Code, by adding the following class:

"Class 5. Mobile Homes - \$10 per hundred per year."

Section 4. Further amend subsection (a), §2907, Chapter 29, Title 5, Delaware Code, by adding the following thereto:

"To the extent the discount rate charged by the Federal Reserve Bank in the Federal Reserve District encompassing the State of Delaware exceeds 10%, the \$7 per hundred for Class 1 vehicles and the \$10 per hundred for Class 5 shall each be adjusted upward 25 cents for each 1/4 of 1% of such excess. To the extent the discount rate charged by the Federal Reserve Bank in the Federal Reserve District encompassing the State of Delaware exceeds 11%, the \$10 per \$100 for Class 2, \$13 per hundred for Class 3 and \$10 per hundred for Class 4 shall each be adjusted upward 25 cents for each 1/4 of 1% of such excess."

Section 5. Amend §3121, Chapter 31, Title 5, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§3121. Formula to Determine Maximum Loan

A licensee may make a secondary mortgage loan and shall state the charge thereof in terms of simple interest not to exceed eighteen percent per annum. To the extent the discount rate charged by the Federal Reserve Bank in the Federal Reserve District encompassing the State of Delaware exceeds 13% the base rate of 18% as expressed above shall be increased by the same amount as such excess."

Section 6. Amend §3125, Chapter 31, Title 5, Delaware Code, by striking the Section in its entirety and substituting in lieu thereof the following:

"§3125. Satisfaction of Debt

The borrower may satisfy in full at any time before maturity the amount of any balance to become due on any secondary mortgage obligation."

Section 7. Amend subsection (a), §2301, Chapter 23, Title 6, Delaware Code, by striking such subsection in its entirety and substituting in lieu thereof the following:

"(a) The legal rate of interest on a judgement shall be at any rate expressed in the contract sued upon, or where there is no expressed contract rate, a 5% over the Federal Reserve discount rate including any surcharge, on the date of judgement, charged by the Federal Reserve Bank in the district encompassing the State of Delaware. Any lender may charge and collect from a borrower interest at any rate agreed upon in writing not in excess of 5% over the Federal Reserve discount rate including any surcharge thereon."

Section 8. Amend Section 4315, Subchapter IV, Chapter 43, Title 6, Delaware Code, by striking the phrase "as does not exceed \$1,000.00" as it appears in Paragraph (1) therein.

Section 9. Amend §4315, Subchapter IV, Chapter 43, Title 6, Delaware Code, by striking paragraph (2) as it appears in its entirety and substituting in lieu thereof the following:

"(2) Notwithstanding the rate established in paragraph (1), to the extent the discount rate charged by the Federal Reserve Bank in the Federal Reserve District encompassing the State of Delaware exceeds 11% the base rate as stated in paragraph (1) shall be increased by one-twelfth of 1% for each full percentage point of such excess."

Section 10. Amend §4337, Subchapter IX, Chapter 43, Title 6, Delaware Code, by striking paragraphs (1) and (2) in their entirety and substituting in lieu thereof the following:

"(1) On so much of the outstanding balance - 1 1/2% per month;"

Section 11. Further amend §4337, Subchapter IX, Chapter 43, Title 6, Delaware Code, by renumbering paragraphs (3) and (4) as paragraphs (2) and (3) respectively.

Section 12. Amend Subsection (d), Section 2108, Chapter 21, Title 5, Delaware Code by striking the last sentence of said subsection.

Section 13. Amend Section 2908, Chapter 29, Title 5, Delaware Code, by striking such subsection in its entirety.

Section 14. Sections 1 through 11 of this Act shall become effective with the signature of the Governor. Sections 12 and 13 shall become effective on June 1, 1981.

Approved April 18, 1980.

CHAPTER 229

FORMERLY

SENATE BILL NO. 397

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF REIMBURSING PARENTS OR GUARDIANS OF STUDENTS FOR PUPIL TRANSPORTATION COST.

WHEREAS, transportation costs incurred by parents and/or guardians herein listed were not reimbursed by the home district during academic year 1977-78; and

WHEREAS, the funds allocated to the districts herein mentioned were not encumbered, and therefore reverted back to the State; and

WHEREAS, the situation was not brought to the attention of the New Castle County School District until early in January of 1979, when a parent complained; and

WHEREAS, to date only Wilmington and Conrad districts have registered complaints.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$10,511.10 is hereby appropriated to the State Board of Education for the purpose of reimbursing parents and/or guardians of students for pupil transportation costs to be paid in the following manner:

FROM CONRAD DISTRICT

Mrs. Joseph Molitor 318 Westmoreland Avenue Wilmington, DE 19804	(for Eric Molitor)	\$ 480.00
Mr. Thomas Manno 202 Admiral Drive Glen Berne Wilmington, DE 19804	(for Michael Manno)	767.60
Mrs. Mary Vesnaver 31 South Colonial Avenue Wilmington, DE 19805	(for Robert Vesnaver)	568.00
Mr. Kenneth Marshall 118 Denn Place Pleasant Hills Wilmington, DE 19804	(for Doris Marshall)	357.00
Mr. Robert Floyd 143 Atlas Drive New Castle, DE 19720	(for Jerry Wallace)	717.60
Mr. Joseph Hagee 418 Becker Avenue Woodcrest Wilmington, DE 19804	(for Joseph Hagee)	1,077.60

Mr. Eugene Maurer 301 Tindall Road Lancaster Village Wilmington, DE 19805	(for Greg Anderson)	200.00
Mr. John O'Donnell 28 Netherfield Drive Wilmington, DE 19804	(for John O'Donnell)	500.00 500.00
TOTAL		<u>\$4,667.80</u>

FROM WILMINGTON DISTRICT

Mrs. Joseph Kalinowski 800 West 23rd Street Wilmington, DE 19802	(for Joseph Kalinowski)	\$ 136.80
Mr. & Mrs. Ballard Hibbitts 15 Holden Drive, Rambleton Acres New Castle, DE 19720	(for Ballard Hibbitts)	140.00
Mr. & Mrs. Arthur Biloon 700 West 23rd Street Wilmington, DE 19802	(for Elise Biloon)	159.60
Mr. & Mrs. Paul Mahoney 2106 West 17th Street Wilmington, DE 19806	(for Paul Mahoney)	380.40
Kingswood Community Center P. O. Box 1245 Wilmington, DE 19899	(for Tia Smith)	27.60
Mrs. Lithian C. Brinkley 404 East 35th Street Wilmington, DE 19802	(for Shawn Edmonds)	63.20
Mrs. Alice Pasquale 806 Maryland Avenue Wilmington, DE 19805	(for Catherine Kaczarowski)	98.90
Ms. Jacquelyn Smith 2602 Washington Street Wilmington, DE 19805	(for Everett Smith)	700.00
Sienna Hall 2307 Kentmere Parkway Wilmington, DE 19806	(for William Willey)	136.80
TOTAL		<u>\$1,843.30</u>
GRAND TOTAL		<u>\$6,511.10</u>

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.

Approved April 23, 1980.

CHAPTER 230

FORMERLY

SENATE BILL NO. 456

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DELAWARE
TRANSPORTATION AUTHORITY TO SUBSIDIZE TRANSPORTATION FOR THE
ELDERLY AND HANDICAPPED IN KENT AND SUSSEX COUNTIES.

WHEREAS, the Fiscal Year 1980 Appropriations Act (H.B. 333), as amended by Senate Bill No. 373, Section 126, authorized certain funds for specialized transportation services for the elderly and handicapped citizens of Kent and Sussex Counties; and

WHEREAS, the funds authorized in the foregoing legislation were not adequate to support the already established transportation programs adopted for these citizens; and

WHEREAS, the demands for service are growing beyond the existing levels; and

WHEREAS, Delaware has formally recognized the need for statewide specialized transportation and committed itself to such services; and

WHEREAS, Federal subsidy funds which had been anticipated to augment this service failed to materialize;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$60,000 is hereby appropriated to the Delaware Transportation Authority to pay for specialized transportation service for the handicapped and elderly.

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 herein appropriated remain unexpended on June 30, 1980, such funds shall, therefore, revert to the General Fund of the State Treasury.

Approved April 23, 1980.

CHAPTER 231

FORMERLY

SENATE BILL NO. 475

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE, DIVISION OF STANDARDS AND INSPECTIONS, FOR THE PURPOSE OF ESTABLISHING TWO NEW POSITIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The amount of Six Thousand Four Hundred and Twelve Dollars (\$6,412) is hereby appropriated to the Department of Agriculture, Division of Standards and Inspections, for the purpose of establishing two (2) new positions as follows:

(1) Agricultural Products Inspector II

(1) Noxious Weed Control Supervisor

Section 2. The Department of Agriculture is requested to fill these positions by April 15, 1980.

Section 3. The funds hereby appropriated which remain unexpended or unencumbered on June 30, 1980 shall revert to the General Fund of the State of Delaware.

Approved April 23, 1980.

CHAPTER 232

FORMERLY

SENATE BILL NO. 395

AN ACT TO AMEND CHAPTER 101, VOLUME 62, LAWS OF DELAWARE RELATING TO THE TOWN COUNCIL FOR THE TOWN OF SLAUGHTER BEACH.

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 4, Chapter 101, Volume 62, Laws of Delaware by striking the word "President" wherever the same appears in said section, and substituting the word "Mayor" in lieu thereof.

Section 2. Amend Section 15, Chapter 101, Volume 62, Laws of Delaware by striking the word "Fire" as the same appears in said section, and substituting the word "Five" in lieu thereof.

Approved May 1, 1980.

CHAPTER 233

FORMERLY

HOUSE BILL NO. 403
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING
TO IMPOSING FEES FOR LATE RENEWALS OF VEHICLE REGISTRATION FEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2151, Chapter 21, Title 21 of the Delaware Code by adding
a new paragraph (6) to read as follows:

"(6) A fee of \$2.00, in addition to the registration fee, shall be imposed at the
time of renewal of registration, if the Delaware registration has expired. This fee
shall not be imposed if the registration has expired over 12 months or if a permit
has been purchased for the vehicle pursuant to Section 2103. The fee shall not be
imposed if a transfer of ownership on the vehicle has taken place."

Approved May 1, 1980.

CHAPTER 234

FORMERLY

SENATE BILL NO. 1

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 8, SECTION 6 OF THE CONSTITUTION OF THE STATE OF DELAWARE BY LIMITING APPROPRIATIONS TO 98 PERCENT OF THE STATE REVENUE.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 129th General Assembly, being Chapter 509, Volume 61, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE 8, SECTION 6, OF THE CONSTITUTION OF THE STATE OF DELAWARE BY LIMITING APPROPRIATIONS TO 98 PERCENT OF THE STATE REVENUE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all the members elected to each House thereof concurring therein):

Section 1. Amend Article 8, Section 6 of the Constitution of 1897 of the State of Delaware by designating the existing paragraph thereof as subsection (a) and inserting new subsections to read as follows:

(b) No appropriation, supplemental appropriation, or Budget Act shall cause the aggregate State general fund appropriations enacted for any given fiscal year to exceed 98 percent of the estimated State general fund revenue for such fiscal year from all sources, including estimated unencumbered funds remaining at the end of the previous fiscal year. An Act approved pursuant to the provisions of Section 3 of this Article shall not be considered an appropriation for the purpose of this Section. Estimated unencumbered funds are calculated by taking the estimated general fund cash balance at the end of the fiscal year less estimated revenue anticipation bonds or notes, estimated encumbrances, estimated continuing appropriations and the amount of the Budget Reserve Account as established in subsection (d) of this Section at the end of said fiscal year. The amount of said revenue estimate and estimated unencumbered funds remaining shall be determined by the most recent Joint Resolution approved from time to time by a majority of the members elected to each House of the General Assembly and signed by the Governor.

(c) Notwithstanding subsection (b) of this Section, any portion of the amount between 98 and 100 percent of the estimated State general fund revenue for any fiscal year as estimated in accordance with subsection (b) of this Section may be appropriated in any given fiscal year in the event of emergencies involving the health, safety, or welfare of the citizens of the State of Delaware, such appropriations to be approved by three-fifths of the members elected to each House of the General Assembly.

(d) There is hereby established a Budget Reserve Account within the General Fund. Within forty-five (45) days after the end of any fiscal year, the excess of any unencumbered funds remaining from the said fiscal year shall be paid into the Budget Reserve Account, provided, however, that no such payment will be made which would increase the total of the Budget Reserve Account to more than five percent (5%) of only the estimated State General Fund Revenues as set by the provisions of subsection (b) of this Section. The excess of any unencumbered funds shall be determined by subtracting from the actual unencumbered funds at the end of any fiscal year an amount which together with the latest estimated revenues is necessary to fund the ensuing fiscal year's General Fund Budget including the required estimated General Fund supplemental and

automatic appropriations for said ensuing fiscal year less estimated reversions. The General Assembly by a three-fifths vote of the members elected to each House, may appropriate from the Budget Reserve Account such additional sums as may be necessary to fund any unanticipated deficit in any given fiscal year or to provide funds required as a result of any revenue reduction enacted by the General Assembly."

; and

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 129th 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.

Approved May 1, 1980.

CHAPTER 235

FORMERLY

SENATE BILL NO. 520

AN ACT TO AMEND SECTION 6533 OF TITLE 29, DELAWARE CODE, TO DEFINE TERMS USED THEREIN.

WHEREAS, Section 6533, Title 29, of the Delaware Code, contains technical terms pertaining to the financial operations of the State; and

WHEREAS, Senate Bill No. 1 of this General Assembly proposes an Amendment to Article VII of the Constitution of 1897 of the State of Delaware which is substantially identical to Section 6533, Title 29, of the Delaware Code; and

WHEREAS, the General Assembly intends that the terms used in Section 6533, Title 29, Delaware Code, and those used in Senate Bill No. 1 be interpreted hereafter in a uniform and consistent manner.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6533, Title 29, of the Delaware Code by redesignating existing subsections (a) (b) (c) and (d) as subsections (b) (c) (d) and (e) respectively and by redesignating all references to said subsections contained in that Section accordingly.

Section 2. Amend Section 6533, Title 29, of the Delaware Code by adding thereto a new subsection (a) as follows:

(a) The following terms, as used in this section, shall be defined as follows:

(1) 'Appropriation' shall include automatic appropriations and continuing appropriations. An automatic appropriation shall be deemed made when any of the funds so appropriated is expended. A continuing appropriation shall be deemed made on the effective date of the first expenditure of funds so appropriated, notwithstanding the fact that the appropriation may be made continuing by virtue of a later Act preventing the reversion of the appropriation.

(2) 'Automatic Appropriation' shall mean an appropriation which specifies no fixed dollar maximum amount, that amount being determined upon the occurrence of a stated future condition.

(3) 'Continuing Appropriation' shall mean the unencumbered balance of any General Fund appropriation which, once established, is automatically renewed in any succeeding fiscal year without further legislative action.

(4) 'Supplemental Appropriation' shall mean an appropriation provided by a Supplementary Appropriation Bill pursuant to Section 6339 of Title 29, Delaware Code.

(5) 'Budget Act' shall mean the Budget Appropriation Bill duly enacted according to Section 6335 through 6338, Title 29, Delaware Code, approved by the Governor, and any amendatory legislation.

(6) 'General Fund' shall be as defined in Section 6102, Title 29, Delaware Code.

(7) 'Revenue Anticipation Bonds or Notes' shall mean notes or bonds issued by the State in anticipation of the receipt by the State of taxes and revenues payable to the State and to the payment of which the State has pledged its full faith and credit, to the extent that the proceeds of such Bonds or Notes are deposited in the General Fund.

(8) 'Budget Reserve Account' as used in Subsection (b) of this section shall mean the Budget Reserve Account as of the close of the fiscal year next preceding the year in which the appropriation, supplemental appropriation, or Budget Act described in that subsection is enacted."

Section 3. In the event that Article VIII of the Delaware Constitution of 1897 shall be amended by adoption of Senate Bill No. 1 of this General Assembly, the Delaware Code Revisors shall include a reference to the definitions contained in Section 2 hereof in the annotation to Article VIII, §6, of the Delaware Constitution of 1897, as so amended.

Approved May 1, 1980.

CHAPTER 236

FORMERLY

SENATE BILL NO. 2

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 8 OF THE CONSTITUTION TO PROVIDE FOR A THREE-FIFTHS VOTE OF THE GENERAL ASSEMBLY TO ENACT LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES; TO PROVIDE AN EXCEPTION THERETO FOR LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES TO SATISFY THE STATE'S PLEDGE OF ITS FAITH AND CREDIT FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT AFTER PROVISION HAS BEEN MADE ANNUALLY FOR SUCH PAYMENT; AND TO PROVIDE FOR THE ALLOCATION OF PUBLIC MONEYS TO MAKE SUCH PAYMENTS.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 129th General Assembly, being Chapter 510, Volume 61, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE 8 OF THE DELAWARE CONSTITUTION TO PROVIDE FOR A THREE-FIFTHS VOTE OF THE GENERAL ASSEMBLY TO ENACT LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES; TO PROVIDE AN EXCEPTION THERETO FOR LAWS AUTHORIZING AN INCREASE IN THE RATE OF TAXES AND LICENSE FEES TO SATISFY THE STATE'S PLEDGE OF ITS FAITH AND CREDIT FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON DEBT AFTER PROVISION HAS BEEN MADE ANNUALLY FOR SUCH PAYMENT; AND TO PROVIDE FOR THE ALLOCATION OF PUBLIC MONEYS TO MAKE SUCH PAYMENTS.

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. There shall be added to Article 8 of the Delaware Constitution a new section to be entitled and which shall read as follows:

'Section 10. Limitation on Increase of Rate of Taxes and License Fees; Exception to Meet Obligation Under Faith and Credit Pledge; Allocation of Public Moneys to Meet Such Obligation if Revenues are not Sufficient to Meet Such Pledge.

(a) The effective rate of any tax levied or license fee imposed by the State may not be increased except pursuant to an Act of the General Assembly adopted with the concurrence of three-fifths of all members of each House.

(b) Prior to the beginning of each fiscal year of the State, the General Assembly shall appropriate revenues of the State to pay interest on its debt to which it has pledged its faith and credit and which interest is payable in the year for which such appropriation is made and to pay the principal of such debt, payable in such year, whether at maturity or otherwise. To the extent that insufficient revenues of the State are available to pay principal of and interest on such debt when due and payable, the first public moneys of the State thereafter received shall be set aside and applied to the payment of the principal of and interest on such debt. To make up for such insufficient revenues, the General Assembly may increase the rate of taxes and fees without regard to the limitations of Paragraph (a) hereof after the failure to pay when due the principal of and interest on such debt."

; and

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 129th 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.

Approved May 1, 1980.

CHAPTER 237

FORMERLY

SENATE BILL NO. 231

AN ACT TO AMEND CHAPTER 1 AND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVERS LICENSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 101, Chapter 1, Title 21 of the Delaware Code by deleting the words ", other than a chauffeur," as they appear in the definition of "Operator".

Section 2. Amend Section 2703, Chapter 27, Title 21 of the Delaware Code by deleting the words "licensed as an operator or chauffeur" as they appear in the first sentence of subsection (a) and insert in lieu thereof the words "properly licensed".

Section 3. Further amend Section 2703 by deleting the words "operator's or chauffeur's" as they appear in the second sentence of subsection (a).

Section 4. Amend Section 2704, Chapter 27, Title 21 of the Delaware Code by deleting the words "operator's or chauffeur's" as they appear in subsection (a).

Section 5. Amend Section 2705, Chapter 27, Title 21 of the Delaware Code by deleting the words "an operator's or chauffeur's" as they appear in subsection (a) and insert in lieu thereof the word "a".

Section 6. Amend Section 2706, Chapter 27, Title 21 of the Delaware Code by deleting the words "either as an operator or chauffeur" as they appear in subsection (a) of said section.

Section 7. Further amend Section 2706 by deleting the words "or chauffeurs" as they appear in subsection (a) of said section.

Section 8. Further amend Section 2706 by deleting the words "either a valid operator's or chauffeur's" as they appear in subsection (a) and insert in lieu thereof the words "a valid operator's".

Section 9. Further amend Section 2706 by deleting the words "or chauffeurs" as they appear in subsection (b) of said section.

Section 10. Further amend Section 2706 by deleting the words "either as an operator or chauffeur" as they appear in subsection (b) and insert in lieu thereof the words "as an operator".

Section 11. Further amend Section 2706 by deleting the words "or chauffeur" and "or chauffeur's" as they appear in subsection (b) of said section.

Section 12. Amend Section 2707, Chapter 27, Title 21 of the Delaware Code by deleting the words "An operator's" as they appear in subsection (a) of said section and insert in lieu thereof the words "A Class A".

Section 13. Further amend Section 2707 by deleting the words "A chauffeur's license" as they appear in subsection (a) and insert in lieu thereof the words "A Class B or Class C license".

Section 14. Further amend Section 2707 by deleting the words "or chauffeur's" as they appear in subsection (b) of said section.

Section 15. Further amend Section 2707 by deleting the words ", either as operator or chauffeur," as they appear in paragraphs (1) and (2) of subsection (b).

Section 16. Amend Section 2708, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's license" as they appear in subparagraph (1) of subsection (a) of said section.

Section 17. Further amend Section 2708, Chapter 27, Title 21 of the Delaware Code by deleting the words "and chauffeur's" as they appear in subsection (b) of said section.

Section 18. Amend Section 2709, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" as they appear in said section.

Section 19. Amend Section 2710, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur" as they appear in said section.

Section 20. Amend Section 2711, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" and "or chauffeur" as they appear in said section.

Section 21. Amend Section 2713, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" and "or chauffeurs" as they appear in said section.

Section 22. Amend Section 2718, Chapter 27, Title 21 of the Delaware Code by deleting the word "chauffeur's" as it appears in said section.

Section 23. Amend Section 2719, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" as they appear in said section.

Section 24. Amend Section 2720, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" as they appear in said section.

Section 25. Amend Section 2721, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur" and "or chauffeur's" as they appear in said section.

Section 26. Amend Section 2722, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" as they appear in said section.

Section 27. Amend Section 2751, Chapter 27, Title 21 of the Delaware Code by deleting the words "or chauffeur's" as they appear in said section.

Section 28. Amend Section 2754, Chapter 27, Title 21 of the Delaware Code by deleting the word "chauffeur" and insert in lieu thereof the word "person".

Approved May 13, 1980.

CHAPTER 238

FORMERLY

SENATE BILL NO. 232

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO A FEE FOR THE REINSTATEMENT OF DRIVING PRIVILEGES FOR A NON-RESIDENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2737, Chapter 27, Title 21 of the Delaware Code by adding the words "and/or driving privileges" after the word "license" as it appears in said section.

Approved May 13, 1980.

CHAPTER 239

FORMERLY

SENATE BILL NO. 519

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND TITLE 5 AND TITLE 6, DELAWARE CODE, RELATING TO LOANS, INTEREST AND OTHER CHARGES AND TERMS, DEFERMENTS, PREPAYMENTS AND REFINANCING, FINANCE CHARGE LIMITATIONS, CREDIT UPON ANTICIPATION OF PAYMENTS, FORMULA TO DETERMINE MAXIMUM LOAN, LEGAL RATE, SERVICE CHARGE AUTHORIZED AND SERVICE CHARGE RATES, FORMERLY KNOWN AS HOUSE BILL NO. 845 OF THE 130TH GENERAL ASSEMBLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend House Bill 845 of the 130th General Assembly as enacted into law by striking Section 7 of said bill in its entirety and substituting in lieu thereof the following:

"Section 7. Amend subsection (a), §2301, Chapter 23, Title 6, Delaware Code, by striking such subsection in its entirety and substituting in lieu thereof the following:

(a) Any lender may charge and collect from a borrower interest at any rate agreed upon in writing not in excess of 5% over the Federal Reserve discount rate including any surcharge thereon, and judgments entered after the effective date of this Act shall bear interest at the rate in the contract sued upon. Where there is no expressed contract rate, the legal rate of interest shall be 5% over the Federal Reserve discount rate including any surcharge as of the time from which interest is due; provided that where the time from which interest is due predates April 18, 1980, the legal rate shall remain as it was at such time."

Section 2. Amend House Bill 845 of the 130th General Assembly as enacted into law by adding a new Section 15 to read as follows:

"Section 15. Amend subsection (c), §2111, Chapter 21, Title 5, Delaware Code, by striking such subsection in its entirety and substituting in lieu thereof the following:

(c) In any action for the recovery or repayment of the money loaned under this Chapter, the lender shall be entitled to recover only the principal sum loaned and the earned interest charges to the date of judgment, less the total payments made on said loan by the borrower, together with post-judgment interest at the legal rate as of the date of judgment; provided that post-judgment interest shall remain at 5% per annum on judgments entered prior to April 18, 1980."

Approved May 13, 1980.

CHAPTER 240

FORMERLY

SENATE BILL NO. 580

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELSMERE.

WHEREAS, on May 10, 1980, the people of the Town of Elsmere voted in favor of certain amendments to the Charter of the Town of Elsmere; and

WHEREAS, due to certain economic conditions facing the Town of Elsmere it is necessary to enact in advance certain fiscal provisions of the Charter changes, the remaining items approved in the referendum to become law pursuant to Chapter 8 of Title 22 of the Delaware Code.

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 28 of the Charter of the Town of Elsmere by striking it in its entirety and substituting in lieu thereof a new Section 28 to read as follows:

Section 28: FISCAL YEAR

The fiscal year of the Town of Elsmere shall begin on the first day of October of each year and shall end on the last day of September. Such fiscal year shall also constitute the budget and accounting year, except as otherwise provided herein.

Section 2. Amend Section 31 of the Charter of the Town of Elsmere by striking in its entirety and substituting in lieu thereof a new Section 31 to read as follows:

Section 31. POWER TO RAISE REVENUE

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; provided that the amount so collected shall not exceed one and one-half percent (1 1/2%) of the assessed value of real estate within the Town in any one fiscal year clear of all delinquencies and expenses of collection. The Council shall have the right to grant and refuse and to charge fees for licenses or permits for traveling shows and other business of any description within the limits of the Town. The Council shall also have the power to collect franchise fees and to impose sewer rental on sanitary sewers. (The Council must have at least five or six votes to increase existing taxes, or to impose new taxes.)

The Council may, in its discretion, exempt from Town taxation any manufacturing plant employing fifty or more employees hereafter established within the Town of Elsmere or brought within the boundaries of the Town by virtue of any annexation for a period of ten years from the time said plant is established or brought within the boundaries of the Town of Elsmere.

The Council may, by ordinance, exempt from Town taxation any and all persons over the age of sixty-five (65) years subject to limitations on income as by such ordinance will be provided.

The Council shall have the power by ordinance to allow for discounts for early payment of taxes, to impose reasonable penalties, interest and forfeitures for tax delinquencies and to review and determine proper and appropriate properties to be exempt from taxation.

The Council shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

Section 3. Amend Section 34 of the Charter of the Town of Elsmere by striking it in its entirety and substituting in lieu thereof a new Section 34 to read as follows:

Section 34. BORROWING, FOR CURRENT EXPENSES

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed. Provided, however, that the amount of such indebtedness shall not at any time exceed the sum of Seventy-Five Thousand Dollars (\$75,000.00).

To exercise the power aforesaid the Council shall adopt a resolution to that effect. 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 thereof. Such short term debt shall have a maturity of nine months or less, and shall not be considered as part of the bonded debt of the Town when limitations under the indebtedness as set forth elsewhere in this Charter, are computed.

Section 4. Amend Section 23 (a) (6) of the Charter of the Town of Elsmere by striking in its entirety and substituting in lieu thereof a new Section 23 (a) (6) to read as follows:

**Section 23. (a) (6). PREPARATION AND APPROVAL OF BUDGET:
SEPARATION OF APPROPRIATION**

The directors of the Department of Public Safety shall, some time before the first day of August of each year, present in writing to the Council a budget, the same showing an itemized statement of the amount of money that such directors estimate will be needed by such department to cover all the costs of conducting the Department of Public Safety for the ensuing year. After careful consideration of such budget, the council when it shall make its yearly appropriations for the conduct of other departments and agencies of the Town, shall make an appropriation in such amount of money as will meet the requirements of the budget as submitted by such department, and be consistent with the estimated income of the Town for the ensuing fiscal year.

Section 5. Amend Section 29 the Charter of the Town of Elsmere by striking in its entirety and substituting in lieu thereof a new Section 29 to read as follows:

Section 29. BUDGET

Annually each year and not later than the first Thursday in September the Council shall cause to be submitted a budget containing a financial plan for conducting the affairs of the Town for the ensuing fiscal year.

The budget shall contain the following information:

(1) A detailed estimate of the expense of conducting each department and office of the Town for the ensuing fiscal year; provided that the Council may, if it deems fit, break down such estimate in some appropriate manner other than by departments or offices.

(2) The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.

(3) The amount of the debt of the Town, together with a schedule of maturity of bond issues.

(4) A statement of the amount of interest on the bonded debt, the amount necessary to pay any bond maturing during the year, and the amount required for the sinking fund, if any.

(5) An estimate of the amount of money to be received from taxes and all other anticipated income of the Town from any source or sources.

(6) Council shall allow adequate reserve for depreciation.

The budget shall be used as a guide in determining Town expenditures but shall not be a limitation upon the power of the Council to appropriate funds in excess of the amounts set forth in the budget, if in its discretion it seems advisable to do so.

Approved May 15, 1980.

CHAPTER 241

FORMERLY

SENATE BILL NO. 378
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, DELAWARE CODE, TO REQUIRE RESTITUTION BY PERSONS CONVICTED OF FORGERY.

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 §861, Title 11, Delaware Code, adding a new subsection (C) thereto to read as follows:

"(C) In addition to any other penalty provided by law for violation of this section, the court shall require a person convicted of a violation of this section to make restitution to the party or parties who suffered loss as a result of such forgery."

Approved May 22, 1980.

CHAPTER 242

FORMERLY

HOUSE BILL NO. 626

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE IMPOSITION OF TAXES OR LICENSE FEES.

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 VIII, of the Constitution of the State of Delaware by adding a new Section II thereto as follows:

"§II. Imposition or levy of new taxes or license fee

(a) No tax or license fee may be imposed or levied except pursuant to an act of the General Assembly adopted with the concurrence of three-fifths of all members of each House.

(b) Prior to the beginning of each fiscal year of the State, the General Assembly shall appropriate revenues of the State to pay interest on its debt to which it has pledged its faith and credit and which interest is payable in the year for which such appropriation is made and to pay the principal of such debt, payable in such year, whether at maturity or otherwise. To the extent that insufficient revenues of the State are available to pay principal of and interest on such debt when due and payable, the first public moneys of the State thereafter received shall be set aside and applied to the payment of the principal of and interest on such debt. To make up for such insufficient revenues, the General Assembly may increase the rate of taxes and fees without regard to the limitations of Paragraph (a) hereof after the failure to pay when due the principal of and interest on such debt."

Section 2. The provisions of this bill shall not apply to any tax or license fee authorized by an act of the General Assembly but not effective upon the effective date of this bill.

Approved May 15, 1980.

CHAPTER 243

FORMERLY

HOUSE BILL NO. 971

AN ACT TO ALLOW GEORGE MACARTHUR PLATZ A NON-RESIDENT, TO MARRY MARYANN ELIZABETH DUDLEY, A NON-RESIDENT.

WHEREAS, George MacArthur Platz wishes to marry Maryann Elizabeth Dudley on May 31, 1980 in the State of Delaware; and

WHEREAS, Maryann Elizabeth Dudley, daughter of Thoms F. Dudley, having been a resident of Delaware until September 1979, wishes to be married in the church of her family; and

WHEREAS, George MacArthur Platz is in the service of the country in the U. S. Navy, to be graduated from Naval Training School in Florida on Thursday, May 29, 1980; and

WHEREAS, the ship to which Mr. Platz has been assigned will leave port on Sunday, June 1, 1980; and

WHEREAS, Title 13, Section 107a, Del. C. states that a non-resident of the State of Delaware must wait 96 hours after acquiring a marriage license before the marriage ceremony may take place; and

WHEREAS, Mr. Platz and Miss Dudley could be married but for the non-residency requirements of the Delaware Code; and

WHEREAS, it is the public policy of this State to encourage marriage.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. George MacArthur Platz and Maryann Elizabeth Dudley are hereby exempted from the application of Title 13, Delaware Code, Section 107(a) and are specifically permitted to marry on May 31, 1980. Permission is not granted by this Act for Mr. Platz and Miss Dudley to be married after June 3, 1980. This exception is granted only from the time of its enactment to 12:00 midnight June 3, 1980.

Approved May 27, 1980.

CHAPTER 244

FORMERLY

HOUSE BILL NO. 1019

AN ACT TO ALLOW JOSEPH GRAJEWSKI, A NON-RESIDENT, TO MARRY CAROL HOGAN, A NON-RESIDENT.

WHEREAS, Joseph Grajewski wishes to marry Carol Hogan on June 20, 1980 in the State of Delaware; and

WHEREAS, Joseph Grajewski's family are residents of New Castle County and both Joseph Grajewski and Carol Hogan wish to married in Delaware; and

WHEREAS, both Joseph Grajewski and Carol Hogan are presently residing in the State of Texas; and

WHEREAS, both Joseph Grajewski and Carol Hogan will not be able to return to Delaware more than 96 hours prior to the time of their scheduled marriage; and

WHEREAS, Title 13, Section 107a, Del. C. states that a non-resident of the State of Delaware must wait 96 hours after acquiring a marriage license before the marriage ceremony may take place; and

WHEREAS, Joseph Grajewski and Carol Hogan could be married but for the non-residency requirements of the Delaware Code; and

WHEREAS, it is the public policy of this State to encourage marriage,

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Joseph Grajewski and Carol Hogan are hereby exempted from the application of Title 13, Delaware Code, Section 107 (a) and are specifically permitted to marry on June 20, 1980, or within 30 days thereafter; the Clerk of the Peace for New Castle County shall issue to Joseph Grajewski and Carol Hogan an official marriage license pursuant to this Act, the provisions of Chapter 1, Title 13, or any other law of this State to the contrary not withstanding.

Approved May 29, 1980.

CHAPTER 245

FORMERLY

SENATE BILL NO. 276

AN ACT TO AMEND CHAPTERS 7 AND 9 OF TITLE 5, DELAWARE CODE, RELATING TO BANK BRANCHES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §770, Chapter 7, Title 5, Delaware Code, by adding thereto a new paragraph (c) to read as follows:

"(c) Any bank, with the prior approval of the State Bank Commissioner, may install, maintain, operate or utilize for the benefit of its customers, one or more electronic devices or machines at locations remote from its main office or any branch office, by which funds may be deposited into or withdrawn from established accounts, advances may be obtained against previously authorized lines of credit, transfers of funds between accounts may be made, loan payments may be made, or cash may be received or dispensed. An off-premises facility as described herein shall be deemed to be a branch office except that it may be shared among banks, savings banks, national banks, savings and loan institutions, and credit unions, and the Commissioner's approval need only be conditioned upon a determination that the facility will be an effective and efficient service consistent with sound banking practices, such facilities may be manned by personnel of the bank, or may be unmanned, or manned by a person under contract with, but not an officer or employee of the operating bank."

Section 2. Amend §933 of Chapter 9, Title 5, Delaware Code, by adding thereto a new paragraph (c) to read as follows:

"(c) Any savings banks or savings society, with the prior approval of the State Bank Commissioner, may install, maintain, operate or utilize for the benefit of its customers one or more electronic devices or machines at locations remote from its main office or any branch office, by which funds may be deposited into or withdrawn from established accounts, advances may be obtained against previously authorized lines of credit, transfers of funds between accounts may be made, loan payments may be made, or cash may be received or dispensed. An off-premises facility as described herein shall be deemed to be a branch office except that it may be shared among banks, savings banks, national banks, savings and loan institutions, and credit unions, and the Commissioner's approval need only be conditioned upon a determination that the facility will be an effective and efficient service consistent with sound banking practices. Such facilities may be manned by personnel of the bank, or may be unmanned, or manned by a person under contract with, but not an officer or employee of the operating bank."

Approved May 29, 1980.

CHAPTER 246

FORMERLY

SENATE BILL NO. 277

AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO RESERVE REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §128, Chapter 1, Title 5, Delaware Code, by deleting said section in its entirety and substituting in lieu thereof the following:

"§128. Federal Reserve System Reserve Requirements

The Commissioner, in determining, in the course of his examination, the amount of lawful money reserve required under this Code and any other law of this State to be maintained, at all times, by State banks and trust companies, shall not require those State banks and trust companies that hold reserves under federal statutes to maintain a greater reserve than that required by the Federal Reserve Act."

Approved May 29, 1980.

CHAPTER 247

FORMERLY

SENATE BILL NO. 278

AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, PERTAINING TO REGULATIONS GOVERNING BUSINESS OF BANKS AND TRUST COMPANIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §903(c), Chapter 9, Title 5, Delaware Code, by striking the figure "\$50" as it appears in the first line of said subsection and substituting in lieu thereof "\$5,000".

Section 2. Amend §903, Chapter 9, Title 5, Delaware Code, by adding thereto a new subsection (d) to read as follows:

"(d) In addition, the applicant shall pay an investigation fee of \$1,000 which shall not be refundable and shall be submitted with the application."

Approved May 29, 1980.

CHAPTER 248

FORMERLY

SENATE BILL NO. 280

AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, RELATING TO
RESERVE REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §907(c) of Chapter 9, Title 5, Delaware Code, by adding the
following to subsection (c):

"Reserves maintained under federal statute by State chartered non-member
banks shall satisfy the reserve requirements of this Section."

Approved May 29, 1980.

CHAPTER 249

FORMERLY

HOUSE BILL NO. 256

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES; AND PROVIDING "IN-TRANSIT" PLATES FOR CERTAIN TYPES OF CONSTRUCTION EQUIPMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §101, Chapter 1, Part I, Title 21 of the Delaware Code by striking the words "and earth-moving equipment" as the same appear in subsection (39), and substituting the words "earth-moving equipment and construction box storage trailers (except when such trailers are used for transporting merchandise)" in lieu thereof.

Approved June 2, 1980.

CHAPTER 250

FORMERLY

HOUSE BILL NO. 673

AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND PROVIDING FOR PROHIBITIONS AGAINST THE POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. This Act may be known and cited as the Delaware Drug Paraphernalia Act.

Section 2. Amend §4769, Chapter 47, Part IV, Title 16 of the Delaware Code by adding the following paragraph to subsection (a):

"(5) All drug paraphernalia as defined in §4701 of this chapter."

Section 3. Amend §4701, Chapter 47, Part IV, Title 16 of the Delaware Code by re-designating present subsection (13) as new subsection (14); by re-designating all succeeding subsections accordingly; and by adding to said section a new subsection (13) which shall read as follows:

"(13) 'Drug paraphernalia' shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance the manufacture, delivery, possession or use of which is in violation of this chapter. The term 'drug paraphernalia' includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance the use, cultivation, delivery or possession of which is in violation of this Chapter or from which a such controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(f) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, or lactose, which are used, intended for use, or designed for use in cutting controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(j) Containers or other objects used, intended for use, or designed for use in storing or concealing controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances the use, manufacture, delivery or possession of which is in violation of this Chapter;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:

(A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(B) water pipes;

(C) carburetion tubes and devices;

(D) smoking and carburetion masks;

(E) roach clips or objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons, and cocaine vials;

(G) chamber pipes;

(H) carburetor pipes;

(I) electric pipes;

(J) air-driven pipes;

(K) chilams;

(L) bongs;

(M) ice pipes or chillers;"

Section 4. Amend present Subchapter V by re-designating said Subchapter as new Subchapter VI and by re-designating present §4766 through §4772 as new §4781 through §4787.

Section 5. Amend present Subchapter VI by re-designating said Subchapter as new Subchapter VII, and by re-designating present §4773 through §4778 as new §4791 through §4796.

Section 6. Amend Chapter 47, Part IV, Title 16 of the Delaware Code by adding thereto a new subchapter, designated as Subchapter V, which new subchapter shall read as follows:

"SUBCHAPTER V. DRUG PARAPHERNALIA

§4771. Possession of Drug Paraphernalia

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the provisions of this chapter. Any person who violates the provisions of this section is guilty of a crime, and upon conviction shall be fined not more than one hundred dollars (\$100), be imprisoned not more than two years, or suffer both fine and imprisonment.

§4772. Manufacture or Delivery of Drug Paraphernalia

It is unlawful for any person to deliver, possess with the intent to deliver, or manufacture with the intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates the provisions of this section is guilty of a crime, and upon conviction shall be fined not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1000); be imprisoned for not less than one year, nor more than five years; or suffer both fine and imprisonment.

§4773. Delivery of Drug Paraphernalia to a Minor

Any person eighteen years of age or older who violates the provisions of §4772 by delivering drug paraphernalia to a person under eighteen years of age is guilty of a special offense, and upon conviction may be fined not less than one thousand dollars (\$1000), nor more than ten thousand dollars (\$10,000); be imprisoned not less than one year nor more than ten years; or suffer both fine and imprisonment.

§4774. Advertisement of Drug Paraphernalia

It is unlawful for any person to place in a newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates the provisions of this section is guilty of a crime, and upon conviction may be fined not more than fifty dollars (\$50); be imprisoned not more than one year; or suffer both fine and imprisonment."

§4775. Use of Objects; Logically-Relevant Factors

In determining whether or not an object is drug paraphernalia, a Court or other authority shall consider, in addition to all other logically-relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object, concerning it use;
- (b) The proximity of the object, in time and space, to a direct violation of this chapter;
- (c) The proximity of the object to controlled substances;

- (d) The existence of any residue of a controlled substance on the object;
- (e) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter:
 - (1) the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
- (g) Instructions (oral or written) provided with the object, concerning its use;
- (h) descriptive materials accompanying the object which explain or depict its use;
- (i) national and local advertising concerning its use;
- (j) the manner in which the object is displayed for sale;
- (k) whether or not the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (l) direct or circumstantial evidence of the ratio of sales of the suspect object to the total sales of the business enterprise;
- (m) the existence and scope of legitimate uses for the object in the community;
- (n) expert testimony concerning its use."

Section 7. If any provisions 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 this Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are severable.

Approved June 2, 1980.

CHAPTER 251

FORMERLY

HOUSE BILL NO. 695

AS AMENDED BY HOUSE AMENDMENTS NOS. 2, 3 AND 4

AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF PHARMACY, PHARMACISTS AND ASSISTANT PHARMACISTS, HOSPITAL PHARMACIES, RETAIL PHARMACIES, PHARMACEUTICAL ESTABLISHMENTS OTHER THAN RETAIL PHARMACIES; AND PROVIDING FOR PROHIBITED ACTS AND PENALTIES.

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 2503 (c), Chapter 25, Title 24, Delaware Code, by striking it in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) The Board shall submit a written report to the Governor and to the Delaware Pharmaceutical Society within three months after the conclusion of the fiscal year."

Section 2. Amend Section 2505, Chapter 25, Title 24, Delaware Code, by striking the figure "\$25.00" and substituting in lieu thereof the figure "\$50.00".

Section 3. Amend Section 2505, Chapter 25, Title 24, Delaware Code, by adding the following sentence thereto:

"Each member may not receive more than \$500 each year in salary."

Section 4. Amend Section 2506 (a), Chapter 25, Title 24, Delaware Code, by adding the following sentence thereto:

"The reciprocal fee will be set by the Board."

Section 5. Amend Section 2507, Chapter 25, Title 24, Delaware Code by striking said section in its entirety and substituting in lieu thereof a new Section 2507 to read as follows:

"Section 2507. Fees

All registrants who are qualified under this Chapter shall be entitled a renewal according to the following biennial schedule. Registrants who do not pay the fee by the date due shall be assessed an additional \$10.

1. Pharmacists	\$30
2. Assistant Pharmacists	\$30
3. Pharmacy	\$50
4. Wholesalers	\$100
5. Manufacturer	\$100
6. Intern	\$5

Section 6. Amend Section 2522 (1), Chapter 25, Title 24, Delaware Code, by inserting after the word "application" in the first sentence thereof, the following: "accompanied by a fee not to exceed \$100".

Section 7. Amend Section 2524, Chapter 25, Title 24, Delaware Code, by striking the words "that calendar year" and substituting in lieu thereof the words "the renewal period".

Section 8. Amend Section 2524, Chapter 25, Title 24, Delaware Code, by adding the following sentence thereto: "A certificate may be replaced if lost or destroyed upon the payment of \$10 by the registrant."

Section 9. Amend Section 2525 (a), Chapter 25, Title 24, Delaware Code, by striking the words "in each year" and substituting in lieu thereof the word "biennially".

Section 11. Amend Section 2526, Chapter 25, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new Section 2526 to read as follows:

"Section 2526. Refusal to issue license; revocation suspension; causes; notice and hearing; appeal to Superior Court

(a) The Board may refuse to issue or renew or may suspend, revoke or restrict the license of any person after due notice and hearing pursuant to procedures set forth in Section 2554 upon one or more of the following grounds:

1. Procuring or attempting to procure a license by fraud or intentional misrepresentation;
2. Incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public. This would include incapacity due to mental incompetence, a physical condition, addiction to alcohol or narcotics or other dangerous drugs;
3. Guilty of any act involving moral turpitude or gross immorality;
4. Guilty of a felony as defined by the Statutes of this state;
5. Guilty of engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license.
6. Guilty of any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public.
7. Gross negligence or incompetence in his practice as a pharmacist.

(b) Upon due notice and hearing, the Board may revoke or suspend any license or permit granted pursuant to this chapter, if the Board determines that the licensee, holder of the permit or a person employed by such holder has violated any provision of this chapter, any regulation promulgated pursuant to Section 2587 of this chapter or any law of this State or of the United States.

(c) The notice of hearing should be delivered upon the licensee at least two weeks in advance of a hearing. If the licensee is unable to be served personally or by certified mail, the Board shall place in the newspaper of general circulation in the county wherein the licensee last resided, a notice of the time, date and place of the hearing, specifically naming the licensee for whom the hearing is being conducted. Such notice shall appear at least once each week in the two successive weeks immediately preceding the scheduled hearing.

(d) Any person aggrieved by an order of the Board may appear therefrom to the Superior Court in the county where such person resided within thirty (30) days after delivery of such order. If the hearing is held in absentia, the order must be appealed within thirty (30) days of issuance. The appeal to the Superior Court shall be on the record established by the Board at the hearing which it conducted."

The Board may issue subpoenas to require the attendance of persons and the production of books and papers for the purpose of conducting investigations preliminary to disciplinary hearings and for the purpose of eliciting testimony at disciplinary hearings. Persons who have been subpoenaed may be required to testify in any and all matters within the jurisdiction of the Board. Subpoenas shall be issued by the president or the executive secretary of the Board.

Section 12. Amend Section 2529, Chapter 25, Title 24, Delaware Code, by adding thereto a new subsection (e) to read as follows:

"(e) Any person not legally licensed as a pharmacist, assistant pharmacist, or pharmacy who takes, uses, or exhibits, the title or pharmacist or licensed or registered pharmacist, assistant pharmacist, or the title druggist or apothecary, or a pharmacy or medicine store, to Section 2527, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). Each week that such a violation exists shall constitute a separate and distinct offense."

Section 13. Amend Section 2551, Chapter 25, Title 24, Delaware Code, by striking the first sentence and substituting in lieu thereof the following: "No person shall operate, any pharmacy within this State without first having obtained a permit to do so from the Board."

Section 14. Amend Section 2552, Chapter 25, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new Section 2552 to read as follows:

"Section 2552. Application and fee for permit

The application for a permit required under this subchapter shall be made on a form to be prescribed and furnished by the Board and shall be accompanied by a fee not to exceed \$100."

Section 15. Amend Section 2555, Chapter 25, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new Section 2555 to read as follows:

"Section 2555. Renewal and lapse of permit

Renewal notices to pharmacies shall be mailed each renewal period; and if application for renewal is not made for sixty (60) days after renewal date, the existing permit shall lapse and become null and void. No new permit will be granted except (1) upon evidence satisfactory to the Board of good and sufficient grounds of failure to file the application for renewal within the time prescribed, and (2) upon payment of fees set forth in Section 2507 of this Chapter."

Section 16. Amend Section 2558 (a) (3), Chapter 25, Title 24, Delaware Code, by striking the words "following the date of issue; and" as the same appears therein and substituting in lieu thereof the word "biennially."

Section 17. Amend Section 2558 (a) (4), Chapter 25, Title 24, Delaware Code, by striking said subparagraph (4) in its entirety.

Section 18. Amend Section 2572, Chapter 25, Title 24, Delaware Code, by striking the first paragraph thereof as the same appears therein and substituting in lieu thereof a new paragraph to read as follows:

"The application for a permit required under Section 2571 shall be made on the form to be prescribed and furnished by the Board and shall be accompanied by a required fee not to exceed \$100."

Section 19. Amend Section 2573 (3), Chapter 25, Title 24, Delaware Code, by striking subparagraph (3) as the same appears therein in its entirety and substituting in lieu thereof a new subparagraph (3) to read as follows:

"(3) Expire on the last day of December biennially."

Section 20. Amend Section 2573 (4), Chapter 25, Title 24, Delaware Code, by striking subparagraph (4) as the same appears therein in its entirety.

Approved June 2, 1980.

CHAPTER 252

FORMERLY

HOUSE BILL NO. 909

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO FRAUDULENT DELIVERY OF NON-CONTROLLED SUBSTANCES AND TO CREATE A DEFINITION OF FINISHED PRODUCT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 47, Title 16 of the Delaware Code by adding a new Section 4752A to read as follows:

"(1) It is unlawful for any person knowingly to deliver or attempt to deliver a non-controlled substance upon either:

(a) The express representation that the substance is a narcotic or non-narcotic controlled substance; or

(b) The express representation that the substance is of such nature or appearance that the recipient of said delivery will be able to distribute said substance as a controlled substance; or

(c) Under circumstances which would lead a reasonable person to believe that the substance was a controlled substance. For the purposes of this section, it is prima facie evidence of such circumstances if any two of the following factors are established.

(i) The non-controlled substance was packaged in a manner normally used for the illegal delivery of controlled substances.

(ii) The delivery or attempted delivery included an exchange of or demand for money or other valuable property as consideration for delivery of the substance, and the amount of such consideration was substantially in excess of the reasonable value of the non-controlled substance.

(iii) The physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.

(2) In any prosecution for Fraudulent Delivery of a controlled substance, it is no defense that the accused believed the non-controlled substance to actually be a controlled substance.

(3) Fraudulent Delivery of a non-controlled substance is a felony. The punishment upon conviction under this section shall be governed by those provisions of this code dealing with delivery of controlled substances. Specifically, the section prohibiting delivery of the controlled substance, which the defendant represented the non-controlled substance to be, shall govern the punishment in each case. If no express representation was made as to the identity of the controlled substance, the punishment shall be the same as for delivery of a non-narcotic controlled substance. However, the punishment provision of Section 4751(b) shall not apply to this section."

Section 2. Amend Chapter 47, Title 16 of the Delaware Code by adding a new subsection 12(a) to Section 4701 to read as follows:

"12(a) Finished Product - Any material compound mixture or preparation which contains any quantity of a controlled or non-controlled substance."

Approved June 2, 1980.

CHAPTER 253

FORMERLY

SENATE BILL NO. 350

AN ACT TO AID WHYY, INC. ENGAGED IN EDUCATING THE PEOPLE OF THIS STATE
BY MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of One hundred twenty five thousand (\$125,000) 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, 1980, 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 2, 1980.

CHAPTER 254

FORMERLY

SENATE BILL NO. 212
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY; AND PERMITTING CERTAIN FORMER STATE JUDGES AND FORMER JUSTICES OF THE SUPREME COURT TO RETURN TO ACTIVE JUDICIAL DUTY UNDER CERTAIN CIRCUMSTANCES.

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 IV of the Constitution of the State of Delaware by adding thereto a new section, designated as Section 38, which new section shall read as follows:

"§38. Retired Judges and Justices; Temporary Assignment.

Section 38. A former State Judge or a former Justice of the Supreme Court, who is retired and is receiving a State judicial pension and who assents to active judicial duty and who is not engaged in the practice of law, upon designation of the Chief Justice of the Supreme Court, shall be authorized to sit temporarily in the court from which he retired or in any other court to which he could be designated under the Constitution and statutes of the State if he still held the judicial position from which he retired. Any person so designated shall receive compensation as the General Assembly shall provide. Nothing herein shall authorize the designation of any former State Judge or a former Justice of the Supreme Court to sit in the Supreme Court except temporarily to fill up the number of that Court to the required quorum. The term 'State Judge' as used in this paragraph means a Chancellor or Vice-Chancellor of the Chancery Court or a President Judge or Associate Judge of the Superior Court."

Approved May 22, 1980.

CHAPTER 255

FORMERLY

SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 109
 AS AMENDED BY SENATE AMENDMENT NO. 2
 AND HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO ODOMETER REQUIREMENTS.

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 Title 21, Delaware Code by adding thereto a new Chapter to be designated as Chapter 64 to read as follows:

"CHAPTER 64. ODOMETER REQUIREMENTS

§6401. Purpose

The General Assembly hereby finds that purchasers when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchasers in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this Chapter to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

§6402. Definitions

As used in this Chapter:

(1) The term 'dealer' or 'dealership' means any person, corporation, partnership or limited partnership who has sold five (5) or more motor vehicles within the twelve (12) months preceding the date of a violation of this Chapter.

(2) The term 'odometer' means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(3) The term 'repair and replacement' means to restore to a sound working condition by replacing the odometer or any part thereof by correcting what is inoperative.

(4) The term 'transfer' means to change ownership of a motor vehicle by purchase, gift, or any other means.

§6403. Unlawful Devices

No person shall advertise for sale, sell, use, or install or cause to be installed, any device which causes an odometer to register any mileage other than the true

mileage traveled by a motor vehicle. For purposes of this section, the true mileage traveled by a motor vehicle is that mileage traveled by a motor vehicle as registered by the odometer within the manufacturer's designed tolerance.

§6404. Unlawful Change of Mileage

(a) Unless otherwise provided in §6406 of this Chapter, no person shall disconnect, reset, or alter or cause to be disconnected, reset or altered, the odometer of any motor vehicle.

(b) Unless otherwise provided in §6406, no person shall disconnect, reset, or alter or cause to be disconnected, reset, or altered, the odometer of any motor vehicle with intent to change the number of miles indicated thereon.

§6405. Possession With Intent to Defraud

No person shall, with intent to defraud, possess a motor vehicle knowing that the odometer of such vehicle is disconnected or non-functional.

§6406. Lawful Service, Repair, or Replacement

(a) Nothing in this Chapter shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

(b) (1) No person shall fail to adjust an odometer or affix a notice regarding such adjustment as required pursuant to subsection (a) of this section.

(2) No person shall, with intent to defraud, remove or alter any notice affixed to a motor vehicle pursuant to subsection (a) of this section.

§6407. Odometer Disclosure Requirements

(a) Before executing any transfer of ownership document relating to a motor vehicle, each seller of a motor vehicle shall furnish to the purchaser a written statement signed by the seller, containing the following information:

(1) The odometer reading at the time of transfer;

(2) The date of transfer;

(3) The seller's name and current address;

(4) The purchaser's name and current address;

(5) The identity of the vehicle, including its make, year and body type and its vehicle identification number;

(6) (a) A certification by the seller that, to the best of his knowledge the odometer reading reflects the actual miles or kilometers the vehicle has been driven; or

(b) If the seller knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit of 99,999 miles/kilometers, he shall include a statement to that effect; or

(c) If the seller knows that the odometer reading differs from the number of miles/kilometers the vehicle has actually traveled and that the difference is greater than that caused by odometer calibration error, he shall include a statement that the odometer reading is not the actual mileage, and should not be relied upon.

(7) No seller shall violate any provision of this section or give a false statement to a purchaser in making any disclosure required by this section.

(8) No purchaser who acquires ownership of a motor vehicle shall accept any written disclosure required by any provision of this section if such disclosure is incomplete.

(9) The purchaser shall acknowledge receipt of the disclosure statement by signing it.

(10) Exceptions - The seller of the following types of motor vehicles need not disclose the odometer reading of the vehicle:

(a) A motor vehicle having a registered gross weight of more than 16,000 pounds;

(b) A motor vehicle that is 25 years old or older;

(c) A vehicle that is not self-propelled;

(d) A new motor vehicle transferred between dealers prior to its first retail sale, unless such vehicle has been used as a demonstrator.

§6408. Records; Record Retention; Regulations

(a) All disclosure statements and motor vehicles in the possession of a dealer shall be made available for review upon demand by the Motor Vehicle Division or by their authorized agents.

(b) The Secretary shall have the authority to promulgate regulations for administering this Chapter.

(c) Each dealer of a motor vehicle shall retain for 4 years each Odometer Mileage Statement which he receives. He shall also retain for 4 years a photostat, carbon or other facsimile copy of each Odometer Mileage Statement which he issues. All mileage statements shall be retained at the dealer's primary place of business.

§6409. Vehicles in Possession

(a) No motor vehicle dealer, licensed in accordance with the provision of Title 21 and 30, Delaware Code, shall purchase or accept any motor vehicle unless the seller has indicated the mileage on a disclosure statement pursuant to this Chapter.

(b) No licensed motor vehicle dealer shall have in his possession as inventory for sale any used motor vehicle acquired after September 30, 1980 for which he does not have in his possession the seller's statement required under Section 6407 of this Chapter.

(c) A licensed motor vehicle dealer reassigning or transferring a certificate of ownership shall not be guilty of a violation of this section if such dealer has in his possession the seller's statement as required by §6407 of this Chapter and if he has no knowledge that the statement is false and that the odometer does not reflect the mileage actually driven by the motor vehicle.

§6410. Certificate of Title Acceptable as the Odometer Disclosure Statement

Except as provided in subparagraphs (1) and (2) of this section, any Delaware Certificate of Title issued after September 30, 1980 which includes the odometer disclosure information, as prescribed by §6407 of this Chapter, shall satisfy all the requirements for issuance of Odometer Disclosure Statements by dealers licensed in the State of Delaware.

(1) Nothing in this section shall exempt a dealer and/or dealership, from the provisions of §6409 (b) of this Chapter.

(2) Any Manufacturer's Statement of Origin accompanying an "Original Application for a Delaware Certificate of Title", shall satisfy the requirements of the Odometer Disclosure Statement as provided in this Chapter.

§6411. Penalties and Jurisdiction

(a) Any person who violates any of the provisions of §6404 (a) of this Chapter, shall be fined not less than \$10.00 nor more than \$100.00.

(b) Any person who violates any provision in this Chapter, except §6404 (a), shall be guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000 for each violation of this Chapter. Any person who is guilty of a second or subsequent violation of this Chapter shall be fined not less than \$2,000 nor more than \$10,000 for each violation of this Chapter.

(c) In case of a first offense by a dealer or dealership, such dealer or dealership may be placed on probation as a licensed Delaware Motor Vehicle dealer by the Division of Motor Vehicles for a period of one year. Any violation of this Chapter by a dealer or dealership during any year of probation may result in the suspension of the license of the dealer or dealership for a period not exceeding one year.

(d) In the case of a second or subsequent violation of this Chapter by a dealer or dealership, the Division of Motor Vehicles may suspend the license and/or privileges of the dealer or dealership for a period not to exceed one year.

(e) Common Pleas Court shall have jurisdiction of violation of this Chapter."

Section 2. Title 21, Section 6305, Delaware Code, is hereby repealed in its entirety effective September 30, 1980.

Section 3. This Act shall become effective on September 30, 1980.

Approved June 7, 1980.

CHAPTER 256

FORMERLY

HOUSE BILL NO. 601

AN ACT TO AMEND CHAPTER 5, TITLE 9, DELAWARE CODE, TO PERMIT FIRE COMPANIES TO INSPECT FIRE HYDRANTS AND WATER MAINS AND TO REPORT THEIR FINDINGS AND TO PERMIT TESTING OF FIRE-FIGHTING EQUIPMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §569, Chapter 5, Title 9, Delaware Code, by designating the entire section as subsection (a) and by adding a new subsection (b) as follows:

"(b) Any duly organized fire company, including volunteer fire companies, may inspect and test all fire hydrants and all water mains serving such hydrants located within the area that such company already operates and shall report its findings to the State Fire Marshal, the owners or operators of the water distribution systems serving such fire hydrants and water mains and to the municipality or local government having jurisdiction over such water system. In addition thereto, a fire company shall be permitted to utilize fire hydrants designated in advance by the owners or operators of a water distribution system and within the area that such company operates for testing fire-fighting equipment. At least twenty-four (24) hours prior to any inspection or test or testing of fire-fighting equipment, the water distribution system and the municipality or local government having jurisdiction over such water system shall be notified. At the request of the owners or operators and for good cause shown, the State Fire Marshal may postpone an inspection or test or testing of fire-fighting equipment for not more than ten (10) days."

Approved June 9, 1980.

CHAPTER 257

FORMERLY

HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 907
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF BRIDGE REPLACEMENTS, DRAINAGE DITCHING, ROAD PATCHING, STREET SIGN MAINTENANCE, AND RESURFACING AND PAVEMENT MARKING.

WHEREAS, Senate Bill 229 and House Bill 314 of the First Session of the 130th General Assembly authorized \$16.4 million of special road and highway improvements in order to meet the immediate needs of the State; and

WHEREAS, this Operation Overhaul program has succeeded in addressing only a portion of the State's pressing transportation needs; and

WHEREAS, the Governor and the General Assembly have asked for a Son of Overhaul Program to continue improving roads, streets and highways throughout the entire State; and

WHEREAS, the General Fund contains balances in excess of the amounts required to pay ordinary appropriations and to fully fund the Budget Reserve Account.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. The sum of seven million one hundred seventy-one thousand (\$7,171,000) is hereby appropriated to the Department of Transportation, Division of Highways, for the purpose of bridge replacements, drainage, ditching, road patching, street sign maintenance, and resurfacing and pavement marking. The amounts appropriated shall be as set forth below:

(55-05-000) Division Highways

OPERATIONS

Millsboro Bridge Replacement	\$ 405,000
Lateral and Longitudinal Ditching, Drainage	546,500
In-House Small Bridge Replacements	60,000
Suburban Street Sign Maintenance	40,000
Patching, Resurfacing and Marking:	
North District	2,581,000
Central District	1,535,000
South District	<u>2,003,500</u>
TOTAL	\$ 7,171,000

Section 2. The funds appropriated for Patching, Resurfacing, and Marking in the North, Central and South Districts shall be expended to finance all or a portion of the cost of the projects set forth in the Project Schedule, attached hereto.

Section 3. \$356,000 of the \$2,581,000 appropriated in Section 1 of this Act for Patching, Resurfacing and Marking - North District shall be allocated by the Department of Transportation for the purpose of repairing and resurfacing State-Maintained Streets in the City of Wilmington, as further described in the Project Schedule attached hereto.

Section 4. It is the intent of the General Assembly that the funds appropriated in Section 1 of this Act be paid by the State Treasurer from surplus General Fund monies over and above those required to fully fund the Budget Reserve Account.

Section 5. Those funds appropriated for Lateral and Longitudinal Ditching, Drainage for In-House Small Bridge Replacements and for Suburban Street Sign Maintenance, and remaining unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Section 6. Those funds appropriated for the Millsboro Bridge Replacement and for Patching, Resurfacing, and Marking in the North, Central, and South Districts and remaining unencumbered on December 31, 1981 shall revert to the General Fund of the State of Delaware.

Section 7. The Secretary of the Department of Transportation shall provide the Governor, each member of the General Assembly and the Controller General with status reports of the projects funded herein. The reports shall be prepared as of June 15, 1981 and December 31, 1981 and shall provide details on the status of all projects and the Department's accomplishments under this appropriation.

PROJECT SCHEDULE
NORTH DISTRICT

RESURFACING
HOT MIX

<u>Location</u>			
<u>District Roads</u>	<u>From</u>	<u>To</u>	<u>Cost</u>
Airport & Churchman's Road Intersection	Intersection Turning Lanes Only		\$ 3,000
Barksdale Road	Near Railroad Crossing		50,000
Brown's Lane	Route 336	Road 18	21,000
Buck Road	Kennett Pike	Route 100	22,500
Henderson Road	St. Mark's Ent.	Henderson Heights	22,500
Kiamensi-Stanton Rd.	Stanton-Marshallton	Basin Rd.	133,500
Murphy Drive	Dexter Drive	Foulk Road	49,500
Old Papermill Road	Papermill Road	Dead End	25,500
Philadelphia Pike	Governor Printz	Pennsylvania Line	18,300
Rockwood Road	Weldon Road	Washington St.	23,000
Route 7	Churchmans Rd. Intersection		20,000
Route 13	Bottom Penny Hill (Phila Pike)		9,700
Sharpless Road	Old Wilmington Rd.	Route 82	54,000
Silverside Road	1-95 Bridge (Emergency Repair)		45,000
Smalley's Dam Road	Route 7	Old Baltimore Pike	98,000
Southwood Road	Valley Road	Pennsylvania Line	32,500
Telegraph Road	RR Overpass		10,500
Welsh Tract Road	Route 896	Road 389	<u>52,000</u>
Sub-Total			\$ 690,500

Wilmington City Streets

<u>Location</u>			
<u>Street</u>	<u>From</u>	<u>To</u>	<u>Cost</u>
Delaware Avenue	Brandywine Cemetery		\$ 60,000
Lancaster Avenue	Greenhill Avenue	Jackson Street	90,000
King Street	8th Street	15th Street	52,000
South Market Street	Front Street	Walnut St.	
		Cut-Off	71,000
South Walnut Street	Front Street	S. Market St.	48,000
Washington Street	Washington St.	Br. 17th Street	35,000
	Sub-Total		\$ 356,000

Suburban Developments

(Certain Streets with Identified Needs)

<u>Development</u>	<u>Cost</u>	<u>Development</u>	<u>Cost</u>
Augustine Hills	\$ 10,000	Kings Ridge	\$ 12,000
Bellevue Manor	20,000	Kirkwood Estates	25,000
Bon Ayre	15,000	Lancashire	10,000
Brandywine Springs			
Manor	50,000	Longview Farms	23,000
Brookhaven	12,000	Maplewood Lane	
Brookland Terrace	8,000	Off Foulke Road	24,000
Brookside Park	40,000	McDaniel Crest	15,000
Cardiff	15,000	Melanie Woods	31,000
Chalfonte	15,000	Minquadale	15,000
Channin	10,000	Montclare	15,000
Chestnut Hill Est.	9,000	Newport Heights	16,000
Christine Manor	50,000	Northridge	34,500
Collins Park	20,000	Parkwood	7,000
Coventry	10,000	Pembrey	20,000
Cranston Heights	18,000	Penn Acres	10,000
Darley Woods	15,000	Radnor Green	15,000
Dartmouth	15,000	Robscott Manor	15,000
Deerhurst	30,000	Sharpley	16,000
Delwood	20,000	Sheridan Square	20,000
Devon	15,000	Silview	50,000
Devnonshire	12,000	Surrey Park	6,000
Dunleith	13,000	Tarleton	15,000
Foulkside	8,000	Wellington Hills	54,000
Forest Brook Glen	13,000	Westerloo	5,000
Forwood	13,000	White Hall	30,000
Glen Burnie	30,000	Wilmington Manor	14,000
Gordon Heights	26,000	Wilmington Manor	
		Gardens	15,000
Green Leaf Manor	20,000	Windy Hills	23,000
Heritage Park	10,000	Woodland Heights	15,000
Hillendale	2,000	Woodside Hills	21,000
Holloway Terrace	15,000	Woodside Manor	7,000
Jefferson Farms	25,000		
	Suburban Street Sub-Total		\$ 1,162,500
	HOT MIX Sub-Total		\$ 2,209,000

Section 2. The funds appropriated for Patching, Resurfacing, and Marking in the North, Central and South Districts shall be expended to finance all or a portion of the cost of the projects set forth in the Project Schedule, attached hereto.

Section 3. \$356,000 of the \$2,581,000 appropriated in Section 1 of this Act for Patching, Resurfacing and Marking - North District shall be allocated by the Department of Transportation for the purpose of repairing and resurfacing State-Maintained Streets in the City of Wilmington, as further described in the Project Schedule attached hereto.

Section 4. It is the intent of the General Assembly that the funds appropriated in Section 1 of this Act be paid by the State Treasurer from surplus General Fund monies over and above those required to fully fund the Budget Reserve Account.

Section 5. Those funds appropriated for Lateral and Longitudinal Ditching, Drainage for In-House Small Bridge Replacements and for Suburban Street Sign Maintenance, and remaining unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Section 6. Those funds appropriated for the Millsboro Bridge Replacement and for Patching, Resurfacing, and Marking in the North, Central, and South Districts and remaining unencumbered on December 31, 1981 shall revert to the General Fund of the State of Delaware.

Section 7. The Secretary of the Department of Transportation shall provide the Governor, each member of the General Assembly and the Controller General with status reports of the projects funded herein. The reports shall be prepared as of June 15, 1981 and December 31, 1981 and shall provide details on the status of all projects and the Department's accomplishments under this appropriation.

PROJECT SCHEDULE
NORTH DISTRICT

RESURFACING
HOT MIX

		<u>Location</u>		
<u>District Roads</u>	<u>From</u>	<u>To</u>	<u>Cost</u>	
Airport & Churchman's Road Intersection	Intersection	Turning Lanes Only	\$	3,000
Barksdale Road	Near Railroad Crossing			50,000
Brown's Lane	Route 336	Road 18		21,000
Buck Road	Kennett Pike	Route 100		22,500
Henderson Road	St. Mark's Ent.	Henderson Heights		22,500
Kiamensi-Stanton Rd.	Stanton-Marshallton	Basin Rd.		133,500
Murphy Drive	Dexter Drive	Foulk Road		49,500
Old Papermill Road	Papermill Road	Dead End		25,500
Philadelphia Pike	Governor Printz	Pennsylvania Line		18,300
Rockwood Road	Weldon Road	Washington St.		23,000
Route 7	Churchmans Rd.	Intersection		20,000
Route 13	Bottom Penny Hill	(Phila Pike)		9,700
Sharpless Road	Old Wilmington Rd.	Route 82		54,000
Silverside Road	I-95 Bridge	(Emergency Repair)		45,000
Smalley's Dam Road	Route 7	Old Baltimore Pike		98,000
Southwood Road	Valley Road	Pennsylvania Line		32,500
Telegraph Road	RR Overpass			10,500
Welsh Tract Road	Route 896	Road 389		52,000
Sub-Total			\$	690,500

Wilmington City Streets

<u>Location</u>			
<u>Street</u>	<u>From</u>	<u>To</u>	<u>Cost</u>
Delaware Avenue	Brandywine Cemetery		\$ 60,000
Lancaster Avenue	Greenhill Avenue	Jackson Street	90,000
King Street	8th Street	15th Street	52,000
South Market Street	Front Street	Walnut St.	
		Cut-Off	71,000
South Walnut Street	Front Street	S. Market St.	48,000
Washington Street	Washington St. Br.	17th Street	<u>35,000</u>
Sub-Total			\$ 356,000

Suburban Developments

(Certain Streets with Identified Needs)

<u>Development</u>	<u>Cost</u>	<u>Development</u>	<u>Cost</u>
Augustine Hills	\$ 10,000	Kings Ridge	\$ 12,000
Bellevue Manor	20,000	Kirkwood Estates	25,000
Bon Ayre	15,000	Lancashire	10,000
Brandywine Springs			
Manor	50,000	Longview Farms	23,000
Brookhaven	12,000	Maplewood Lane	
Brookland Terrace	8,000	Off Foulke Road	24,000
Brookside Park	40,000	McDaniel Crest	15,000
Cardiff	15,000	Melanie Woods	31,000
Chalfonte	15,000	Minquadale	15,000
Channin	10,000	Montelare	15,000
Chestnut Hill Est.	9,000	Newport Heights	16,000
Christine Manor	50,000	Northridge	34,500
Collins Park	20,000	Parkwood	7,000
Coventry	10,000	Pembrey	20,000
Cranston Heights	18,000	Penn Acres	10,000
Darley Woods	15,000	Radnor Green	15,000
Dartmouth	15,000	Robscott Manor	15,000
Deerhurst	30,000	Sharpley	16,000
Delwood	20,000	Sheridan Square	20,000
Devon	15,000	Silview	50,000
Devnonshire	12,000	Surrey Park	6,000
Dunleith	13,000	Tarleton	15,000
Foulkside	8,000	Wellington Hills	54,000
Forest Brook Glen	13,000	Westerloo	5,000
Forwood	13,000	White Hall	30,000
Glen Burnie	30,000	Wilmington Manor	14,000
Gordon Heights	26,000	Wilmington Manor	
		Gardens	15,000
Green Leaf Manor	20,000	Windy Hills	23,000
Heritage Park	10,000	Woodland Heights	15,000
Hillendale	2,000	Woodside Hills	21,000
Holloway Terrace	15,000	Woodside Manor	<u>7,000</u>
Jefferson Farms	25,000		
Suburban Street Sub-Total			\$ 1,162,500
HOT MIX Sub-Total			\$ 2,209,000

North DistrictCONCRETE PATCHING

<u>District Roads</u>	<u>From</u>	<u>To</u>	<u>Cost</u>
Milltown Road	Route 2	Route 41	\$ 37,500
Kirkwood Highway	St. James Church	Old Capitol Trail North	<u>34,500</u>

CONCRETE PATCHING Sub-Total \$ 72,000

RESERVE, UTILITY ADJUSTMENTS, MARKINGS, ETC. \$ 300,000

TOTAL NORTH DISTRICT \$ 2,581,000

PROJECT SCHEDULECentral DistrictRESURFACINGHOT MIX

<u>District Roads</u>	<u>From</u>	<u>To</u>	<u>Cost</u>
U. S. 13 (N/B)	Route 299	Osbourne St.	\$ 15,000
Route 11	Route 44	Maryland Line	103,500
Route 300	Route 6	Road 90	<u>117,000</u>
Road 18	Road 343	End	30,500
Road 18	Road 374	Road 343	50,000
Road 88	U. S. 13	Road 337	72,000
Road 90	200' W. of U.S. 13	Road 137	36,000
Road 389	Road 10	Murderkill River	30,000
State Street	U. S. 13	Hope Street	70,000
State Street	The Green	Loockerman St.	<u>30,500</u>

HOT MIX Sub-Total \$ 554,500

SURFACE TREATED ROADS \$ 800,500

SUBURBAN DEVELOPMENTS

(Certain Streets with Identified Needs)

<u>Development</u>	<u>Cost</u>
Du Pont Manor	\$ 25,000
Fox Hall Drive	10,000
Hilldale	2,500
Hoar's Addition	4,000
Industrial Park	4,000
Lynch Heights (Keller Avenue)	2,000
Meadow Brook	28,000
Palmer Park	3,500
Smyrna Landing	18,000
Star Hill Village	<u>3,000</u>

Suburban Development Sub-Total \$ 100,000

RESERVE UTILITY ADJUSTMENTS, MARKINGS, ETC. \$ 80,000

TOTAL CENTRAL DISTRICT \$ 1,535,000

PROJECT SCHEDULESouth DistrictRESURFACINGHOT MIX

		<u>Location</u>		
<u>District Roads</u>	<u>From</u>	<u>To</u>	<u>Cost</u>	
Route 9	Road 248	Route 5	\$	81,000
Route 12	Route 1	Road 269		17,000
Route 13	North Bound Shoulder Lane			
	South of Road 462			4,500
Route 13-A	Route 28	Road 70		24,500
Route 13-A	Route 13	S. Bridgeville		
		Limit		42,500
Route 13-A	N. Bridgeville			
	Limit	Route 13		42,500
Delaware 24	.8 mile 12-A West Town Limits of			
	Laurel			80,000
Road 249	Route 5	Milton City		
		Limits		18,000
Road 319	Route 9	Road 565		130,000
Road 360	Road 357	Route 1		59,500
Road 401	Route 26	Road 405		134,000
Road 432	Route 113	Route 20		96,000
Road 493	Route 13-A	Bethel Limit		119,000
Road 54	Road 401	Road 356		40,000
Greenwood				
(Governor's Avenue)	Route 13-A	Church Street		52,000
	HOT MIX Sub-Total		\$	940,500

SURFACE TREATED ROADS

\$ 869,500

SUBURBAN DEVELOPMENTS

(Certain Streets with Identified Needs)

<u>Development</u>	<u>Cost</u>
Bank's Acres	\$ 11,200
Bell Town	2,000
Bryan Park	3,700
Colonial Acres	3,500
Donovan Development	2,800
Eastman heights	16,300
Freidel Development	17,000
Harlemtown	1,350
Holliday Acres - White Street	5,000
Lake Shores - Dolby Road	2,550
Lloyd Development	1,250
Midway Development	6,250
Sandune Village	7,300
Shockley Heights	1,050
William F. Wilgus, Jr., Dev.	2,250

SUBURBAN DEVELOPMENT Sub-Total \$ 83,500

RESERVE, UTILITY ADJUSTMENTS, MARKINGS, ETC110,000

TOTAL SOUTH DISTRICT

\$ 2,003,500

GRAND TOTAL PATCHING, RESURFACING AND MARKING

\$ 6,119,500

Approved June 9, 1980.

CHAPTER 258

FORMERLY

HOUSE BILL NO. 621

AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 34, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO FINANCIAL ASSISTANCE FOR HIGHER EDUCATION; AND PROVIDING CERTAIN EDUCATIONAL BENEFITS FOR MEMBERS OF THE DELAWARE NATIONAL GUARD.

WHEREAS, the Army and Air National Guard of the United States are important to the national defense; and

WHEREAS, the Delaware Army National Guard and the Delaware Air National Guard render valuable services to the people of the State of Delaware, especially during natural disasters and other emergencies; and

WHEREAS, the interests of the State of Delaware and its citizens are best served by the recruitment and retention of highly-qualified and highly-motivated men and women into the Delaware National Guard; and

WHEREAS, to foster recruitment and the retention of personnel and to enhance the professional educational qualifications of members of the Delaware National Guard, it is the policy of the State to encourage members of the Delaware National Guard to continue their education in their chosen fields of endeavor.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 34, Part I, Title 14 of the Delaware Code by striking the title of said chapter and substituting in lieu thereof the following:

"CHAPTER 34. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION"

Section 2. Amend Chapter 34, Part I, Title 14 of the Delaware Code by designating all of the present chapter as new Subsection I, which new sub- section shall be entitled as follows:

"SUBSECTION I. HIGHER EDUCATION SCHOLARSHIPS"

Section 3. Amend Chapter 34, Part I, Title 14 of the Delaware Code by adding thereto a new subsection, designated as Subsection II, which new sub- section shall read as follows:

"SUBSECTION II. DELAWARE NATIONAL GUARD; EDUCATIONAL BENEFITS

\$3411. National Guard; Financial Assistance for Education

Any person serving in Delaware National Guard shall, upon written appli- cation therefor to the Adjutant General, be eligible for educational financial assistance under the provisions of this subsection. The State shall provide, to each person entitled thereto, financial assistance toward such person's education at any State college or university. Such financial aid each year shall be limited to fifty percent (50%) of the tuition charged such person by the college or university each year, or payment of five hundred dollars

(\$500) whichever is less. All educational benefits to any member of the Delaware National Guard under this subsection shall not exceed two thousand dollars (\$2,000).

\$3412. Direct Payment of Financial Assistance

Each person desiring assistance under the provisions of this subchapter shall make application to the Adjutant General. Upon approval, payments shall be made by the Delaware National Guard in the amount specified for each such request from funds appropriated to the National Guard. The sum total of all such payments shall not exceed that amount appropriated in the Annual Budget Appropriations Act, or amendments thereto, as provided for in Section 4 of this subchapter."

Section 4. No appropriation of funds from the General Fund of this State shall be made for purposes of this Act prior to the Budget Appropriation Act next following the effective date of this Act. Whether or not financial assistance is provided under this Act, and the amount provided, shall be determined each year and shall be set forth annually in each Budget Appropriation Act, or amendment thereto.

Approved June 12, 1980.

CHAPTER 259

FORMERLY

HOUSE BILL NO. 820
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 65, TITLE II OF THE DELAWARE CODE, RELATING TO AUTHORITY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION TO ESTABLISH A SUPERVISED CUSTODY PROGRAM PERMITTING THE SUPERVISED PLACEMENT OF CERTAIN TRUSTWORTHY INMATES INTO THE COMMUNITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter VII of Chapter 65, Title II of the Delaware Code by renumbering current Section No. 6539 as 6540 and adding a new Section 6539 which shall be entitled "Supervised Custody Program," and which shall read as follows:

"(a) Notwithstanding any provision of this Title to the contrary, the Department may place inmates outside the institutions and facilities under the jurisdiction of the Department.

(b) The Department shall establish rules and regulations governing the eligibility of inmates for such placement and governing the conduct of inmates so placed.

(c) No inmate shall be placed in the Supervised Custody Program established by this Section unless, in addition to meeting eligibility requirements imposed by Departmental rules or regulations, the Department, in its discretion, determines that an inmate is trustworthy and does not pose a threat to the safety of the community.

(d) Any inmate released from incarceration pursuant to this Section shall continue to be in the legal custody of the Department, notwithstanding his absence from a correctional institution.

(e) If any person released pursuant to this Section shall violate any of the conditions of his release, he shall immediately be returned to incarceration. Nothing in this Section shall limit the discretion of the Department to return persons released pursuant to this Section to incarceration. Placement into the Supervised Custody Program shall be a privilege, not a right or entitlement, which may be withdrawn by the Department, in its absolute discretion. There shall be no judicial review of the refusal by the Department to place any inmate into the Supervised Custody Program; nor shall there be any judicial review of the withdrawal of such privilege by the Department.

(f) Notwithstanding any provision of this Title to the contrary, persons convicted of Class A felonies, persons detained in default of bail, and persons sentenced to minimum mandatory terms of incarceration shall not be eligible for the Supervised Custody Program."

Section 2. Amend §4204, Chapter 42, Title II, Delaware Code by adding thereto a new subsection (k):

"(k) The Court may direct as a condition to any sentence of imprisonment that the Department of Corrections shall not permit an offender to be furloughed or be allowed to participate in work release or supervised custody outside the prison institution or facilities."

Approved June 17, 1980.

CHAPTER 260

FORMERLY

SENATE BILL NO. 542

AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE, RELATING TO THE FARMERS BANK COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §934, Chapter 9, Title 5, Delaware Code, by adding thereto a new subsection (j) to read as follows:

"(j) The State shall indemnify any agent of or adviser to the Commission, to the extent set forth in the contract or agreement between the Commission and the agent or adviser, relating to the services to be performed by such agent or adviser, for acts performed within the scope of the agent or adviser's work under the agreement or contract."

Approved June 17, 1980.

CHAPTER 261

FORMERLY

SENATE BILL NO. 234

**AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO
SUSPENSION OF DRIVERS LICENSES FOR LENDING LICENSES.****BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. Amend Section 2733, Chapter 27, Title 21 of the Delaware Code by striking the numbers of "2741" as they appear in paragraph (5) of subsection (a) and insert in lieu thereof the numbers "2751".

Section 2. Further amend Section 2733, Chapter 27, Title 21 of the Delaware Code by striking the numbers "2746" as they appear in subsection (c) and insert in lieu thereof the numbers "2756".

Section 3. Further amend Section 2733, Chapter 27, Title 21 of the Delaware Code by striking the words "that no prior occupational license has been issued within the preceding twelve months" as they appear in subsection (g) thereof.

Approved June 17, 1980.

CHAPTER 262

FORMERLY

HOUSE BILL NO. 804

AN ACT TO AMEND VOLUME 57, CHAPTER 323, LAWS OF DELAWARE, RELATING TO THE CARE AND MAINTENANCE OF THE "PUBLIC BUILDING" IN WILMINGTON BY REPEALING SAME: AUTHORIZING THE PURCHASE OF SAID BUILDING BY THE STATE FROM THE CITY OF WILMINGTON AND NEW CASTLE COUNTY AT FAIR MARKET VALUE AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

WHEREAS, the Public Building located on the Square bounded King, Tenth, French, and Eleventh Streets in the City of Wilmington and formerly used by the City and New Castle County as an administrative headquarters has vacant space which could be used for courtrooms and the provision of other State services; and

WHEREAS, the Public Building is a significant landmark of unique architectural and historical importance and that its continued maintenance and preservation will help to maintain the traditional character and beauty of the Rodney Square area in Wilmington; and

WHEREAS, the continued provision of government services within this Building will be an emenity for all residents of the State of Delaware; and

WHEREAS, the fair market value of the Public Building land and improvements as described above has been determined to be \$3,598,000 and the purchase of same for said fair market value would benefit the State by providing prime space for the location of courts and offices of State agencies, as well as providing a method for preserving the unique architectural and historic heritage which the Public Building embodies; and

WHEREAS, the conveyance of the Public Building to the State pursuant to this Act is deemed to be for a public purpose;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Purchase by State Authorized. The Governor of the State of Delaware and his authorized representative, Secretary of Administrative Services, are authorized and directed to enter into an Agreement of Sale to purchase the Public Building from the City of Wilmington and New Castle County for the total purchase price of \$3,598,000 under such terms and conditions as are mutually agreed to by and among the parties.

Section 2. Supplementary Appropriation Authorized. The sum of \$723,000 is hereby appropriated to the Department of Administrative Services of the State of Delaware. Said sum shall be paid by the State Treasurer from General Fund monies not otherwise appropriated and shall be used for the payment of any installments or other charges and expenses, which may come due during fiscal year 1980 arising out of the sale of the Public Building by the City of Wilmington and New Castle County to the State of Delaware.

Section 3. Repeal of Laws of Delaware. Volume 57, Chapter 323, Laws of Delaware, is hereby repealed in its entirety.

Section 4. Inapplicability of Certain Code Sections. The provisions of Title 9, Section 1521 (e) and (f), Delaware Code, shall not apply to this sale.

Section 5. Reversion. Funds appropriated by this Act and remaining unexpended or unencumbered on September 30, 1980 shall revert to the General Fund of the State of Delaware.

Approved June 19, 1980

CHAPTER 263

FORMERLY

HOUSE BILL NO. 1076

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO DELAWARE
ASSOCIATION FOR BLIND ATHLETES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of \$2,000 is hereby appropriated to Delaware Association for
Blind Athletes for transportation expenses to the International Blind Olympic Games.

Section 2. This Act is a supplementary appropriation and the money herein
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 which remain unexpended or unencumbered
on June 30, 1980 shall revert to the General Fund of the State of Delaware.

Approved June 19, 1980.

CHAPTER 264

FORMERLY

SENATE BILL NO. 556

AN ACT TO AMEND CHAPTER 68, VOLUME 62, LAWS OF DELAWARE ENTITLED: "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1980; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS".

WHEREAS, Section 108 of the 1979 Operating Budget provided the use of \$60,000 of the Division of Highways Operation's Appropriation to be utilized for the purpose of correcting a Drainage Problem on Road 30 near Woodside; and

WHEREAS, it has been determined that the funds provided are inadequate; and

WHEREAS, the funds provided could be used to provide only partial relief of the problem; and

WHEREAS, this solution would represent a poor expenditure of the funds; and

WHEREAS, it has been determined that the funding to correct this drainage problem would best be authorized through the 1981 Bond Bill; and

WHEREAS, the Department of Transportation, Division of Highways could utilize this set aside of \$60,000 for its original purpose of Operations.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Section 108 of Chapter 68, Volume 62 of the Laws of Delaware is hereby repealed.

Section 2. The \$60,000 is not to be reverted but is to remain as a portion of the Operation Appropriations for the Division of Highways for the remainder of Fiscal Year 1980.

Section 3. The sum of \$60,000 shall be utilized to cover normal operating expenses and shall revert in the same manner as the rest of the Appropriation established by the 1979 Operating Appropriation Bill on June 30, 1980.

Approved June 19, 1980.

CHAPTER 265

FORMERLY

HOUSE BILL NO. 792

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION TO THE CRANSTON HEIGHTS FIRE COMPANY FOR THE MAINTENANCE AND OPERATION OF A RESCUE TRUCK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. There is hereby appropriated to the Cranston Heights Fire Company, New Castle County, the sum of \$1,250 for the maintenance and operation of a rescue truck in the public service.

Section 2. This is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from the General Fund. Any funds remaining unexpended or unencumbered as of June 30, 1980 shall revert to the General Fund.

Approved June 19, 1980.

CHAPTER 266

FORMERLY

SENATE BILL NO. 95

AN ACT TO AMEND CHAPTER 4, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO DEFENSES AGAINST CRIMINAL LIABILITY; AND PROVIDING PROTECTION TO PERSONS DEFENDING REAL AND PERSONAL PROPERTY AGAINST FELONIES OR ATTEMPTED FELONIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §466(c)(2)b., Title 11 of the Delaware Code by striking sub-paragraph b., and substituting in lieu thereof the following:

"b. under the circumstances existing at the time, the defendant believed the use of force other than deadly force would expose the defendant, or another person in his presence, to the reasonable likelihood of serious physical injury."

Section 2. Amend §466, Chapter 4, Part I, Title 11 of the Delaware Code by striking subsection (d) in its entirety, and substituting in lieu thereof the following:

"(d) Where a person has used force for the protection of property and has not been convicted for any crime or offense connected with that use of force, such person shall not be liable for damages or be otherwise civilly liable to the one against whom such force was used."

Approved June 19, 1980.

CHAPTER 267

FORMERLY

HOUSE BILL NO. 936

AN ACT TO AMEND SECTION 1108 OF TITLE 17 OF THE DELAWARE CODE RELATING TO ADVERTISING AND BEAUTIFICATION ALONG HIGHWAYS.

WHEREAS, it is the intent of the Legislature to provide the general public with the means to contribute to the design, planting and maintenance of landscaping and scenic attractions within the State right of way pursuant to approval by the Department and consistent with rules and regulations adopted thereby.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1108, Chapter 11, Title 17 of the Delaware Code by inserting in subsection (b) after the words "subsection (c)" and before the words "of this section" the phrase "and subsection (d)".

Section 2. Further amend Section 1108, Chapter 11, Title 17 of the Delaware Code by adding a new subsection as follows:

"(d) Beautification/landscape planting sponsorship signs located within the right of way of any public highway shall be erected or placed as defined below and as such are exempt from the provisions of this chapter and section:

(1) Signs under the above provision denoting the name of the person (s) or organization sponsoring/or donating, planting and/or maintaining Beautification/Landscape Projects shall require an approved Right of Way Use Agreement issued by the Department of Transportation."

(2) Such signs shall not exceed six (6) square feet and shall be constructed, painted and lettered according to standards for material and fabrication as required by the Department of Transportation."

Approved June 23, 1980.

CHAPTER 268

FORMERLY

SENATE BILL NO. 452

AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF WARWICK SCHOOL NO. 225 AND ALL LAND AND ATTACHMENTS THERETO TO THE NANTICOKE INDIAN ASSOCIATION AND HERITAGE COMMITTEE FOR USE AS A MUSEUM.

WHEREAS, the school property known as Warwick School No. 225 on Route 24 at the intersection of Route 5 approximately (7) miles east of Millsboro was originally deeded to the State of Delaware for use in the education of children of the Nanticoke Indian community; and

WHEREAS, for approximately (40) years until the Warwick School was closed in 1964 it was used to provide an education for Nanticoke Indians and other non-white children; and

WHEREAS, since the closing of the school the property was acquired by the Pot Nets American Legion for use as a clubhouse; and

WHEREAS, the Pot Nets American Legion at its meeting on February 14, 1980, passed a Resolution abandoning plans to move the school building to another site; and

WHEREAS, a stipulation of the transaction authorizing the Pot Nets American Legion to use the Warwick School No. 225 required that the building be moved or maintained as a post headquarters or revert to the State; and

WHEREAS, the Pot Nets American Legion has no more interest in the Warwick School No. 225, and has not used it for approximately one year; and

WHEREAS, the Nanticoke Indian Association and Heritage Committee has expressed an interest in converting the Warwick School and property into a Nanticoke Indian museum.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Pursuant to the provisions of §4518 (d), Chapter 45, Title 7, Delaware Code, the Department of Administrative Services is hereby authorized and empowered to execute and deliver a good and sufficient deed transferring and conveying land, building, and all attachments thereto, being the Warwick School No. 225 in Sussex County, to the Nanticoke Indian Association and Heritage Committee for use as a museum.

Section 2. In the event that the land herein authorized to be transferred is no longer utilized by the Nanticoke Indian Association and Heritage Committee as a museum, such land shall automatically revert to the State of Delaware and the deed conveying such land shall contain a reversion provision to that effect.

Approved June 25, 1980.

CHAPTER 269

FORMERLY

SENATE BILL NO. 559
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 70, TITLE 6, DELAWARE CODE, RELATING TO ECONOMIC DEVELOPMENT, BY REPEALING THAT CHAPTER AND ENACTING A NEW CHAPTER 70 CREATING THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY; AUTHORIZING SUCH AUTHORITY TO ISSUE BONDS FOR INDUSTRIAL, COMMERCIAL, AGRICULTURAL AND POLLUTION CONTROL PROJECTS; AUTHORIZING SUCH AUTHORITY TO PLEDGE THE FULL FAITH AND CREDIT OF THE STATE TO THE PAYMENT OF CERTAIN BONDS OF SUCH AUTHORITY; AND GRANTING CERTAIN ADDITIONAL POWERS TO SUCH AUTHORITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Amend Title 6 of the Delaware Code by deleting Chapter 70 of that Title in its entirety and inserting in lieu thereof the following:

"CHAPTER 70. DELAWARE ECONOMIC DEVELOPMENT AUTHORITY

\$7001. Findings and Declaration of Policy

It is determined and declared as a matter of legislative finding that;

(a) The good order of the State and the health and welfare of its citizens depend upon the steady employment, in useful occupations, of the citizens of the State;

(b) In certain areas of the State, many citizens are employed sporadically or not at all. In these areas of the State, many citizens have heretofore found employment in agricultural pursuits. As agriculture becomes more efficient, and requires fewer employees for the maintenance of economic output levels, increasing numbers of citizens cannot find agricultural employment. Opportunities for other forms of employment in these areas are very limited. This condition threatens the economic stability of the State, discourages thrift, and depresses the standard of living of the citizens of the State, all to the detriment of the public health, welfare and order. Moreover the viability and attractiveness of expanded agricultural enterprise in the State (with consequential increase in agricultural employment opportunity) is jeopardized by competition from agricultural enterprises located in States enjoying longer growing seasons and other competitive advantages;

(c) Stable and useful employment can be made available for citizens of the State by financing the construction, acquisition, rehabilitation, modernization or renovation of commercial, industrial and agricultural facilities in the State;

(d) In many areas of the State, substantial unemployment or cyclical employment (involving cessations of work and temporary layoff of employees) exists. This condition threatens the economic stability of the State, discourages thrift, and depresses the standard of living of the citizens of the State, all to the detriment of the public health, welfare and order;

(e) There is a continuing need to prevent decline in business employment, including employment in industrial, commercial and agricultural businesses within the State and to reduce unemployment and cyclical employment within the State;

(f) The availability of financial assistance and suitable facilities are important inducements to industrial, commercial and agricultural businesses to locate, remain and expand in the State which in time will result in increased employment opportunities in the State;

(g) Due to increased industrialization and urbanization of many areas of the State, greater dangers to the public health and welfare exist because of pollution of the air, water and soil, and high levels of noise. Therefore, it is necessary to protect the public health and welfare by fostering the reduction, abatement or prevention of the pollution of the State's environment and the protection of its natural resources;

(h) There is a need to assist in the financing of medical facilities, nursing facilities and facilities for the residence or care of the aged in order to provide modern and efficient medical and nursing care and residence facilities for the citizens of the State thereby promoting their health and welfare.

It is further determined and declared that in order to aid in remedying such conditions and to implement the purposes of this Chapter, there shall be created an Authority which shall be a body politic and corporate having the powers, duties and functions provided in this Chapter; that the creation of the Authority and the powers conferred upon such Authority under this Chapter and the expenditure of monies pursuant to this Chapter constitute a valid public purpose and the performance of a valid public function; that the enactment of the provisions hereinafter set forth is in the public interest and for the public benefit and welfare and is hereby so declared to be as a matter of express legislative determination.

§7002. Definitions

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meaning:

(a) 'Agricultural Business' means any enterprise engaged in raising, preparing or marketing crops, timber, nursery stock, livestock, or the like or any related products, and facilities directly related, incidental or subordinate to any of the foregoing.

(b) 'Assisted Person' means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, not for profit corporations, or other legal entities, including public or governmental bodies as well as natural persons for which a Project is undertaken or proposed to be undertaken.

(c) 'Authority' means The Delaware Economic Development Authority created by Section 7003 of this Chapter.

(d) 'Bonds' means bonds, notes or other obligations issued by the Authority pursuant to this Chapter.

(e) 'Commercial Business' means any enterprise other than an Agricultural Business or Industrial Business which may include, but is not limited to, wholesale, retail or other mercantile activities; office buildings; cable television facilities;

hotels; motels; shopping centers; department stores; sports facilities; restaurants; convention, auditorium or trade show facilities; tourism and recreational facilities; medical facilities, nursing facilities and facilities for the residence or care of the aged; public transportation facilities; parking facilities; and facilities directly related, incidental or subordinate to any of the foregoing.

(f) 'Cost' means, with respect to any Project, all costs, whether capital or otherwise, and includes the cost of acquisition, construction, reconstruction, repair, alteration, or extension of any building, structure, facility or other improvement; the cost of demolishing, removing or relocating any building, structure, facility or other improvement, including the cost of acquiring any lands to which such building, structure, facility or other improvement may be moved or relocated; the cost of machinery and equipment; the cost of acquisition, construction, reconstruction, repair, alteration, modernization, renovation, rehabilitation, improvement or extension of pollution control devices, equipment or facilities; the cost of land, rights-in-land, easements, privileges, agreements, franchises, utility extension, disposal facilities, access roads and site developments necessary, useful or convenient for any project or in connection therewith; interest prior to, during and for a reasonable period after completion of construction; discount on Bonds; costs of issuance of Bonds; engineering and inspection costs; costs of financial, legal, professional and other services; organizational, administrative, insurance, operating and other expenses of the Authority or any Assisted Person prior to and during any acquisition or construction; all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or part thereof; and all provision for reserves for payment or security of principal, premium, if any, or interest on, Bonds during or after acquisition or construction of any Project as the Authority may determine to be appropriate. Cost with respect to any Project financed by State Guaranteed Bonds shall not include the cost of providing working capital or inventory.

(g) 'Industrial Business' means any enterprise other than an Agricultural Business or Commercial Business and may include, but is not limited to, industrial parks; public utilities; activities involving the development, production, collection, conversion, storage, conservation, or transmission of coal, electricity, gas, oil, steam, water or sources of energy not covered by the foregoing; manufacturing, fabricating or processing activities; research and development activities; docks, wharves, airports; storage, shipping, receiving, warehouse and distribution facilities; and facilities directly related, incidental or subordinate to any of the foregoing.

(h) 'Outstanding Bonds' means the principal amount of State Guaranteed Bonds on which there is principal and interest owing and for which there have not been set aside with a trustee sufficient monies to pay principal, premium, if any, and interest on such State Guaranteed Bonds, which monies are subject to an irrevocable instruction that they be applied to the payment of principal, premium, if any, and interest on such State Guaranteed Bonds when due and payable, whether at maturity or otherwise.

(i) 'Pollution Control Project' means any device, equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with, or the end purpose of which is, the control, abatement or prevention of land, water, air, or general environmental pollution in or adjacent to the State, whether by solids, liquids, gases, particulates, radiation, heat, noise or otherwise, including, but not limited

(e) There is a continuing need to prevent decline in business employment, including employment in industrial, commercial and agricultural businesses within the State and to reduce unemployment and cyclical employment within the State;

(f) The availability of financial assistance and suitable facilities are important inducements to industrial, commercial and agricultural businesses to locate, remain and expand in the State which in time will result in increased employment opportunities in the State;

(g) Due to increased industrialization and urbanization of many areas of the State, greater dangers to the public health and welfare exist because of pollution of the air, water and soil, and high levels of noise. Therefore, it is necessary to protect the public health and welfare by fostering the reduction, abatement or prevention of the pollution of the State's environment and the protection of its natural resources;

(h) There is a need to assist in the financing of medical facilities, nursing facilities and facilities for the residence or care of the aged in order to provide modern and efficient medical and nursing care and residence facilities for the citizens of the State thereby promoting their health and welfare.

It is further determined and declared that in order to aid in remedying such conditions and to implement the purposes of this Chapter, there shall be created an Authority which shall be a body politic and corporate having the powers, duties and functions provided in this Chapter; that the creation of the Authority and the powers conferred upon such Authority under this Chapter and the expenditure of monies pursuant to this Chapter constitute a valid public purpose and the performance of a valid public function; that the enactment of the provisions hereinafter set forth is in the public interest and for the public benefit and welfare and is hereby so declared to be as a matter of express legislative determination.

§7002. Definitions

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meaning:

(a) 'Agricultural Business' means any enterprise engaged in raising, preparing or marketing crops, timber, nursery stock, livestock, or the like or any related products, and facilities directly related, incidental or subordinate to any of the foregoing.

(b) 'Assisted Person' means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, not for profit corporations, or other legal entities, including public or governmental bodies as well as natural persons for which a Project is undertaken or proposed to be undertaken.

(c) 'Authority' means The Delaware Economic Development Authority created by Section 7003 of this Chapter.

(d) 'Bonds' means bonds, notes or other obligations issued by the Authority pursuant to this Chapter.

(e) 'Commercial Business' means any enterprise other than an Agricultural Business or Industrial Business which may include, but is not limited to, wholesale, retail or other mercantile activities; office buildings; cable television facilities;

hotels; motels; shopping centers; department stores; sports facilities; restaurants; convention, auditorium or trade show facilities; tourism and recreational facilities; medical facilities, nursing facilities and facilities for the residence or care of the aged; public transportation facilities; parking facilities; and facilities directly related, incidental or subordinate to any of the foregoing.

(f) 'Cost' means, with respect to any Project, all costs, whether capital or otherwise, and includes the cost of acquisition, construction, reconstruction, repair, alteration, or extension of any building, structure, facility or other improvement; the cost of demolishing, removing or relocating any building, structure, facility or other improvement, including the cost of acquiring any lands to which such building, structure, facility or other improvement may be moved or relocated; the cost of machinery and equipment; the cost of acquisition, construction, reconstruction, repair, alteration, modernization, renovation, rehabilitation, improvement or extension of pollution control devices, equipment or facilities; the cost of land, rights-in-land, easements, privileges, agreements, franchises, utility extension, disposal facilities, access roads and site developments necessary, useful or convenient for any project or in connection therewith; interest prior to, during and for a reasonable period after completion of construction; discount on Bonds; costs of issuance of Bonds; engineering and inspection costs; costs of financial, legal, professional and other services; organizational, administrative, insurance, operating and other expenses of the Authority or any Assisted Person prior to and during any acquisition or construction; all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or part thereof; and all provision for reserves for payment or security of principal, premium, if any, or interest on, Bonds during or after acquisition or construction of any Project as the Authority may determine to be appropriate. Cost with respect to any Project financed by State Guaranteed Bonds shall not include the cost of providing working capital or inventory.

(g) 'Industrial Business' means any enterprise other than an Agricultural Business or Commercial Business and may include, but is not limited to, industrial parks; public utilities; activities involving the development, production, collection, conversion, storage, conservation, or transmission of coal, electricity, gas, oil, steam, water or sources of energy not covered by the foregoing; manufacturing, fabricating or processing activities; research and development activities; docks, wharves, airports; storage, shipping, receiving, warehouse and distribution facilities; and facilities directly related, incidental or subordinate to any of the foregoing.

(h) 'Outstanding Bonds' means the principal amount of State Guaranteed Bonds on which there is principal and interest owing and for which there have not been set aside with a trustee sufficient monies to pay principal, premium, if any, and interest on such State Guaranteed Bonds, which monies are subject to an irrevocable instruction that they be applied to the payment of principal, premium, if any, and interest on such State Guaranteed Bonds when due and payable, whether at maturity or otherwise.

(i) 'Pollution Control Project' means any device, equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with, or the end purpose of which is, the control, abatement or prevention of land, water, air, or general environmental pollution in or adjacent to the State, whether by solids, liquids, gases, particulates, radiation, heat, noise or otherwise, including, but not limited

to, any air pollution control facility, noise abatement facility, water management facility, waste water collection system, waste water treatment works, sewage treatment system, or solid waste disposal or resource recovery facility or site.

(j) 'Project' means:

(i) acquisition, construction, reconstruction, repair, alteration, improvement, extension or financing of any building, structure, or facility whether or not in existence or under construction;

(ii) purchase, installation or financing of equipment, machinery, and other personal property; or

(iii) acquisition, improvement or financing of real estate and the extension or provision of utilities, access roads and other appurtenant facilities;

any of which are to be used or occupied by any Assisted Person in any enterprise which will tend to maintain or provide gainful employment within the State, including, but not limited to, facilities for Industrial Business, Agricultural Business, Commercial Business or any combination thereof, Project, in addition, shall mean a Pollution Control Project. A Project shall not be considered a public work or public improvement for purposes of this Chapter or for purposes of any other law, rule, or regulation of the State or any political subdivision thereof.

(k) 'Related Person' means a person who is a related person under Section 103(b)(6)(e) of the Internal Revenue Code of 1954 as in effect on the effective date of this Chapter.

(l) 'Resolution' means any resolution adopted, or trust agreement or other agreement executed, by the Authority pursuant to which Bonds are authorized to be issued.

(m) 'Revenues' means receipts, fees, rentals, loan repayments or other payments or income derived from the lease, sale or other disposition of a Project, the loan of money, the acquisition and sale of loans, monies or securities in reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, and fees, charges or other monies to be received by the Authority in connection with a Project.

(n) 'Secretary' means the Secretary of the Department of Community Affairs and Economic Development.

(o) 'State' means The State of Delaware.

(p) 'State Guaranteed Bonds' means Bonds to which the full faith and credit of the State has been pledged as provided in this Chapter.

§7003. Creation and Organization of the Authority

(a) There is hereby established a body corporate and politic, with corporate succession, to be known as 'The Delaware Economic Development Authority'. The Authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the Authority of the powers conferred in this Chapter shall be deemed and held to be an essential governmental function of the State.

(b) The Authority shall consist of the Secretary who shall serve ex officio. The Secretary shall hold office for the term of his appointment. Should a vacancy in the Office of the Secretary occur, then the Authority shall consist of the Acting Secretary (with references to the Secretary in this Chapter deemed to refer to such Acting Secretary) until the Secretary's successor is duly qualified and appointed.

(c) The Secretary shall be the Chairman of the Authority. Subject to its annual budget as approved by the Governor and the General Assembly, the Authority shall employ such persons as the Secretary shall determine are necessary to fulfill the powers granted to the Authority in this Chapter. The powers of the Authority shall be vested in the Secretary and all action by the Authority shall be taken by the Secretary or by a designee acting on his behalf as provided in this Chapter.

(d) Notwithstanding the provisions of any other law, neither the Secretary nor any officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of his service as an officer of the Authority.

(e) The Secretary may designate officers or employees of the Department of Community Affairs and Economic Development to represent him, and each such designee may lawfully act on behalf of the Secretary, provided, however, that except in instances where the Secretary determines that he may have a direct interest in a Project as provided in subsection (i) of this section and therefore disassociates himself from that Project, no such designee may lawfully approve a Project or adopt a Resolution. Neither the Secretary nor any such designee shall be subject to any personal liability or accountability by reason of his execution of any Bonds or the issuance thereof.

(f) The Authority may be dissolved by act of the General Assembly on condition that the Authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the Authority, all property, funds and assets thereof shall be vested in the State.

(g) The Authority shall prepare an annual budget for each fiscal year of the Authority (the 'annual budget') and shall submit the annual budget to the Budget Director and General Assembly in accordance with the provisions of Chapter 63, Title 29, Delaware Code. The annual budget need not include amounts representing expenditures for debt service on Bonds, except for such amounts with respect to Projects which are financed by proceeds from State Guaranteed Bonds and for which either (i) any payment due to the Authority or to a trustee or other person as assignee of the Authority is in default or (ii) sufficient revenues are not available to make payments due to such trustee or other person.

(h) The Authority shall cause an audit of its books and accounts to be made annually by a certified public accountant licensed to practice in the State. In addition, the Authority shall make an annual report of its activities to the Governor which shall set forth a complete operating and financial statement covering the Authority's operations during the year and shall include the report of the certified public accountant who makes the audit of the Authority's books and accounts. The Authority shall furnish a copy of the annual report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the Auditor of Accounts, and the Controller General. The Auditor of Accounts may also audit the books and accounts of the Authority in accordance with applicable law.

(i) No member, officer, employee or agent of the Authority shall be interested, either directly or indirectly, in any Project or in any contract, sale, purchase, lease or transfer of real or personal property to which the Authority is a party. The existence of any such interest shall not affect the validity of Bonds issued pursuant to this Chapter.

(j) All expenses incurred by the Authority shall be included and charged to the Project to which they apply. Any refunds or reimbursements of such expenses shall be credited to the same Project to which such expense was charged.

(k) The Authority shall prescribe such regulations as may be necessary to carry out the purposes of this Chapter.

(l) Any net earnings of the Authority (beyond those necessary for retirement of any indebtedness or to implement the public purposes of this Chapter) shall not inure to the benefit of any person other than the State.

§7004. Powers of the Authority

(a) The Authority may issue Bonds, to finance the Cost of any Project or part thereof with respect to which the Authority has adopted a Resolution.

(b) The Authority may issue Bonds to refund Bonds issued pursuant to this Chapter, or issued by the Department of Community Affairs and Economic Development pursuant to predecessor statutes, including the payment of any redemption premium thereon and any interest accrued to the date of redemption of such Bonds.

(c) The Authority may issue Bonds payable solely from the Revenues of the Project for which the Bonds have been issued. Such Bonds may be issued for a Project whether or not such Project is or will be financed by State Guaranteed Bonds.

(d) The Authority may pledge the full faith and credit of the State to the payment of principal, premium, if any, and interest due on Bonds (whether at stated or accelerated maturity or otherwise) subject to the following conditions:

(i) With respect to any Project proposed to be financed by State Guaranteed Bonds the Authority shall find and determine, which findings and determinations shall be conclusive, in addition to making the appropriate findings and determinations required by Section 7005 of this Chapter, that:

A. The aggregate principal amount of State Guaranteed Bonds the proceeds of which are used to finance the proposed Project together with the aggregate principal amount of Outstanding Bonds used to finance any other Project or Projects owned, used, leased or occupied by the same Assisted Person, or by a Related Person to the Assisted Person, does not exceed three million dollars (\$3,000,000.00);

B. Not more than fifty percent (50%) of the Cost of the proposed Project shall be financed by State Guaranteed Bonds; and

C. The fulfillment, discharge and satisfaction of the Assisted Person's obligations under the terms of the lease, mortgage, loan agreement or other financing agreements between the Authority and the Assisted Person shall be adequately secured.

(ii) Outstanding Bonds shall not exceed fifty million dollars (\$50,000,000.00);

(iii) In no event shall the proceeds of State Guaranteed Bonds be used to finance a Project for Commercial Business or Agricultural Business;

(iv) The Authority may not adopt a Resolution authorizing the issuance of State Guaranteed Bonds without the approval of at least five (5) of the seven (7) members (the 'Members') of the Council on Industrial Financing (the 'Council') or three-quarters (3/4) of the Members if vacancies on the Council exist.

(v) The Assisted Person shall be legally obligated to deposit (prior to the delivery of the Bonds and from a source other than the proceeds of the Bonds), and thereafter maintain, with a person in trust, a cash reserve fund in an amount equal to the maximum principal and interest payable on such Bonds during any consecutive twelve (12) month period by such Assisted Person to the Authority under the terms of the lease, mortgage, loan agreement or other financing agreement between the Authority and such Assisted Person. Such cash reserve fund shall be pledged solely for the purposes provided in Section 7011 of this Chapter and shall not be construed as a security deposit under the State's Landlord Tenant Code (Part III, Title 25, Delaware Code).

(vi) In the case of accelerated maturity, the pledge of the full faith and credit of the State to the payment of principal, premium, if any, and interest due on State Guaranteed Bonds prior to their stated maturity shall not apply without the express written approval of the Secretary of Finance. Such approval may be given at any time after the occurrence of a default which would permit the acceleration of payment of principal, premium, if any, or interest on such State Guaranteed Bonds under the terms of the lease, mortgage, loan agreement or other financing agreements between the Authority and the Assisted Person.

(e) The Authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter including without limitation the power:

(i) To adopt bylaws for the regulation of its affairs and the conduct of its business and to adopt rules, regulations and policies in connection with the performance of its functions and duties;

(ii) To adopt, use and alter at will an official seal;

(iii) To sue in its own name;

(iv) To acquire in its own name by purchase, lease or otherwise, on such terms and conditions and in such manner as it may deem proper, any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, whether or not in connection with a Project, and to sell, lease as lessor, mortgage or otherwise encumber, transfer or dispose of any such property or interest therein;

(v) To enter into contracts with a person upon such terms and conditions as the Authority shall determine to be reasonable, providing, without limitation, for reimbursement for the planning, designing, financing,

construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of a Project and to pay or compromise any claims arising from any such contracts;

(vi) To enter into loan agreements with, and to make loans to, an Assisted Person, for the Cost of a Project (title to which Project may remain or vest in such Assisted Person), which loans may be secured or evidenced by notes, debentures, bonds, mortgages, leases or other instruments, delivered to the Authority or to a trustee or other person as assignee of the Authority, all upon such terms and conditions as the Authority may deem advisable.

(vii) To establish and maintain funds of any kind, including without limitation reserve and insurance funds with respect to any financing of a Project;

(viii) To mortgage, pledge, assign or otherwise encumber all or any portion of a Project or Revenues;

(ix) To grant options to purchase or renew a lease for any Project;

(x) To contract for and to accept any gifts, grants or loans of funds or property or financial or other aid from any source, and to comply, subject to the provisions of this Chapter, with the terms and conditions thereof;

(xi) To charge and collect such fees and charges as it shall determine to be reasonable for the use of its services;

(xii) To acquire, purchase, manage, operate, hold and dispose of real and personal property or interests therein, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties;

(xiii) To purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness;

(xiv) To purchase, acquire, attach, seize, accept or take title to any Project by conveyance or by foreclosure, and sell, lease, manage or operate any Project for a use specified in this Chapter;

(xv) To borrow money and issue Bonds (the interest on which may be taxable or exempt from tax under the Internal Revenue Code of 1954) as provided in this Chapter, and provide for the rights of the holders thereof;

(xvi) To pledge the full faith and credit of the State to the payment of the principal, premium, if any, and interest on Bonds, but only to the extent permitted under this Chapter.

(xvii) To invest any funds or monies of the Authority pending the application of such funds or monies to the purposes specified in this Chapter;

(xviii) To employ consulting engineers, architects, attorneys (in accordance with Section 2507, Title 29 Delaware Code), real estate counselors, appraisers, and such other consultants and employees, who shall not be members of the classified service, as may be required in the judgment of the Authority to carry out the purposes of this Chapter, and to fix and pay their compensation from funds available to the Authority therefor;

(xix) To do and perform any acts and things authorized by this Chapter under, through or by means of its own officers, agents and employees, or by contracts with any person; and

(xx) To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable.

\$7005. Approval of Purpose of Bonds

The Authority may adopt a Resolution provided that an application for assistance under this Chapter shall be submitted to the Authority, for the advice or, where required by this Chapter, the approval of the Council on Industrial Financing, requesting the issuance of Bonds to finance a Project. Prior to approving such application, the Authority shall find and determine, which findings and determinations shall be conclusive, on the basis of all information reasonably available to it, that any Project financed:

(a) will tend to maintain or provide gainful employment for citizens of the State, or, in the case of a Pollution Control Project, will reduce, abate or prevent pollution of the State's environment or protect its natural resources, or, in the case of a medical facility, nursing facility or facility for the residence or care of the aged, will help to provide modern and efficient medical, nursing or residence facilities as the case may be for the citizens of the State;

(b) will serve a public purpose by contributing to the prosperity, health or general welfare of the citizens of the State;

(c) in the case of a Project for Agricultural Business will require a capital investment of at least two hundred fifty thousand dollars (\$250,000.00), which funds, including the proceeds of the Bonds to be issued, will be available or expended on the day the Authority issues the Bonds;

(d) in the case of a Project for Commercial Business will require a capital investment of at least five hundred thousand dollars (\$500,000.00), which funds, including the proceeds of the Bonds to be issued, will be available or expended on the day the Authority issues the Bonds;

(e) will be leased to, sold to or financed for a financially responsible Assisted Person who has not been convicted of a major labor law violation or of illegal conduct involving moral turpitude by any agency or court of the federal government or agency or court of any state in the two (2) year period immediately prior to the approval of the Assisted Person's application for assistance; and

(f) will effectuate the purposes of this Chapter. The Authority may make the foregoing findings and determinations on a prospective basis prior to the receipt of any such application provided that the proceeds of Bonds are not disbursed to any Assisted Person until such findings and determinations are made specifically with respect to such Assisted Person's Project or Projects.

The Authority may issue Bonds to refund Bonds issued pursuant to this Chapter without making any of the foregoing findings or determinations.

\$7006. Bonds

The Bonds authorized to be issued by this Chapter shall be authorized by a Resolution and shall be of such series; bear such date or dates; mature at such time

or times, not exceeding twenty (20) years for State Guaranteed Bonds; bear interest at such rate or rates; be in such denominations; be of a single denomination payable in installments; be in such form, either coupon or fully registered without coupon; carry such registration, exchangeability, and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities in the Revenues of the Authority as such Resolution may provide. The Bonds shall bear the manual or facsimile signature of the Secretary, and of the Secretary of the Council on Industrial Financing, and coupon Bonds shall have attached thereto interest coupons bearing the facsimile signature of the Secretary. Any such Bonds may be issued and delivered notwithstanding the fact that one or more of the officials signing such Bonds or whose facsimile signature shall be upon the Bonds or coupons, shall have ceased to be such official or officials at the time when such Bonds shall actually be delivered.

The Bonds may be sold at public or private sale for such price or prices as the Authority shall determine. Any Bonds may be consolidated for sale with any other Bonds of the Authority and sold as a single issue. Pending the preparation of the definitive Bonds, temporary Bonds may be issued to the purchaser or purchasers of such Bonds any may contain such terms and conditions as the Authority may determine.

§7007. Covenants with Bondholders

The Authority shall have the power to covenant and to agree with the holders of Bonds in order to secure the payment of such Bonds, as to:

(a) The custody, security, use, expenditure, investment or application of the proceeds of Bonds;

(b) The use, regulation, operation, maintenance, insurance or disposition of all or any part of any Project;

(c) The payment of the principal, premium, if any, and interest on Bonds, the sources and methods of payment thereof, the rank or priority of any such Bonds as to any lien or security, or the acceleration of the maturity of any such Bonds;

(d) The use and disposition of any monies of the Authority, including all Revenues;

(e) The mortgage, pledge, assignment or deposit of all or any part of the Revenues or other monies of the Authority or of all or any part of a Project to secure the payment of the principal, premium, if any, and interest on Bonds, and the powers and duties of any trustee or agent with regard thereto;

(f) The segregation of Revenues or other monies of the Authority into reserves and sinking funds, and the source, custody, investment, security, regulation, application and disposition thereof;

(g) The rents, fees or other charges for the use of any Project, including any parts, replacements or improvements thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same;

(h) Any limitation on the issuance of additional Bonds or on the incurrence of indebtedness of the Authority;

(i) Any vesting in a trustee or trustees, fiscal or escrow agent or agents, within or without the State, of such property, rights, powers and duties as the Authority may determine, and any limitation on the rights, duties and powers of such trustee or agent;

(j) The payment of costs or expenses incident to the enforcement of the provisions of bonds, the provisions of the resolution or any covenant or contract with the holders of Bonds;

(k) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of Bonds 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 or evidenced; or

(l) Any other matter or course of conduct which, by recital in a Resolution, is declared to secure further the payment of the principal, premium, if any, or interest on Bonds.

All such provisions of a Resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the Authority and the several holders of Bonds to which they relate, regardless of the time of issuance of such Bonds.

\$7008. Pledge of Revenues or Other Property

Any pledge of Revenues or other property made by the Authority shall be valid and binding from the time when the pledge is made. Revenues 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. The lien of any such pledge of Revenues or other property shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, whether or not such parties have notice thereof. Neither the Resolution nor any other instrument by which a pledge is created need be filed or recorded, however copies of such Resolution or instrument shall be retained by the Authority.

\$7009. Limitation on Liability of the State

(a) Bonds, other than State Guaranteed Bonds, issued pursuant to this Chapter shall not constitute a debt of the State or any political subdivision or any agency thereof, or a pledge of the full faith and credit or taxing power of the State or any political subdivision or any agency thereof, and shall not obligate the State or the Authority to make any appropriation for their payment.

(b) All Bonds, other than State Guaranteed Bonds, shall contain on the face thereof a statement to the following effect:

'Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on this Bond, nor is the State or the Delaware Economic Development Authority in any manner obligated to make any appropriation for payment thereof.'

(c) State Guaranteed Bonds shall be a debt of the State.

\$7010. Negotiability of Bonds

The Bonds and any coupons appurtenant thereto shall be negotiable instruments and securities under the Uniform Commercial Code of the State.

\$7011. Remedies of Holders of State Guaranteed Bonds

If any payment of principal, premium, if any, or interest due to the Authority or to a trustee or other person as assignee of the Authority with respect to a

or times, not exceeding twenty (20) years for State Guaranteed Bonds; bear interest at such rate or rates; be in such denominations; be of a single denomination payable in installments; be in such form, either coupon or fully registered without coupon; carry such registration, exchangeability, and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities in the Revenues of the Authority as such Resolution may provide. The Bonds shall bear the manual or facsimile signature of the Secretary, and of the Secretary of the Council on Industrial Financing, and coupon Bonds shall have attached thereto interest coupons bearing the facsimile signature of the Secretary. Any such Bonds may be issued and delivered notwithstanding the fact that one or more of the officials signing such Bonds or whose facsimile signature shall be upon the Bonds or coupons, shall have ceased to be such official or officials at the time when such Bonds shall actually be delivered.

The Bonds may be sold at public or private sale for such price or prices as the Authority shall determine. Any Bonds may be consolidated for sale with any other Bonds of the Authority and sold as a single issue. Pending the preparation of the definitive Bonds, temporary Bonds may be issued to the purchaser or purchasers of such Bonds any may contain such terms and conditions as the Authority may determine.

§7007. Covenants with Bondholders

The Authority shall have the power to covenant and to agree with the holders of Bonds in order to secure the payment of such Bonds, as to:

- (a) The custody, security, use, expenditure, investment or application of the proceeds of Bonds;
- (b) The use, regulation, operation, maintenance, insurance or disposition of all or any part of any Project;
- (c) The payment of the principal, premium, if any, and interest on Bonds, the sources and methods of payment thereof, the rank or priority of any such Bonds as to any lien or security, or the acceleration of the maturity of any such Bonds;
- (d) The use and disposition of any monies of the Authority, including all Revenues;
- (e) The mortgage, pledge, assignment or deposit of all or any part of the Revenues or other monies of the Authority or of all or any part of a Project to secure the payment of the principal, premium, if any, and interest on Bonds, and the powers and duties of any trustee or agent with regard thereto;
- (f) The segregation of Revenues or other monies of the Authority into reserves and sinking funds, and the source, custody, investment, security, regulation, application and disposition thereof;
- (g) The rents, fees or other charges for the use of any Project, including any parts, replacements or improvements thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same;
- (h) Any limitation on the issuance of additional Bonds or on the incurrence of indebtedness of the Authority;
- (i) Any vesting in a trustee or trustees, fiscal or escrow agent or agents, within or without the State, of such property, rights, powers and duties as the Authority may determine, and any limitation on the rights, duties and powers of such trustee or agent;

(j) The payment of costs or expenses incident to the enforcement of the provisions of bonds, the provisions of the resolution or any covenant or contract with the holders of Bonds;

(k) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of Bonds 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 or evidenced; or

(l) Any other matter or course of conduct which, by recital in a Resolution, is declared to secure further the payment of the principal, premium, if any, or interest on Bonds.

All such provisions of a Resolution and all such covenants and agreements shall constitute valid and legally binding contracts between the Authority and the several holders of Bonds to which they relate, regardless of the time of issuance of such Bonds.

\$7008. Pledge of Revenues or Other Property

Any pledge of Revenues or other property made by the Authority shall be valid and binding from the time when the pledge is made. Revenues 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. The lien of any such pledge of Revenues or other property shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, whether or not such parties have notice thereof. Neither the Resolution nor any other instrument by which a pledge is created need be filed or recorded, however copies of such Resolution or instrument shall be retained by the Authority.

\$7009. Limitation on Liability of the State

(a) Bonds, other than State Guaranteed Bonds, issued pursuant to this Chapter shall not constitute a debt of the State or any political subdivision or any agency thereof, or a pledge of the full faith and credit or taxing power of the State or any political subdivision or any agency thereof, and shall not obligate the State or the Authority to make any appropriation for their payment.

(b) All Bonds, other than State Guaranteed Bonds, shall contain on the face thereof a statement to the following effect:

'Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on this Bond, nor is the State or the Delaware Economic Development Authority in any manner obligated to make any appropriation for payment thereof.'

(c) State Guaranteed Bonds shall be a debt of the State.

\$7010. Negotiability of Bonds

The Bonds and any coupons appurtenant thereto shall be negotiable instruments and securities under the Uniform Commercial Code of the State.

\$7011. Remedies of Holders of State Guaranteed Bonds

If any payment of principal, premium, if any, or interest due to the Authority or to a trustee or other person as assignee of the Authority with respect to a

Project financed by proceeds from State Guaranteed Bonds is in default, or if sufficient Revenues are not available to make such payment, the Authority:

(a) Shall forthwith direct (if it has not previously done so) the person holding the cash reserve fund deposited pursuant to Section 7004(c)(vii) of this Chapter to apply such cash reserve fund to the payment of principal, premium, if any, and interest on such State Guaranteed Bonds as the same become due.

(b) Shall forthwith give notice of such default or occurrence to the Governor, the Secretary of Finance, the Auditor of Accounts, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Controller General. Thereafter, the General Assembly shall appropriate sufficient funds to pay principal, premium, if any, and interest on such State Guaranteed Bonds when due. Any funds made available pursuant to such appropriation shall be deposited by the Authority in the appropriate cash reserve fund.

(c) Shall forthwith take title and possession of the Project and any notes, bonds, monies, or other assets acquired in connection with the Project. Any funds realized through the sale, rental, or other disposition of any property right acquired by the Authority pursuant to this Chapter shall be paid into the General Fund to the extent that any monies have been paid out of the General Fund pursuant to this section. Any such funds not required to be paid into the General Fund, including fees and commissions charged by the Authority, shall, to the extent provided by law, be used to defray the expenses of the Authority.

§7012. Limitation of Powers

The State pledges to and agrees with any holder of the Bonds that the State will not limit or alter the rights vested in the Authority until all Bonds at any time issued, together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged, provided, however, that nothing herein contained shall preclude such limitation or alteration, if, and when, adequate provision shall have been made by law for the protection from impairment of the contracts represented by such Bonds.

§7013. Bonds as Legal Investments for Institutions and Fiduciaries

Bonds issued under the provisions of this Chapter are made securities in which all state and municipal officers and administrative departments, boards, and commissions of the State, all banks, bankers, savings banks or societies, trust companies, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees, and other fiduciaries, and all other persons whatsoever authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control. State Guaranteed Bonds are made securities which may properly and legally be deposited with and received by any officer of the State, or of any county, municipality or agency of the State for any purpose for which the deposit of bonds or other obligations of the State is authorized by law.

§7014. Exemption from Taxation

Interest on Bonds issued under the provisions of this Chapter shall be exempt from income taxation by the State or any political subdivision thereof.

Any real or personal property of the Authority which is not used by an Assisted Person as part of, or in connection with, a Project shall be exempt from any and all taxation by the State or any political subdivision thereof.

§7015. Property of Authority Exempt from Judicial Process

All property of the Authority shall be exempt from execution process, and no attachment, sequestration, execution, levy or other judicial process shall issue against the same, nor shall any judgment against the Authority be a charge or lien upon its property, provided, however, that nothing herein contained shall apply to or limit the rights of the holder of any Bonds to pursue any remedy for the enforcement of any pledge or lien given by the Authority on or with respect to any Project or any Revenues or other monies.

§7016. Severability

If any section, part, phrase, or provision of this Chapter or the application thereof to any Assisted Person, Project or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the application thereof to any other Assisted Person, Project or circumstance.

§7017. Liberal Construction

This Chapter, being necessary for the prosperity and welfare of the State and its citizens, shall be liberally construed to effect the purposes of this Chapter.

§7018. Inconsistent Laws Inapplicable

Insofar as any provision of this Chapter is inconsistent with any general, special or local laws, or part thereof, this Chapter shall be controlling."

Section 2. On the effective date of this Act, all acts of the State appearing in Chapter 70, Title 6, Delaware Code, are hereby repealed. To the extent any such provision of Title 6 constitutes a contract with any persons, including holders of outstanding bonds, and is not re-enacted, such provision shall survive the adoption of this Act with respect to such contract.

Section 3. This Act shall take effect immediately upon its adoption, and all existing obligations and liabilities of the Department of Community Affairs and Economic Development incurred pursuant to Chapter 70, Title 6, Delaware Code, shall thereupon be transferred to and assumed by the Authority created under this Act.

Approved June 25, 1980.

CHAPTER 270

FORMERLY

SENATE BILL NO. 660

AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT BOOKSTORES.

WHEREAS adult bookstores are purveyors of sexually oriented material which endangers the health, safety and welfare of minors within the State of Delaware; and

WHEREAS the General Assembly believes that the protection of such minors from this material as well as from the crimes which are related to its sale; and

WHEREAS shopping areas containing four or more retail establishments tend to have a clientele which consists in large part of family shoppers including teenagers and small children; and

WHEREAS the General Assembly finds inappropriate the establishment of adult bookstores in such shopping locations.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 16, Title 24 of the Delaware Code by renumbering Sections 1625, 1626, and 1627 as Sections 1626, 1627, and 1628 respectively.

Section 2. Amend Chapter 16, Title 24 of the Delaware Code by adding thereto a new Section 1625 to read as follows:

"§1625. Prohibition of adult bookstores in certain location.

No adult bookstore shall be established on any premises located in a shopping area containing one or more parcels of land owned by a common owner or owners and having in such area four or more retail stores."

Section 3. The provisions of Section 2 of this Act shall apply to all adult bookstores which have not received final approval for occupancy of a building required by any law, regulation or ordinance of any county, municipal corporation, or other political subdivision of this State prior to the effective date of this Act.

Section 4. If any provisions of this Act or application thereto to any person, thing, or circumstance is held invalid, then such invalidity shall not affect the provisions of applications of this Act than can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

Approved June 25, 1980.

CHAPTER 271

FORMERLY

SENATE BILL NO. 477

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE TERM OF THE OFFICE OF SHERIFF.

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 III of the Constitution of the State of Delaware by striking Section 22 and substituting in lieu thereof the following:

"§22. Election and term of office of certain county officers; commission; successive terms of Sheriff.

Section 22. The terms of office of Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' Court shall be four years; and the term of office of Sheriffs shall be two years, except in New Castle County where the term shall be four years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned by the Governor.

No person shall be twice elected Sheriff in any term of four years; provided, however, that this restriction shall not apply to the Sheriff of New Castle County.

Approved June 24, 1980.

CHAPTER 272

FORMERLY

SENATE BILL NO. 478

AN ACT TO AMEND CHAPTER 21, TITLE 10 OF THE DELAWARE CODE RELATING TO THE OFFICE OF SHERIFF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Section 2101, Title 10, Delaware Code, is hereby amended by striking said section and substituting in lieu thereof the following:

"§2101. Compensation.

The Sheriffs in the respective counties shall receive annual salaries as listed below:

(1) In New Castle County, as fixed by the New Castle County government; provided that such salary shall not be less than the lowest of the salaries of the Prothonotary, Register in Chancery, Register of Wills and Recorder of Deeds;

(2) In Kent County, \$9,000;

(3) In Sussex County, \$6,000."

Section 2. Section 2112, Title 10, Delaware Code, is hereby amended by adding a new sentence at the end to read as follows:

"This section shall not apply to the Sheriff of New Castle County."

Section 3. This Act will take effect on the first Tuesday in January in the year 1981. Any mileage fees taxable by law prior to the first Tuesday in January in 1981, which are unpaid on that date, payable to any sheriff under the provisions of §2112 of Title 10 of the Delaware Code shall be paid in accordance with that section.

Approved June 26, 1980.

CHAPTER 273

FORMERLY

HOUSE BILL NO. 379
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT AGREEING TO A PROPOSED AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO THE ELECTION AND TERM OF OFFICE FOR CERTAIN STATE OFFICERS.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed to the 129th General Assembly as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO THE ELECTION AND TERM OF OFFICE FOR CERTAIN STATE OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Article III of the Constitution of the State of Delaware by striking Section 21 in its entirety, and substituting in lieu thereof a new Section, which new Section shall read as follows:

'Section 21. Election and Term of Office for Certain State Officers

Section 21. The terms of the office of the Attorney General, the Insurance Commissioner, the Auditor of Accounts and the State Treasurer shall be four years. These officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.'

Section 2. The four-year term for the offices of Auditor of Accounts and State Treasurer shall be effective commencing with the elections to be held in the year 1982," and

WHEREAS, the said proposed amendment was agreed to by two-thirds of all of the members elected to each House in the said 129th General Assembly.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

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

Approved June 26, 1980.

CHAPTER 274

FORMERLY

HOUSE BILL NO. 445
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 68, TITLE 18 OF THE DELAWARE CODE RELATING TO
MEDICAL EXPERT WITNESSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6854, Chapter 68, Title 18, Delaware Code by designating the existing paragraph as paragraph (a) and adding thereto a new paragraph (b) to read as follows:

(b) Any physician who has been in the active practice of medicine or surgery for at least the past five (5) years and who currently practices in the State of Delaware or within a state contiguous to the State of Delaware and within a radius of 75 miles of the Capitol of the State of Delaware shall be presumed to be competent to give expert medical testimony as to applicable standards of skill and care; if it shall be established that the degree of skill and care required of the expert in the locality where the expert practices or teaches is of the same or equivalent standard as the skill and care employed in the community or locality where the alleged malpractice occurred.'

Section 2. This bill shall apply to all actions where no final order or judgment has been entered by a court as of the effective date, which effective date shall be the date of enactment.

Approved June 27, 1980.

CHAPTER 275

FORMERLY

HOUSE BILL NO. 747

AS AMENDED BY HOUSE AMENDMENT NOS. 2 and 4

AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO
TRANSPORTATION OF STUDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 29, Title 14, Delaware Code, by adding thereto a new Section 2906, to read as follows:

'§2906. Safety Requirements for Public School Buses

No rule or regulation made by the State Board of Education under this chapter shall preclude the use of district school buses or state school buses 12 model years old provided such buses meet safety requirements and are approved by the board of education named in the contract. There shall be no capital allowance provided for the contractor other than that provided for in the transportation formula for school bus contracts using the schedule for the model year of the bus used."

Approved June 27, 1980.

CHAPTER 276

FORMERLY

HOUSE BILL NO. 789
AS AMENDED HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE, RELATING TO COMPETITIVE BIDDING, BY INCREASING THE MINIMUM AMOUNT OF A CONTRACT BEFORE BIDDING IS REQUIRED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6903, Chapter 69, Title 29 of the Delaware Code by striking the sum "\$2,000" in subparagraph (1) and inserting in lieu thereof the sum "\$5,000".

Section 2. Amend §6903, Chapter 69, Part VI, Title 29 of the Delaware Code by striking the figure "\$5,000" as the same appears in subsection (b), and substituting "\$10,000" in lieu thereof.

Section 3. Amend §6903, Chapter 69, Part VI, Title 29 of the Delaware Code by striking the figure "\$10,000" as the same appears in subsection (e), and substituting "\$20,000" in lieu thereof.

Section 4. Amend §6904, Chapter 69, Part VI, Title 29 of the Delaware Code by striking the figure "\$5,000" as the same appears in subsection (a), and substituting the figure "\$10,000" in lieu thereof.

Section 5. Amend §6904, Chapter 69, Part VI, Title 29 of the Delaware Code by striking the figure "\$10,000" as the same appears in subsection (b), and substituting the figure "\$20,000" in lieu thereof.

Approved June 27, 1980.

CHAPTER 277

FORMERLY

HOUSE BILL NO. 950
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, 1981; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN 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, 1981, 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 1981, 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:

DEPARTMENTSYear Ending June 30, 1981(01-00-000) LEGISLATIVE(01-01-001) General Assembly - House

Salaries - House Members	\$	451.0
Salaries (2)		24.4
Salaries - Attaches		175.0
Salaries - Administrative Assistants (2)		37.0
Other Employment Costs		20.0
Travel		
Mileage - Legislators		40.0
Mileage - Attaches		40.0
Mileage - Other		6.0
Contractual Services		36.2
Other Items		
Expenses - House Members		102.5
TOTAL - General Assembly - House	\$	932.1

(01-02-001) General Assembly - SenateYear Ending June 30, 1981

Salaries - Senate Members	238.7
Salaries (3)	\$ 35.3
Salaries - Attaches	157.5
Salaries - Administrative Assistants (2)	37.0
Other Employment Costs	21.8
Travel	
Mileage - Legislative	25.0
Mileage - Other	6.0
Contractual Services	30.0
Capital Outlay	3.0
Other Items	
Expenses - Senate Members	<u>52.5</u>

TOTAL - General Assembly - Senate	\$ 606.8
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(01-05-000) Commission on Interstate Cooperation

Travel	
Legislative	\$ 22.0
Other Travel	8.0
Contractual Services	
Council of State Governments	24.8
Delaware River Basin Commission	130.5
National Conference of State Legislatures	20.1
Conference of Insurance Legislators	.5
Other Contractual Services	6.5
Supplies and Materials	<u>.5</u>

TOTAL - Commission on Interstate Cooperation	\$ 212.9
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(01-08-000) Legislative Council(01-08-001) Office of the Research Director

Salaries (15)	\$ 246.4
Salaries - Casual and Seasonal	8.4
Salaries - Overtime	4.1
Other Employment Costs	59.5
Travel	3.4
Contractual Services	48.7
Supplies and Materials	25.2
Capital Outlay	41.3
Other Items	
Printing and Binding Session Laws	30.0
Other	<u>.4</u>

Sub-Total	\$ 467.4
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Debt Service	\$ <u>21.6</u>
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TOTAL - Office of the Research Director	\$ 489.0
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	<u>Year Ending June 30, 1981</u>
<u>(01-08-002) Office of Controller General</u>	
Salaries (12)	\$ 257.2
Salaries - Casual and Seasonal for Standing Legislative Committees	20.0
Salaries - Casual and Seasonal Regular	7.0
Salaries - Overtime	2.5
Other Employment Costs	62.6
Travel	5.0
Contractual Services	36.5
Supplies and Materials	6.8
Capital Outlay	3.3
Data Processing	2.0
Other Items	
Contingency	5.0
TOTAL -- Office of Controller General	\$ 407.9
<u>(01-08-003) Code Revisors</u>	
Travel	\$.4
Contractual Services	
Printing Pocket Parts	90.0
Other Contractual Services	10.8
Supplies and Materials	.8
TOTAL -- Code Revisors	\$ 102.0
<u>(01-08-004) House Expenses</u>	
Contractual Services	\$ 30.4
Supplies and Materials	4.0
Capital Outlay	2.0
TOTAL -- House Expenses	\$ 36.4
<u>(01-08-005) Senate Expenses</u>	
Contractual Services	\$ 23.3
Supplies and Materials	3.1
Capital Outlay	4.3
Data Processing	1.0
TOTAL -- Senate Expenses	\$ 31.7
<u>(01-08-006) Commission on Uniform State Laws</u>	
Travel	\$ 5.0
Other Items	
Contingency	3.2
TOTAL -- Commission on Uniform State Laws	\$ 8.2
TOTAL -- Legislative Council	\$ 1,075.2
TOTAL -- LEGISLATIVE	\$ 2,827.0

(02-00-000) JUDICIALYear Ending June 30, 1981(02-01-001) Supreme Court

Salaries (21)	\$ 513.8
Other Employment Costs	74.1
Travel	8.4
Contractual Services	33.0
Supplies and Materials	14.5
Capital Outlay	5.0
Sub-Total	\$ 648.8
Debt Service	\$ 25.1
TOTAL — Supreme Court	\$ 673.9

(02-02-000) Court of Chancery(02-02-001) Court of Chancery

Salaries (13)	\$ 315.7
Other Employment Costs	45.1
Travel	5.1
Contractual Services	18.0
Supplies and Materials	7.0
Capital Outlay	15.0
TOTAL — Court of Chancery	\$ 405.9

(02-02-002) Public Guardian

Salaries (3)	\$ 55.6
Other Employment Costs	13.3
Travel	.2
Contractual Services	5.0
Supplies and Materials	2.0
Capital Outlay	.5
TOTAL — Public Guardian	\$ 76.6
TOTAL — Court of Chancery	\$ 482.5

(02-03-001) Superior Court

Salaries (114)	\$ 2,003.9
Other Employment Costs	375.9
Travel	19.4
Contractual Services	164.1
Supplies and Materials	25.9
Capital Outlay	17.9
Other	3.8
TOTAL — Superior Court	\$ 2,610.9

(02-06-001) Court of Common Pleas

Salaries (55.5)	\$ 894.3
Other Employment Costs	182.5
Travel	4.2
Contractual Services	57.3
Supplies and Materials	10.3
Capital Outlay	25.4
TOTAL — Court of Common Pleas	\$ 1,174.0

<u>(02-08-001) Family Court of Delaware</u>		<u>Year Ending June 30, 1981</u>
(14.4)	Salaries (215)	\$ 3,358.3
	Other Employment Costs	822.2
	Travel	23.0
	Contractual Services	326.8
	Supplies and Materials	51.5
	Capital Outlay	<u>51.1</u>
	Sub-Total	\$ 4,632.9
	Debt Service	\$ <u>18.2</u>
	TOTAL — Family Court of Delaware	\$ 4,651.1
<u>(02-09-001) Kent County Law Library</u>		
	Salaries (1)	\$ 19.5
	Other Employment Costs	4.7
	Contractual Services	1.1
	Supplies and Materials	.4
	Capital Outlay	<u>45.0</u>
	TOTAL — Kent County Law Library	\$ 70.7
<u>(02-10-001) Sussex County Law Library</u>		
	Salaries (1)	\$ 14.2
	Other Employment Costs	3.6
	Travel	.6
	Contractual Services	2.9
	Supplies and Materials	.4
	Capital Outlay	<u>28.3</u>
	TOTAL — Sussex County Law Library	\$ 50.0
<u>(02-11-001) New Castle County Law Library</u>		
	Salaries (1)	\$ 18.7
	Other Employment Costs	3.9
	Contractual Services	2.1
	Supplies and Materials	.5
	Capital Outlay	<u>34.0</u>
	TOTAL — New Castle County Law Library	\$ 59.2
<u>(02-13-001) Justice of the Peace Courts</u>		
(2)	Salaries (179)	\$ 2,294.1
	Other Employment Costs	534.6
	Travel	77.7
	Contractual Services	251.6
	Supplies and Materials	47.7
	Capital Outlay	<u>15.9</u>
	TOTAL — Justice of the Peace Courts	\$ 3,221.6

(02-17-000) Administrative Office of the CourtsYear Ending June 30, 1981(02-17-001) Office of the Director

(6)	Salaries (13)	\$	249.0
	Other Employment Costs		58.3
	Travel		13.1
	Contractual Services		1,621.3
	Supplies and Materials		10.0
	Capital Outlay		41.7
	Data Processing		130.0
	Other		<u>154.9</u>
	TOTAL — Office of the Director	\$	2,278.3

(02-17-002) Violent Crimes Compensation Board

Salaries (5)	\$	91.6
Other Employment Costs		16.6
Travel		11.0
Contractual Services		18.4
Supplies and Materials		1.0
Capital Outlay		2.6
Other		<u>241.0</u>

TOTAL - Violent Crimes Compensation Board \$ 382.2*

*Special Funds appropriated per Chapter 90, Title 11, Delaware Code

(02-17-003) Foster Care Review Board

Salaries (3)	\$	45.0
Other Employment Costs		10.2
Travel		15.5
Contractual Services		10.2
Supplies		2.4
Capital Outlay		<u>1.2</u>

TOTAL — Foster Care Review Board \$ 84.5TOTAL — Administrative Office of the Courts \$ 2,362.8

TOTAL — JUDICIAL \$ 15,356.7

(10-00-000) EXECUTIVE(10-01-001) Office of the Governor

Salaries (21)	\$	401.3
Other Employment Costs		88.3
Travel		16.6
Contractual Services		92.4
Supplies and Materials		18.5
Capital Outlay		2.5
Data Processing		2.0
Other Items		
Contingency - Governor's Transition Fund		34.0
Contingency - Other Expenses		<u>8.0</u>

TOTAL — Office of the Governor \$ 663.6

(10-02-000) Office of the BudgetYear Ending June 30, 1981(10-02-001) Budget Office

Salaries (20)	\$ 437.1
Other Employment Costs	100.9
Travel	6.7
Contractual Services	85.4
Supplies and Materials	5.7
Capital Outlay	6.4
Data Processing	30.0
Other Items	
Budget Office Automated Program	250.0
Payroll/Personnel Program	30.0
TOTAL — Budget Office	\$ 952.2

(10-02-002) Budget Office - Contingencies

Other Items	
Contingency - Termination Pay	\$ 200.0
Contingency - Health Insurance	1,700.0
Contingency - Prior Years' Obligations	100.0
Contingency - Salary and Employee Costs	2,219.8
Contingency - Energy	6,700.0
Contingency - Corrections (SB 493)	1,068.2
TOTAL — Budget Office - Contingencies	\$ 11,988.0

(10-02-006) Budget Commission

Other Items	
Contingency Funds	\$ 200.0
TOTAL — Budget Commission	\$ 200.0
TOTAL — Office of the Budget	\$ 13,140.2

(10-03-001) Office of Management,
Budget and Planning

(15)	Salaries (16)	\$ 314.7
	Other Employment Costs	72.2
	Travel	1.8
	Contractual Services	27.3
	Supplies and Materials	7.6
	Capital Outlay	1.0
	Other Items	
	Washington Contingency (2)	83.9
	Contingency - Rapid Transit Study	50.0
	Other	1.2
	TOTAL — Office of Management, Budget and Planning	\$ 559.7

<u>(10-04-001) Office of State Personnel</u>		<u>Year Ending June 30, 1981</u>	
(12.5)	Salaries (23.5)	\$	386.6
	Other Employment Costs		92.3
	Travel		6.0
	Contractual Services		74.3
	Supplies and Materials		6.1
	Capital Outlay		6.8
	Data Processing		35.0
	Other Items		
	Other		1.2
	TOTAL — Office of State Personnel	\$	608.3
<u>(10-05-001) Delaware Energy Office</u>			
(18.6)	Salaries (1.6)	\$	47.4
	Other Employment Costs		5.1
	Travel		1.2
	Contractual Services		8.6
	Supplies and Materials		1.9
	TOTAL — Delaware Energy Office	\$	64.2
<u>(10-06-001) Office of Highway Safety</u>			
(6)	Salaries (1)	\$	27.0
	Other Employment Costs		2.0
	Contractual Services		15.7
	Supplies and Materials		2.3
	TOTAL — Office of Highway Safety	\$	47.0
<u>(10-07-001) Delaware Criminal Justice Planning Commission</u>			
(5.6)	Salaries (7.9)	\$	59.0
	Other Employment Costs		14.3
	Travel		1.3
	Contractual Services		5.1
	Supplies and Materials		1.5
	Capital Outlay		1.0
	Grants and Subsidies		117.8
	TOTAL — Delaware Criminal Justice Planning Commission	\$	200.0
TOTAL — EXECUTIVE		\$	15,283.0
<u>(12-00-000) OTHER ELECTIVE OFFICES</u>			
<u>(12-01-001) Lieutenant Governor</u>			
	Salaries (3)	\$	40.6
	Other Employment Costs		9.9
	Travel		2.3
	Contractual Services		1.4
	Supplies and Materials		3.3
	Other Items		
	Expenses - Lieutenant Governor		4.0
	TOTAL — Lieutenant Governor	\$	61.5

<u>(12-02-001) Auditor of Accounts</u>		<u>Year Ending June 30, 1981</u>	
(20)	Salaries (32)	\$	585.5
	Other Employment Costs		134.8
	Travel		1.8
	Contractual Services		136.3
	Supplies and Materials		10.4
	Capital Outlay		12.9
	Other Items		<u>1.3</u>
	TOTAL -- Auditor of Accounts	\$	883.0
<u>(12-03-001) Insurance Commissioner</u>			
	Salaries (26)	\$	427.7
	Other Employment Costs		95.2
	Travel		5.3
	Contractual Services		76.9
	Supplies and Materials		11.1
	Capital Outlay		10.0
	Other Items		
	Self Insurance Fund		666.0
	Malpractice Review		20.0
	Insurance Premiums		444.0
	Excess Workmans Compensation		110.0
	Other		<u>2.7</u>
	TOTAL -- Insurance Commissioner	\$	1,868.9
<u>(12-05-000) State Treasurer</u>			
<u>(12-05-001) Administration</u>			
(1)	Salaries (22)	\$	329.2
	Other Employment Costs		78.4
	Travel		.9
	Contractual Services		42.7
	Supplies and Materials		9.5
	Capital Outlay		1.0
	Data Processing		55.0
	Other Items		
	Health Insurance - Retirees		1,572.5
	Solid Waste Authority Aid		200.0
	Lost and Outdated Checks		1.5
	Collateralization Program		3.0
	Farmers Bank Commission		20.0
	Blood Bank Membership Dues		95.0
	Other		<u>30.0</u>
	TOTAL -- Administration	\$	2,438.7
<u>(12-05-002) Pensions</u>			
	Salaries (19)	\$	269.7
	Other Employment Costs		59.4
	Travel		5.2
	Contractual Services	1,203.2	
	Supplies and Materials		10.8
	Capital Outlay		4.4
	Data Processing		<u>80.9</u>
	Other Items		
	Pensions - Paraplegic Veterans		<u>15.6</u>
	TOTAL -- Pensions	\$	1,633.6*
		\$	15.6

*All Administrative Expenses are paid out of State Employees Retirement Fund.

	<u>Year Ending June 30, 1981</u>
<u>(12-05-003) Debt Management</u>	
Expense of Issuing Bonds	\$ 100.0
Debt Service - Regular	5,065.9
Debt Service - Local Schools	1,652.4
Debt Service - Employees Retirement	1,084.0
Interest Preferred Stock	1,038.0
Debt Service - Solid Waste Authority	<u>405.4</u>
TOTAL — Debt Management	\$ 9,345.7
<u>(12-05-004) Refunds and Grants</u>	
Other Items	
Revenue Refunds	\$ 39,000.0
TOTAL — Revenue Refunds	\$ 39,000.0
TOTAL — State Treasurer	\$ 50,800.0
TOTAL — OTHER ELECTIVE OFFICES	\$ 53,613.4
<u>(15-00-000) LEGAL</u>	
<u>(15-01-000) Department of Justice</u>	
<u>(15-01-001) Office of Attorney General</u>	
(11) Salaries (106.5)	\$ 1,928.8
Other Employment Costs	440.5
Travel	5.5
Contractual Services	176.2
Supplies and Materials	27.4
Capital Outlay	21.1
Data Processing	<u>10.0</u>
TOTAL — Office of Attorney General	\$ 2,609.5
<u>(15-02-001) Public Defender</u>	
(7) Salaries (50)	\$ 896.5
Other Employment Costs	210.9
Travel	3.2
Contractual Services	271.6
Supplies and Materials	15.0
Capital Outlay	14.8
Other Items	<u>1.2</u>
TOTAL — Public Defender	\$ 1,413.2
<u>(15-03-001) Board of Parole</u>	
Salaries (7)	\$ 128.4
Other Employment Costs	28.3
Travel	5.0
Contractual Services	10.5
Supplies and Materials	2.6
Capital Outlay	<u>1.2</u>
TOTAL — Board of Parole	\$ 176.0

(15-04-001) Board of Pardons

Year Ending June 30, 1981

Salaries	\$	<u>.3</u>
TOTAL — Board of Pardons	\$	<u>.3</u>
TOTAL — LEGAL	\$	4,199.0

(20-00-000) DEPARTMENT OF STATE(20-01-001) Office of the Secretary

Salaries (5)	\$	104.4
Other Employment Costs		24.2
Travel		3.2
Contractual Services		14.5
Supplies and Materials		<u>2.2</u>
Sub-Total	\$	148.5
Debt Service	\$	<u>268.6</u>
TOTAL — Office of the Secretary	\$	417.1

(20-05-001) Division of Corporations

Salaries (48)	\$	578.1
Other Employment Costs		146.6
Travel		1.3
Contractual Services		58.3
Supplies and Materials		33.6
Capital Outlay		17.9
Data Processing		207.0
Other Items		<u>107.0</u>
TOTAL — Division of Corporations	\$	1,149.8

(20-06-000) Division of Historical and Cultural Affairs(20-06-001) Office of Administration

(.2)	Salaries (4.8)	\$	84.2
	Other Employment Costs		18.8
	Travel		.8
	Contractual Services		2.9
	Supplies and Materials		2.3
	Capital Outlay		<u>1.5</u>
	Sub-Total		110.5
	Debt Service		<u>145.1</u>
	TOTAL — Office of Administration	\$	255.6

(20-06-002) Bureau of Archives and Modern Records

(.5)	Salaries (13.0)	\$	157.1
	Other Employment Costs		38.7
	Travel		1.3
	Contractual Services		11.9
	Supplies and Materials		13.6
	Capital Outlay		<u>8.0</u>
	TOTAL — Bureau of Archives and Modern Records	\$	230.6

(20-06-003) Bureau of Archaeology
and Historic PreservationYear Ending June 30, 1981

(4)	Salaries (4)	\$	63.6
	Other Employment Costs		14.7
	Travel		.6
	Contractual Services		3.5
	Supplies and Materials		4.2
	Capital Outlay		.5

TOTAL — Bureau of Archaeology and Historic Preservation	\$	87.1
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(20-06-004) Bureau of Museums and Historic Sites

Salaries (33.7)	\$	393.5
Other Employment Costs		95.5
Travel		1.5
Contractual Services		83.0
Supplies and Materials		17.9
Capital Outlay		7.3

Sub-Total	\$	598.7
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Debt Service		16.2
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TOTAL — Bureau of Museums and Historic Sites	\$	614.9
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(20-06-005) Microfilm Services

Salaries (15.6)	\$137.4
Other Employment Costs	31.5
Travel	.9
Contractual Services	102.0
Supplies and Materials	64.2
Capital Outlay	62.0

TOTAL — Microfilm Services	\$398.0
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Allocation of Microfilm Services

	<u>General Funds</u>	<u>Special Funds</u>
01 Legislative	\$.4	\$ -
02 Judicial	27.8	-
10 Executive	2.4	-
12 Other Elective	34.0	1.3
15 Legal	1.2	-
20 State	106.5	20.0
25 Finance	11.4	-
30 Administrative Services	13.5	-
35 Health and Social Services	50.3	8.5
40 Natural Resources and Environmental Control	5.9	-
45 Public Safety	14.5	-
50 Community Services	.7	-
55 Transportation	62.8	-
65 Agriculture	1.4	-
95 Public Education	35.4	-
Sub-Total	368.2	29.8

TOTAL — Microfilm Services	\$398.0
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<u>(20-06-014) Office of Arts Council</u>		<u>Year Ending June 30, 1981</u>
(3.4)	Salaries (4.6)	\$ 58.6
	Other Employment Costs	13.6
	Travel	2.0
	Contractual Services	23.8
	Supplies and Materials	4.3
	Capital Outlay	5.4
	Grants and Subsidies	<u>67.0</u>
	TOTAL — Office of the Arts Council	\$ <u>174.7</u>
	TOTAL — Division of Historical and Cultural Affairs	\$ <u>1,362.9</u>
	TOTAL — DEPARTMENT OF STATE	\$ <u>2,929.8</u>
<u>(25-00-000) DEPARTMENT OF FINANCE</u>		
	<u>(25-01-001) Office of the Secretary</u>	
	Salaries (5)	\$ 133.3
	Other Employment Costs	29.1
	Travel	2.4
	Contractual Services	13.9
	Supplies and Materials	1.4
	Capital Outlay	1.0
	Other Items	<u>12.0</u>
	TOTAL — Office of the Secretary	\$ 193.1
	<u>(25-05-001) Division of Accounting</u>	
	Salaries (31)	\$ 444.7
	Other Employment Costs	108.3
	Travel	2.0
	Contractual Services	37.1
	Supplies and Materials	68.9
	Capital Outlay	1.2
	Data Processing	734.0
	Other Items	
	Personnel/Payroll System Program	218.3
	Other	<u>11.4</u>
	TOTAL — Division of Accounting	\$ 1,625.9
	<u>(25-06-001) Division of Revenue</u>	
	Salaries (237)	\$ 3,166.1
	Other Employment Costs	738.8
	Travel	50.1
	Contractual Services	570.9
	Supplies and Materials	133.4
	Capital Outlay	30.5
	Data Processing	745.0
	Other Items	<u>4.5</u>
	Sub-Total	\$ 5,439.3
	Debt Service	<u>332.9</u>
	TOTAL — Division of Revenue	\$ 5,772.2

(25-07-001) State Lottery OfficeYear Ending June 30, 1981

Salaries (18)	\$ 296.8
Other Employment Costs	67.1
Travel	10.0
Contractual Services	1,038.0
Supplies and Materials	13.5
Capital Outlay	8.4
Data Processing	25.0
Other Items	
Lottery Commissions	50.7
Agent Refunds	<u>20.0</u>

TOTAL — State Lottery Office \$1,529.5*

*Special Funds appropriated under Chapter 48, Title 29, Delaware Code, and provides that State Lottery shall allocate Gross Lottery Sales: 30% to General Fund; 20% to Operating Budget; 5% to Agent Fees; 45% for Lottery Prizes.

TOTAL — DEPARTMENT OF FINANCE \$ 7,591.2

(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES(30-01-001) Office of the Secretary

Salaries (8)	\$ 130.4
Other Employment Costs	28.7
Travel	.1
Contractual Services	6.2
Supplies and Materials	1.1
Data Processing	389.6
Other Items	<u>13.5</u>

TOTAL — Office of the Secretary \$ 569.6

(30-03-001) Division of Alcohol Beverage Control Commission

Salaries (20)	\$ 314.2
Other Employment Costs	70.4
Travel	7.9
Contractual Services	52.5
Supplies and Materials	7.5
Capital Outlay	<u>15.0</u>

TOTAL — Division of Alcohol Beverage Control Commission \$ 467.5

(30-04-000) Division of Facilities Management(30-04-001) Facilities Management

Salaries (5)	\$ 108.2
Other Employment Costs	25.1
Travel	2.2
Contractual Services	73.3
Supplies and Materials	<u>1.6</u>

Sub-Total \$ 210.4

Debt Service \$ 2,732.8

TOTAL — Facilities Management \$ 2,943.2

<u>(30-04-002) Architectural Accessibility Board</u>		<u>Year Ending June 30, 1981</u>
Salaries (1)	\$	26.9
Other Employment Costs		4.8
Travel		3.6
Contractual Services		13.4
Supplies and Materials		3.0
TOTAL — Architectural Accessibility Board	\$	51.7
TOTAL — Division of Facilities Management	\$	2,994.9
<u>(30-05-000) Division of Maintenance and Communications</u>		
<u>(30-05-001) Administration</u>		
Salaries (7)	\$	93.2
Other Employment Costs		23.9
Travel		1.4
Contractual Services		69.6
Supplies and Materials		20.5
Capital Outlay		6.4
TOTAL — Administration	\$	215.0
<u>(30-05-002) Messenger Services</u>		
Salaries (11)	\$	104.9
Other Employment Costs		28.3
Contractual Services		2.9
Supplies and Materials		4.4
Capital Outlay		12.9
TOTAL — Messenger Services	\$	153.4
<u>(30-05-003) Telephone Services</u>		
Salaries (9)	\$	107.2
Other Employment Costs		26.8
Contractual Services		9.1
Data Processing		23.0
Other Items		
Contingency - Centrex II		30.0
TOTAL — Telephone Services	\$	196.1
<u>(30-05-004) Delaware State Office Building</u>		
Salaries (11)	\$	126.6
Other Employment Costs		33.0
Travel		1.6
Contractual Services		778.3
Supplies and Materials		21.0
Capital Outlay		.5
Other Items		
Contingency - Operations Wilmington Public Building		1,525.3
TOTAL — Delaware State Office Building	\$	2,486.3

Year Ending June 30, 1981

Other Employment Costs	<u>1,084.4</u>
TOTAL — Division I and Other Employment Costs	\$ 4,383.3
<u>Division II (190)</u>	
Energy Costs	\$ 300.6
Other Costs	263.1
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 321.5
Interest	<u>236.1</u>
TOTAL — All Other Costs	\$ <u>1,121.3</u>
TOTAL — Cape Henlopen	\$ 5,504.6
<u>(95-18-000) Milford</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 24.6
Supervisor (1)	16.2
Principals (4)	77.1
Assistant Principal (4)	71.4
Administrative Assistant (1)	19.5
Clerical (16)	150.4
Teachers (181)	2,362.8
Teacher Psychologist (1)	13.2
Teacher - Speech and Hearing (1)	10.0
Teacher - Visiting (.91)	12.7
Teachers - Driver Education (2.0)	23.9
Custodial (35)	307.6
Nurses (4)	42.6
Cafeteria Managers (1.25)	11.8
Supervisor of School Lunch (1)	14.7
Cafeteria Workers	<u>29.7</u>
TOTAL — Division I	\$ 3,188.2
Other Employment Costs	<u>836.7</u>
TOTAL — Division I and Other Employment Costs	\$ 4,024.9
<u>Division II (202)</u>	
Energy Costs	\$ 319.6
Other Costs	279.7
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 193.9
Interest	<u>79.1</u>
TOTAL — All Other Costs	\$ <u>872.3</u>
TOTAL — Milford	\$ 4,897.2

(95-16-000) LaurelYear Ending June 30, 1981Division I - Salaries

Chief School Officer (1)	\$ 22.9
Supervisor (1)	11.9
Principals (3)	56.2
Assistant Principals (3)	47.4
Administrative Assistant (1)	19.8
Clerical (10)	94.5
Teachers (108)	1,417.8
Teacher Psychologist (1)	11.4
Teacher - Speech and Hearing (1)	13.5
Teachers - Driver Education (1)	14.3
Custodial (26)	228.6
Nurses (2)	24.1
Cafeteria Managers (.75)	6.6
Supervisor of School Lunch (1)	10.8
Cafeteria Workers	22.5
TOTAL — Division I	\$ 2,002.3
Other Employment Costs	493.2
TOTAL — Division I and Other Employment Costs	\$ 2,495.5

Division II (124)

Energy Costs	\$ 196.2
Other Costs	171.7

All Other Costs

Debt Service	
Principal	\$ 117.5
Interest	57.0

TOTAL — All Other Costs	\$ 542.4
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TOTAL — Laurel	\$ 3,037.9
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(95-17-000) Cape HenlopenDivision I - Salaries

Chief School Officer (1)	\$ 24.3
Supervisor (1)	16.2
Principals (7)	134.1
Assistant Principal (1)	17.9
Administrative Assistant (1)	19.8
Clerical (16)	150.4
Teachers (176)	2,373.9
Teacher Psychologist (1)	14.6
Teacher - Speech and Hearing (1)	10.0
Teacher - Visiting (1)	12.8
Teachers - Driver Education (2)	28.2
Custodial (42)	360.6
Nurses (4)	44.9
Cafeteria Managers (1.75)	15.4
Aides and Attendants (2)	10.9
Supervisor of Transportation (.91)	13.2
Supervisor of School Lunch (1)	14.3
Cafeteria Workers	37.4
TOTAL — Division I	\$ 3,298.9

Year Ending June 30, 1981

Other Employment Costs		<u>1,471.4</u>
TOTAL — Division I and Other Employment Costs	\$	7,292.8
<u>Division II (330)</u>		
Energy Costs	\$	522.1
Other Costs		<u>457.0</u>
<u>All Other Costs</u>		
Debt Service		
Principal	\$	444.0
Interest		<u>128.2</u>
TOTAL — All Other Costs	\$	<u>1,551.3</u>
TOTAL — Capital	\$	8,844.1
<u>(95-15-000) Lake Forest</u>		
<u>Division I - Salaries</u>		
Chief School Officer (1)	\$	23.9
Supervisor (1)		16.2
Principals (5)		95.1
Assistant Principals (3)		51.8
Administrative Assistant (1)		19.8
Clerical (16)		149.4
Teachers (177)		2,260.2
Teacher Psychologist (1)		14.6
Teacher - Speech and Hearing (1)		12.8
Teacher - Visiting (1)		10.4
Teachers - Driver Education (1.8)		23.4
Custodial (31)		272.9
Nurses (4)		42.5
Cafeteria Managers (1)		7.0
Supervisor of Transportation (.43)		8.0
Supervisor of School Lunch (1)		13.9
Cafeteria Workers		<u>28.7</u>
TOTAL — Division I	\$	3,050.6
Other Employment Costs		<u>825.9</u>
TOTAL — Division I and Other Employment Costs	\$	3,876.5
<u>Division II (199)</u>		
Energy Costs	\$	314.8
Other Costs		<u>275.6</u>
<u>All Other Costs</u>		
Debt Service		
Principal	\$	181.8
Interest		<u>49.8</u>
TOTAL — All Other Costs	\$	<u>822.0</u>
TOTAL -- Lake Forest	\$	4,698.5

(95-11-000) John S. Charlton School
(Administered by Caesar Rodney School District)

Year Ending June 30, 1981

Division I - Salaries

Principal (1)	\$ 18.9
Clerical (1)	8.8
Teachers (13)	140.5
Custodial (2)	16.7
Nurse (1)	11.7
Aides and Attendants (12)	81.4
Therapists - Physical (.6)	7.4
Therapists - Occupational (.6)	5.8
Therapists - Speech (1.0)	10.0

TOTAL — Division I \$ 301.2

Other Employment Costs 80.0

TOTAL — Division I and Other Employment Costs \$ 381.2

Division II (18)

Energy Costs	\$ 28.5
Other Costs	24.9

All Other Costs

Debt Service	
Principal	\$ 12.0
Interest	.9

TOTAL — All Other Costs \$ 66.3

TOTAL — John S. Charlton School \$ 447.5

(95-13-000) Capital

Division I - Salaries

Chief School Officer (1)	\$ 25.9
Assistant Superintendent (1)	23.3
Directors (2)	43.1
Supervisors (2)	31.8
Principals (8)	149.5
Assistant Principals (7)	125.7
Administrative Assistant (1)	19.8
Clerical (28)	254.8
Teachers (316)	4,219.3
Teacher Psychologists (2)	29.3
Teachers - Speech and Hearing (2)	21.5
Teacher - Visiting (1)	13.5
Teachers - Driver Education (3.4)	47.2
Custodial (64)	557.6
Nurses (8)	91.6
Cafeteria Managers (2.25)	20.4
Aides and Attendants (10)	68.6
Supervisor of Transportation (.75)	14.2
Supervisor of School Lunch (1)	15.0
Cafeteria Workers	42.7
Therapist - Physical (.28)	2.2
Therapist - Occupational (.28)	2.2
Therapist - Speech (.28)	2.2

TOTAL — Division I \$ 5,821.4

<u>(95-01-008) Pupil Transportation</u>		<u>Year Ending June 30, 1981</u>
	Other Employment Costs	\$ 360.7
	School Pupil Transportation	<u>19,468.8</u>
	TOTAL — Pupil Transportation	\$ <u>19,829.5</u>
	TOTAL — State Board of Education and State Board for Vocational Education	\$ 35,228.2
<u>(95-04-001) Advisory Council on Career and Vocational Education</u>		
(1.8)	Salaries (1.2)	\$ 32.3
	Other Employment Costs	<u>6.3</u>
	TOTAL — Advisory Council on Career and Vocational Education	\$ 38.6
<u>(95-10-000) Caesar Rodney</u>		
<u>Division I - Salaries</u>		
	Chief School Officer (1)	\$ 25.9
	Assistant Superintendent (.95)	21.8
	Directors (1.87)	40.5
	Supervisors (1.91)	31.2
	Principals (7)	134.0
	Assistant Principals (6)	104.2
	Administrative Assistant (1)	19.8
	Clerical (24)	229.3
	Teachers (269)	3,450.9
	Teacher Psychologists (1.91)	25.9
	Teachers - Speech and Hearing (2)	21.7
	Teachers - Visiting (1)	13.6
	Teachers - Drivers Education (3.2)	39.2
	Custodial (45)	393.9
	Nurses (6)	68.3
	Cafeteria Managers (1.75)	16.1
	Americanization Program	3.5
	Supervisor of Transportation (.614)	11.3
	Supervisor of School Lunch (1)	14.0
	Cafeteria Workers	<u>.</u>
	TOTAL — Division I	\$ 4,717.8
	Other Employment Costs	<u>.9</u>
	TOTAL — Division I and Other Employment Costs	\$ 6,016.7
<u>Division II - (300)</u>		
	Energy Costs	\$ 474.6
	Other Costs	415.5
	Americanization Program	2.8
<u>All Other Costs</u>		
	Debt Service	
	Principal	\$ 353.5
	Interest	<u>.</u>
	TOTAL — All Other Costs	\$ <u>.5</u>
	TOTAL — Caesar Rodney	\$ 7,369.2

(95-01-005) Educational Contingency

Year Ending June 30, 1981

Other Employment Costs	\$ 48.6
Other Items	
Pension - Retired and Disabled Teachers	76.8
Health Insurance - Retired and Disabled Teachers	3.4
Growth and Upgrading - Negative	(3,125.1)
Other Employment Costs - Negative	(658.0)
General Contingency	140.0
Support Services for the Autistic	92.9
Delmar Tuition	131.4
Salaries - Adjustment	1,122.3
Other Employment Costs - Adjustment	223.1
Sub-Total	\$ (1,944.6)
Debt Service	\$ 1,779.1
TOTAL - Educational Contingency	\$ (165.5)

(95-01-006) Pass Through/K-12 Programs

Other Employment Costs	\$ 543.0
Other Items	
Pregnant Students Program	102.0
Related Services for the Handicapped	427.7
Private Placement of the Handicapped	1,098.7
Youth Organizations	41.0
Gifted and Talented Units	604.3
Summer School - Gifted and Talented	45.0
Fundamental Schools	60.0
Homebound Instruction Program	165.4
Substitutes in Districts	846.1
Division III - Equalization	6,332.9
Basic Skills Units	841.9
Non-Public and Summer Driver Education	211.1
Operation and Maintenance - Driver	
Education Cars	97.2
Computer Education	63.0
Career Guidance System	10.0
Summer School - Occupational and	
Vocational Education	388.7
Student Work Study	23.7
Center for Economic Education	37.0
Educational Resources Program	66.7
TOTAL - Pass Through/K-12 Programs	\$ 12,005.4

(95-01-007) Pass Through/Adult Programs

Other Employment Costs	\$ 174.5
Other Items	
Adult Trade Extension	351.3
Apprentice Program	271.1
James H. Groves High School	414.1
Adult Basic Education	67.4
TOTAL - Pass Through/Adult Programs	\$ 1,278.4

(90-07-001) Delaware Institute of Veterinary
Medical Education

Year Ending June 30, 1981

Other Items	\$ 105.0
TOTAL — Delaware Institute of Veterinary Medical Education	\$ 105.0
TOTAL — HIGHER EDUCATION	\$ 71,535.4

(95-00-000) PUBLIC EDUCATION

(95-01-000) State Board of Education and State
Board for Vocational Education

(95-01-001) State Board of Education and Superintendent

(4.3)	Salaries (3.7)	\$ 100.4
	Other Employment Costs	19.9
	Travel	7.0
	Contractual Services	14.7
	Supplies and Materials	4.2
	Capital Outlay	5.0
	Data Processing	30.0
	Other Items	53.4
	TOTAL — State Board of Education and Superintendent	\$ 234.6

(95-01-002) Administrative Services

(11.0)	Salaries (18.0)	\$ 344.9
	Other Employment Costs	81.7
	Travel	1.0
	Contractual Services	15.1
	Supplies and Materials	4.3
	Capital Outlay	5.3
	Other Items	22.0
	TOTAL — Administrative Services	\$ 474.3

(95-01-003) Auxiliary Services

(14.5)	Salaries (11.5)	\$ 269.8
	Other Employment Costs	61.7
	Travel	.8
	Contractual Services	14.6
	Supplies and Materials	4.6
	Capital Outlay	5.4
	Other Items	272.9
	TOTAL — Auxiliary Services	\$ 629.8

(95-01-004) Instructional Services

(46.5)	Salaries (24.5)	\$ 627.3
	Other Employment Costs	143.1
	Travel	2.7
	Contractual Services	47.7
	Supplies and Materials	15.0
	Capital Outlay	11.4
	Other Items	94.5
	TOTAL — Instructional Services	\$ 941.7

(90-04-004) Wilmington CampusYear Ending June 30, 1981

(9)	Salaries (99)	\$ 2,003.5
	Other Employment Costs	421.5
	Travel	7.9
	Contractual Services	780.0
	Supplies and Materials	81.9
	Capital Outlay	73.6
	Other Items	<u>40.0</u>
	Sub-Total	\$ 3,408.4
	Debt Service	\$ <u>480.4</u>
	TOTAL — Wilmington Campus	\$ 3,888.8

(90-04-005) Stanton Campus

(24.4)	Salaries (129)	\$ 2,720.6
	Other Employment Costs	578.0
	Travel	10.6
	Contractual Services	392.7
	Supplies and Materials	86.2
	Capital Outlay	70.1
	Other Items	<u>30.0</u>
	Sub-Total	\$ 3,888.2
	Debt Service	\$ <u>786.7</u>
	TOTAL — Stanton Campus	\$ 4,674.9

(90-04-006) Terry Campus

(19)	Salaries (75)	\$ 1,546.6
	Other Employment Costs	319.6
	Travel	6.3
	Contractual Services	312.7
	Supplies and Materials	77.2
	Capital Outlay	40.0
	Other Items	<u>22.0</u>
	Sub-Total	\$ 2,324.4
	Debt Service	\$ <u>412.1</u>
	TOTAL — Terry Campus	\$ 2,736.5

TOTAL — Delaware Technical and Community College \$ 17,381.9

(90-05-001) Delaware Postsecondary Education Commission

(2.5)	Salaries (2.0)	\$ 42.3
	Other Employment Costs	10.3
	Travel	1.5
	Contractual Services	15.7
	Supplies and Materials	1.1
	Grants and Subsidies	<u>404.0</u>
	TOTAL — Delaware Postsecondary Education Commission	\$ 474.9

<u>(90-03-004) Business and Fiscal Affairs</u>		<u>Year Ending June 30, 1981</u>
(14.6)	Salaries (113.2)	\$ 1,461.1
	Other Employment Costs	376.3
	Travel	4.5
	Contractual Services	804.1
	Supplies and Materials	103.7
	Capital Outlay	44.9
	Sub-Total	\$ 2,794.6
	Debt Service	\$ 1,211.9
	TOTAL — Business and Fiscal Affairs	\$ 4,006.5
<u>(90-03-005) Sponsored Programs and Research</u>		
(46.9)	Salaries	\$ —
	TOTAL — Sponsored Programs and Research	\$ —
	TOTAL — Delaware State College	\$ 9,745.0
<u>(90-04-000) Delaware Technical and Community College</u>		
<u>(90-04-001) Office of the President</u>		
(6)	Salaries (32)	\$ 688.2
	Other Employment Costs	149.8
	Travel	10.4
	Contractual Services	112.3
	Supplies and Materials	24.2
	Capital Outlay	29.3
	Academic Incentive Program	25.0
	Other Items	36.8
	Sub-Total	\$ 1,076.0
	Debt Service	\$ 208.5
	TOTAL — Office of the President	\$ 1,284.5
<u>(90-04-002) Southern Campus</u>		
(23)	Salaries (130.0)	\$ 2,830.3
	Other Employment Costs	540.4
	Travel	12.8
	Contractual Services	742.4
	Supplies and Materials	132.6
	Capital Outlay	140.0
	Other Items	30.0
	Sub-Total	\$ 4,428.5
	Debt Service	\$ 368.7
	TOTAL — Southern Campus	\$ 4,797.2

(90-01-002) Delaware Geological Survey

Year Ending June 30, 1981

Salaries (9.5)	\$ 236.2
Other Employment Costs	19.0
Travel	3.7
Contractual Services	84.8
Supplies and Materials	16.4
Capital Outlay	1.8

TOTAL — Delaware Geological Survey \$ 361.9

TOTAL — University of Delaware \$ 42,578.6

(90-02-001) Delaware Institute of Medical Education and Research

Subvention Allowance	\$ 950.0
Scholarships	100.0
Operations	200.0

TOTAL — Delaware Institute of Medical Education and Research \$ 1,250.0

(90-03-000) Delaware State College(90-03-001) Executive Services

(1.3)	Salaries (12.8)	\$ 190.3
	Other Employment Costs	50.9
	Travel	3.5
	Contractual Services	21.8
	Supplies and Materials	6.3
	Capital Outlay	5.7
	Other Items	1.6

TOTAL — Executive Services \$ 280.1

(90-03-002) Academic Affairs

(30.2)	Salaries (171.9)	\$ 3,435.4
	Other Employment Costs	809.1
	Travel	6.0
	Contractual Services	278.9
	Supplies and Materials	71.7
	Capital Outlay	133.1
	Other Items	74.9

TOTAL — Academic Affairs \$ 4,809.1

(90-03-003) Student Affairs

(37.1)	Salaries (18.0)	\$ 328.0
	Other Employment Costs	88.0
	Contractual Services	96.7
	Supplies and Materials	35.5
	Capital Outlay	1.2
	Academic Incentive Program	25.0
	Grants and Subsidies	74.9

TOTAL — Student Affairs \$ 649.3

<u>(75-03-001) State Fire Prevention Commission</u>		<u>Year Ending June 30, 1981</u>
Salaries (1)		\$ 10.2
Other Employment Costs		3.0
Travel		4.2
Contractual Services		7.0
Supplies and Materials		.6
Capital Outlay		.6
TOTAL — State Fire Prevention Commission		\$ 25.6
TOTAL — FIRE PREVENTION COMMISSION		\$ 900.1
<u>(76-00-000) DELAWARE NATIONAL GUARD</u>		
<u>(76-01-001) Delaware National Guard</u>		
(29.6)	Salaries (30.9)	\$ 547.6
	Other Employment Costs	127.5
	Travel	2.8
	Contractual Services	418.9
	Supplies and Materials	96.4
	Capital Outlay	44.2
	Other Items	
	Unit Fund Allowance	15.0
	Widow's Compensation	12.5
	Sub-Total	\$ 1,264.9
	Debt Service	\$ 136.3
	TOTAL — DELAWARE NATIONAL GUARD	\$ 1,401.2
<u>(77-00-000) ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS</u>		
<u>(77-01-001) Advisory Council for Exceptional Citizens</u>		
	Salaries (1)	\$ 7.4
	Other Employment Costs	1.6
	Travel	2.8
	Contractual Services	6.2
	Supplies and Materials	.4
	TOTAL — ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS	\$ 18.4
<u>(90-00-000) HIGHER EDUCATION</u>		
<u>(90-01-001) University of Delaware</u>		
	Operations	\$ 25,656.9
	Diagnostic Poultry Service and Swine Program	42.0
	Occupational Teachers Education Program	71.4
	Sea Grant Program	250.0
	Summer School for Teachers	75.0
	Academic Incentive Program	50.0
	Aid to Needy Students	542.0
	General Scholarships	1,024.0
	Scholarships	300.0
	Pension Fund (TIAA)	1,835.4
	Other Employment Costs	7,349.0
	Sub-Total	\$ 37,195.7
	Debt Service	\$ 5,021.0
	TOTAL — University of Delaware	\$ 42,216.7

<u>(70-02-001) New Castle County Department of Elections</u>		<u>Year Ending June 30, 1981</u>
Salaries (11)	\$	251.9
Other Employment Costs		42.1
Travel		.8
Contractual Services		350.5
Supplies and Materials		6.2
Capital Outlay		2.0
Other Items		<u>45.1</u>
TOTAL — New Castle County Department of Elections	\$	698.6
<u>(70-03-001) Kent County Department of Elections</u>		
Salaries (4)	\$	81.6
Other Employment Costs		15.0
Travel		.5
Contractual Services		81.0
Supplies and Materials		2.0
Other Items		<u>4.8</u>
TOTAL — Kent County Department of Elections	\$	184.9
<u>(70-04-001) Sussex County Department of Elections</u>		
Salaries (4)	\$	90.3
Other Employment Costs		17.1
Travel		.6
Contractual Services		75.4
Supplies and Materials		2.9
Other Items		<u>9.7</u>
TOTAL — Sussex County Department of Elections	\$	<u>196.0</u>
TOTAL — DEPARTMENT OF ELECTIONS	\$	1,302.5
<u>(75-00-000) FIRE PREVENTION COMMISSION</u>		
<u>(75-01-001) Office of Fire Marshal</u>		
(7.5) Salaries (19)	\$	292.3
Other Employment Costs		72.0
Travel		8.1
Contractual Services		22.8
Supplies and Materials		20.0
Capital Outlay		16.3
Data Processing		4.0
Other Items		<u>7.2</u>
TOTAL — Office of the Fire Marshal	\$	442.7
<u>(75-02-001) State Fire School</u>		
(1) Salaries (12)	\$	186.6
Other Employment Costs		39.5
Travel		24.5
Contractual Services		87.8
Supplies and Materials		38.2
Capital Outlay		<u>9.6</u>
Sub-Total	\$	386.2
Debt Service	\$	<u>45.6</u>
TOTAL — State Fire School	\$	431.8

(65-00-000) DEPARTMENT OF AGRICULTURE

Year Ending June 30, 1981

(65-01-001) Office of the Secretary

Salaries (7)	\$	118.7
Other Employment Costs		29.0
Travel		1.3
Contractual Services		3.8
Supplies and Materials		3.4
Capital Outlay		1.0
Other Items		<u>1.4</u>
Sub-Total	\$	158.6
Debt Service	\$	<u>48.6</u>
TOTAL — Office of the Secretary	\$	207.2

(65-03-001) Standards and Inspections

Salaries (44)	\$	660.5
Other Employment Costs		156.9
Travel		11.8
Contractual Services		57.8
Supplies and Materials		45.5
Capital Outlay		<u>86.7</u>
TOTAL — Division of Standards and Inspections	\$	1,019.2

(65-04-001) Production and Promotion

(12)	Salaries (19)	\$	285.7
	Other Employment Costs		69.4
	Travel		4.9
	Contractual Services		37.8
	Supplies and Materials		11.9
	Capital Outlay		<u>32.8</u>
	Sub-Total	\$	442.5
	Debt Service	\$	<u>14.2</u>
	TOTAL — Division of Production and Promotion	\$	<u>456.7</u>

TOTAL — DEPARTMENT OF AGRICULTURE \$ 1,683.1

(70-00-000) DEPARTMENT OF ELECTIONS(70-01-001) Commissioner of Elections

Salaries (5)	\$	115.8
Other Employment Costs		19.3
Travel		.8
Contractual Services		25.8
Supplies and Materials		4.4
Capital Outlay		.8
Data Processing		42.0
Other Items		<u>14.1</u>
TOTAL — Commissioner of Elections	\$	223.0

(60-07-000) Division of Industrial AffairsYear Ending June 30, 1981(60-07-001) Administration

Salaries (6)	\$	97.6
Other Employment Costs		23.4
Travel		1.0
Contractual Services		7.2
Supplies and Materials		1.4
Capital Outlay		.3

TOTAL — Administration	\$	130.9
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(60-07-002) Industrial Safety and Health

(1.5)	Salaries (20.5)	\$	290.2
	Other Employment Costs		63.8
	Travel		13.3
	Contractual Services		82.0
	Supplies and Materials		5.5
	Capital Outlay		20.7
	Other Items		26.4

TOTAL — Industrial Safety and Health	\$	501.9
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(60-07-003) Labor Law Inspection

(9.0)	Salaries (12.0)	\$	155.7
	Other Employment Costs		39.5
	Travel		4.3
	Contractual Services		14.5
	Supplies and Materials		3.5
	Capital Outlay		1.0

TOTAL — Labor Law Inspection	\$	218.5
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(60-07-004) Displaced Homemakers

Salaries (6)	\$	79.2
Other Employment Costs		17.6
Travel		2.9
Contractual Services		5.4
Supplies and Materials		2.6
Capital Outlay		.5

TOTAL — Displaced Homemakers	\$	108.2
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TOTAL — Division of Industrial Affairs	\$	959.5
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(60-08-001) Division of Vocational
Rehabilitation

(137)	Salaries	\$	—
	Contractual Services		664.4
	Supplies and Materials		25.4
	Other Items		2.0

TOTAL — Division of Vocational Rehabilitation	\$	691.8
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TOTAL — DEPARTMENT OF LABOR	\$	1,834.0
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<u>(55-06-001) Delaware Transportation Authority</u>		<u>Year Ending June 30, 1981</u>	
(1)	Salaries	\$	33.5
(10)	Delaware Transportation Authority Operations		232.1
	Delaware Transportation Authority Capital		105.8
(102)	Turnpike Operations		1,998.5
	Turnpike Operating Reserve		0.1*
	Turnpike Improvements		195.5
	Interstate Operations		1,084.6
	Interstate Improvements		237.7
	DART Operations		2,069.4
	DAST Operations		355.0
	Taxi Services Support		1.0
	Newark Transportation		70.0
	Kent and Sussex Transportation		443.0
	Rail Commuter Operations		139.3
	Rail Freight Operations		9.5
	Airport Safety		25.0
	Contingencies		<u>25.0</u>
	Sub-Total	\$	7,025.0
	Debt Service		
	Authority Obligations	\$	<u>3,225.0</u>
	State Obligations		\$ <u>156.6</u>
	TOTAL — Delaware Transportation Authority	\$10,250.0**	\$ <u>156.6</u>

*The Turnpike operating Reserve Fund is established at \$160,000 for FY 1981. It is presently funded in excess of this amount.

**Delaware Transportation Authority, Chapter 13, Title 2, Delaware Code. These funds, except the Regulatory Revolving Funds, are not deposited with the State Treasurer.

TOTAL — DEPARTMENT OF TRANSPORTATION \$ 45,232.0

(60-00-000) DEPARTMENT OF LABOR

<u>(60-01-001) Office of the Secretary</u>			
(5.1)	Salaries (.9)	\$	23.7
	Other Employment Costs		5.6
	Travel		.9
	Contractual Services		1.4
	Supplies and Materials		<u>1.1</u>
	TOTAL — Office of the Secretary	\$	32.7
<u>(60-05-001) Division of Manpower Services</u>			
(16)	Salaries	\$	—
	TOTAL — Division of Manpower Services	\$	—
<u>(60-06-001) Division of Unemployment Insurance</u>			
(261)	Salaries	\$	—
	Other Items		<u>150.0</u>
	TOTAL — Division of Unemployment Insurance	\$	150.0

<u>(55-04-200) Bureau of Right of Way</u>		<u>Year Ending June 30, 1981</u>
(26)	Salaries (8)	\$ 105.9
	Other Employment Costs	26.9
	Contractual Services	6.6
	Supplies and Materials	<u>.1</u>
	TOTAL — Bureau of Right of Way	\$ 139.5
<u>(55-04-300) Bureau of Materials and Research</u>		
(58.5)	Salaries (11.5)	\$ 198.7
	Other Employment Costs	44.6
	Travel	.4
	Contractual Services	10.7
	Supplies and Materials	18.4
	Capital Outlay	<u>2.5</u>
	TOTAL — Bureau of Materials and Research	\$ 275.3
<u>(55-04-400) Bureau of Construction</u>		
(147)	Salaries (53)	\$ 766.0
	Other Employment Costs	<u>189.7</u>
	TOTAL — Bureau of Construction	\$ 955.7
<u>(55-04-500) Bureau of Traffic</u>		
(4)	Salaries (85)	\$ 1,239.2
	Other Employment Costs	293.3
	Travel	.5
	Contractual Services	541.1
	Supplies and Materials	250.3
	Capital Outlay	<u>7.5</u>
	TOTAL — Bureau of Traffic	\$ 2,331.9
<u>(55-04-700) Bureau of Maintenance</u>		
(1.5)	Salaries (585.5)	\$ 7,240.5
	Other Employment Costs	1,812.1
	Travel	1.1
	Contractual Services	1,153.0
	Supplies and Materials	3,066.2
	Capital Outlay	<u>1,470.0</u>
	TOTAL — Bureau of Maintenance	\$ 14,742.9
<u>(55-04-900) Bureau of Planning</u>		
(27)	Salaries (20)	\$ 368.7
	Other Employment Costs	<u>106.0</u>
	TOTAL — Bureau of Planning	\$ 474.7
	TOTAL — Division of Highways	\$ 43,306.6

<u>(50-11-001) Division of Consumer Affairs</u>		<u>Year Ending June 30, 1981</u>
	Salaries (12)	\$ 182.9
	Other Employment Costs	44.3
	Travel	1.8
	Contractual Services	11.0
	Supplies and Materials	4.5
	Capital Outlay	<u>1.0</u>
	TOTAL — Division of Consumer Affairs	\$ 245.5
	TOTAL — DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT	\$ 3,248.7
<u>(55-00-000) DEPARTMENT OF TRANSPORTATION</u>		
<u>(55-01-001) Office of the Secretary</u>		
(2)	Salaries (2)	\$ 56.6
	Other Employment Costs	12.4
	Travel	.4
	Contractual Services	4.0
	Supplies and Materials	<u>1.1</u>
	TOTAL — Office of the Secretary	\$ 74.5
<u>(55-02-001) Office of Administration</u>		
	Salaries (63)	\$ 1,030.6
	Other Employment Costs	251.1
	Contractual Services	126.0
	Supplies and Materials	5.2
	Capital Outlay	4.6
	Data Processing	214.0
	Other Items	<u>62.8</u>
	TOTAL — Office of Administration	\$ 1,694.3
<u>(55-04-000) Division of Highways</u>		
<u>(55-04-010) Office of the Director</u>		
(11.5)	Salaries (29.5)	\$ 500.0
	Other Employment Costs	127.3
	Travel	11.3
	Contractual Services	124.4
	Supplies and Materials	65.4
	Capital Outlay	<u>20.0</u>
	Sub-Total	\$ 848.4
	Debt Service	\$ <u>23,374.5</u>
	TOTAL — Office of the Director	\$ 24,222.9
<u>(55-04-100) Bureau of Design</u>		
(65)	Salaries (9)	\$ 132.1
	Other Employment Costs	<u>31.6</u>
	TOTAL — Bureau of Design	\$ 163.7

(50-08-002) Community Development and Research Year Ending June 30, 1981

(8)	Salaries	\$	—
	TOTAL -- Community Development and Research	\$	—

(50-08-003) Industrial Finance

(4)	Salaries	\$	—
	Debt Service	\$	443.4
	TOTAL -- Industrial Finance	\$	443.4

(50-08-004) Tourism

	Salaries (8)	\$	113.7
	Other Employment Costs		27.1
	Travel		9.9
	Contractual Services		258.8
	Supplies and Materials		7.6
	Capital Outlay		10.0
	Contingency - Junior Miss Pageant		0.3
	Contingency - Mother of the Year		0.5
	Contingency - Young Mother of the Year		0.5
	TOTAL -- Tourism	\$	428.4

(50-08-005) Minority and Small Business Development

(2)	Salaries (4)	\$	66.5
	Other Employment Costs		14.3
	Travel		3.9
	Contractual Services		6.6
	Supplies and Materials		2.5
	Capital Outlay		.9
	TOTAL -- Minority and Small Business Development	\$	94.7

	TOTAL -- Division of Economic Development	\$	1,508.9
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(50-09-001) Division of Housing

(24.5)	Salaries (2.5)	\$	41.4
	Other Employment Costs		10.2
	Travel		2.3
	Contractual Services		17.3
	Supplies and Materials		2.3
	Sub-Total	\$	73.5
	Debt Service	\$	76.3
	TOTAL -- Division of Housing	\$	149.8

(50-10-001) Division of Libraries

(9)	Salaries (9)	\$	118.4
	Other Employment Costs		29.4
	Contractual Services		51.4
	Supplies and Materials		2.1
	Capital Outlay		18.2
	TOTAL -- Division of Libraries	\$	219.5

		<u>Year Ending June 30, 1981</u>	
<u>(50-01-003) Office of Economic Opportunity</u>			
(24.8)	Salaries (10.9)	\$	168.7
	Other Employment Costs		41.2
	Travel		25.2
	Contractual Services		51.4
	Supplies and Materials		9.6
	Capital Outlay		7.0
	Other Items		<u>302.2</u>
TOTAL — Office of Economic Opportunity		\$	605.3
<u>(50-01-004) Commission on the Status of Women</u>			
	Salaries (1.5)	\$	17.3
	Other Employment Costs		4.5
	Travel		.7
	Contractual Services		8.7
	Supplies and Materials		<u>.8</u>
TOTAL — Commission on the Status of Women		\$	32.0
<u>(50-01-005) Office of the Public Advocate</u>			
(4)	Salaries (3)	\$	55.6
	Other Employment Costs		13.3
	Travel		3.0
	Contractual Services		28.0
	Supplies and Materials		1.9
	Capital Outlay		<u>1.2</u>
TOTAL — Office of the Public Advocate		\$	<u>103.0</u>
TOTAL — Office of the Secretary		\$	926.5
<u>(50-06-001) Office of Human Relations</u>			
(6)	Salaries (9)	\$	132.5
	Other Employment Costs		33.3
	Travel		10.4
	Contractual Services		18.3
	Supplies and Materials		<u>4.0</u>
TOTAL — Office of Human Relations		\$	198.5
<u>(50-08-000) Division of Economic Development</u>			
<u>(50-08-001) Industrial Development and Management</u>			
	Salaries (11)	\$	176.3
	Other Employment Costs		43.2
	Travel		9.7
	Contractual Services		161.0
	Supplies and Materials		8.4
	Capital Outlay		7.9
	Other Items		<u>110.0</u>
Sub-Total		\$	516.5
Debt Service		\$	<u>25.9</u>
TOTAL — Industrial Development and Management		\$	542.4

(45-07-003) Vehicle Services

Year Ending June 30, 1981

Salaries (97)	\$ 1,065.1
Other Employment Costs	252.5
Travel	.3
Contractual Services	43.1
Supplies and Materials	270.4
Capital Outlay	<u>1.2</u>

TOTAL — Vehicle Services \$ 1,632.6

TOTAL — Division of Motor Vehicles \$ 3,937.3

(45-08-001) Division of Emergency Planning
and Operations

(8.0) Salaries (7.5)	\$ 92.3
Other Employment Costs	22.6
Travel	2.3
Contractual Services	32.0
Supplies and Materials	3.6
Capital Outlay	15.0
Contingency - Radiation Monitoring	<u>5.0</u>

Sub-Total \$ 172.8

Debt Service \$ 8.8

TOTAL — Division of Emergency Planning and Operations \$ 181.6

(45-09-001) Division of Boiler Safety

Salaries (7)	\$ 110.2
Other Employment Costs	25.5
Travel	10.5
Contractual Services	4.2
Supplies and Materials	1.5
Capital Outlay	<u>.8</u>

TOTAL — Division of Boiler Safety \$ 152.7

TOTAL — DEPARTMENT OF PUBLIC SAFETY \$ 22,771.8

(50-00-000) DEPARTMENT OF COMMUNITY AFFAIRS AND
ECONOMIC DEVELOPMENT(50-01-000) Office of the Secretary(50-01-001) Administration

(.2) Salaries (8.9)	\$ 135.9
Other Employment Costs	33.7
Travel	1.2
Contractual Services	10.1
Supplies and Materials	4.6
Other Items	<u>.7</u>

TOTAL — Administration \$ 186.2

(45-06-003) Administrative Services	Year Ending June 30, 1981
Salaries (30)	\$ 630.5
Other Employment Costs	74.7
Pensions - State Police	2,834.6
Travel	.6
Contractual Services	
Blue Cross/Blue Shield Premiums	6.6
Other Contractual Services	132.2
Supplies and Materials	157.7
Capital Outlay	4.0
Sub-Total	\$ 3,840.9
Debt Service	\$ 203.1
TOTAL — Administrative Services	\$ 4,044.0
(45-06-004) Administrative Support	
Salaries (76)	\$ 1,089.9
Other Employment Costs	212.3
Travel	.3
Contractual Services	
Blue Cross/Blue Shield Premiums	8.5
Other Contractual Services	227.2
Supplies and Materials	344.8
Capital Outlay	411.0
Other Items	
Advanced Schooling/Training and Library	35.0
Contingency - 911 Center (4)	125.8
TOTAL — Administrative Support	\$ 2,454.8
TOTAL — Division of State Police	\$ 17,368.6
(45-07-000) Division of Motor Vehicles	
(45-07-001) Management	
Salaries (27)	\$ 363.4
Other Employment Costs	84.1
Travel	.3
Contractual Services	155.8
Supplies and Materials	12.2
Capital Outlay	3.8
Data Processing	406.0
Other Items	14.5
Sub-Total	\$ 1,040.1
Debt Service	\$ 130.2
TOTAL — Management	\$ 1,170.3
(45-07-002) Driver Services	
Salaries (63)	\$ 792.2
Other Employment Costs	192.1
Travel	.3
Contractual Services	60.7
Supplies and Materials	74.1
Capital Outlay	15.0
TOTAL — Driver Services	\$ 1,134.4

(45-03-001) Division of Communications

Year Ending June 30, 1981

Salaries (20)	\$	321.9
Other Employment Costs		79.2
Travel		1.5
Contractual Services		19.2
Supplies and Materials		7.0
Capital Outlay		<u>1.0</u>
Sub-Total	\$	429.8
Debt Service	\$	<u>41.6</u>
TOTAL — Division of Communications	\$	471.4

(45-04-001) Division of Motor Fuel Tax

Salaries (14)	\$	200.6
Other Employment Costs		49.0
Travel		14.8
Contractual Services		42.5
Supplies and Materials		23.9
Capital Outlay		11.0
Data Processing		<u>119.0</u>
TOTAL — Division of Motor Fuel Tax	\$	460.8

(45-06-000) Division of State Police(45-06-001) Field Service Unit

(19)	Salaries (382)	\$	7,485.4
	Other Employment Costs		286.2
	Travel		6.6
	Contractual Services		
	Blue Cross/Blue Shield Premiums		169.2
	Other Contractual Services		316.6
	Supplies and Materials		444.7
	Capital Outlay		6.9
	Other Items		
	Crime Reduction Fund		20.0
	Drug Control Program		<u>15.0</u>
	TOTAL — Field Service Unit	\$	8,750.6

(45-06-002) Field Support Unit

	Salaries (81)	\$	1,323.2
	Other Employment Costs		132.3
	Travel		5.9
	Contractual Services		
	Blue Cross/Blue Shield Premiums		20.4
	Other Contractual Services		18.3
	Supplies and Materials		24.5
	Capital Outlay		19.6
	Data Processing		<u>575.0</u>
	TOTAL — Field Support Unit	\$	2,119.2

(40-08-000) Division of Environmental ControlYear Ending June 30, 1981(40-08-001) Management and Support

(18.5)	Salaries (15.5)	\$	282.1
	Other Employment Costs		66.8
	Travel		6.7
	Contractual Services		64.3
	Supplies and Materials		16.2

TOTAL — Management and Support	\$	436.1
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(40-08-002) Air Resources

(11)	Salaries (11)	\$	188.7
	Other Employment Costs		43.8
	Travel		.5
	Contractual Services		26.6
	Supplies and Materials		6.6

TOTAL — Air Resources	\$	266.2
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(40-08-004) Water Pollution Control

(32)	Salaries (19)	\$	348.2
	Other Employment Costs		83.5
	Travel		1.4
	Contractual Services		25.2
	Supplies and Materials		23.7
	Capital Outlay		9.6

Sub-Total	\$	491.6
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Debt Service	\$	614.9
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TOTAL — Water Pollution Control	\$	1,106.5
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(40-08-005) Water Supply

(4)	Salaries (8)	\$	133.8
	Other Employment Costs		32.2
	Travel		.7
	Contractual Services		24.1
	Supplies and Materials		7.6
	Capital Outlay		.5

TOTAL — Water Supply	\$	198.9
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TOTAL — Division of Environmental Control	\$	2,007.7
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TOTAL — DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	\$	10,168.0
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(45-00-000) DEPARTMENT OF PUBLIC SAFETY(45-01-001) Office of Administration

Salaries (8)	\$	152.9
Other Employment Costs		36.2
Travel		.8
Contractual Services		7.5
Supplies and Materials		1.3
Capital Outlay		.7

TOTAL — Administration	\$	199.4
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(40-06-000) Division of Parks and RecreationYear Ending June 30, 1981(40-06-001) Management and Support

(14)	Salaries (6)	\$	121.3
	Other Employment Costs		28.7
	Travel		.3
	Contractual Services		5.0
	Supplies and Materials		3.6
	Capital Outlay		<u>7.6</u>
	Sub-Total	\$	166.5
	Debt Service	\$	<u>884.9</u>
	TOTAL — Management and Support	\$	1,051.4

(40-06-002) Operations and Maintenance

(31)	Salaries (46)	\$	615.7
	Other Employment Costs		152.2
	Contractual Services		20.2
	Supplies and Materials		3.7
	Capital Outlay		80.4
	Operations - Fenwick Island and Dewey Beach	\$	<u>45.4</u>
	TOTAL — Operations and Maintenance	\$	917.6

(40-06-003) Special Programs

(2)	Salaries (5)	\$	65.3
	Other Employment Costs		16.5
	Travel		.2
	Contractual Services		6.1
	Supplies and Materials		5.6
	Capital Outlay		20.8
	Other Items		<u>25.8</u>
	TOTAL — Special Programs	\$	<u>140.3</u>

TOTAL — Division of Parks and Recreation	\$	2,109.3
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(40-07-000) Division of Soil and Water Conservation(40-07-001) Management and Support

	Salaries (32)	\$	441.4
	Other Employment Costs		112.6
	Travel		.8
	Contractual Services		181.8
	Supplies and Materials		146.7
	Capital Outlay		61.3
	Other Items		
	Tax Ditches*		135.0
	Other		<u>56.2</u>
	Sub-Total	\$	1,135.8
	Debt Service	\$	<u>593.6</u>
	TOTAL — Management and Support	\$	<u>1,729.4</u>
	TOTAL — Division of Soil and Water Conservation	\$	1,729.4

*Pursuant to Section 3921, Title 7, Delaware Code

(40-05-000) Division of Fish and WildlifeYear Ending June 30, 1981(40-05-001) Management and Support

(6.5)	Salaries (2.5)	\$	38.2
	Other Employment Costs		9.4
	Travel		2.2
	Contractual Services		5.4
	Supplies and Materials		1.2
	Capital Outlay		4.3
	Sub-Total	\$	60.7
	Debt Service	\$	119.2
	TOTAL — Management and Support	\$	179.9

(40-05-002) Wildlife

(23)	Salaries (12)	\$	180.4
	Other Employment Costs		44.1
	Travel		.9
	Contractual Services		15.1
	Supplies and Materials		24.3
	Capital Outlay		22.5
	TOTAL — Wildlife	\$	287.3

(40-05-003) Fisheries

(6.5)	Salaries (27.5)	\$	380.8
	Other Employment Costs		95.4
	Travel		1.0
	Contractual Services		74.9
	Supplies and Materials		52.4
	Capital Outlay		57.0
	Data Processing		17.0
	TOTAL — Fisheries	\$	678.5

(40-05-004) Mosquito Control

	Salaries (17)	\$	210.6
	Other Employment Costs		51.2
	Travel		.4
	Contractual Services		23.2
	Supplies and Materials		26.7
	Capital Outlay		39.6
	Other Items		226.7
	TOTAL — Mosquito Control	\$	578.4
	TOTAL — Division of Fish and Wildlife	\$	1,724.1

(38-13-004) Bridge House Detention CenterYear Ending June 30, 1981

Salaries (19)	\$	333.9
Other Employment Costs		76.3
Travel		.3
Contractual Services		27.1
Supplies and Materials		11.2
Capital Outlay		<u>6.2</u>

Sub-Total	\$	455.0
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Debt Service	\$	<u>9.3</u>
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TOTAL — Bridge House Detention Center	\$	464.3
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(38-13-005) Stevenson House Detention Center

Salaries (16)	\$	256.1
Other Employment Costs		60.0
Travel		.4
Contractual Services		28.0
Supplies and Materials		9.6
Capital Outlay		<u>5.8</u>

Sub-Total	\$	359.9
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Debt Service	\$	<u>142.7</u>
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TOTAL — Stevenson House Detention Center	\$	502.6
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(38-13-010) Comprehensive Community Services

Salaries (24)	\$	368.5
Other Employment Costs		91.2
Travel		2.7
Contractual Services		114.6
Supplies and Materials		12.2
Capital Outlay		<u>15.7</u>

TOTAL — Comprehensive Community Services	\$	<u>604.9</u>
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TOTAL — Bureau of Juvenile Corrections	\$	<u>4,573.7</u>
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TOTAL — DEPARTMENT OF CORRECTION	\$	<u>28,090.6</u>
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(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL(40-01-001) Department Management

(10) Salaries (21)	\$	335.5
Other Employment Costs		81.6
Travel		1.0
Contractual Services		58.0
Supplies and Materials		9.0
Capital Outlay		12.6
Other Items		<u>5.9</u>

Sub-Total	\$	503.6
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Debt Service	\$	<u>2,093.9</u>
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TOTAL — Department Management	\$	2,597.5
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<u>(38-08-015) Community Corrections</u>		<u>Year Ending June 30, 1981</u>	
Salaries (27)		\$	390.7
Other Employment Costs			94.1
Travel			5.0
Contractual Services			29.1
Supplies and Materials			12.9
			<hr/>
TOTAL — Community Corrections		\$	531.8
TOTAL — Bureau of Adult Corrections		\$	16,837.5
<u>(38-13-000) Bureau of Juvenile Corrections</u>			
<u>(38-13-001) Office of Bureau Chief</u>			
Salaries (3)		\$	65.9
Other Employment Costs			14.3
Travel			.8
Contractual Services			3.2
Supplies and Materials			1.8
Capital Outlay			14.4
			<hr/>
TOTAL — Office of Bureau Chief		\$	100.4
<u>(38-13-002) Ferris School for Boys</u>			
Salaries (90.5)		\$	1,341.7
Other Employment Costs			321.1
Travel			1.9
Contractual Services			222.5
Supplies and Materials			89.7
Capital Outlay			20.3
			<hr/>
Sub-Total		\$	1,997.2
Debt Service		\$	345.2
			<hr/>
TOTAL — Ferris School for Boys		\$	2,342.4
<u>(38-13-003) Woods Haven-Kruse School for Girls</u>			
Salaries (18)		\$	308.7
Other Employment Costs			72.0
Travel			1.2
Contractual Services			95.5
Supplies and Materials			11.6
Capital Outlay			.3
			<hr/>
Sub-Total		\$	489.3
Debt Service		\$	69.8
			<hr/>
TOTAL — Woods Haven-Kruse School for Girls		\$	559.1

(38-08-005) Women's Correctional InstitutionYear Ending June 30, 1981

Salaries (28)	\$ 391.2
Other Employment Costs	98.3
Travel	.3
Contractual Services	63.0
Supplies and Materials	25.6
Capital Outlay	<u>4.8</u>
Sub-Total	\$ 583.2
Debt Service	\$ <u>41.3</u>
TOTAL — Women's Correctional Institution	\$ 624.5

(38-08-010) Kent Correctional Center

Salaries (26)	\$ 368.3
Other Employment Costs	82.1
Travel	.8
Contractual Services	49.5
Supplies and Materials	17.4
Capital Outlay	<u>10.6</u>
Sub-Total	\$ 528.7
Debt Service	\$ <u>1.4</u>
TOTAL — Kent Correctional Center	\$ 530.1

(38-08-011) Institutional Services

Salaries (51)	\$ 767.4
Other Employment Costs	183.0
Travel	4.4
Contractual Services	39.7
Supplies and Materials	62.5
Capital Outlay	<u>17.5</u>
TOTAL — Institutional Services	\$ 1,074.5

(38-08-012) Transportation and Relief

Salaries (28)	\$ 570.9
Other Employment Costs	135.7
Travel	5.6
Contractual Services	10.4
Supplies and Materials	40.2
Capital Outlay	<u>20.5</u>
TOTAL — Transportation and Relief	\$ 783.3

(38-08-014) Community Services

Salaries (88)	\$ 1,238.1
Other Employment Costs	309.3
Travel	2.5
Contractual Services	42.2
Supplies and Materials	28.5
Capital Outlay	<u>27.4</u>
TOTAL — Community Services	\$ 1,648.0

(38-08-000) Bureau of Adult CorrectionsYear Ending June 30, 1981(38-08-001) Office of the Bureau Chief

(4)	Salaries (18)	\$	286.0
	Other Employment Costs		67.5
	Travel		1.0
	Contractual Services		853.3
	Supplies and Materials		3.8
	Capital Outlay		<u>11.9</u>
	Sub-Total	\$	1,223.5
	Debt Service	\$	<u>625.6</u>
	TOTAL — Office of the Bureau Chief	\$	1,849.1

(38-08-002) Pre-Trial Annex

	Salaries (23)	\$	304.9
	Other Employment Costs		73.7
	Travel		.2
	Contractual Services		29.9
	Supplies and Materials		17.7
	Capital Outlay		<u>11.4</u>
	TOTAL — Pre-Trial Annex	\$	437.8

(38-08-003) Delaware Correctional Center

	Salaries (248)	\$	3,462.2
	Other Employment Costs		866.3
	Travel		2.0
	Contractual Services		721.7
	Supplies and Materials		382.8
	Capital Outlay		<u>66.0</u>
	Sub-Total	\$	5,501.0
	Debt Service	\$	<u>911.0</u>
	TOTAL — Delaware Correctional Center	\$	6,412.0

(38-08-004) Sussex Correctional Institution

	Salaries (130)	\$	1,753.4
	Other Employment Costs		433.4
	Travel		1.3
	Contractual Services		178.9
	Supplies and Materials		105.9
	Capital Outlay		<u>18.7</u>
	Sub-Total	\$	2,491.6
	Debt Service	\$	<u>454.8</u>
	TOTAL — Sussex Correctional Institution	\$	2,946.4

(38-00-000) DEPARTMENT OF CORRECTIONYear Ending June 30, 1981(38-01-000) Office of the Commissioner(38-01-001) Management Support Services

Salaries (88)	\$ 1,171.7
Other Employment Costs	275.1
Travel	4.9
Contractual Services	108.1
Supplies and Materials	40.6
Capital Outlay	27.7
Data Processing	137.5
Other Items	<u>1,489.0</u>

Sub-Total \$ 3,254.6

Debt Service \$ 10.0

TOTAL — Management Support Services \$ 3,264.6

(38-01-003) Education

(17.5) Salaries (37)	\$ 680.1
Other Employment Costs	159.0
Travel	2.8
Contractual Services	41.5
Supplies and Materials	48.6
Capital Outlay	<u>21.4</u>

TOTAL — Education \$ 953.4

(38-01-005) Facilities Maintenance and Construction

Salaries (33)	\$ 516.6
Other Employment Costs	127.6
Travel	.3
Contractual Services	122.8
Supplies and Materials	107.4
Capital Outlay	<u>65.7</u>

TOTAL — Facilities Maintenance and Construction \$ 940.4

(38-01-008) Food Service

Salaries (32)	\$ 468.3
Other Employment Costs	111.4
Travel	.6
Contractual Services	.3
Supplies and Materials	920.4
Capital Outlay	<u>20.0</u>

TOTAL — Food Service \$ 1,521.0

TOTAL — Office of the Commissioner \$ 6,679.4

<u>(35-11-003) Community Mental Retardation Program</u>		<u>Year Ending June 30, 1981</u>
(3.2)	Salaries (60.3)	\$ 545.4
	Other Employment Costs	127.9
	Travel	.4
	Contractual Services	76.6
	Supplies and Materials	58.7
	Capital Outlay	86.0
	Other Items	<u>42.8</u>
	Sub-Total	\$ 937.8
	Debt Service	\$ <u>21.3</u>
	TOTAL — Community Mental Retardation Program	\$ <u>959.1</u>
	TOTAL — Division of Mental Retardation Services	\$ 11,353.6
<u>(35-12-001) State Service Centers</u>		
(28.0)	Salaries (37.0)	\$ 407.5
	Other Employment Costs	100.5
	Travel	2.0
	Contractual Services	586.5
	Supplies and Materials	31.2
	Capital Outlay	11.5
	Other Items	<u>.8</u>
	Sub-Total	\$ 1,140.0
	Debt Service	\$ <u>148.9</u>
	TOTAL — State Service Centers	\$ 1,288.9
<u>(35-14-001) Division of Aging</u>		
(17.5)	Salaries (4.5)	\$ 65.9
	Other Employment Costs	12.4
	Travel	1.3
	Contractual Services	41.0
	Supplies and Materials	.4
	Capital Outlay	.2
	Grants and Subsidies	296.5
	Other Items	<u>.1</u>
	Sub-Total	\$ 417.8
	Debt Service	\$ <u>5.3</u>
	TOTAL — Division of Aging	\$ <u>423.1</u>
	TOTAL — DEPARTMENT OF HEALTH AND SOCIAL SERVICES	\$ 114,971.7

(35-07-001) Division of Social ServicesYear Ending June 30, 1981

(340.5)	Salaries (208.5)	\$ 2,573.1
	Other Employment Costs	613.0
	Travel	3.0
	Contractual Services	1,195.8
	Supplies and Materials	47.8
	Capital Outlay	39.0
	Other Items	<u>41,883.3</u>
	Sub-Total	\$ 46,355.0
	Debt Service	<u>2.7</u>
	TOTAL — Division of Social Services	\$ 46,357.7

(35-08-001) Division for the Visually Impaired

(30.1)	Salaries (18.9)	\$ 262.5
	Other Employment Costs	60.9
	Travel	2.5
	Contractual Services	79.1
	Supplies and Materials	43.1
	Capital Outlay	19.6
	Other Items	<u>.2</u>
	TOTAL — Division for the Visually Impaired	\$ 467.9

(35-11-000) Division of Mental Retardation Services(35-11-001) Office of the Director

	Salaries (3)	\$ 70.0
	Other Employment Costs	14.2
	Travel	.6
	Contractual Services	5.0
	Supplies and Materials	1.5
	Capital Outlay	<u>7.8</u>
	TOTAL — Office of the Director	\$ 99.1

(35-11-002) Stockley Center

	Salaries (636.7)	\$ 6,539.0
	Other Employment Costs	1,620.3
	Travel	3.1
	Contractual Services	887.5
	Supplies and Materials	678.6
	Capital Outlay	109.7
	Grants and Subsidies	9.6
	Other Items	<u>.9</u>
	Sub-Total	\$ 9,848.7
	Debt Service	<u>446.7</u>
	TOTAL — Stockley Center	\$ 10,295.4

<u>(35-06-004) Governor Bacon Health Center</u>		<u>Year Ending June 30, 1981</u>
(10.0)	Salaries (270.0)	\$ 3,238.9
	Other Employment Costs	804.5
	Travel	.6
	Contractual Services	548.6
	Supplies and Materials	233.8
	Capital Outlay	15.0
	Other Items	.8
	Sub-Total	\$ 4,842.2
	Debt Service	\$ 429.7
	TOTAL — Governor Bacon Health Center	\$ 5,271.9
<u>(35-06-005) Southern New Castle County Community Mental Health Center</u>		
(5.0)	Salaries (37.0)	\$ 575.1
	Other Employment Costs	139.2
	Travel	.6
	Contractual Services	38.3
	Supplies and Materials	21.0
	Capital Outlay	6.2
	Other Items	.9
	TOTAL — Southern New Castle County Community Mental Health Center	\$ 781.3
<u>(35-06-007) Terry Children's Psychiatric Center</u>		
(2.0)	Salaries (91.0)	\$ 1,117.7
	Other Employment Costs	269.1
	Travel	1.0
	Contractual Services	84.1
	Supplies and Materials	56.6
	Capital Outlay	20.6
	Other Items	.3
	Sub-Total	\$ 1,549.4
	Debt Service	\$ 75.2
	TOTAL — Terry Children's Psychiatric Center	\$ 1,624.6
<u>(35-06-008) Bureau of Substance Abuse</u>		
(37.5)	Salaries (77.0)	\$ 873.9
	Other Employment Costs	215.8
	Travel	1.0
	Contractual Services	614.8
	Supplies and Materials	119.5
	Capital Outlay	13.6
	Other Items	.1
	TOTAL — Bureau of Substance Abuse	\$ 1,838.7
TOTAL — Division of Mental Health		\$ 26,770.8

(35-05-004) Delaware Hospital for the Chronically III

Year Ending June 30, 1981

Salaries (723.0)	\$ 7,536.6
Other Employment Costs	1,820.3
Travel	1.7
Contractual Services	780.4
Supplies and Materials	841.2
Capital Outlay	45.8
Other Items	1.7

Sub-Total \$ 11,027.7

Debt Service 533.6

TOTAL — Delaware Hospital for the Chronically III \$ 11,561.3

TOTAL — Division of Public Health \$ 22,255.1

(35-06-000) Division of Mental Health(35-06-001) Office of the Director

(1.0)	Salaries (5.0)	\$ 122.1
	Other Employment Costs	28.1
	Travel	.7
	Contractual Services	5.2
	Supplies and Materials	.4

TOTAL — Office of the Director \$ 156.5

(35-06-002) Delaware State Hospital

(4.0)	Salaries (760.2)	\$ 9,424.8
	Other Employment Costs	2,235.0
	Travel	1.8
	Contractual Services	1,761.7
	Supplies and Materials	1,080.1
	Capital Outlay	76.7
	Other Items	56.6

Sub-Total \$ 14,636.7

Debt Service \$ 920.7

TOTAL — Delaware State Hospital \$ 15,557.4

(35-06-003) Mental Hygiene Clinics

(3.0)	Salaries (53.0)	\$ 914.6
	Other Employment Costs	220.3
	Travel	.4
	Contractual Services	292.2
	Supplies and Materials	69.3
	Capital Outlay	3.0
	Other Items	30.3

Sub-Total \$ 1,530.1

Debt Service \$ 10.3

TOTAL — Mental Hygiene Clinics \$ 1,540.4

<u>(35-03-001) Office of Planning, Research and Evaluation</u>		<u>Year Ending June 30, 1981</u>
(38.8)	Salaries (16.2)	\$ 245.2
	Other Employment Costs	60.6
	Travel	1.3
	Contractual Services	93.8
	Supplies and Materials	1.6
	Capital Outlay	.8
	Other Items	.1
	Sub-Total	\$ 403.4
	Debt Service	\$ 1,733.1
	TOTAL — Office of Planning, Research and Evaluation	\$ 2,136.5
<u>(35-04-001) Office of Chief Medical Examiner</u>		
(2.0)	Salaries (27.0)	\$ 513.2
	Other Employment Costs	116.0
	Travel	2.8
	Contractual Services	79.4
	Supplies and Materials	40.7
	Capital Outlay	29.2
	Sub-Total	\$ 781.3
	Debt Service	\$ 85.3
	TOTAL — Office of Chief Medical Examiner	\$ 866.6
<u>(35-05-000) Division of Public Health</u>		
<u>(35-05-002) Community Health</u>		
(182.8)	Salaries (269.8)	\$ 4,097.1
	Other Employment Costs	959.9
	Travel	61.2
	Contractual Services	666.5
	Supplies and Materials	200.5
	Capital Outlay	118.6
	Other Items	62.1
	TOTAL — Community Health	\$ 6,165.9
<u>(35-05-003) Emily P. Bissell Hospital</u>		
(2.0)	Salaries (280.8)	\$ 2,773.0
	Other Employment Costs	651.8
	Travel	2.2
	Contractual Services	360.6
	Supplies and Materials	522.7
	Capital Outlay	20.0
	Other Items	.1
	Sub-Total	\$ 4,330.4
	Debt Service	\$ 197.5
	TOTAL — Emily P. Bissell Hospital	\$ 4,527.9

(35-00-000) DEPARTMENT OF HEALTH AND
SOCIAL SERVICESYear Ending June 30, 1981(35-01-001) Office of the Secretary

(6.0)	Salaries (11.0)	\$	208.9
	Other Employment Costs		49.7
	Travel		.8
	Contractual Services		85.7
	Supplies and Materials		.8
	Other Items		.1
			<hr/>
	TOTAL — Office of the Secretary	\$	346.0

(35-02-000) Office of Business Administration and General
Services and Education(35-02-001) Office of Business Administration and
General Services

(35.5)	Salaries (60.9)	\$	837.7
	Other Employment Costs		209.6
	Travel		.3
	Contractual Services		89.1
	Supplies and Materials		8.9
	Capital Outlay		8.2
	Data Processing		563.0
	Other Items		.4
			<hr/>
	Sub-Total	\$	1,717.2
	Debt Service	\$	5.9
			<hr/>
	TOTAL — Office of Business Administration and General Services	\$	1,723.1

(35-02-002) Education

	Salaries (34.0)	\$	513.0
	Other Employment Costs		127.4
	Other Items		14.9
			<hr/>
	TOTAL — Education	\$	655.3

(35-02-003) Bureau of Child Support Enforcement

(46.4)	Salaries (15.6)	\$	187.5
	Other Employment Costs		42.7
	Travel		.8
	Contractual Services		87.6
	Supplies and Materials		2.8
	Capital Outlay		2.8
	Other Items		2.9
			<hr/>
	TOTAL — Bureau of Child Support Enforcement	\$	327.1
			<hr/>
	TOTAL — Office of Business Administration and General Services and Education	\$	2,705.5

(30-08-014) Delaware Standardbred DevelopmentYear Ending June 30, 1981

Salaries (2)	\$	32.6
Other Employment Costs		7.8
Travel		2.6
Contractual Services		14.6
Supplies and Materials		1.1
Other Items		
Development Stakes - Purses		<u>343.6</u>

TOTAL — Delaware Standardbred Development \$ 402.3*

*Special Funds total budget appropriated per Chapter 5, Title 28, Delaware Code.

TOTAL — Division of Business and Occupational Regulation \$ 517.3

(30-10-001) Graphics and Printing

Salaries (21)	\$	294.8
Other Employment Costs		76.8
Travel		1.8
Contractual Services		194.5
Supplies and Materials		227.7
Capital Outlay		<u>36.8</u>

TOTAL — Graphics and Printing \$ 832.4*

*Special Funds - Total Budget

(30-11-001) Public Utilities Control

Salaries (18)	\$	327.6
Other Employment Costs		80.6
Travel		20.0
Contractual Services		534.1
Supplies and Materials		6.8
Capital Outlay		<u>9.1</u>

TOTAL — Public Utilities Control \$ 978.2*

*Special Funds total budget appropriated per Chapter 1, Title 26, Delaware Code.

(30-15-001) Division of State Banking Commission

Salaries (15)	\$	252.1
Other Employment Costs		60.3
Travel		7.4
Contractual Services		15.8
Supplies and Materials		7.8
Capital Outlay		<u>6.8</u>

TOTAL — Division of State Banking Commission \$ 350.2*

*Special Funds total budget appropriated per Chapter 1, Title 5, Delaware Code.

TOTAL — DEPARTMENT OF ADMINISTRATIVE SERVICES \$ 10,851.4

Allocation of Central Data Processing Services

Year Ending June 30, 1981

	<u>General Funds</u>	<u>Other Funds</u>
01 Legislative	\$ 3.0	\$ -
02 Judicial	130.0	50.0
10 Executive	67.0	1.0
12 Other Elective	55.0	80.9
15 Legal	10.0	-
20 State	207.0	
25 Finance	1,479.0	25.0
30 Administrative Services	419.6	-
35 Health and Social Services	563.0	222.0
38 Correction	137.5	9.5
40 Natural Resources and Environmental Control	17.0	3.0
45 Public Safety	1,100.0	50.0
55 Transportation	214.0	16.0
60 Labor		10.0
70 Elections	42.0	-
75 Fire Marshall	4.0	2.0
95 Public Education	<u>30.0</u>	<u>-</u>
Sub-Total	\$4,478.1	\$469.4

TOTAL — Division of Central Data Processing \$4,947.5

(30-08-000) Business and Occupational Regulation(30-08-001) Occupational Licensing

(1.0)	Salaries (12.6)	\$ 188.6
	Other Employment Costs	39.7
	Travel	16.0
	Contractual Services	60.4
	Supplies and Materials	11.7
	Capital Outlay	2.0
	Data Processing	<u>3.0</u>

TOTAL — Occupational Licensing \$ 321.4

(30-08-002) Health Licensing

Salaries (6)	\$ 123.2
Other Employment Costs	22.3
Travel	10.0
Contractual Services	35.4
Supplies and Materials	1.0
Data Processing	<u>4.0</u>

TOTAL — Health Licensing \$ 195.9

(30-07-000) Division of Central Data ProcessingYear Ending June 30, 1981(30-07-001) Management, Budget, and Planning

Salaries (12)	\$ 250.5
Other Employment Costs	60.0
Travel	1.2
Contractual Services	54.1
Supplies and Materials	3.9
Capital Outlay	<u>9.5</u>

TOTAL — Management, Budget, and Planning \$ 379.2

(30-07-002) Computer Operations

Salaries (58)	\$ 769.8
Other Employment Costs	187.5
Travel	1.8
Contractual Services	1,975.8
Supplies and Materials	142.7
Capital Outlay	<u>13.1</u>

TOTAL — Computer Operations \$ 3,090.7

(30-07-003) Computer Technical Support

Salaries (8)	\$ 157.8
Other Employment Costs	37.4
Travel	3.0
Contractual Services	61.2
Supplies and Materials	.7
Capital Outlay	<u>3.0</u>

TOTAL — Computer Technical Support \$ 263.1

(30-07-004) Agency Application Support

Salaries (45)	\$ 836.5
Other Employment Costs	199.5
Travel	2.5
Contractual Services	103.3
Supplies and Materials	3.0
Capital Outlay	1.7
Other Items	
Contingency - Upgrading	<u>68.0</u>

TOTAL — Agency Application Support \$1,214.5TOTAL — Division Central Data Processing \$4,947.5

<u>(30-05-005) Maintenance Services</u>		<u>Year Ending June 30, 1981</u>
Salaries (23)		\$ 277.0
Other Employment Costs		71.6
Contractual Services		1,088.8
Supplies and Materials		64.0
Capital Outlay		<u>8.3</u>
TOTAL — Maintenance Services		\$ 1,509.7
<u>(30-05-006) Grounds Maintenance</u>		
Salaries (9)		\$ 110.6
Other Employment Costs		26.6
Contractual Services		17.8
Supplies and Materials		46.7
Capital Outlay		<u>29.0</u>
TOTAL — Grounds Maintenance		\$ 230.7
<u>(30-05-007) Custodial Services</u>		
Salaries (44)		\$ 414.4
Other Employment Costs		113.4
Contractual Services		48.7
Supplies and Materials		47.8
Capital Outlay		<u>9.3</u>
TOTAL — Custodial Services		\$ 633.6
<u>(30-05-008) Capital Security</u>		
Salaries (18)		\$ 249.4
Other Employment Costs		57.9
Contractual Services		90.9
Supplies and Materials		15.5
Capital Outlay		<u>6.0</u>
TOTAL — Capital Security		\$ 419.7
TOTAL — Division of Maintenance and Communications		\$ 5,844.5
<u>(30-06-001) Purchasing</u>		
(6) Salaries (18)		\$ 294.0
Other Employment Costs		67.1
Travel		2.5
Contractual Services		34.6
Supplies and Materials		18.2
Capital Outlay		<u>39.8</u>
Sub-Total		\$ 456.2
Debt Service		<u>1.4</u>
TOTAL — Division of Purchasing		\$ 457.6

(95-23-000) SeafordYear Ending June 30, 1981Division I - Salaries

Chief School Officer (1)	\$ 24.6
Supervisor (1)	15.9
Principals (5)	95.0
Assistant Principals (3)	52.3
Administrative Assistant (1)	19.8
Clerical (16.5)	152.4
Teachers (178)	2,292.7
Teacher Psychologist (1)	9.7
Teacher - Speech and Hearing (1)	14.6
Teacher - Visiting (1)	11.7
Teachers - Driver Education (1.8)	23.0
Custodial (32)	282.6
Nurses (4.6)	50.8
Cafeteria Managers (1.25)	11.0
Aides and Attendants (6)	40.3
Supervisor of Transportation (1)	19.1
Supervisor of School Lunch (1)	13.9
Cafeteria Workers	35.2

TOTAL — Division I \$ 3,164.6

Other Employment Costs 874.4

TOTAL — Division I and Other Employment Costs \$ 4,039.0

Division II (190)

Energy Costs	\$ 300.6
Other Costs	263.1

All Other Costs

Debt Service	
Principal	\$ 130.4
Interest	36.8

TOTAL — All Other Costs \$ 730.9

TOTAL — Seaford \$ 4,769.9

(95-24-000) SmyrnaDivision I - Salaries

Chief School Officer (1)	\$ 24.3
Supervisor (1)	16.2
Principals (5)	95.1
Assistant Principals (3)	53.1
Administrative Assistant (1)	19.8
Clerical (15)	140.1
Teachers (160)	2,032.5
Teacher Psychologist (1)	14.3
Teacher - Speech and Hearing (1)	11.7
Teacher - Visiting (.64)	9.0
Teachers - Driver Education (2.0)	25.3
Custodial (30)	264.7
Nurses (4)	47.2
Cafeteria Managers (1.25)	11.3
Supervisor of Transportation (.32)	5.6
Supervisor of School Lunch (1)	13.9
Cafeteria Workers	27.8

TOTAL — Division I \$ 2,811.9

Year Ending June 30, 1981

Other Employment Costs	804.6
TOTAL — Division I and Other Employment Costs	\$ 3,616.5
<u>Division II (174)</u>	
Energy Costs	\$ 275.3
Other Costs	241.0
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 222.6
Interest	115.2
TOTAL — All Other Costs	\$ 854.1
TOTAL — Smyrna	\$ 4,470.6
<u>(95-29-000) Appoquinimink</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 23.3
Supervisor (1)	15.3
Principals (4)	76.0
Assistant Principals (3)	52.2
Administrative Assistant (1)	18.4
Clerical (13)	126.5
Teachers (136)	1,730.0
Teacher Psychologist (.91)	13.4
Teacher - Speech and Hearing (.97)	11.4
Teacher - Visiting (.54)	6.8
Teachers - Driver Education (1.4)	15.4
Custodial (25)	223.4
Nurses (3)	34.6
Cafeteria Managers (1)	9.3
Supervisor of Transportation (.25)	3.9
Supervisor of School Lunch (1)	12.3
Cafeteria Workers	19.6
TOTAL — Division I	\$ 2,391.8
Other Employment Costs	617.2
TOTAL — Division I and Other Employment Costs	\$ 3,009.0
<u>Division II (156)</u>	
Energy Costs	\$ 246.8
Other Costs	216.0
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 321.2
Interest	211.5
TOTAL — All Other Costs	\$ 995.5
TOTAL — Appoquinimink	\$ 4,004.5

(95-35-000) WoodbridgeYear Ending June 30, 1981Division I - Salaries

Chief School Officer (1)	\$	23.3
Supervisor (.65)		10.4
Principals (3)		57.1
Assistant Principals (2)		29.3
Administrative Assistant (1)		20.2
Clerical (9)		86.4
Teachers (97)		1,203.9
Teacher Psychologist (.5)		10.1
Teacher - Speech and Hearing (.69)		7.3
Teacher - Driver Education (1.2)		12.8
Custodial (15)		133.8
Nurses (2)		23.5
Cafeteria Managers (.75)		6.9
Cafeteria Workers		22.4
TOTAL — Division I	\$	1,647.4
Other Employment Costs		415.3
TOTAL — Division I and Other Employment Costs	\$	2,062.7

Division II (107)

Energy Costs	\$	169.3
Other Costs		148.2

All Other Costs

Debt Service		
Principal	\$	49.5
Interest		8.0
TOTAL — All Other Costs	\$	375.0
TOTAL — Woodbridge	\$	2,437.7

(95-36-000) Indian RiverDivision I - Salaries

Chief School Officer (1)	\$	25.2
Assistant Superintendent (1)		22.6
Directors (2)		42.8
Supervisors (2)		32.1
Principals (9)		172.7
Assistant Principals (6)		95.3
Administrative Assistant (1)		19.5
Clerical (30)		278.1
Teachers (313)		3,971.0
Teacher Psychologists (2)		28.0
Teacher - Speech and Hearing (2)		25.6
Teacher - Visiting (1)		12.3
Teachers - Driver Education (4)		51.9
Custodial (47)		417.5
Nurses (7)		83.8
Cafeteria Managers (2.25)		20.3
Supervisor of Transportation (.81)		14.4
Supervisor of School Lunch (1)		13.9
Cafeteria Workers		65.8
TOTAL — Division I	\$	5,392.8

Year Ending June 30, 1981

Other Employment Costs	<u>1,500.3</u>
TOTAL — Division I and Other Employment Costs	\$ 6,893.1
<u>Division II (349)</u>	
Energy Costs	\$ 552.1
Other Costs	<u>483.4</u>
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 199.6
Interest	<u>109.3</u>
TOTAL — All Other Costs	\$ <u>1,344.4</u>
TOTAL — Indian River	\$ 8,237.5
<u>(95-37-000) Delmar</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 21.6
Principal (1)	19.8
Assistant Principal (1)	17.5
Administrative Assistant (1)	19.5
Clerical (4)	40.4
Teachers (43)	571.8
Teacher - Driver Education (.8)	9.8
Custodial (8)	69.0
Nurse (1)	9.1
Cafeteria Managers (.25)	2.1
Cafeteria Workers	<u>9.6</u>
TOTAL — Division I	\$ 790.2
Other Employment Costs	<u>190.0</u>
TOTAL — Division I and Other Employment Costs	\$ 980.2
<u>Division II (53)</u>	
Energy Costs	\$ 83.8
Other Costs	<u>73.4</u>
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 39.8
Interest	<u>24.0</u>
TOTAL — All Other Costs	\$ <u>221.0</u>
TOTAL — Delmar	\$ 1,201.2

(95-38-000) New Castle Vocational-Technical

Year Ending June 30, 1981

Division I - Salaries

Chief School Officer (1)	\$ 25.9
Director (1)	21.6
Supervisor (1)	19.8
Principal (3)	59.3
Assistant Principals (9)	159.2
Administrative Assistant (1)	19.8
Clerical (22)	204.2
Teachers (251)	3,379.5
Teacher - Psychologist (1)	14.3
Teacher - Speech and Hearing (1)	13.2
Teacher - Visiting (1)	13.2
Teachers - Driver Education (6.6)	82.4
Custodial (57)	491.3
Nurses (6)	63.9
Cafeteria Managers (.25)	2.3
Aides and Attendants (1)	7.0
Supervisor of Transportation (.47)	8.7
Supervisor of School Lunch (1)	14.2
Cafeteria Workers	12.3
TOTAL - Division I	\$ 4,612.1
Other Employment Costs	1,040.9
TOTAL - Division I and Other Employment Costs	\$ 5,653.0

Division II (504)

Energy Costs	\$ 797.3
Other Costs	698.0

All Other Costs

Debt Service	
Principal	\$ 1,587.4
Interest	1,247.3
TOTAL - All Other Costs	\$ 4,310.0
TOTAL - New Castle Vocational-Technical	\$ 9,963.0

(95-39-000) Kent Vocational-TechnicalDivision I - Salaries

Chief School Officer (1)	\$ 21.6
Principals (2)	37.5
Administrative Assistant (1)	19.8
Clerical (4)	39.5
Teachers (47)	630.2
Custodial (18)	157.9
Nurses (2)	24.6
Cafeteria Managers (.25)	2.5
Cafeteria Workers	9.0
TOTAL - Division I	\$ 942.6
Other Employment Costs	263.5
TOTAL - Division I and Other Employment Costs	\$ 1,206.1

<u>Division II (134)</u>	<u>Year Ending June 30, 1981</u>
Energy Costs	\$ 212.0
Other Costs	185.6
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 478.1
Interest	350.8
TOTAL — All Other Costs	\$ 1,226.5
TOTAL — Kent Vocational-Technical	\$ 2,432.6
<u>(95-40-000) Sussex Vocational-Technical</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 19.8
Principal (1)	19.8
Assistant Principal (1)	18.2
Administrative Assistant (1)	19.8
Clerical (4)	40.6
Teachers (43)	593.9
Custodial (12)	108.3
Nurse (1)	12.3
Cafeteria Workers	1.3
TOTAL — Division I	\$ 834.0
Other Employment Costs	235.1
TOTAL — Division I and Other Employment Costs	\$ 1,069.1
<u>Division II (120)</u>	
Energy Costs	\$ 189.8
Other Costs	166.2
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 219.4
Interest	95.1
TOTAL — All Other Costs	\$ 670.5
TOTAL — Sussex Vocational-Technical	\$ 1,739.6
<u>(95-43-000) Howard T. Ennis, Sr. Trainable</u>	
<u>(Administered by Indian River)</u>	
<u>Division I - Salaries</u>	
Principal (2)	\$ 36.0
Clerical (1)	9.0
Teachers (37)	444.0
Custodial (2)	17.9
Nurse (1)	11.7
Aides and Attendants (37)	274.2
Therapists - Physical (2)	29.0
Therapists - Occupational (2)	25.4
Therapists - Speech (2)	29.2
TOTAL — Division I	\$ 876.4

Year Ending June 30, 1981

Other Employment Costs	243.9
TOTAL — Division I and Other Employment Costs	\$ 1,120.3
<u>Division II (44)</u>	
Energy Costs	\$ 69.6
Other Costs	60.9
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 29.0
Interest	17.7
TOTAL — All Other Costs	\$ 177.2
TOTAL — Howard T. Ennis, Sr. Trainable	\$ 1,297.5
<u>(95-50-000) New Castle County School District</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 25.9
Assistant Superintendent (10)	231.0
Directors (31)	657.6
Supervisors (21)	334.3
Principals (86)	1,630.3
Assistant Principals (55)	984.6
Administrative Assistant (1)	20.2
Clerical (260)	2,478.6
Teachers (3,118)	42,855.8
Teacher Psychologists (20)	285.8
Teachers - Speech and Hearing (22)	271.0
Teachers - Visiting (12)	166.0
Teachers - Drivers Education (37.8)	483.3
Custodial (649)	5,708.2
Nurses (77)	907.5
Cafeteria Managers (19.5)	178.5
Americanization of Foreign Born	81.8
Supervisors of Transportation (6)	98.8
Supervisors of School Lunch (5)	71.0
Cafeteria Workers	389.4
TOTAL — Division I	\$ 57,859.6
Other Employment Costs	\$ 19,773.3
TOTAL — Division I and Other Employment Costs	\$ 77,632.9
<u>Division II - (3,451)</u>	
Energy Costs	\$ 5,459.5
Other Costs	4,779.6
Americanization Program	6.6
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 5,581.5
Interest	2,453.3
TOTAL — All Other Costs	\$ 18,280.5
TOTAL — New Castle County School District	\$ 95,913.4

(95-51-000) Margaret S. Sterek
 (Administered by New Castle County School District)

Year Ending June 30, 1981

Division I - Salaries

Principal (1)	\$ 19.5
Clerical (2)	18.4
Teachers (22)	314.5
Teacher - Psychologist (2)	24.9
Teacher - Speech and Hearing (1)	11.7
Teacher - Audiologist (1)	11.2
Teachers - Resource (2)	27.8
Teacher - Coordinator (1)	13.6
Custodial (5)	40.3
Nurses (1)	12.3
Cafeteria Managers (.25)	1.2
Aides and Attendants (22)	145.7
Salaries - Resident Supervision	111.0
Therapists - Speech (3)	35.8
Interpreter/Tutor (3)	30.8
Cafeteria Workers	3.0
TOTAL - Division I	\$ 821.7
Other Employment Costs	182.6
TOTAL - Division I and Other Employment Costs	\$ 1,004.3

Division II (22)

Energy Costs	\$ 34.8
Other Costs	30.5
Residence - Other Costs	10.5
Consultant Services	64.5

All Other Costs

Debt Service	
Principal	\$ 49.6
Interest	22.4
TOTAL - All Other Costs	\$ 212.3
TOTAL - Margaret S. Sterek	\$ 1,216.6

(95-52-000) Charles W. Bush Trainable
 (Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$ 18.5
Clerical (1)	9.4
Teachers (12)	193.9
Custodial (2)	18.0
Nurse (1)	12.3
Cafeteria Managers (.25)	1.5
Aides and Attendants (3)	21.0
Therapists - Speech (1)	14.6
TOTAL - Division I	\$ 289.2
Other Employment Costs	92.9
TOTAL - Division I and Other Employment Costs	\$ 382.1

<u>Division II (12)</u>	<u>Year Ending June 30, 1981</u>
Energy Costs	\$ 19.0
Other Costs	16.6
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 49.5
Interest	21.0
TOTAL — All Other Costs	\$ 106.1
TOTAL — Charles W. Bush Trainable	\$ 488.2

(95-53-000) John G. Leach
(Administered by New Castle County School District)

<u>Division I - Salaries</u>	
Principal (1)	\$ 16.3
Clerical (1)	9.7
Teachers (27)	355.2
Custodial (2)	17.9
Nurse (1)	11.7
Aides and Attendants (3)	183.3
TOTAL — Division I	\$ 594.1
Other Employment Costs	150.6
TOTAL — Division I and Other Employment Costs	\$ 744.7
<u>Division II (27)</u>	
Energy Costs	\$ 42.7
Other Costs	37.4
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 4.0
Interest	.1
TOTAL — All Other Costs	\$ 84.2
TOTAL — John G. Leach	\$ 828.9

(95-54-000) Meadowood Trainable
(Administered by New Castle County School District)

<u>Division I - Salaries</u>	
Principal (1)	\$ 19.2
Clerical (1)	9.4
Teachers (15)	238.5
Custodial (3)	26.4
Nurse (1)	12.3
Cafeteria Manager (.25)	2.0
Aides and Attendants (14)	91.1
Therapists - Physical (1)	10.3
Therapists - Occupational (1)	10.9
Therapists - Speech (1)	10.3
Cafeteria Workers	1.5
TOTAL — Division I	\$ 431.9

Year Ending June 30, 1981

Other Employment Costs	111.0
TOTAL — Division I and Other Employment Costs	\$ 542.9
<u>Division II (18)</u>	
Energy Costs	\$ 28.5
Other Costs	24.9
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 10.0
Interest	1.2
TOTAL — All Other Costs	\$ 64.6
TOTAL — Meadowood Trainable	\$ 607.5
<u>(95-55-000) Wallace Wallin School for Trainables</u>	
<u>(Administered by New Castle County School District)</u>	
<u>Division I - Salaries</u>	
Principal (1)	\$ 18.5
Clerical (1)	9.4
Teachers (11)	158.9
Custodial (2)	13.3
Nurse (1)	12.3
Cafeteria Managers (.25)	1.9
Aides and Attendants (8)	52.8
TOTAL — Division I	\$ 265.1
Other Employment Costs	66.1
TOTAL — Division I and Other Employment Costs	\$ 331.2
<u>Division II (14)</u>	
Energy Costs	\$ 22.1
Other Costs	19.4
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 20.0
Interest	11.1
TOTAL — All Other Costs	\$ 72.6
TOTAL — Wallace Wallin School for Trainables	\$ 403.8

(95-56-000) Joseph E. Douglass School
 (Administered by New Castle County School District)

Year Ending June 30, 1981

Division I - Salaries

Principal (1)	\$ 18.5
Clerical (1)	9.4
Teachers (14)	198.2
Custodial (2)	18.0
Nurse (1)	12.3
Cafeteria Manager (.25)	1.1
Aides and Attendants (4)	22.0
Therapists - Physical (.5)	8.4
Therapists - Occupational (.5)	6.8
Cafeteria Workers	<u>1.5</u>

TOTAL — Division I \$ 296.2

Other Employment Costs 103.8

TOTAL — Division I and Other Employment Costs \$ 400.0

Division II (14)

Energy Costs	\$ 22.1
Other Costs	19.4

All Other Costs

Debt Service	
Principal	\$ 82.0
Interest	<u>84.1</u>

TOTAL — All Other Costs \$ 207.6

TOTAL — Joseph E. Douglass School \$ 607.6

TOTAL — DEPARTMENTS \$ 344,273.6

TOTAL — HIGHER EDUCATION \$ 71,535.4

TOTAL — PUBLIC EDUCATION 210,685.9

TOTAL — EDUCATION \$ 282,221.3

GRAND TOTAL — DEPARTMENTS AND EDUCATION \$ 626,494.9

Section 2. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 3. If any provision of this Act, or of any rule, regulation or order thereunder or the application of such provision to any person or circumstances, shall be invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Nothing contained in any contract entered into pursuant to Delaware Code, Title 19, Chapter 13, or Title 14, Chapters 13 and 40, which contract is entered into or renegotiated after July 1, 1973, shall require the payment of monies for any item, purpose or benefit for which a specific appropriation by the General Assembly has not been made for the current fiscal year or any subsequent fiscal year or any part thereof, during which such contract is effective.

Section 5. (a) The limitation of \$2.2 with respect to the cost of passenger motor vehicles purchased for State use, prescribed by Section 6902, Chapter 69, Title 29, Delaware Code, is hereby increased to \$5.2 for such new vehicles purchased during the fiscal year ending June 30, 1981.

(b) All vehicles purchased for State use must be purchased from bid lists approved by the Division of Purchasing.

(c) The purchase of station wagons and other special purpose vehicles in excess of the \$5.2 limit set forth in subsection (a) of this Section, without the written approval of the Budget Director and the Controller General is prohibited.

(d) The special purpose vehicles of the Department of Public Safety, Division of State Police shall be exempt from the provisions of subsections (a) and (c) of this Section and from the provisions of Section 6902, Chapter 69, Title 29, Delaware Code.

(e) Lease Purchase Agreements for vehicles covered by subsection (a) of this section are prohibited.

(f) Lease-rental of passenger motor vehicles, except the Governor's car and cars rented while on out-of-state business, are prohibited. Upon written request, the Budget Director, with the concurrence of the Secretary of Finance and the Controller General, may grant exceptions to this subsection.

Section 6. All entitlement payments from the 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 ending June 30, 1981, are hereby appropriated to the State Employees Retirement Fund. The General Fund appropriation in Section 1 of this Act shall be reduced by the amount of entitlement payments received during the fiscal year.

Section 7. 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, 1981.

Section 8. The monies appropriated in Section 1 of this Act shall be paid by the State Treasurer from the General Fund except as otherwise referenced in Section 1.

Section 9. (a) All departments and agencies receiving funds appropriated by this Act shall file an Annual Report by October 15, following the close of the fiscal year. Such Report shall contain such information and be in such form as prescribed by the State Budget Director.

(b) The Budget Director shall consolidate and edit the reports received from all departments and agencies and shall publish a single Annual Report for the State of Delaware. A copy of such Annual Report for the State shall be provided to the Governor, the Lieutenant Governor, each member of the General Assembly, the Controller General and the Auditor of Accounts, and copies shall be made available to the public.

Section 10. (a) For the Fiscal Year ending June 30, 1981, the following line item salaries are the maximum salaries appropriated within Salaries in Section 1 of this Act.

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(10-01-001)	Governor	\$ 35.0	\$
(10-02-001)	Budget Director	38.8	
(10-03-001)	Director - Office of Management, Budget and Planning	20.8	20.8
(10-04-001)	Personnel Commissioners	6.0	
(10-04-001)	Personnel Director	31.9	
(10-05-001)	Director - Energy Office	16.4	16.4
(10-06-001)	Director - Highway Safety	27.0	
(10-07-001)	Executive Director - Delaware Criminal Justice Planning Commission	15.5	15.5
(12-01-001)	Lieutenant Governor	14.3	
(12-02-001)	Auditor	24.0	
(12-03-001)	Insurance Commissioner	24.0	
(12-05-001)	State Treasurer	24.0	
(12-05-002)	Board Members - Pensions		3.0
(15-01-001)	Attorney General	37.0	
(15-02-001)	Public Defender	30.8	
(15-03-001)	Board Members - Parole	13.0	
(15-03-001)	Parole Board Chairman	30.8	
(20-01-001)	Secretary of State	38.8	
(20-01-001)	Assistant Secretary of State	21.8	
(20-06-001)	Director - Historical and Cultural Affairs	25.4	6.4
(25-01-001)	Secretary - Finance	46.9	
(25-05-001)	Director - Accounting	34.7	
(25-06-001)	Board Members - Revenue	23.0	
(25-06-001)	Director - Revenue	40.5	
(25-07-001)	Director - State Lottery		41.2
(30-01-001)	Secretary - Administrative Services	35.9	
(30-03-001)	Board Members - Alcoholic Beverage Control Commission	9.6	
(30-03-001)	Executive Secretary - Alcoholic Beverage Control Commission	29.1	

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(30-04-001)	Director - Facilities Management	\$ 33.6	\$
(30-04-002)	Board Members - Architectural Accessibility	5.4	
(30-04-002)	Executive Secretary - Architectural Accessibility	23.5	
(30-05-001)	Director - Maintenance and Communications	24.3	
(30-06-001)	Director - Purchasing	28.7	
(30-07-001)	Director - Central Data Processing (Memo)	38.7	
(30-08-001)	Board Members - Business and Occupational Regulation	14.2	
(30-08-001)	Director - Business and Occupational Regulation	21.9	
(30-08-002)	Board Members - (Health Licensing)	29.9	
(30-08-014)	Executive Secretary - Standardbred Development Fund		19.3
(30-10-001)	Director - Graphics and Printing		26.4
(30-11-001)	Board Members - Public Utilities Commission		30.0
(30-11-001)	Director - Public Utilities Control		27.4
(30-15-001)	Bank Commissioner		36.4
(35-01-001)	Secretary - Health and Social Services	41.2	
(35-02-001)	Director - Business Administration and General Services	29.9	5.6
(35-03-001)	Director - Planning, Research and Evaluation	29.3	
(35-04-001)	Chief Medical Examiner	53.0	
(35-05-001)	Director - Public Health	53.8	
(35-06-001)	Director - Mental Health	41.1	
(35-06-008)	Chief - Substance Abuse	28.1	
(35-07-001)	Director - Social Services	13.5	20.6
(35-11-001)	Director - Mental Retardation Services	46.4	
(35-12-001)	Director - State Service Centers	23.0	
(35-14-001)	Director - Aging	5.9	17.5

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(38-01-001)	Commissioner - Correction	\$ 37.5	\$
(38-08-001)	Institutional Classification Board	9.0	
(38-08-001)	Bureau Chief - Adult	35.4	
(38-13-001)	Bureau Chief - Juvenile	35.4	
(40-01-001)	Secretary - Natural Resources and Environmental Control	38.8	
(40-05-001)	Director - Fish and Wildlife	14.1	14.2
(40-06-001)	Director - Parks and Recreation	28.7	
(40-07-001)	Director - Soil and Water Conservation	25.3	
(40-08-001)	Director - Environmental Control	19.7	19.7
(45-01-001)	Secretary - Public Safety	38.8	
(45-06-003)	Superintendent - State Police	35.0	
(45-06-003)	Assistant Superintendent - State Police	32.1	
(45-07-001)	Director - Motor Vehicles	32.9	
(45-08-001)	Director - Emergency Planning and Operations	11.6	11.6
(45-09-001)	Director - Boiler Safety	23.1	
(50-01-001)	Secretary - Community Affairs and Economic Development	34.1	5.4
(50-01-003)	Director - Economic Opportunity	25.5	
(50-01-005)	Public Advocate	32.9	
(50-06-001)	Director - Human Relations	25.6	
(50-08-001)	Director - Industrial Development and Management	25.6	
(50-09-001)	Director - Housing	17.6	17.7
(50-10-001)	State Librarian	25.0	
(50-11-001)	Director - Consumer Affairs	25.5	
(50-11-001)	Board Members - Consumer Affairs	3.5	
(55-01-001)	Secretary - Transportation	40.0	
(55-02-001)	Chief - Administration	31.3	
(55-05-001)	Director - Highways	42.3	
(55-06-001)	Director - Delaware Transportation Authority		33.5
(60-01-001)	Secretary - Labor	13.2	24.5

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(60-07-001)	Director - Industrial Affairs	\$ 30.0	\$
(60-07-002)	Board Members - Industrial Accident Board	40.0	
(65-01-001)	Secretary - Agriculture	28.1	
(65-03-001)	Director - Standards and Inspections	25.3	
(65-04-001)	Director - Production and Promotion	25.3	
(70-01-001)	Election - Commissioner	24.1	
(70-02-001)	Board Members - New Castle County Elections	10.5	
(70-02-001)	Administrative Director - New Castle County Elections	21.1	
(70-02-001)	Deputy Administrative Director New Castle County Elections	20.6	
(70-03-001)	Board Members - Kent County Elections	6.5	
(70-03-001)	Administrative Director - Kent County Elections	20.0	
(70-03-001)	Deputy Administrative Director Kent County Elections	19.5	
(70-04-001)	Board Members - Sussex County Elections	6.5	
(70-04-001)	Administrative Director - Sussex County Elections	20.0	
(70-04-001)	Deputy Administrative Director Sussex County Elections	19.5	
(75-01-001)	Fire Marshal	24.7	
(75-02-001)	Director - Fire School	24.7	
(76-01-001)	Adjutant General	32.7	
(90-05-001)	Executive Director - Postsecondary Education Commission	15.9	16.0
(90-05-001)	Commission Members - Postsecondary Education Commission	2.4	
(95-01-001)	Board Members - State Board of Education	8.4	
(95-01-001)	Superintendent - State Board of Education	42.5	17.2
(95-04-001)	Director - Advisory Council on Career Education	18.0	26.9

(b) In the event that a vacancy exists on July 1, 1980, or if a vacancy occurs during fiscal year 1981, in a line item salaried position listed in subsection (a) of this section, the maximum salary authorized for the remainder of the fiscal year 1981 shall be the salary in effect on June 30, 1980, for said position, other provisions of this Act to the contrary notwithstanding.

Section 11. (a) The amount appropriated by Section 1 of this Act for salaries includes the estimated amount needed to provide for an 9.5% salary increase for each State employee, unless as otherwise excepted by subsections of this section. This 9.5% increase is to be provided as follows:

- (1) All employee review dates shall be changed to July 1st, as of July 1, 1980, except employees who are employed under contract.
- (2) Normal steps or increments included in existing pay plans shall be given July 1st.
- (3) General Salary Adjustment:
 - (a) Each pay plan shall be increased by a percentage rate that is equal to the difference between 9.5% and the increment percentage for each step of the pay plan, rounded to the nearest dollar.
 - (b) Each pay plan shall be amended to provide an additional or new step. The value of the step or increment between the last step and the additional or new step shall be consonant with the steps or increments for each respective pay grade.
 - (c) The administrative regulations and procedures necessary to implement this subsection (a) shall be promulgated by the State Budget Director, with the concurrence of the Controller General.
- (4) Employees, who are not covered by an existing pay plan or employees, who are not covered by subsections (b) and (c) of this section, shall also receive an annual salary increase of 9.5% over the salary in effect on June 30, 1980.
- (5) Increases provided by this Section shall become effective with the beginning of the contract year for all employees who are employed under contract, and on July 1, 1980, for all other employees.
- (6) Any employee whose salary is "frozen" or "redlined" because it exceeds a ceiling, shall receive the greater of either his present salary or the new value of his position on the appropriate pay plan.

(b) The provisions of this Section shall not apply to the Justices of the Supreme Court, the Chancellor and Vice Chancellors of the Court of Chancery, Judges of the Superior, Common Pleas and Family Courts, Justices of the Peace, Delaware State College, Uniformed State Police, employees of the University of Delaware, Governor, Attorney General, Auditor of Accounts, Insurance Commissioner, State Treasurer, and members and employees of the Delaware National Guard excluding the Adjutant General.

(c) Salaries of designated positions included in Section 10 of this Act shall have no further increase applied.

(d) Notwithstanding any other provision of this Act, in the event the appropriation to any Department or Agency for salaries is excessive or inadequate, the Budget Director, with concurrence of the Controller General, is authorized to transfer funds appropriated for salaries among the various Departments in order to effectuate the salary increases authorized by this Act. Such authorizations for transfer shall be in writing and shall be fully documented.

(e) Notwithstanding any other provisions of this Act, in the event the appropriation set forth in Section 1 of this Act in a memorandum budget of any Department or Agency for salaries is excessive or inadequate to comply with the legislative intent of this

Section, the Budget Director, with concurrence of the Controller General, is authorized to make adjustments by a transfer between the several line item appropriations set forth in the memorandum budget. Such authorization for transfers shall be in writing and shall be fully documented.

(f) Salary schedules contained in Chapter 13, Title 14, Delaware Code, shall be revised to reflect a 9.5% increase in salary for employees paid on schedules contained in that Chapter. The revisions to effect that increase shall be made by a percentage rate that is equal to the difference between 9.5% and the increment percentage for each step (years of experience) of the schedule, rounded to the nearest dollar. The revisions to effect that increase shall include an additional or new step (years of experience) and the value of increment from the last step (years of experience) to the additional or new step (years of experience) shall be consonant with the increments for each step (years of experience).

(g) Salary schedules prepared in the fulfillment of this Section and Act for Chapter 13, Title 14, Delaware Code, shall be published and promulgated by the State Budget Director, with the concurrence of the Controller General, 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.

- (h) (1) Amend Chapter 59, Title 29, Delaware Code, by adding thereto a new Section 5940 to read as follows:

"Section 5940. Review Dates.

The review date for employees of the classified service shall be July 1st of each fiscal year and shall not change during the fiscal year. The review date for employees hired during any fiscal year, shall be July 1st of the subsequent fiscal year."

- (2) In the implementation of the change in review dates as provided by this subsection, the Director of State Personnel and the State Personnel Commission, shall revise the appropriate rules covering classified service.

Section 15. Amend Section 710, Chapter 7, Title 29, Delaware Code, by striking subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

- "(b) Each member of the Senate and the House of Representatives shall receive an annual salary of \$10,545, payable semi-monthly, commencing on the eleventh month, fifteenth day of the year in which the member is elected, through the tenth month, thirty-first day of the year in which his term expires."

Section 16. Amend Section 710, Chapter 7, Title 29, Delaware Code, by striking subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

- "(c) Any member of the Senate and the House of Representatives who is elected or appointed to any of the following positions shall, while serving in such position, receive additional semi-monthly compensation as follows:

(1) President Pro Tempore of the Senate	\$ 83.70
(2) Speaker of the House of Representatives	83.70
(3) Majority and Minority Leader of the Senate	69.75
(4) Majority and Minority Leader of the House	69.75
(5) Chairman and Vice Chairman of the Joint Finance Committee	69.75
(6) Majority and Minority Whip of the Senate	55.80
(7) Majority and Minority Whip of the House	55.80
(8) Members of the Joint Finance Committee	27.90

If a member serving in any of the leadership positions, described in paragraphs (1), (2), (3), (4), (6), and (7) of this subsection, shall be elected

or appointed to the position of Chairman or Vice Chairman of the Joint Finance Committee, such member shall not be entitled to the additional compensation provided in paragraphs (5) and (8) of this subsection.

Payments shall commence immediately when such member is elected or appointed to such position."

Section 17. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-002) for Salaries - Casual and Seasonal for Standing Legislative Committees. Requests from Chairmen of Standing Legislative Committees for professional staff assistance shall be submitted in writing to the Legislative Council for approval or disapproval. Approvals for professional staff assistance shall be allowed within the limits of the appropriation and as provided by guidelines established by the Legislative Council.

Section 18. Amend Section 1110, Chapter 11, Title 29, Delaware Code, by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and adding a new subsection (c) to read as follows:

"(c) The Controller General has the authority to perform management and program reviews. Management and program reviews shall include, but are not limited to, any analyses necessary to determine operational efficiency and effectiveness, compliance with the laws of Delaware and legislative intent."

Section 19. Section 1 of this Act provides an appropriation for Contractual Services in Public Guardian (02-02-002) for the fiscal year ending June 30, 1981. None of this appropriation shall be used for the payment of legal services.

Section 20. Motor Vehicles under the jurisdiction of the Justice of the Peace Courts Systems of this State that are needed on a twenty-four (24) hour basis by virtue of the work requirement shall be exempt from the provisions of Chapter 71, Section 7105, Title 29, Delaware Code.

Section 21. The Delaware Foster Care Review Board (02-17-003), as created pursuant to Senate Bill No. 245, as amended, of the 130th General Assembly of the State of Delaware, shall be assigned a deputy attorney general on a half-time basis from the existing complement of deputy attorneys general assigned to the Office of the Attorney General (15-01-001), as authorized in Section 1 of this Act.

Section 22. The General Fund positions authorized in Section 1 of this Act for the Office of the Director (02-17-001), Administrative Office of the Courts, do not include the position of Planner, previously funded by Special Funds. This position shall, if funds are available, be funded by Special Funds in fiscal year 1981.

Section 23. Section 1 of this Act provides \$34.0 for Contingency - Governor's Transition Fund. In the event that the incumbent Governor is reelected for a second term, the appropriation will revert immediately to the General Fund.

Section 24. For the fiscal year ending June 30, 1981, the remaining balances of the Office of Budget from fiscal year 1980 appropriations for Management Improvement Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1981. The disbursement of these funds are subject to approval by the Budget Director, the Controller General and the Secretary of Finance. These funds shall be used for improving the State's financial management systems.

Section 25. The amount appropriated to the Budget Office entitled, Contingency - Prior Years' Obligations, shall be used to pay Salaries and Wages, Other Employment Costs, reimbursement of overpayment of fringe benefits, and other obligations which require adjustment of the State's accounts. Rules and procedures to implement this Section will be established by the Budget Director with concurrence of the Controller General.

Section 26. Funds appropriated to the Budget Office - Contingencies (10-02-002) in Section 1 of this Act for Contingency - Energy shall be distributed by the State Budget

Director, when no other funds are available, to agencies on an as-needed basis, when, in the opinion of the State Budget Director, an agency has exercised prudent energy conservation measures in accordance with the Governor's Energy Conservation program. Funds are not to be distributed to the University of Delaware or Public School Districts from this Contingency Fund as they have received direct Energy Costs appropriations in Section 1 of this Act.

Section 27. Funds appropriated for Salaries in Section 1 of this Act shall be allocated promptly by the Budget Director among salaried line items for each agency's budget. Once allocated, no funds shall be transferred between the salaried line items except as provided in Section 6528, Title 29, Delaware Code.

Section 28. Section 1 of this Act provides for an appropriation to the Office of State Personnel (10-04-001) for the purpose of making salary payments to Board Members of the State Personnel Commission. For the fiscal year ending June 30, 1981, such salary payments to Board Members shall be at the rate of \$50 per meeting.

Section 29. (a) For the purpose of this Section, the term "Department" means all State Department and Agencies receiving appropriations as set forth in Section 1 of this Act.

(b) Where the number of employee positions has been set forth in the salary line appropriation for a Department in Section 1 of this Act, such number shall be interpreted to mean equivalent full-time positions. The State Personnel Director shall maintain a listing of the employee positions as provided, the salary or wage for each position, and the source of funding. A report of this listing shall be furnished monthly by the State Personnel Director to the Budget Director and the Controller General. 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. For purposes of this subsection (b), during the period when recruit classes for State Police are in training, the total number of employees shall apply only to uniformed personnel authorized for duty.

(c) The number of employee positions authorized as equivalent full-time positions paid by General Fund appropriations and the number of other positions, excluding Federal Comprehensive Employment Training Act (CETA) funded positions, paid by funds other than General Fund appropriations are reflected in Section 1 of this Act within each department or agency budget for the fiscal year ending June 30, 1981. No department or agency shall change the total number of positions except with the approval of the Delaware State Clearinghouse Committee. All CETA funded positions must be approved by the Delaware State Clearinghouse Committee. No employee classifications will be changed during the period this Act is effective, unless:

- (i) The requested change is certified critical by the appointing authority;
- (ii) The requested change is approved by the State Personnel Director;
- (iii) The funding source is approved by the State Budget Director; and
- (iv) The requested change is approved by the Controller General.

Section 30. (a) During the fiscal year ending June 30, 1981, the pay grade assigned to each job class shall not be changed. Any such pay grade changes which the Personnel Director determines to be warranted shall be designated to become effective July 1, 1981, provided that the funds for such changes shall be appropriated.

(b) During the fiscal year ending June 30, 1981, paragraph 5.06122 except the phrase "where a critical shortage of applications exists", and paragraph 5.0820 of the rules for Merit System of Personnel Administration shall be null and void.

Section 31. When establishing salaries and wage rates for State employees who are not covered by the Classified System of Personnel Administration or by the provisions of Chapter 13, Title 14, Delaware Code, each Department or Agency shall establish salaries and wage rates which are comparable to salaries and wages paid from funds appropriated by the State to employees with similar training and experience and who are in similar positions in the Classified System of Personnel Administration. In order to assure each

comparability, the Department or Agency shall obtain certification from the State Personnel Director of job specifications and rates in comparable positions before the salaries and wage rates become effective and employees are hired. The certification request shall contain such information and be in such form as prescribed by the State Personnel Director. All members and employees of the Delaware National Guard shall be exempted from the provision of this Section and shall be compensated at a salary and wage rate established by the Federal Civil Service Commission.

Section 32. Any personnel employed by a Department or Agency to implement a program funded by the Federal Government, or by State special funds, or any person employed to replace an employee who is transferred to such program, shall be considered an exempt employee during the first three years of any new program, after which the positions shall be classified if appropriate in accordance with Chapter 59, Title 29, Delaware Code. Upon notification that such program is terminated or funds therefor are reduced, the head of the Department or Agency, or his designee, shall forthwith reduce proportionately the expenditure of funds from the matching General Fund of the State appropriated to match such Federal or State special funds until such time as the General Assembly shall approve or disapprove the funding of such program. In the event a person subject to this Section is employed by the State on a permanent basis, he shall be entitled to appropriate credit for past service in such program.

Section 33. Any Department employing classified, temporary and/or seasonal personnel from funds other than those appropriated from the General Fund of the State shall pay to the State Office of Personnel from the Special Funds a prorated share of the expense of the Office of Personnel, as approved by the Budget Director. Such payments shall be used by the Office of State Personnel to supplement the funds appropriated to the Office from the General Fund of the State in Section 1 of this Act.

Section 34. (a) Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in 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 funds involved. No full-time employee of the State of Delaware whose salary is paid wholly or in part by the State of Delaware shall receive any additional stipend for the purchase of food or be supplied with food or be reimbursed for food that was consumed during normal working hours within the State; provided, however, that this Section shall not apply to employees of State agencies who regularly receive wages-in-kind in addition to their salary nor to State police recruits during the period of their training. In the event that an employee shall receive 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. In the event the "All Other" part of the salary is made up entirely of Federal funds, and such Federal funds are terminated or reduced, the State appropriation is hereby increased to provide the "Total Salary" indicated. An agency may provide housing for such employee without reduction in the salary provided such housing is on the site of the principal location of employment and further provided that the head of the Department of Agency has determined that such location of the employee is necessary to the operation of the Agency and that the employee has no other employment. No agency shall provide an employee with a housing allowance or compensation for housing.

(b) A State employee whose salary is designated 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.

Section 35. Section 1 of this Act provides appropriations for Salaries and Wages of Employees in a number of State agencies for certain positions in fiscal year 1981 which positions were funded with Federal Funds during the fiscal year ending June 30, 1980. The Office of State Personnel and the Office of the Budget shall assure that no position funded by General Fund appropriations in Section 1 of this Act is used to replace a position funded by Federal Funds in fiscal year 1981. Unless approved by the Controller General, the General Fund appropriations for such positions identified by the Office of State Personnel and the Office of the Budget shall promptly revert to the General Fund, including appropriate Other Employment Costs.

Section 36. The amount appropriated in Section 1 of this Act to the Delaware Criminal Justice Planning Commission for planning grants to State agencies provides funds to match grants from the Federal Government. This amount shall not revert on June 30, 1981, but shall continue to be available on a matching basis for the life of each program grant, or for three fiscal years, whichever first occurs. Any unexpended funds appropriated from the General Fund of the State which remain unexpended or unencumbered shall revert to the General Fund of the State.

Section 37. The sum of \$200.0 has been appropriated in Section 1 of this Act to the Delaware Criminal Justice Planning Commission (10-07-001). Of this sum, \$117.8 is appropriated for grants and subsidies, and \$82.2 is appropriated for administrative operations for the first four months of fiscal year 1981.

Section 38. Amend Section 710, Chapter 7, Title 29, Delaware Code, by striking subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

- "(a) The Lieutenant Governor shall receive an annual salary of \$12,554 for serving as President of the Senate, plus an additional sum of \$1,757 annually for performing his other duties, commencing with the day he assumes office."

Section 39. The line item, Expenses - Lieutenant Governor, in the amount of \$4,000 appropriated to (12-01-001) in Section 1 of this Act, shall be disbursed in twenty-four (24) semi-monthly equal installments during fiscal year 1981 to the Lieutenant Governor.

Section 40. (a) Pursuant to Title 29, Chapter 63, Section 6340, Delaware Code, Other Employment Costs, including provisions for F.I.C.A. - Employer's Share, Pensions and Health Insurance, are reflected herein within each department or agency budget for the current fiscal year. These Other Employment Costs may be accounted for and disbursed through accounts within the Office of the State Treasurer.

(b) 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, except as provided for in Subsections (c) and (d) of this Section, shall transfer or pay, on a regularly scheduled basis as determined by the Secretary of Finance and the State Treasurer, to the Treasurer of the State of Delaware from such funds appropriate sums for each of the State "Other Employment Costs" applicable to salaries and wages paid to employees from such special funds. Other Employment Costs shall include, but shall not be limited to F.I.C.A. - Employer's Share, Pension Costs, and Health Insurance.

(c) Any school district that employs more employees in any classification in excess of state formula for such employees in Title 14, Delaware Code, for the current fiscal year than were employed in the same classification in excess of state formula in Title 14, Delaware Code, during the fiscal year beginning July 1, 1976, shall pay to the Treasurer of the State of Delaware, on a regularly scheduled basis as determined by the Secretary of Finance and the State Treasurer, the "Other Employment Costs" of such employee.

(d) Any school district that agrees to pay from non-state funds more money as a result of a salary schedule or schedules approved by the local school districts' Boards of Education after June 30, 1977, shall pay to the Treasurer of the State of Delaware, on a regularly scheduled basis as determined by the Secretary of Finance and the State Treasurer, the "Other Employment Costs" for the additional salary expenses from non-state funds, provided, however, that this section shall not apply to increases resulting directly from increases in the State or Federal minimum wage laws.

(e) The Secretary of Finance in conjunction with the State Treasurer is hereby directed to establish and promulgate monthly reporting procedures for the administration of this Section and for the collection of Other Employment Costs from non-state funds. With reference to subsections (c) and (d) of this Section the school districts shall pay to the State Treasurer the Other Employment Costs from non-state funds by July 31, 1980 for prior fiscal years:

<u>Fiscal Year</u>	<u>In Accordance with Terms and Provisions of:</u>
1978	Section 77, House Bill No. 300, as amended of the 129th General Assembly
1979	Section 15, House Bill No. 888, as amended by House Bill No. 1149, of the 129th General Assembly
1980	Section 6, House Bill No. 333 of the 130th General Assembly

Section 41. Section 1 of the this Act appropriated an amount to the State Treasurer for Revenue Refunds. Such sums in excess of the appropriation as are certified by the State Treasurer as necessary for refunds for overpayments of taxes and fees required by Delaware State Law and deposited in the General Fund are hereby appropriated and shall be paid by the State Treasurer from the General Fund.

Section 42. Section 1 of this Act appropriates \$95.0 to the State Treasurer for payment of annual dues to the Blood Bank of Delaware, Incorporated. This State shall pay the annual dues for membership in the Blood Bank of Delaware for all regular officers, employees and retirees of the State not otherwise covered under a group program of Blood Bank of Delaware. If the regular officer, employee or retiree is covered in any way by a group program issued by the same insurer, duplicate coverage shall not be procured by the State, however, it shall be at the option of the regular officer, employee or retiree as to whether to be covered by the State group insurance plan or by a program of the spouse. If covered by a program of the spouse, the regular officer, employee or retiree shall obtain no monetary credit or rebate from the State.

For purposes of clarification, where both the husband and the wife work for the State, it will only be necessary to provide one membership. (Note: Blood Bank membership is a family membership — either spouse provides the same protection for the entire family.)

It is the responsibility of each State employee enrolled in the Blood Bank of Delaware to fulfill the other obligation of membership — to provide a blood donation when called, or to pay the purchase option cost in lieu of the donation. The State is not responsible for the blood donation or the purchase option.

The State Treasurer shall be responsible for the administration of this Section and is hereby empowered to promulgate rules and regulations for the administration of this Section.

Section 43. In the event that the amount authorized in the memorandum budget in Section 1 of this Act for the State Treasurer, Pensions (12-05-002) for Contractual Services (payments to investment managers) is insufficient, the memorandum budget may be amended to adjust for such insufficiency upon request of the State Treasurer and approved by the Budget Director and the Controller General.

Section 44. (a) If, at any time during the fiscal year ending June 30, 1981, but prior to June 15, 1981, there should be a casual deficiency of revenue in the General Fund to pay General Fund obligations, or to pay existing debts, the Governor, Secretary of State and State Treasurer (the "Issuing Officers") are authorized to issue revenue anticipation notes of the State of Delaware (the "State") in an amount they determine necessary to meet and to pay any or all of such obligations or debts.

(b) The Issuing Officers are hereby authorized to determine the terms, form and contents of such notes and to sell such notes at such price or prices, 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. Such notes and any renewals thereof shall mature within one year from date of the original issuance of such notes, shall be payable at the Farmers Bank of the State of Delaware in Dover, Delaware, and additionally, at the discretion of the Issuing Officers at a bank or trust company in The City of New York, New York.

Such 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 or shall be reproduced thereon, in facsimile, and such signatures and such notes shall be authenticated by an officer of the Farmers Bank of the State of Delaware.

(c) The faith and credit of the State are hereby pledged for the payment of the principal of and interest on such notes.

(d) If, at any time during the fiscal year ending June 30, 1981, but prior to June 15, 1981, there shall be a casual deficiency of revenue in the General Fund to pay General Fund obligations or to pay existing debts, the State Treasurer may transfer available money from the State's Special Funds to the General Fund to pay such obligations or debts. Such money shall be reimbursed to the appropriate Special Funds as soon as sufficient General Fund monies become available, but not later than June 15, 1981.

Section 45. All expenses incident to the advertisement, preparation, issuance and delivery of revenue anticipation notes and the principal of and interest on such notes shall be paid by the State Treasurer from the General Fund. 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, and the principal and interest of any revenue anticipation notes issued in the prior fiscal year and including their cost of issuance.

Section 46. In the event that the monies appropriated to Office of Attorney General (15-01-001) for Extradition and other related expenses under Section 1 of this Act are insufficient to carry out the provision of Title II, Delaware Code, Sections 2505 subsection (a), 2522, 2523, 2524, 2542 and 2544, to return fugitives and sentenced prisoners, and necessary witnesses to the State of Delaware, such additional sum as may be required for that purpose is hereby appropriated and shall be paid by the State Treasurer from the General Fund.

Section 47. (a) All agency appropriations as set forth in memorandum form in Section 1 of this Act for Microfilm Services shall be credited by the Secretary of Finance to Microfilm Services (20-06-005). Any program or function of any State department or agency requiring microfilm services, funded by Federal funds or other State special funds, must pay for such services from said funds.

Section 48. (a) In the event that the gross sales of the State Lottery shall exceed the amount specified in Section 1 of this Act, the operating budget set forth in memorandum form in Section 1 of this Act may be amended by the Secretary of Finance, the Controller General and the Budget Director; provided that the total operating budget for the fiscal year ending June 30, 1981, shall not exceed 20% of gross sales as limited by Chapter 48, Title 29, Delaware Code.

(b) The memorandum budget for the State Lottery (25-07-001) provides for the services of a resident auditor under the appropriation for Contractual Services. In addition to his duties as the resident auditor, he shall perform such other duties as are assigned by the Secretary of Finance.

Section 49. All State agencies, except for the Department of Administrative Services, are prohibited from renting parking spaces in the underground parking facility at the Delaware State Office Building. It is the intent of this Section to clearly establish that the State employees are liable for the full cost of commuting to and from work, including the cost of parking, and that the State will not participate in the payment of any of that commuting cost, including parking costs. This Section does not alter the existing policy of reimbursing employees for expenses incurred while traveling on State Business.

Section 50. The Department of Administrative Services will be responsible for developing standards for office furniture and equipment for the Delaware State Office Building. These standards will establish specific classes of furniture and equipment for a given job classification and/or function and will be such as to allow the use of said furniture and equipment anywhere within the facility. Any State agency vacating or who will vacate space in the Delaware State Office Building, shall consult with the Department of Administrative Services and receive their approval prior to the vacating or removal of any office furniture and equipment.

Section 51. Agencies who are recipients of Federal Funds in support of programs or services and who occupy space in a State-owned facility, in order that they may perform the program or necessary services, shall allocate their proper share of these Federal Funds for use of such facility. The agencies shall consult with the Department of Administrative Services and the Department of Finance with regard to the appropriateness of the user fee and shall remit such rental fee to the State Treasurer for deposit in the General Fund. In the event an agency fails to comply with the provision of this Section, the agency shall submit a letter of explanation of the failure to act to the Delaware State Clearinghouse Committee for consideration at the time of the agency's future application for Federal Funds.

Section 52. Three hundred thousand dollars (\$300.0) is hereby advanced from the General Fund of the State to the Division of Maintenance and Communications (30-05-003) in order that telephone charges can be paid on a reasonable timely basis.

Section 53. Fifty thousand dollars (\$50.0) is hereby advanced from the General Fund of the State to the Division of Maintenance and Communications (30-05-002), in order that postage charges can be paid on a reasonable timely basis.

Section 54. All appropriations authorized by Section 1 of this Act and identified within each agency budget for Data Processing services shall be credited by the Secretary of Finance to the Division of Central Data Processing as set forth in memorandum form in Section 1 of this Act. Any program or function of any State department or agency which requires the services of the Division of Data Processing, which is funded by Federal funds or other State special funds, must include provisions for the anticipated cost of such services and payment therefor must be made by such department or agency to the Division of Central Data Processing.

Section 55. The total appropriation in Section 1 of this Act to Central Data Processing for fiscal year 1981, contemplates data processing services for State Department/Agencies as indicated, subject to the following requirements:

(a) No new computer or computer-programming related systems study may be initiated by any Department/Agency in fiscal year 1981 unless covered by a formal project approved by the Department/Agency head. Such project will be in the form prescribed by 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 system 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 1981 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 subsection applies to all computer or computer-related systems development performed by 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 of Central Data Processing and the concerned Department/Agency head, or his designee, 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 Budget Director and the Controller General. In support of all projects executed between Central Data Processing and the concerned Department/Agency, Central Data Processing shall maintain staff support to the benefiting Department/Agency at the projected level of effort (subject to recruitment delays) until the project work has been accomplished.

Section 56. Section 1 of this Act provides a memorandum budget for the Delaware Standardbred Development Fund (30-08-014). In the event the revenue available to the Standardbred Development Fund, along with any reserves, is insufficient to meet the appropriations in Section 1 of this Act, such memorandum budget is hereby reduced to the level of available revenue and reserves.

Section 57. Amend Section 8810, Chapter 88, Title 29, Delaware Code, by adding a new subsection (c) to read as follows:

"(c) The administrative, ministerial, budgetary and clerical functions including, but not limited to, appointment, removal, compensation and duties of employment as provided by law, of the following commission set forth in Title 24, Delaware Code, shall be performed by the Division:

- (1) Commission on Massage Establishments and Adult Bookstores."

Section 58. Health Licensing (30-08-002), Business and Occupational Regulation, in Section 1 of this Act, includes \$5.0 in Contractual Services to permit the Board of Medical Practices to contract for investigative services to examine applications and qualifications of out-of-state physicians wishing to practice in Delaware and of complaints against licensed Delaware practitioners.

Section 59. Section 1 of this Act appropriates funds to Division of Business and Occupational Regulation (30-08-000), Department of Administrative Services, for the purpose of compensating employees for overtime. The agency shall make the appropriate payment for overtime performed in accordance with the Rules for Merit System of Personnel Administration, State Law, and Federal Law.

Section 60. Section 1 of this Act provides a memorandum budget for the Division of Graphics and Printing (30-10-001). In the event the revenue available to the Division of Graphics and Printing, along with any reserves, is insufficient to meet the appropriations in Section 1 of this Act, such memorandum budget is hereby reduced to the level of available revenue and reserves.

Section 61. Of the funds and positions appropriated in Section 1 of this Act to the Office of Secretary, Department of Health and Social Services, for salaries of employees, 6.0 General Fund and 6.0 Special Fund positions; and the funds therefor shall be assigned to the Welfare Fraud Investigation Unit. It shall be the sole purpose of this unit to investigate the Department of Health and Social Services General Assistance and Aid to Families with Dependent Children cases for possible error or fraud. The Department of Health and Social Services shall provide adequate, convenient work space and office equipment in its facilities to accommodate the needs of the Investigation Unit. Results of investigations indicating possible fraud shall be transmitted to the Office of the Attorney General directly by the Department Secretary without approval by any other authority, which office shall prosecute those cases deemed actionable and return the rest to the Department of Health and Social Services for collection of overpayment. The Department Secretary shall file a quarterly report directly with the Controller General and the Director of Research of Legislative Council and the Chairmen of the House and Senate Committees on Health and Social Services by the twentieth day of next month after the end of a quarter, which report shall not be subject to prior review by any other authority.

Section 62. The Department of Health and Social Services may establish two management analyst positions within the Office of Business Administration and General Services for the purpose of conducting management analyses and studies which will result in management improvements and efficiencies. The Secretary of the Department shall designate which two positions to be selected from among vacant positions within the department to be transferred to the Office of Business Administration and General Services. The Budget Director, with concurrence of the Controller General, shall transfer the two positions and appropriate funds to implement this Section. If appropriate, the Secretary may, in making such transfer, consider available matching federal funds.

Section 63. Of the total amount appropriated to Contractual Services in Section 1 of this Act to Community Health (35-05-002), Division of Public Health, \$21.4 is appropriated for the purpose of providing school nursing services to non-public schools in New Castle County.

Section 64. (a) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for Title XIX Federal Programs - Other Than State Institutions shall be expended solely in accordance with the following conditions and limitations:

(i) This appropriation shall be used for the purpose of continuing the program of medical assistance within the requirement 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;

(ii) The State Plan of Medical Care to be carried out by the Department of Health and Social Services shall meet the requirement 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) prescription drugs.

(b) There is hereby appropriated to the Department of Health and Social Services an amount sufficient to pay the State's share of Title XIX Medicaid per diem costs in State institutions. Such automatic appropriation shall be expended solely in accordance with the following conditions and limitations:

(i) Such automatic appropriations 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) An amount, subject to approval by the Budget Director, may be expended by the Department of Health and Social Services for administrative costs involved in carrying out the purpose of this Section; and

(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.

(c) Patients who reside in skilled nursing homes or State facilities and who receive services covered by the Medicaid Program shall be eligible for Medicaid if their income is no more than 180 percent of the Federal Supplemental Security Income monthly payment standard and if they meet other eligibility requirements. Funds appropriated to the Department of Health and Social Services for Title XIX are sufficient to pay the State share of Medicaid costs for such patients.

Section 65. Funds appropriated in Section 1 of the Act to the Department of Health and Social Services, Division of Social Services, for "Emergency and Disaster Assistance" and used for special emergency needs of any welfare-receiving household (all clients, regardless of category, living in a single residential unit and using the same kitchen facilities) shall not exceed a total of \$150 for any one such household in the fiscal year ending June 30, 1981. Notwithstanding any other provision of law, the Budget Director is empowered to transfer, advance or allocate emergency funds, within the limits of the funds appropriated, to the Department of Health and Social Services for the purpose of administration of emergency assistance. Such transfer, advance or allocation shall not be apportioned by county and shall be allocated in the following manner:

- (a) 15% of the total emergency fund appropriation shall be allocated promptly in the first quarter of the State fiscal year;
- (b) 20% of the total emergency fund appropriation shall be allocated promptly in the second quarter of the State fiscal year;
- (c) 40% of the total emergency fund appropriation shall be allocated promptly in the third quarter of the State fiscal year; and
- (d) 25% of the total emergency fund appropriation shall be allocated promptly in the fourth quarter of the State fiscal year.

Section 66. For the fiscal year ending June 30, 1981, the Division of Social Services of the Department of Health and Social Services shall transfer \$25.0 from 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.

Section 67. Section 1 of this Act provides an appropriation to (35-07-001) Division of Social Services for Contractual Services. Of this appropriation, \$42.0 is for the purpose of contracting for a Parent Education Program. This appropriation shall be used to provide parent training to parent(s) who abuse and/or neglect their children; parent(s) who are potentially abusive and/or neglectful, as well as any others deemed in need of parent education instruction.

Section 68. If, at any time during the fiscal year ending June 30, 1981, there should be a temporary delay in receiving federal matching funds for the Aid to Families with Dependent Children Program within the Department of Health and Social Services, such funds as may be required to assure the timely distribution of the public assistance checks are hereby automatically appropriated and shall be paid by the State Treasurer from the General Fund. The Department of Health and Social Services shall promptly reimburse the General Fund upon receipt of the federal matching funds. However, there shall not be an automatic appropriation for the purpose described above, if all such previous automatic appropriations have not been fully reimbursed.

Section 69. Section 1 of this Act provides for an appropriation of \$150.0 to the Division of Mental Retardation Services (35-11-000) for Long-Term and Respite Care for the Mentally Retarded subject to the following:

(a) Of the \$150.0 appropriation, \$100.0 is to be used for the purpose of purchasing long-term residential care and/or training for mentally retarded and multiple-handicapped Delawareans whose needs cannot be adequately met in facilities operated by this State. These services shall be purchased at facilities which in the judgment of the Division of Mental Retardation Services, best suit the needs of the individual handicapped person wherever such facilities may be located.

(b) Of the \$150.0 appropriation, \$50.0 is to be used for the purpose of purchasing short-term (respite) care for mentally retarded and multiple-handicapped Delawareans whose families keep them at home. The purpose of this respite care program is to provide care during family emergencies or to offer relief from the extraordinary demands their families face, since there is not enough capacity in State facilities which, in the judgment of the Division of Mental Retardation Services, best suit the needs of the individual handicapped person, wherever such facilities may be located.

(c) The Division of Mental Retardation Services' responsibility to collect payment for services for care and treatment as mandated by Sections 7940 and 7941, Title 29, Delaware Code, is extended so as to include the expenditure of money for purchase of long-term care and respite care by the Department of Health and Social Services at non-State institutions.

Section 70. Section 1 of this Act provides funding for the vacant position of Hospital Director of the Stockley Center (35-11-002). In filling the position, the rate of pay shall not exceed Step 4 of the Pay Grade for the Merit System position, unless an exception is requested in writing, with justification, by the Secretary of the Department and approved by the Budget Director and the Controller General.

Section 71. With respect to the S.E.R.V.E. Nutrition Program in operation at certain senior centers, cash receipts shall be deposited on a daily basis. At the time of pick up of daily cash by the delivery person, the cash shall be counted in the presence of the site manager by the delivery person, and a receipt indicating the amount shall be signed in duplicate by the delivery person and the site manager. The original copy of the receipt shall be retained by the site manager.

Section 72. For fiscal year ending June 30, 1981, the following guidelines shall govern the SERVE Nutrition Program within the City of Wilmington, as it relates to duties and responsibilities of site managers at nutrition sites:

- (1) Site managers are employed by and report to the grantee agency which is the Wilmington Senior Center.

- (2) Site manager's primary duties/responsibilities with respect to a site location are:
- (a) Assure that operating site is in full compliance with rules and regulations of Title VII Nutrition Program;
 - (b) Collect and report all necessary information needed for federal reports;
 - (c) Meet, as required, with site council for the purpose of communications, discussing problems, etc., and other matters relating to Nutrition Program responsibilities;
 - (d) Be aware that mandated supportive services for Title VII are being provided to host facility; and
 - (e) Act as liaison between federally funded Title VII project and host facility.

Section 73. General Fund positions authorized in Section 1 of this Act for Facilities Maintenance and Construction (38-01-005), Department of Correction, do not include the position of Special Assistant for Construction Review.

Section 74. (a) No monies appropriated in Section 1 of this Act shall be used by a Department or Agency for the payment of hazardous duty pay, except that payments may be made for:

- (i) hazardous duty pay to employees, otherwise qualified and employed by the Bureau of Adult Corrections;
- (ii) hazardous duty pay to employees, otherwise qualified, employed, by the Delaware State Hospital in the Comegy's Building; and
- (iii) hazardous duty pay to employees, otherwise qualified, employed by the Bureau of Juvenile Corrections.

(b) Nothing in this Section shall be construed or interpreted by the State Personnel Commission or by the State Personnel Director to include fringe benefits as coming within the definition of hazardous duty pay.

Section 75. Of the total authorized positions in Section 1 of this Act for Ferris School for Boys (38-13-002), Bureau of Juvenile Correction, one (1.0) position shall be used to further the activities of Project Act.

Section 76. Section 1 of this Act provides an appropriation to (40-06-000) Division of Parks and Recreation, Department of Natural Resources and Environmental Control for Youth Conservation Program. The Division of Parks and Recreation shall provide the following information to the members of the General Assembly within thirty (30) days following the commencement of the Youth Conservation Program:

- (a) That the Division is maximizing the amount of Federal Funds available to match State Funds; and
- (b) Names and addresses of the youths participating in the Program.

Section 77. Section 1 of this Act appropriates Salaries to the Division of State Police (45-07-000). For the fiscal year ending June 30, 1981, \$3.0 of that appropriation has been designated for payment of overtime in providing security services, as required, to the Superior Court in Sussex County.

Section 78. Section 1 of this Act provides for an appropriation of \$5.0 to the Division of Emergency Planning and Operations (45-08-001) for the purpose of providing radiation monitoring. It is the intent of the appropriation for this service to Delawareans that the Division of Emergency Planning and Operations (45-08-001), Division of Public Health (35-05-000), and the Division of Environmental Control (40-08-000), shall coordinate in providing this radiation monitoring service.

Section 79. Amend Section 1, Chapter 266, Volume 60, Laws of Delaware, by striking the figure "1981" as the same appears in Section 1 of Chapter 266 and substituting in lieu thereof the figure "1984".

Section 80. All monies received by the Division of Highways (55-04-700) during the fiscal year as reimbursement for motor fuel supplied to other Departments and Agencies

shall be credited to the proper General Fund appropriation account as an expenditure-reducing item regardless of the year in which the motor fuels were supplied. All billings shall be at State purchase price only.

Section 81. In the event of a default of a contract, the money collected on the performance bond shall be utilized by the Department of Transportation for the project for which the performance bond was issued.

Section 82. Section 1 of this Act provides an appropriation to the Bureau of Maintenance (55-04-700), Department of Transportation. Of that amount, \$40.0 shall be used for the installation of street name signs in suburban developments for the purpose of facilitating emergency vehicle response; \$43.0 shall be used for drainage improvements on Brookside Place in Holly Oak; and \$20.0 shall be used for the repair of curb and gutters in Limestone Acres.

Section 83. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act for the Fiscal Year Ending June 30, 1981, authorizes \$443.0 for 'Kent and Sussex Transportation'. It is the intent that these funds shall be used to continue specialized transportation service for the elderly and handicapped in Kent and Sussex Counties. Of the amount authorized, \$85.0 is provided for the Dover Senior Surrey which shall continue to be operated by the City of Dover; and further provided that one-half of the amount provided shall be used to acquire capital equipment; and \$358.0 is provided for continuation of a level of service approximately equal to what was provided in the fiscal year ending June 30, 1980, in Kent and Sussex Counties. It is intended that management and direction of all services except the Dover Senior Surrey will reside with the Delaware Transportation Authority who may contract for services as they see fit.

Section 84. Except as prohibited by law, all state agencies that contract for DAST specialized transportation services shall provide payment for such services in advance. DAST will in turn provide contracting agencies a status of their respective accounts on a monthly basis.

Section 85. The Delaware Transportation Authority (55-06-001) budget, set forth in Section 1 of this Act, provides an appropriation for Taxi Services Support. It is the intent of this Act that the appropriation, along with any carry-over funds available for the Taxi Services Support Program will be maintained at least at the same service level as fiscal year 1980. It is intended that management and direction of these services shall reside with the Delaware Transportation Authority and shall not be delegated to either DART or DAST.

Section 86. The Industrial Accident Board of the Department of Labor shall be assigned two deputy attorneys general on a full-time basis. The two deputy attorneys general shall come from the existing complement of deputy attorneys general assigned to the Office of the Attorney General (15-01-001), as authorized in Section 1 of this Act.

Section 87. (a) In order that the children from whom the learning disability and socially or emotional 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 catchall 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 re-evaluated at least every two years.

(b) The total amount of \$846.1 appropriated for substitute teachers shall be allocated to the several school districts in amounts not to exceed each school district's proportion of Division 1 units to the total number of Division 1 units in the State as of September 30, 1980. Any funds not used for the purpose herein referred to by the school district shall be transferred between school districts.

(c) General Fund appropriations to State Board of Education and State Board for Vocational Education, 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.

(d) From the funds in State Board of Education and State Board for Vocational Education in Section 1 of this Act, for Homebound Instruction Program, the State Board of Education, or its designee, shall employ a classroom teacher who will be assigned to work with children hospitalized in any hospital located in New Castle County.

Section 88. (a) The sums appropriated in Section 1 of this Act to the various schools as "Division II" shall be used for all school costs except salaries, debt service, and transportation of pupils to and from their regular sessions of school. 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, shall remain in effect and be applicable without modification, notwithstanding any laws of the State to the contrary.

(b) Section 1 of this Act provides an appropriation to Pupil Transportation (95-01-008) for School Pupil Transportation. Of this appropriation, \$2,448.2 shall be allocated for Non-public Schools.

(c) Transportation funds for public school districts shall be allocated according to bus contract or district transportation formula as adopted by the State Board of Education on January 17, 1980, and as amended by the Joint Finance Committee on April 21, 1980, and shall not exceed \$17,020.6. Funds remaining in public school district transportation lines after January 1, 1981, which have not been committed or approved by the State Board of Education, shall be transferred to the "School Pupil Transportation" line of the Department of Public Instruction.

Section 89. (a) Each school district shall continue to use salary schedules not less than those in Section 1322, Title 14, Delaware Code, for all cafeteria employees.

(b) Effective July 1, 1980, the State shall pay 25% of the salary rate for Cafeteria Managers as set forth in the salary schedule in Section 1322, Title 14, Delaware Code. The remaining 75% of the salary rate for Cafeteria Managers shall be paid from local funds. Section 1 of this Act provides an appropriation under Public School Districts for the purpose of making the 25% salary payment.

(c) Section 40 of this Act to the contrary notwithstanding, for the fiscal year ending June 30, 1981, each school district employing cafeteria employees shall transfer or pay on a regularly scheduled basis as determined by the Secretary of Finance and the State Treasurer to the Treasurer of the State of Delaware appropriate sums for local funds to cover F.I.C.A. - Employer's Share and Pension Costs on cafeteria employees. The Secretary of Finance and the State Treasurer shall be responsible for the administration of this subsection (c) and for the collection of Other Employment Costs from non-state funds.

(d) No provision in this Act shall be construed as affecting the eligibility of cafeteria employees as an employee under Section 5501, Title 29, Delaware Code.

Section 90. During the fiscal year ending June 30, 1981, no student enrolled in the Meadowood Trainable School as of September 1, 1976, shall be transferred to another public school without the written consent of the student's parents or legal guardian. The Meadowood Trainable School shall develop program(s) for the purpose of handling those previously enrolled students whom the parents or legal guardian refused to transfer to another public school.

Section 91. During the fiscal year ending June 30, 1981, the Department of Public Instruction is hereby directed to provide bus transportation of public school students previously declared ineligible by the Unique Hazards Committee, including the following:

- (a) Students attending the Stanton Junior High School, who are now forced to walk along Telegraph Road with a constant threat of injury.

- (b) Students attending Mount Pleasant High School who are now forced to walk along Marsh Road with a constant threat of injury.
- (c) Students in the town of Seaford living west of the Penn Central Railroad and north of the Nanticoke River who attend the Seaford schools.
- (d) Students attending the Seaford Junior and Senior High Schools who live in Blades and south of the Nanticoke River.
- (e) Students attending the Wilmington High School on Lancaster Avenue to Delaware Avenue in the north-south grid and on Jackson Street to duPont Street on the east-west grid.

The transportation of the students specified herein shall continue until the funds requested are appropriated and construction is completed. Spur routes shall continue to be served as at present.

Section 92. Section 1 of this Act provides an appropriation to Educational Contingency (95-01-005) for General Contingency. Of this appropriation, \$50.0 shall be allocated immediately for the continuation of the services of the Parent Early Education Center in the New Castle County School District.

Section 93. General Contingency line item funds under (95-01-005) Educational Contingency in Section 1 of this Act are to be used to cover expenditures mandated by law for which adequate provision is not made in the budgets of the State Board of Education, the State Board for Vocational Education, or the local school districts, and are to be used to adjust the appropriation in budget lines which are insufficiently funded and to provide for unanticipated expenditures required by state or federal statute or mandated by state or federal court action. Examples of such use are: salary line transfers and adjustments; unit adjustments; tuition payment for private placement of handicapped pupils and for Delaware residents of the Delmar School District attending Maryland schools; expenditures for Americanization classes; expenditures for salaries and travel for homebound teachers; pupil transportation costs; nonpublic and summer driver education programs; and unused sick pay for retirees.

Section 94. Section 1 of this Act provides an appropriation to the State Board of Education for the operation of Adult Education Programs (95-01-007). The amounts appropriated include \$31.0 to reflect an increase in the hourly salary schedules adopted by the State Board of Education on March 20, 1980, for use in fiscal year 1981.

Approved June 27, 1980.

CHAPTER 278

FORMERLY

SENATE BILL NO. 167
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 98, PART VII, TITLE 10 OF THE DELAWARE CODE
RELATING TO JUSTICE OF THE PEACE COURTS; AND PROVIDING FOR COSTS IN
CIVIL PROCEEDINGS BEFORE JUSTICES OF THE PEACE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §9801 (1) a., Chapter 98, Title 10 of the Delaware Code by striking the figure "\$15.00" and substituting the figure "\$16.00" in lieu thereof.

Section 2. Amend §9801, Chapter 98, Part VII, Title 10 of the Delaware Code by adding to subsection (1) a new paragraph d. and a new paragraph e., which shall read as follows:

"d. For issuance of civil subpoena.....\$2.00

e. For mailing of subpoena.....at prevailing mail rates"

Approved June 27, 1980.

CHAPTER 279

FORMERLY

SENATE BILL NO. 181
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF BRIDGEVILLE PROVIDING FOR APPOINTMENTS OR ELECTIONS OF COMMISSIONERS TO FILL UNEXPIRED TERMS OF COMMISSIONERS WHO DIE IN OFFICE OR RESIGN FROM OFFICE.

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, Chapter 237, Volume 51, Laws of Delaware, as amended, by inserting at the end thereof the following:

"In the event of the death or resignation of a Town Commissioner who has been elected to office and whose unexpired term is less than one year, the remaining Commissioners shall by majority vote elect a new Commissioner to fill such unexpired term. In the event of the death or resignation of a Town Commissioner who has been elected to office and whose unexpired term is more than one year, a special election shall be held within 60 days after such death or resignation to fill such unexpired term and the time and method of such election shall be determined by the Town Commissioners in substantial compliance with the provisions for elections provided for herein."

Approved June 27, 1980.

CHAPTER 280

FORMERLY

SENATE BILL NO. 313
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SECTION 2118, CHAPTER 21, TITLE 21 OF THE DELAWARE CODE
RELATING TO THE REQUIREMENT OF INSURANCE FOR UNREGISTERED MOTOR
VEHICLES.

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), Section 2118, Chapter 21, Title 21 of the Delaware Code by striking the word "registered" as the same appears in the first clause of said subsection between the words "motor vehicle" and the words "in this State" and substituting in lieu thereof the words "required to be registered".

Approved June 27, 1980.

CHAPTER 281

FORMERLY

SENATE BILL NO. 386
AS AMENDED BY SENATE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS", TO AUTHORIZE THE TOWN OF BETHANY BEACH TO TAX REAL ESTATE TRANSFERS WITHIN THE 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. Chapter 212, Volume 25, Laws of Delaware, as amended, be and the same is hereby amended by adding a new section following Section 16 to be designated as Section 16A to read as follows:

Section 16A. (a) The Town of Bethany Beach, in addition to the powers now conferred, shall have the power and authority by ordinance to levy, assess and collect or provide for the levying, assessment and collection of such taxes as shall be determined by The Town of Bethany 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 Town of Bethany 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 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 The Town of Bethany Beach.

(c) If the taxing 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 Town of Bethany 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.

Section 2. This Act shall not become effective until it shall be approved at a special election to be held the first Saturday after Labor Day pursuant to a resolution adopted by the Commissioners of The Town of Bethany Beach. The Commissioners 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 Town of Bethany Beach within thirty (30) days immediately preceding the date of such special election. The special election shall be held under the supervision of an Election Board, as provided in Section 9 of the Charter of The Town of Bethany Beach. If a majority of the votes cast at the special election by voters present

and qualified as provided in Section 10 of the Charter of the Town of Bethany Beach, Volume 25, Delaware Laws, Chapter 212, 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. If a majority of the votes cast by the voters present and qualified at any special election 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. The Election Board shall meet after the close of the election to ascertain the results and shall certify the results to the Commissioners of The Town of Bethany Beach.

Approved June 27, 1980.

CHAPTER 282

FORMERLY

SENATE BILL NO. 491

AN ACT TO AMEND TITLE II OF THE DELAWARE CODE TO CREATE THE OFFENSE OF SEXUAL RELATIONS IN A DETENTION FACILITY.

WHEREAS, sexual relations between inmates and guards and inmates and inmates is a serious threat to security at a correctional facility,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title II of the Delaware Code to create a new Section 1259 thereto which shall read as follows:

"§1259. Sexual Relations in a Detention Facility

A person is guilty of sexual relations in a detention facility when being a person in custody at a detention facility or being an employee working at a detention facility he or she engages in sexual intercourse or deviate sexual intercourse on the premises of a detention facility. It shall be no defense that such conduct was consensual. Violation of this section shall be a class D felony."

Approved June 27, 1980.

CHAPTER 283

FORMERLY

SENATE BILL NO. 492

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO PROHIBIT THE PLACEMENT OF FEMALE CORRECTIONAL OFFICERS IN MALE HOUSING UNITS AND TO PROHIBIT PLACEMENT OF MALE CORRECTIONAL OFFICERS IN FEMALE HOUSING UNITS.

WHEREAS, it is found that the placement of correctional officers of one sex in the housing units for inmates of the opposite sex places an undue burden on the officers; and

WHEREAS, it is found that the placement of correctional officers of one sex in the housing units for inmates of the opposite sex violates the privacy of those inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, Chapter 89, Section 8903 of the Delaware Code to include a new subsection (10) which shall read as follows:

"(10) To adopt a plan for use of personnel within the correctional system which plan will prohibit the placement or assignment of guards of one sex within housing units for inmates of the opposite sex unless the Commissioner shall determine that emergency conditions require such placement."

Approved June 27, 1980.

CHAPTER 284

FORMERLY

SENATE BILL NO. 506

AN ACT TO AMEND SECTIONS 1706 AND 1715, CHAPTER 17 OF TITLE 18, DELAWARE CODE, RELATIVE TO THE LICENSING OF LIMITED REPRESENTATIVES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (a) of Section 1706, Chapter 17 of Title 18, Delaware Code, by striking the phrase "lines of insurance" as it appears therein, and inserting in lieu thereof the following language: "lines of authority, and only those lines of authority, specified in subsection (b) of Section 1715 of this Chapter."

Section 2. Amend subsection (b) of Section 1715, Chapter 17 of Title 18, Delaware Code, by adding the following language:

"(4) Title insurance - Code No. 7, as defined in §908 of this Title, when such insurance is placed by an attorney admitted to the practice of law in this State.

(5) Fixed or guaranteed annuities - Code No. 14, when placed by an individual who serves as an agent, as defined by §7302 (a) (2), Chapter 73, Title 6, Delaware Code, of a New York Stock Exchange member-broker, as defined by §7302, (a) (3) Chapter 73, Title 6, Delaware Code."

Approved June 27 1980.

CHAPTER 285

FORMERLY

HOUSE BILL NO. 965
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF ADJUSTING THE GASOLINE ALLOWANCE IN 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, 1980.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of Five-Hundred and Twenty Thousand Dollars (\$520,000) is hereby appropriated to the State Board of Education for the purpose of adjusting the allowance for gasoline in the formula for reimbursement to school bus contractors and school districts that operate buses for the transportation of public school pupils.

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

Section 3. These funds will be distributed to school bus contractors and school districts on the basis of the average cost of gasoline per gallon for the period of September, 1979, through May, 1980, based on prices obtained from the five suppliers currently used. The June rate will be estimated by the Department of Public Instruction. School district operated bus allowances for gasoline paid by the State shall be reduced by an amount equal to State and Federal gasoline taxes.

Section 4. The adjustments computed on or near May 1, 1980, will be made as soon as the funds are allocated and can be transferred to the school districts for distribution to the recipients. Any funds hereby appropriated which remain unexpended shall revert on June 30, 1980, to the General Fund of the State.

Approved June 27, 1980.

CHAPTER 286

FORMERLY

SENATE BILL NO. 366

AN ACT TO TRANSFER LAND FROM THE MILFORD SCHOOL DISTRICT TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

WHEREAS, the Department of Health and Social Services has been operating a Substance Abuse Detoxification Center out of the former South Elementary School in Ellendale, Sussex County, under lease with the Milford School District; and

WHEREAS, the Detoxification Center services residents of Kent and Sussex Counties; and

WHEREAS, the Milford School District wishes to convey this property to the Department of Health and Social Services; and

WHEREAS, there are no outstanding liens against this property; and

WHEREAS, a transfer of title is desirable at no cost to the State of Delaware;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Milford School District is hereby authorized to convey to the Department of Health and Social Services, State of Delaware, the South Elementary School property, consisting of the school and adjoining grounds on 8.17 acres on the north side of Main Street in Ellendale, Sussex County, Delaware.

Approved June 27, 1980.

CHAPTER 287
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 416

AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO
UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 3313 (f) of Title 19, Delaware Code, by adding the following paragraph:

"The weekly benefit amount payable to an individual for any week which begins after March 31, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual shall be reduced (but not below zero) by the prorated weekly amount of such pension, retirement or retired pay, annuity, or other payment which is reasonable attributable to such week provided that, if the provisions of the Federal Unemployment Tax Act permit, the State Administrator may prescribe in regulations which are consistent with the Federal Unemployment Tax Act that...

"(1) The requirements of this paragraph shall only apply in the case of a pension, retirement or retired pay, annuity, or other similar periodic payment under a plan maintained (or contributed to) by a base period or chargeable employer (as determined under this Act), and/or that....

"(2) The amount of any such reduction shall be determined taking into account contributions made by the individual for the pension, retirement or retired pay, annuity or other similar periodic payment...

"(3) Any overpayment which may result from the retroactive application of this paragraph may, at the discretion of the Secretary of Labor, be waived."

Approved June 27, 1980.

CHAPTER 288

FORMERLY

HOUSE BILL NO. 809

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, RELATING TO A CHANGE IN VEHICULAR AND PASSENGER TRAFFIC REGULATIONS.

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 277, Volume 49, Laws of Delaware, as amended, by striking the word "and" as it appears in the fourth line of Section 30A and inserting in lieu thereof the words "through section".

Approved June 27, 1980.

CHAPTER 289

FORMERLY

HOUSE BILL NO. 827
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 1, TITLE 22, DELAWARE CODE, RELATING TO ELECTIONS, VOTER QUALIFICATIONS, AND CERTAIN POWERS OF UNINCORPORATED TOWNS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §102, Chapter 1, Title 22, Delaware Code by striking the first sentence beginning with the words "Every unincorporated" and ending with the words "commissioners" and inserting in lieu thereof the following:

"Every unincorporated town having more than three hundred (300) inhabitants may annually on the second Saturday in July, by a majority of the voters qualified to vote, or a majority of the voters present at the annual meeting, elect three (3) commissioners. For purposes of this Section 'qualified voters' shall mean the following: inhabitants qualified to vote for representatives in the General Assembly, property owners and lease holders of record who shall have attained the legal age of majority."

Section 2. Amend §102, Chapter 1, Title 22, Delaware Code by striking the last sentence in said paragraph (1) commencing with the words "For these" and ending with the word "case" and substituting in lieu thereof a new sentence to read as follows:

"For these purposes the Commissioners may make and publish ordinances imposing penalties not exceeding \$100 in any case."

Section 3. Amend Section 102, Title 22 of the Delaware Code by adding a new paragraph after the first paragraph and before the second paragraph which new paragraph will read as follows:

"Any unincorporated town may provide for a voter registration which registration may not be concluded any sooner than two (2) weeks prior to the actual election date."

Approved June 27, 1980.

CHAPTER 290

FORMERLY

HOUSE BILL NO. 961

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."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Subsection (C), Section 25, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the third sentence as it appears in said Subsection (C) and substituting in lieu thereof a new sentence to read as follows:

"The said real and personal property shall be assessed at its actual and true value provided that any real estate within the corporate limits of the City neither laid out in building lots nor plotted as such and containing in excess of five (5) acres and used exclusively for recreational purposes by non-profit organizations, or as farm land shall be exempt from taxation for City purposes."

Section 2. Subsection (J), Section 2, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Subsection (J) and substituting in lieu thereof a new Subsection (J) to read as follows:

"(J) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the City and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. If a favorable vote for annexation shall have been cast, the City Council of the City of Seaford 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 City of Seaford from the time of recordation. The failure of the City of Seaford to record the description and plot within the time hereinbefore specified shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of favorable election. In the event that the Referendum results in an unfavorable vote for annexation, all or any part of the territory considered at the special election for annexation may again be considered for annexation at any time after the date of the unfavorable vote provided the procedures set forth in this Section receive compliance."

Section 3. The third paragraph of Subsection (G), Section 35, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the words and figures "Fifteen (15) percent" and substituting in lieu thereof the words and figures "Twenty-five (25) percent."

Section 4. Section 14, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same as hereby further amended by adding at the end of said Section 14 a new paragraph to read as follows:

"All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by advertising and by competitive bidding in the awarding of contracts to the lowest responsible bidder; PROVIDED HOWEVER, that competitive bidding shall not be required under any of the following circumstances:

(1) The aggregate amount involved is not more than five thousand dollars (\$5,000.00);

(2) The purchase or contract is for personal or for professional services;

(3) The purchase or contract is for any service rendered by a university, college, or any other educational institution;

(4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof;

(5) The purchase or contract is for property or services for which it is impracticable to obtain competition;

(6) The public exigency as determined by city council will not permit the delay incident to advertising;

(7) The purchase or contract is for property or services for which the City Council determines the price received after competitive bidding are unreasonable as to all parts of the requirements or were not independently reached in open competition;

(8) A public emergency as determined by the City Manager exists."

Section 5. Section 31, Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the last sentence of said Section 31.

Section 6. Section 4 (A) Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Section 4 (A) and substituting in lieu thereof a new Section 4 (A) to read as follows:

GENERAL POWERS

"Section 4 (A). The inhabitants of The City of Seaford within the limits and boundaries referred to in Section 1 of this Act or within the limits and boundaries established subsequent to May 5, 1961, shall be and they are hereby created a body politic and corporate in law and in equity by the corporate name of "The City of Seaford," hereinafter called the City and under that name shall have perpetual succession, may have and use a corporate seal which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purpose, in fee simple or for lessor estate or interest, and may sell, lease, hold, manage and control such property as its interest may require and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this Act, subject, however, to other Sections of this Act, provided, however, that any property owned by the City, the value of which in the opinion of the members of the City Council equals or exceeds Fifty Thousand Dollars (\$50,000.00) shall not be sold or leased without the approval of a majority of the eligible voters of the City who vote at a Special Election called for that purpose. At such Special Election, every owner of property, whether individual, partnership or corporation, shall have one (1) vote and the said vote may be cast either in person or by proxy. Each bonafide resident of the City who is not a property owner and who would be eligible to register and vote in the Annual Municipal Election if the said Annual Municipal Election were held on the day of the Special Election shall have one (1) vote notwithstanding such person is not registered.

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

Section 7. Section 3, Chapter 42, Volume 53, Laws of Delaware as amended, be and the same is hereby further amended by striking out all of said Section 3 and substituting a new Section 3 to read as follows:

"Section 3. The Government of the City and the exercise of all power conferred by this Charter, except as otherwise provided herein, shall be vested in a Mayor and City Council. The term of the Mayor of the City of Seaford shall be a period of two (2) years and he shall receive an annual salary not to exceed One Thousand Eight Hundred Dollars (\$1,800.00). The City Council shall be composed of five (5) members, each of whose terms shall be for a period of three (3) years. Each member of the City Council shall receive an annual salary not to exceed One Thousand Two Hundred Dollars (\$1,200.00)."

Approved June 27, 1980.

CHAPTER 291

FORMERLY

SENATE BILL NO. 648

AN ACT TO TRANSFER \$3,050,000 INTO THE STATE'S BUDGET RESERVE ACCOUNT.

WHEREAS, the General Assembly has estimated Fiscal Year 1981 General Fund Revenue to be \$645 million; and

WHEREAS, it is the intent of the General Assembly to bring the Budget Reserve Account up to its Constitutional maximum of 5% of estimated General Fund revenues; and

WHEREAS, doing so requires that the Budget Reserve Account be funded at a level of \$32,250,000; and

WHEREAS, the sum of \$29,200,000 is presently on deposit in the Budget Reserve Account of the General Fund;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

The Secretary of Finance shall, on July 1, 1980, pay the sum of \$3,050,000 from unencumbered General Funds remaining at the conclusion of Fiscal Year 1980 into the Budget Reserve Account of the State's General Fund.

Approved June 27, 1980

CHAPTER 292

FORMERLY

SENATE BILL NO. 502

AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE TO REGULATE THE RENEWAL OF CONTRACTS WITH SCHOOL BUS CONTRACTORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 29, Title 14 of the Delaware Code by adding the following section:

"§2907. Renewal of Transportation Contracts

(a) When a transportation contract is due to expire, a renewal of the contract shall be first offered to the school bus contractor who is party to the expiring contract. In the event that this contractor does not wish to renew the contract, said contract shall be offered to the rest of the school bus contractors in that area.

(b) If no school bus contractors accept said contract, new contractors shall be solicited by the department or agency responsible for the transportation of public and non-public school pupils; provided, however, that if no new contractors can be found the department or agency shall furnish the transportation previously afforded under the expiring contract."

Approved June 27, 1980.

CHAPTER 293

FORMERLY

HOUSE BILL NO. 810

AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ALSO KNOWN AS "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," TO INCREASE THE AMOUNT WHEN COMPETITIVE BIDDING SHALL NOT BE REQUIRED.

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 277, Volume 49, Laws of Delaware, as amended, by striking subsection (1) of Section (43) and inserting in lieu thereof the following:

"(1) The aggregate amount involved is not more than five thousand dollars (\$5,000);"

Approved June 27, 1980.

CHAPTER 294

FORMERLY

SENATE BILL NO. 387
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 52, TITLE 29, OF THE DELAWARE CODE TO INCREASE THE PAYMENT OF SUBSCRIPTION CHARGES FOR HEALTH CARE INSURANCE FOR STATE EMPLOYEES AND THEIR DEPENDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5202, Chapter 52, Title 29 of the Delaware Code, by striking (a) (2) and substituting in lieu thereof the following:

"(2) 100% of the cost of the Basic Subscriber and Child contract or Basic Family Contract for eligible officers, employees and pensioners not eligible for Federal Medicare."

Section 2. This act shall become effective July 1, 1980.

Approved June 30, 1980.

CHAPTER 295

FORMERLY

SENATE BILL NO. 483
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR THE TRANSPORTATION REIMBURSEMENT OF PUPILS ATTENDING NONPUBLIC AND NONPROFIT SCHOOLS.

WHEREAS, appropriations for the transportation of eligible elementary and secondary pupils to nonpublic and nonprofit schools are based on the number of pupils receiving reimbursement for transportation for the preceding school year; and

WHEREAS, there has been an increase this year in the cost of D.A.R.T. bus tickets for school pupils using public transportation and an increase in the number of pupils attending nonpublic, nonprofit schools who are entitled to a transportation reimbursement; and

WHEREAS, the Department of Public Instruction has determined the need for additional funds to comply with the mandate of §2905, Title 14 of the Delaware Code.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of One Hundred and Forty-eight Thousand Dollars (\$148,000) is hereby appropriated to the State Board of Education for the purpose of providing a transportation reimbursement for eligible elementary and secondary pupils attending nonpublic and nonprofit schools during the 1979-80 school year.

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

Section 3. Any funds hereby appropriated which remain unexpended or unencumbered on June 30, 1980 shall revert to the General Fund of the State.

Approved June 30, 1980.

CHAPTER 296

FORMERLY

SENATE BILL NO. 537

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURCHASE OF DELAWARE STATE FLAGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of five thousand dollars (\$5,000) is hereby appropriated to the Division of Economic Development of the Department of Community Affairs and Economic Development, which funds shall be used for the purchase of Delaware state flags.

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 or unencumbered by June 30, 1980 shall thereupon revert to the General Fund of the State Treasury.

Approved June 30, 1980.

CHAPTER 297

FORMERLY

HOUSE BILL NO. 684

AN ACT TO AMEND CHAPTER 41, TITLE 9 OF THE DELAWARE CODE TO INCREASE THE AMOUNT THAT KENT COUNTY MAY BORROW AND TO REMOVE THE MAXIMUM INTEREST RATE OF SIX PERCENT ON COUNTY LOANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 41, Title 9 of the Delaware Code by striking all of Section 4111 and inserting in lieu thereof the following:

§4111. Borrowing power; limitation

The county government may, from time to time as occasion may require, borrow up to a total of \$1,000,000 and may execute a bond of indebtedness or mortgage, or both, in favor of the obligee who shall have made the loan. Such bond of indebtedness or mortgage, or both, shall be executed in the name of the county government, countersigned by the President thereof and attested by the clerk of the peace. The bond shall bear such rate of interest as may be agreed upon between the county government and the obligee."

Approved June 30, 1980.

CHAPTER 298

FORMERLY

HOUSE BILL NO. 698

AN ACT TO AMEND VOLUME 58, CHAPTER 583 LAWS OF DELAWARE RELATING TO THE AUTHORITY OF THE LEVY COURT OF KENT COUNTY TO ISSUE BONDS ON THE FULL FAITH AND CREDIT OF THE COUNTY NOT TO EXCEED \$2,000,000.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 583, Volume 58, Laws of Delaware by striking the words and figures "one million four hundred thousand dollars (\$1,400,000.00)" wherever the same appear therein and substituting in lieu thereof the following words and figures "Two million Dollars (\$2,000,000.00)"

Section 2. Amend Section 1, Chapter 583, Volume 58 Laws of Delaware by striking the period "." at the end of the first sentence thereof and substituting in lieu thereof the following:

"or the Kent County Administration Building."

Section 3. Amend Section 3, Chapter 583, Volume 58, Laws of Delaware by inserting after the words "existing Court House" and before the words "or any or all of such" as the same appear on the 4th line, page 2011 thereof the following:

", the Kent County Administration Building"

Section 4. Amend Section 4, Chapter 583, Volume 58, Laws of Delaware by inserting after the words "existing Court House" and before the words "or any or all of such purposes" as the same appear in the second to last sentence thereof the following:

", the Kent County Administration Building"

Section 5. Amend Section 7, Chapter 583, Volume 58, Laws of Delaware by striking the words "The State of Delaware to and for the use of Kent County" as the same appear therein and substituting in lieu thereof the words "Kent County".

Approved June 30, 1980.

CHAPTER 299

FORMERLY

HOUSE BILL NO. 951

AN ACT TO AMEND CHAPTER 138, VOLUME 41, LAWS OF DELAWARE, RELATING TO THE TOWN OF CLAYTON; AND PROVIDING FOR THE POWER TO BORROW MONEY WHEN AN EMERGENCY ARISES.

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 24, Chapter 138, Volume 41, Laws of Delaware, by adding a paragraph to the end of said Section 24, which new paragraph shall read as follows:

"Whenever the needs of the Town of Clayton for emergency repairs and improvements to the water system, the sewer system, the electrical distribution system, streets, and other public works shall require an expenditure of more money than is at the time in the Treasury of the Town from current receipts or otherwise, the Town Council of the Town of Clayton is authorized and empowered to borrow such sum or sums as shall be needed for such emergency repairs and improvements, not to exceed at any time the aggregate amount of one hundred thousand dollars (\$100,000). An indebtedness created hereby shall be evidenced by a bond or note of the Town of Clayton, and the full faith and credit of the Town of Clayton, shall be deemed to be pledged for the due payment thereof. The Town Council of the Town of Clayton is hereby authorized and required to levy and raise by taxation such sums of money as may be required to pay the debt and interest of such indebtedness, according to the terms of the bond or note evidencing such indebtedness, if appropriate."

Approved June 30, 1980.

CHAPTER 300

FORMERLY

HOUSE BILL NO. 297
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO THE PROCEDURE FOR THE INVOLUNTARY COMMITMENT OF MENTALLY ILL PERSONS TO THE DELAWARE STATE HOSPITAL AND OTHER HOSPITALS AND DISCHARGE THEREFROM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16, Delaware Code, §5001 by striking subsection (5) of said section in its entirety and substituting in lieu thereof the following:

(5) "Psychiatrist" means:

i. a physician licensed to practice medicine in this State specializing in the field of psychiatry; or a physician employed by the Delaware State Hospital, registered with the Medical Council of Delaware, and certified by the Delaware State Hospital Medical Director to the Medical Council of Delaware as being qualified in the diagnosis and treatment of mentally ill persons; or

ii. any physician employed by the United States Government within the State of Delaware in the capacity of psychiatrist and certified by the Delaware State Hospital Medical Director to the Medical Council of Delaware as qualified in the diagnosis and treatment of mentally ill persons."

Section 2. Amend Title 16, Delaware Code, §5007 (a) by striking from the first line thereof, the figure "3" between the words "than" and "working," and substitute in lieu thereof the figure "6."

Section 3. Amend Title 16, Delaware Code, §5007 (a) by striking from the first and second lines thereof, the words "it determines that the involuntary patient is a mentally ill person" between the word "date" and the word "the" and substitute in lieu thereof "of provisional admission."

Section 4. Amend Title 16, Delaware Code, § 5007 (a) by deleting the next to last sentence and in lieu thereof, the sentence should read, "The complaint shall also aver that the involuntary patient has been advised of his rights under this Chapter."

Section 5. Amend Title 16, Delaware Code, §5007 by adding a new section (c) to read as follows: "(c) The hospital's investigation shall indicate whether the involuntary patient is able to afford counsel and an independent psychiatric witness within eight (8) working days of provisional admission."

Section 6. Amend Title 16, Delaware Code, § 5008 (l) by striking the figure "12" in the last sentence of this section between the words "than" and "working," and substitute in lieu thereof the figure "18."

Section 7. Amend Title 16, Delaware Code, by inserting a new §5014 as follows:

"§5014. Enlargement of Time

Notwithstanding the provisions of §5001 through §5013 of this Title, the Court may enlarge the time for the performance of acts by the hospital or respondent's attorney, and of scheduling hearings thereunder, for good cause shown, for a reasonable period, consistent with the rights of the respondent."

Approved July 1, 1980.

CHAPTER 301

FORMERLY

HOUSE BILL NO. 605
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE PERIODIC REVIEW AND TERMINATION OF CERTAIN STATE AGENCIES; AND PROVIDING FOR A DELAWARE SUNSET ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29 of the Delaware Code by striking the title of Part X, and substituting in lieu thereof the following:

"Part X. General Regulations for State Agencies"

Section 2. Amend Part VI, Title 29 of the Delaware Code by striking the words "And General Regulations For State Agencies" from the title of said Part VI; and by re-designating present Chapter 64 as new Chapter 101.

Section 3. Amend Part X, Title 29 of the Delaware Code by adding thereto a new chapter, designated as Chapter 102, which new chapter shall read as follows:

"CHAPTER 102. DELAWARE SUNSET ACT.

§10201. Declaration of Policy

(a) It is essential to the maintenance of a healthy State economy, and a government that has the confidence of its citizens, that the State establish a system of periodic legislative review of its commissions, boards and other agencies. This review of agency performance and activities is consistent with other activities and goals of the General Assembly. The primary purpose of this review is to determine whether or not there is a genuine public need for the agency under review; and, if so, to determine whether or not the agency is correctly performing to meet that need.

(b) It is the purpose of this Act to provide an action-forcing mechanism designed to increase the accountability of various commissions, boards and agencies through increased legislative scrutiny of programs and agencies. It is the intent of the General Assembly to establish a timetable for the initial review of certain commissions, boards and other agencies; and ultimately to review all commissions, boards and agencies established by or receiving financial assistance from the State of Delaware. The action-forcing mechanism is to terminate the commissions, boards and agencies under review on certain dates, unless affirmatively re-established by law.

(c) It is not the purpose of this Act to terminate agencies which are sufficiently meeting a recognized State need, and which are accountable to and responsive to the public interests. Rather, it is the purpose of this chapter to utilize the review mechanism to strengthen and support such agencies.

§10202. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) 'Agency' shall mean any regulatory, administrative, advisory, executive or legislative body of this State including, but not limited to, any board, bureau, commission, department, committee, council, association, authority or any other entity established by an Act of the General Assembly of this State which:

(1) is given authority in the Delaware Code to regulate any business, occupation or profession;

(2) is supported in whole or in part by public funds;

(3) expends or disburses public funds; or

(4) is specifically charged by a public body to advise or make recommendations.

(b) 'Committee' or 'Sunset committee' shall mean the legislative committee established by this chapter.

(c) 'Performance evaluation' shall mean an evaluation of how well an agency has performed, and is performing its functions; and how well the agency is serving, and has served the public needs.

§10203. Delaware Sunset Committee

(a) The Delaware Sunset Committee shall be composed of five members of the Senate, appointed by the President pro tempore; and five members of the House of Representatives, appointed by the Speaker of the House. Not more than three members of the Senate appointees, nor three members of the House appointees, shall be of the same political party.

(b) Except as otherwise provided in this chapter, each member shall serve a term of four calendar years. The terms of the members shall be staggered in such manner as to insure that the terms of not less than two nor more than three members of either House shall expire at the same time.

(c) No member shall succeed himself on the Commission. The term of a person not re-elected shall automatically be concluded on the day after the time for contesting election results has passed. A member appointed to fill a vacancy shall not complete the former term, but shall begin an entirely new term.

(d) Subject to the provisions of this subsection, the members of the Committee shall elect a Chairman every two years from among their members. The chairmanship shall alternate between the Senate and the House of Representatives; provided however, that when the Chairman of the Joint Finance Committee and the Chairman of Legislative Council are both from the same House, the Chairman of this Committee shall be a member of the other House.

(e) In each General Assembly, all new members of the Committee shall be appointed within the month of January, or within one week of organization of each respective House, whichever is later. A quorum shall consist of at least five committee members.

(f) Each member of the Committee is entitled to reimbursement from the appropriate funds of that member's House for the expenses he actually and necessarily incurs in performing the duties of the Committee. Each request for reimbursement must be approved by the Chairman of the Committee.

(g) No person who is a member of the Joint Finance Committee or Legislative Council of Delaware shall serve on the Sunset Committee; provided however, this subsection shall not apply when the minority party in either House has less than seven members.

(h) Although all meetings of the Committee shall be open to the public, only members of the Committee and others designated by the Chairman shall be permitted to speak and otherwise participate.

10204. Staff

The personnel of the Legislative Council of Delaware and the Office of Controller General shall serve as the permanent staff of the Committee. The Committee may, by majority vote, provide for such other assistance, equipment or expenditure as are within the limits of its budget. The General Assembly shall appropriate such funds as it deems are required by the Committee.

\$10205. Rules and Regulations

The Committee shall adopt committee rules and regulations necessary to carry out provisions of this chapter. Such rules and regulations shall be permanent, although succeeding Sunset Committees may alter and amend any and all such rules and regulations.

\$10206. Subpoena Powers

The Committee may issue process to witnesses at any place in this State and compel their attendance as well as the production of books, records, papers and other objects that may be necessary or proper for the purposes of the Committee's proceedings. The Committee may issue attachments when necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by any peace officer in this State. The Chairman of the Committee shall issue, in the name of the Committee, the subpoenas that the majority of the Committee may direct.

In the event the Chairman is absent, the designee of the Chairman is authorized to issue subpoenas, or any other lawful process, in the same manner as is the Chairman. All testimony taken under subpoena shall be reduced to writing, and must be given under oath subject to the penalties of perjury.

\$10207 Pre-Legislative Review

(a) Each agency, as a part of the requirements set forth in §6508 of this Title, or as is required by the annual Budget Appropriation Act from time to time, shall forward the following information in its annual report:

(1) a chart or diagram showing the greater department, division or agency of which it is a part; as well as any other commissions, boards or agencies over which it has jurisdiction.

(2) its goals and objectives and the statutory authority for same, if any.

(3) all programs in being at any time for the period of one year, up to the date of the Annual Report.

(4) the total value of State funds and/or materials utilized by the agency for each of the last five fiscal years.

(5) a listing of all Delaware Code provisions from which the agency derives its rights, duties and functions.

(b) Each agency being reviewed in accordance with the provisions of this chapter shall up-date the information required by this section, and shall include such current information in its Agency Report pursuant to §10208.

\$10208. Agency Report to the Committee

Each year on or before January 15, each agency under review shall provide the Committee with:

(a) information specified in §10207 of this chapter;

(b) if subject to zero-based budgeting requirements, the last five budget

reports relating to all program priorities, activities and accomplishments;

(c) a statement setting forth the performance or achievement of the agency as determined by the criteria for review set forth in §10211. Such statement shall not address itself to any other subjects other than the criteria for review.

(d) any information requested at an earlier date by the Committee, if such information is available. Any other law or statute to the contrary notwithstanding, each agency under review shall upon request forward to the Committee, or permit a committee member or staff member to examine and duplicate any record, document or file over which the agency has any custody or jurisdiction.

§10209. Committee Responsibilities and Duties

The Committee may give 2 weeks' notice to an agency under review of dates scheduled for Committee meetings, public hearings, etc. but lack of such formal notice shall in no way affect the lawfulness of the Committee's activities or decisions. On or before February 7 prior to that year in which the agency is to be terminated, the Committee shall:

(a) conduct a thorough review of all information furnished in accordance with §10208 by each agency under review;

(b) obtain, verify and review any reports, audits or actions taken by other State agencies concerning the agency under review;

(c) conduct a performance evaluation of the agency based, at least in part on the following criteria:

(1) if a licensing agency, the extent to which the agency has permitted qualified applicants to serve;

(2) the extent to which the agency has operated in the public interests;

(3) the extent to which the agency has recommended statutory changes, and whether such changes directly benefit the public; or whether such changes primarily benefit the agency or other entities, and are of only indirect benefit to the public.

(d) prepare a preliminary written report to be utilized in public hearings, including any preliminary evaluations or recommendations arising from the Pre-Legislative Review under §10207 and §10208. This report shall be a public record.

§10210. Public Hearings

(a) Between February 1 and March 7 of each year, public hearings shall be regularly and uniformly convened by the Committee on a continuous basis, as determined by the Chairman. To encourage participation by the general public, such hearings shall be held occasionally in the early evening hours. The Committee may, on such basis as the Chairman shall determine, begin public hearings prior to February 1; provided however, that no hearings shall be held prior to February 1 if the pre-legislative review process set forth in §10207 through §10210 is incomplete.

(b) The highest administrative officer of the agency under review shall be present at each public hearing to answer any questions from members of the Commission, or members of the general public.

(c) At public hearings held in accordance with this chapter members of the general public, representatives of the agency under review and any witnesses on behalf of either the agency or the public shall be heard, and their evidence received. No proffered testimony or written statements by members of the general public shall be unreasonably refused, and such materials as are offered to the

Committee shall be retained and considered by the Committee in making its evaluation. Statements and/or written materials offered by the agency or by witnesses on behalf of the agency (including officers and others having a direct interest in the continued existence of the agency) shall be accepted, but such material shall not be deemed to have been offered by "members of the general public" for purposes of this section.

§10211. Criteria for Review

The genuine public need for the agency, and whether or not the agency is correctly performing to meet that need shall not be assumed; the agency shall have the burden of showing, through the Criteria for Review, that there is such a need and that the agency is meeting that need. The criteria are:

(a) The purpose of the Act establishing the agency, and the manner of operation of the agency designed to achieve such purpose;

(b) Whether or not it can be independently established, apart from information supplied by the agency or by persons having a direct interest in the continued existence of the agency, that the absence of the agency or its enabling legislation would be detrimental to the public health, safety or welfare; and whether or not there is a possibility that such absence would be beneficial to the public health, safety or welfare;

(c) An assessment of less restrictive or other alternative methods of achieving the stated objectives of the Act establishing the agency, and if such other methods would provide as much protection to public;

(d) Whether the statute establishes a clear mandate to the agency, and whether the agency has complied with such mandate, if any, in the best interests of the general public;

(e) Whether other programs, activities or agencies of the State government have the same or similar objectives; and, if so, a comparison of the costs and effectiveness of such agencies, programs or activities; and identification of any duplication with those of the agency under review;

(f) Whether, in the past three years the agency has recommended to the General Assembly only those statutory changes of primary benefit to the public; or if such changes were primarily of benefit to the agency or to the occupation, business or institution which it serves or regulates;

(g) The efficiency with which the agency meets its statutory objectives;

(h) Whether applications and formal public complaints filed with the agency have been processed effectively, and fairly;

(i) Whether the agency has permitted only qualified applicants for licenses to serve the public; and has not unduly restricted access to any person wishing to engage in a regulated business, occupation or profession;

(j) The extent to which the agency has encouraged participation by the public in making its rules and decisions, as opposed to participation solely by those it regulates; and the extent to which the public participation has resulted in rules compatible with the objectives of the agency;

(k) Whether or not the agency has operated in an open and accountable matter, with public access to records and meetings, and whether there are safeguards against possible conflicts of interest;

(l) Whether "ethical conduct" provisions or rules of an agency, if any, are in fact limited to ethical or moral conduct; or if such provisions contain primarily commercial prohibitions and restrictions relating to profits, advertising, etc.

(m) The extent to which the agency has been complying with Chapter 58A, Title 29 of the Delaware Code; Chapter 64, Title 29 of the Delaware Code; §6506, §6512 and §6519, Chapter 65, Title 29 of the Delaware Code; Chapter 100, Title 29 of the Delaware Code; and Section 8, Article XV of the State Constitution or with the requirements to any statute which is a direct successor to those listed in this subsection; and

(n) Any claimed impact in terms of federal intervention or loss of federal funds if the agency is terminated, which claim shall be fully substantiated.

§10212. Sunset Report

On or before April 15 of the calendar year in which an agency under review is automatically terminated in accordance with this chapter, the Committee shall present its final Report to the General Assembly and to the Governor. The final Report shall contain a complete description of the agency and its objectives, including all sub-agencies or programs within the agency; a review of all material obtained pursuant to §10207 through §10211 of this chapter; a determination of whether or not there is a genuine public need for the agency, and whether or not the agency is appropriately meeting that need; recommendations of the Committee; and such further matters or information as the Committee may wish to include.

The final Report shall contain the Sunset Review Schedule of those agencies recommended for review during the fourth year after the Report. If the Report does not contain a recommended schedule, the Sunset Review Schedule for said fourth year shall be comprised of at least nine agencies including those agencies automatically scheduled for review, those added by the General Assembly, and such additional agencies as are needed to complete the schedule. The additional agencies shall be taken in order of their appearance in the Delaware Code, beginning with the first section of Title 1. In any year where the number of agencies placed on the up-coming fourth year schedule and those added by Act of the General Assembly are insufficient to complete a Sunset Review Schedule the schedule shall be completed by adding, starting with Title 1 and in the order in which they appear in the Delaware Code, those agencies which have not been reviewed.

§10213. Committee Recommendations

In its final report concerning a State agency, the Committee may recommend any or all of the following:

(a) Recommend the continuance of an agency, as is; termination of any agency; the termination of any program within the agency; the consolidation, merger or transfer of agencies or of functions from one agency to another; or the termination of the agency unless certain conditions are met or modifications made, by legislation or otherwise, within a specified period of time;

(b) Recommend budget appropriation limits for a State agency; and

(c) Recommend, in general or specific terms, such legislation it deems necessary to carry out its decision as to whether or not an agency should be continued or terminated.

§10214. Review Schedules for Certain Agencies

(a) When an agency has successfully completed a review under the provisions of this chapter or has been re-established it shall not be subject to review again until the sixth year following its last review, at the earliest, depending upon the decision of the Committee. The termination date in a review schedule shall cease to apply to an agency recommended for continuance.

(b) Every agency created by law enacted after the effective date of this chapter is subject to all provisions of this chapter, and to this section, except as otherwise expressly provided by the law creating the agency. A State agency

created by law after the effective date of this chapter shall automatically be placed on the appropriate Sunset Review Schedule for review during the fourth succeeding calendar year.

(c) Any agency which has been recommended for termination or reorganization, but which nevertheless is continued by legislative action or otherwise, shall be automatically placed on the review schedule to be again reviewed at the end of four calendar years from the date of its last previous scheduled review date. Each agency which is reorganized in accordance with the recommendation of the Committee shall be placed on the review schedule to be again reviewed at the end of four calendar years from the date of its last previous scheduled review date.

\$10215. Continuation; Termination; Re-establishment

(a) In the event the Committee recommends the termination of an agency, and such agency is not re-established by an Act of the General Assembly, such agency is automatically terminated at the end of June 30 following the date of the Committee report. Where there is no recommendation or no report, the agency is automatically terminated on the date set forth in the review schedule.

(b) When an agency is terminated, each lesser included board, council or agency is also automatically terminated at the same time and under the same conditions, unless such lesser included agency is specifically exempted from termination by the Committee or by law enacted prior to June 30 immediately following.

(c) Where the Committee recommends the reorganization of a reviewed agency, or a merging of the agency with another agency, such reviewed agency shall nevertheless be terminated on the June 30 following the Committee report, unless prior to June 30 a bill is introduced setting forth a proposed reorganization or merger. If such bill is not enacted into law within seven months from the date of its introduction, the agency shall than be automatically terminated.

(d) Where the Committee recommends continuance of an agency, but only upon its meeting certain conditions or making certain modifications, the agency shall terminate six months from the date of the final Committee report (or the termination date recommended by the Committee, whichever is latest) unless such conditions have been met or modifications made to the satisfaction of the Committee.

(e) Any act to re-establish an agency recommended by the Committee for termination or reorganization shall relate only to that specific agency, and the name of the affected agency shall be set forth in the title of the Act.

\$10216. Concluding Year for Terminated Agencies

(a) Upon the termination of an agency, it may continue in temporary existence until the end of the next succeeding calendar year, in order to properly conclude its business. Unless otherwise provided by law, termination shall not reduce or otherwise limit the power and authority of a terminated agency during such concluding year. Upon the expiration of the concluding year after termination all rights, powers and functions of the agency shall cease. Any unobligated or unexpended appropriations of an agency terminated under this chapter shall lapse at the end of the concluding year.

(b) All money in a dedicated fund of a terminated State agency shall, after the end of the concluding year, be immediately transferred to the General Fund of the State Treasury, unless otherwise provided for by law. Any law or portion of a law which dedicates money to a specific fund of a terminated agency shall become null and void at the end of the concluding year.

(c) If a terminated State agency is funded in the Budget Appropriation Act for each year of the General Assembly, the terminated agency shall have no authority to spend nor obligate any of such funds for any period after December 31 of the concluding year, unless specifically provided for by law.

(d) If the terminated agency is part of a larger department, division or agency all property and records in custody of the terminated agency shall be transferred to the next largest entity of which that agency was a part. If the terminated agency was itself the largest entity or was an independent agency, the property and records shall be transferred to the Secretary of State.

(e) If a terminated State agency has any outstanding bonded indebtedness remaining, the responsibility for the management of the re-payment of such bonded indebtedness through the continuation of that agency's functions, limited merely to the re-payment function, shall be vested in the State Treasurer. Any claim by the agency and any claim against the agency shall continue, and shall not be terminated with the agency.

(f) All Delaware Code references to the terminated State agency shall be invalid upon expiration of that agency's concluding year, unless specifically retained.

§10217. Merit System Employees; Relocation

In the event the termination of an agency, program or activity results in unemployment for persons under the Merit System of Personnel Administration, each State employee so displaced shall receive first preference in all other State employment opportunities which arise thereafter for which he is qualified, and each such employee shall have the right of first refusal until permanent employment is obtained.

Section 4. Within thirty days following enactment of this Act into law, those agencies set forth in the Initial Sunset Review Schedule shall be notified concerning the types of information needed by the Committee, probable public hearing dates, and such other notification or information as the agency may need.

Section 5. In appointing the initial Sunset Committee members, the President pro tempore of the Senate shall appoint two members who shall each serve a term of one year, one member to serve a term of two years, one member to serve a term of three years, and one member to serve a term of four years; the Speaker of the House shall appoint one member to serve a term of one year, two members who shall each serve a term of two years, one member to serve a term of three years, and one member to serve a term of four years.

In the event this Act becomes effective less than eight months from the initial meeting of the General Assembly in 1981, the members of the Senate Administrative Services Committee, and the members of the House Administrative Services Committee, together with the original sponsors of this Act, shall constitute the original Sunset Committee. The prime sponsor of this Act shall be the chairman of the Committee. Notwithstanding any other provision in this Act, when the Committee members of either House are appointed, the membership provisions of this paragraph relating to both Houses shall cease to be effective.

Section 6. Sunset Review Schedules; review date

(Because the overwhelming majority of States agencies, especially regulatory agencies, are prefixed with the words "the State," the agencies listed in the schedule shall be listed without the prefixed words "the State").

(a) Unless continued, re-established or reorganized in accordance with the provisions of this Act, the following agencies shall terminate on July 1, 1981:

(1) Athletic Commission (Chapter 1, Title 28 of the Delaware Code) originally established in accordance with Chapter 84, Volume 37, Laws of Delaware;

(2) Board of Examiners for Barbers (Chapter 5, Title 24 of the Delaware Code) originally established in accordance with Chapter 152, Volume 53, Laws of Delaware;

(3) Board of Cosmetology (Chapter 6, Title 24 of the Delaware Code) originally established in accordance with Chapter 426, Volume 53, Laws of Delaware;

(4) Commission on Massage Establishments and Adult Book Stores (Chapter 16, Title 24 of the Delaware Code) originally established in accordance with Chapter 122, Volume 61, Laws of Delaware;

(5) Bingo Control Commission (Chapter 11, Title 28 of the Delaware Code) originally established in accordance with Chapter 65, Volume 51, Laws of Delaware;

(6) Delaware Racing Commission (Chapter 3, Title 28 of the Delaware Code) originally established in accordance with Chapter 303, Volume 45, Laws of Delaware;

(7) Delaware Harness Racing Commission (Chapter 5, Title 28 of the Delaware Code) originally established in accordance with Chapter 303, Volume 45, Laws of Delaware;

(8) Board of Funeral Service Practitioners (Chapter 31, Title 24 of the Delaware Code) originally established in accordance with Chapter 415, Volume 58, Laws of Delaware;

(9) Advisory Council on Hearing Aids (§2014, et seq., Title 16 of the Delaware Code) originally established in accordance with Chapter 209, Volume 59, Laws of Delaware.

(b) Unless continued, re-established or reorganized in accordance with the provisions of this Act, the following agencies shall terminate on July 1, 1982:

(1) Office of State Bank Commissioner (Chapter 1, Title 5 of the Delaware Code) originally established in accordance with Chapter 111, Volume 30, Laws of Delaware;

(2) Board of Podiatry Examiners (Chapter 5, Title 24 of the Delaware Code) originally established in accordance with Chapter 66, Volume 33, Laws of Delaware;

(3) Division of Consumer Affairs (§8612, Chapter 86, Title 29 of the Delaware Code) originally established in accordance with Chapter 583, Volume 57, Laws of Delaware;

(4) Delaware Real Estate Commission (Chapter 29, Title 24 of the Delaware Code) originally established in accordance with Chapter 63, Volume 35, Laws of Delaware;

(5) Board of Veterinary Medicine (Chapter 33, Title 24 of the Delaware Code) originally established in accordance with Chapter 178, Volume 57, Laws of Delaware;

(6) Trustees of Delaware Standardbred Development Fund (Subsection V, Chapter 5, Title 28 of the Delaware Code) originally established in accordance with Chapter 156, Volume 56, Laws of Delaware;

(7) Board of Landscape Architecture (Chapter 2, Title 24 of the Delaware Code) originally established in accordance with Chapter 190, Volume 60, Laws of Delaware;

(8) Board of Examiners and Registration of Architects (Chapter 3, Title 24 of the Delaware Code) originally established in accordance with Chapter 60, Volume 38, Laws of Delaware;

(9) Board of Social Work Examiners (Chapter 37, Title 31 of the Delaware Code) originally established in accordance with Chapter 650, Volume 60, Laws of Delaware.

(c) Unless continued, re-established or reorganized in accordance with the provisions of this Act, the following agencies shall terminate on July 1, 1983:

(1) Board of Medical Practice (Chapter 17, Title 24 of the Delaware Code) originally established in accordance with Chapter 462, Volume 60, Laws of Delaware;

(2) Council of Delaware Association of Professional Engineers (Chapter 28, Title 24 of the Delaware Code) originally established in accordance with Chapter 501, Volume 58, Laws of Delaware;

(3) Examining Board of Physical Therapists (Chapter 26, Title 24 of the Delaware Code) originally established in accordance with Chapter 367, Volume 50, Laws of Delaware;

(4) the Insurance Department (Title 18 of the Delaware Code) originally established in accordance with Chapter 101, Volume 56, Laws of Delaware;

(5) Board of Electrical Examiners (Chapter 14, Title 24 of the Delaware Code) originally established in accordance with Chapter 423, Volume 55, Laws of Delaware;

(6) Division of Boiler Safety (§8210, Chapter 82, Title 29 of the Delaware Code) originally established in accordance with Chapter 68, Volume 30, Laws of Delaware;

(7) Public Service Commission (Chapter 1, Title 26 of the Delaware Code) originally established in accordance with Chapter 254, Volume 47, Laws of Delaware;

(8) Board of Examiners for Nursing Home Administrators (Chapter 12, Title 16 of the Delaware Code) originally established in accordance with Chapter 507, Volume 57, Laws of Delaware;

(9) Board of Pilot Commissioners (Chapter 1, Title 23 of the Delaware Code) originally established in accordance with Chapter 449, Volume 16, Laws of Delaware;

(d) Unless continued, re-established or reorganized in accordance with the provisions of this Act, the following agencies shall terminate July 1, 1984:

(1) Board of Dental Examiners (Chapter 11, Title 24 of the Delaware Code) originally established in accordance with Chapter 496, Volume 17, Laws of Delaware;

(2) Board of Examiners of Speech Pathology and Audiology (Chapter 37, Title 24 of the Delaware Code) originally established in accordance with Chapter 206, Volume 59, Laws of Delaware;

(3) Board of Registration for Professional Land Surveyors (Chapter 27, Title 24 of the Delaware Code) originally established in accordance with Chapter 286, Volume 43, Laws of Delaware;

(4) Board of Nursing (Chapter 19, Title 24 of the Delaware Code) originally established in accordance with Chapter 153, Volume 54, Laws of Delaware;

(5) Board of Examiners of Psychologists (Chapter 35, Title 24 of the Delaware Code) originally established in accordance with Chapter 380, Volume 58, Laws of Delaware;

(6) Board of Accountancy (Chapter 1, Title 24 of the Delaware Code) originally established in accordance with Chapter 98, Volume 27, Laws of Delaware;

(7) Commissioner and Division of Securities (Chapter 73, Title 6 of the Delaware Code) originally established in accordance with Chapter 208, Volume 59, Laws of Delaware;

(8) State Human Relations Commission (Chapter 30, Title 31 of the Delaware Code) originally established in accordance with Chapter 261, Volume 53, Laws of Delaware;

(9) Board of Examiners in Optometry (Chapter 21, Title 24 of the Delaware Code) originally established in accordance with Chapter 113, Volume 25, Laws of Delaware.

Section 7. Amendments to Section 6 may be made at any time; provided however, no agency may be removed from the Sunset Review Schedule if the review is scheduled to begin in a year which begins less than twelve months from the time such removal is attempted. No removal or attempted removal shall be effective unless the agency removed is replaced by another agency.

Section 8. At the end of its second year of operation, the Sunset Committee shall examine its rate of review to determine whether or not there can be an increase in the number of agencies scheduled for review each year, and shall amend all subsequent Sunset Review Schedules accordingly.

Section 9. Except where an agency is scheduled for review within one year as set forth in Section 7 above, the General Assembly may add or replace any agency on a Sunset Review Schedule, and may add or replace a whole schedule or any portion of a schedule by concurrent resolution or by a substantially similar simple resolutions passed in each House. Where the resolutions passed by each House differ but both Houses recommend the addition of a particular agency, or a replacement of a specific agency by another specific agency, the Sunset Review Schedule shall be amended accordingly.

Section 10. In the event this Act becomes law after July 1, 1981, the agencies set forth in Section 6 (a) shall terminate on July 1, 1982; the agencies set forth in Section 6 (b) shall terminate on July 1, 1983; the agencies set forth in Section 6 (c) shall terminate on July 1, 1984; and the agencies set forth in Section 6 (d) shall terminate on July 1, 1985.

Section 11. In January of each year, the Legislative Council shall cause corrective legislation to be prepared which shall remove from the Delaware Code all references to those agencies which have been terminated during the previous legislative session, or since the previous January; provided however, certain references to terminated agencies may be retained if such retention is approved by the Director of Research.

Approved July 1, 1980.

CHAPTER 302

FORMERLY

HOUSE BILL NO. 760

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 67, TITLE 25, DEL. C., RELATING TO
LEASES OF TENANT HOUSES LOCATED ON POULTRY FARMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6702 Subchapter I, Chapter 67, Title 25, Del. C., by adding thereto a new subsection (d) to read as follows:

"(d) In every verbal lease of a tenant house located on a poultry farm and every written lease of a tenant house located on a poultry farm in which no term is expressed, the landlord or tenant, as the case may be, shall have (14) days to notify the landlord/or tenant, as the case may be, that the lease of the tenant house is terminated, except that the provisions of this subsection shall not apply to a tenant who is not involved with the management or supervision of poultry."

Approved July 1, 1980.

CHAPTER 303

FORMERLY

HOUSE BILL NO. 767
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF
TRANSPORTATION FOR THE INSTALLATION OF A TRAFFIC CONTROL DEVICE
ON WARRINGTON STREET IN DAGSBORO.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(three-fifths of all members elected to each House thereof concurring therein):

Section 1. The sum of \$9,500 is hereby appropriated to the Department of
Transportation to be used for the installation of a traffic control device for the
Dagsboro Fire Company on Warrington Street, Dagsboro.

Section 2. This is a supplemental appropriation and the money appropriated shall
be paid by the State Treasurer out of the General Fund from monies not otherwise
appropriated.

Section 3. Any part of this appropriation not expended or encumbered on
September 30, 1980, shall revert to the General Fund.

Approved July 1, 1980.

CHAPTER 304

FORMERLY

HOUSE BILL NO. 828
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO
COMPOSITION OF THE COMMISSION ON THE TRANSPORTATION OF
HAZARDOUS MATERIALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8227(a), Chapter 82, Title 29, Delaware Code by striking the words "and 1 person each representing shippers, users and consignees of hazardous materials to be appointed by the Governor for a term of 2 years" and substituting in lieu thereof the words "1 person each representing shippers, users and consignees of hazardous materials to be appointed by the Governor for a term of 2 years, the Director of the Delaware State Fire School and one (1) appointment to be made by the Delaware State Fireman's Association, who shall serve a term of 2 years."

Approved July 1, 1980.

CHAPTER 305

FORMERLY

HOUSE BILL NO. 847

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE OFFICE OF ECONOMIC OPPORTUNITY, DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, FOR THE PURPOSE OF PROVIDING SUPPORT TO EMERGENCY FOOD PANTRIES THROUGH CONTRACTUAL SERVICES.

WHEREAS, the Delmarva Ecumenical Agency Food Closet Study Committee speaks on behalf of fifty (50) groups of church and community volunteers in New Castle County who operate and/or support emergency food pantries as a service to those less fortunate; and

WHEREAS, the DEA-FCSC proposes to operate a Food Bank in Wilmington and act as a supplier in bulk to the closets in the City and throughout New Castle County; and

WHEREAS, \$50,000 is estimated total cost for start-up and initial operation in New Castle County; and

WHEREAS, once it is set up, the purchases by closets would finance the restocking of the Bank; and

WHEREAS, the Kent County Food and Fuel Fund has observed a need for a Food Bank along with transportation for recipients in Kent County; and

WHEREAS, \$15,000 is the estimated need to establish a Food Bank and to finance food delivery services in Kent County; and

WHEREAS, the Sussex County Community Action has observed a need to repair housewares and second-hand clothing stores; and

WHEREAS, \$15,000 is the estimated need in Sussex County to repair second-hand clothing stores, which stores' proceeds are used to buy emergency food for the poor people in that region.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of Eighty Thousand Dollars (\$80,000) is hereby appropriated to the Office of Economic Opportunity, Department of Community Affairs and Economic Development to be used for the purpose of entering into contractual arrangements to provide support to emergency food pantries and/or food services in the following categories:

New Castle County	Food Bank	\$ 50,000
Kent County	Food Bank, Services	15,000
Sussex County	Food Services	15,000
Total		\$ <u>80,000</u>

Section 2. It is the intent of the General Assembly that the funds appropriated in Section 1 of this Act shall be paid by the State Treasurer from surplus General Fund monies over and above those required to fully fund the Budget Reserve Account and from General Fund monies not otherwise appropriated.

Section 3. Funds appropriated and remaining unexpended or unencumbered on June 30, 1981, shall revert to the General Fund of the State of Delaware.

Approved July 1, 1980.

CHAPTER 306

FORMERLY

HOUSE BILL NO. 930
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE BY ADDING DEFINITIONS OF GOVERNMENTAL UNIT, PUBLIC WORKS CONTRACT, PUBLIC FUNDS, PUBLIC BUILDING AND SUBCONTRACTOR, AND BY ADDING REQUIREMENTS FOR ADVERTISING, PREPARATION AND SUBMISSION OF BID INVITATIONS AND AWARDING OF CONTRACTS AND LISTING OF SUBCONTRACTORS.

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 69, Title 29 of the Delaware Code by striking §6901 in its entirety and inserting in lieu thereof the new §6901 as follows:

"§6901. Definitions.

As used in this Chapter:

(1) 'Agency' means any board, department, bureau, commission employee or officer of the State or of any County in the State, and any public school district and its Board.

(2) 'Materiel' means materials, equipment, tools, supplies or any other personal property but does not include electric, gas, water, telephone or similar utilities.

(3) 'Public works contract' means any contract for the construction, reconstruction, alteration or repair of any public building, road, street, highway or other public improvement, the cost of which will be paid with public funds.

(4) 'Subcontractor' means any person, partnership, firm, corporation, or other business association which enters into a contract directly with a contractor to perform actual construction labor on the site, or to perform actual construction labor and provide materiel in connection with such labor on the site. Labor performed in the delivery and unloading of materiel at the project site is not to be construed to mean actual construction labor under the terms of this Chapter.

(5) 'Public Funds' means funds of the State of Delaware, of any County in the State, or of any public school district, or of any agency within the State of Delaware and also funds of or from the United States Government or of or from any department or representative body thereof; and the cost of a 'public works contract' is paid 'with public funds' within the meaning of this Chapter when it is paid in part or in whole either (i) by funds of the State of Delaware or of or from any County in the State or any public school district or agency within the State of Delaware or (ii) by funds of or from the United States Government, or of or from any department or representative body thereof.

(6) 'Public building' means any edifice, structure or building which is, or is to be, constructed, reconstructed, altered or repaired pursuant to a 'public works contract'.

The word 'building' is a noun and the word 'Public' is an adjective, and the phrase is thus nounal. It does not mean the act or process itself of constructing, reconstructing, altering or repairing.

(7) 'Securities' shall include certified checks, cashier's checks, treasurer's checks and other negotiable or transferrable instruments evidencing a debt to the State or an agency of the State."

Section 2. Amend Chapter 69, Title 29 of the Delaware Code by striking subsection (b) of §6904 in its entirety and substituting in lieu thereof a new subsection (b) with paragraphs 1, 2 and 3, as follows:

"(b) 1. When an agency proposes to enter into a public works contract for any work to be done and the probable cost of such contract exceeds Ten Thousand Dollars (\$10,000), the agency shall cause suitable plans and specifications for such work to be prepared for it by registered and licensed architects and/or engineers who shall sign such plans and specifications and affix their seals thereto, provided, however, that in cases where the work to be covered by the public works contract is to be performed in accordance with identical plans and specifications similarly signed and sealed pursuant to which previous public works contracts have been awarded under this Chapter 69, then such identical plans and specifications may be utilized without new or updated signatures and seals of the registered and licensed architects and/or engineers; provided, further, that any architect and/or engineer who signed and sealed the original of such identical plans will have no liability arising from the use of his plans other than the use contemplated by the contract pursuant to which the original of such plans was created, signed and sealed, unless such architect and/or engineer reviews and approves such different use. The agency shall publish such plans and specifications as part of the proposed public works contract and prescribe such other terms and conditions as it deems necessary. The description of work and/or materiel, and the plans and specifications, shall not use a brand or trade name, except as an indication of the type or quality of materiel, and in all such limited cases shall contain the words 'or approved equal.

2. In the case of any public works contract for the construction, reconstruction, alteration or repair of any public building (not a road, street or highway) of the State, of any County in the State, of any public school district, or of any political subdivision of the State, there shall be a meeting of all prospective bidders and of the agency called by the agency upon reasonable notice and at a place and time stated in such notice which meeting shall be at least fifteen (15) days before the date for the submission of bids; at the meeting all the participants, including the agency, shall attempt to agree upon a listing of all subcontractor categories to be included in the bids for performing the work as required by Section 6911 of this Chapter, and any such agreed listing shall be final and binding upon all bidders and upon the agency. If all of the participants do not agree on such a listing at the meeting then the agency itself at least ten (10) days before the due date for the submission of bids shall determine the subcontractor categories to be included in the listing. The listing, whether agreed to by all of the participants at the meeting or determined by the agency itself in the absence of the unanimous agreement of the participants at the meeting, shall be published by the agency at least ten (10) days before the due date for the submission of bids by mailing and listing to all of the participants at the meeting. The listing as so published shall be final and binding upon all bidders and the agency and it shall be filled out completely in full without any abbreviations."

Section 3. Amend Chapter 69, Title 29 of the Delaware Code, by striking all of §6911 except subsections (3) and (4) thereof and by substituting in lieu of such stricken portions of §6911 new portions of §6911 as follows:

"§6911. Contractors for Public Buildings; Listing Subcontractors;
Bidder as Subcontractor; Substitution of Subcontractors; Penalties

Any public works contract, the probable cost of which exceeds Ten Thousand Dollars (\$10,000), for the construction, reconstruction, alteration or repair of any public building (not a road, street or highway) of the State or of any County or of any public school district or of any political subdivision of the State, shall be subject to the following provisions:"

(1) Such contract shall be awarded only to a bidder whose bid is accompanied by a statement containing for each subcontractor category set forth in the 'listing' as provided in §6904(b) of this Chapter, the name and address (City or Town and State only - Street Number and P. O. Box addresses not required) of the subcontractor whose services he intends to use in performing the work or in performing the work and providing the materiel, for such subcontractor category. No bidder for such a contract shall list himself in any accompanying statement as the subcontractor of any part of the public building unless the bidder, in addition to being licensed as a contractor of the State, shall also be recognized in the industry not only as a prime contractor but also as a subcontractor or contractor in and for any such part or parts of such work so listed in such accompanying statement.

(2) Neither the State nor County nor public school district nor any political subdivision of the State, nor any agency of any of them, shall accept any bid for such a contract or award any such contract to any bidder, as the prime contractor, if the bidder has listed himself as the subcontractor for any subcontractor category set forth on the 'listing' as provided in §6904(b) of this Chapter, unless it has been established to the satisfaction of the awarding agency that the bidder has customarily performed the specialty work of such subcontractor category by artisans regularly employed by the bidder in his organization, that the bidder is duly licensed by the State to engage in such specialty work, if the State requires such licenses, and that the bidder is recognized in the industry as a bona fide subcontractor or contractor in such specialty work and subcontractor category. Illustrative only (and not intended to be exhaustive) of typical subcontractor categories involving their own respective types of specialty work, are plumbing, electrical wiring, heating, roofing, insulating, weather stripping, masonry, bricklaying and plastering. The decision of the awarding agency as to whether a bidder who lists himself as the subcontractor for a subcontractor category set forth in the 'listing' as provided in §6904(b) for such subcontractor category, shall be final and binding upon all bidders, and no action of any nature shall lie against any awarding agency because of its decision in this regard."

Section 4. The provisions of this Act are severable and if any provision or provisions of this Act, or the application of this Act or any of its provisions, to any person or circumstance is held invalid or unconstitutional, the remaining and other provisions of this Act or the application of this Act or any of its provisions to other persons or to other circumstancees, shall not be affected thereby and shall not thereby be held or construed to be invalid or unconstitutional.

Approved July 1, 1980.

CHAPTER 307

FORMERLY

HOUSE BILL NO. 1044

AN ACT TO AUTHORIZE AND DIRECT THE SALE BY THE NEW CASTLE COUNTY SCHOOL DISTRICT OF CERTAIN PROPERTY LOCATED IN THE CITY OF WILMINGTON TO THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AND TO MAKE A SUPPLEMENTAL APPROPRIATION FOR CERTAIN MOVING EXPENSES INCURRED BY THE NEW CASTLE COUNTY VOCATIONAL TECHNICAL SCHOOL DISTRICT AS A RESULT OF SUCH SALE.

WHEREAS, the State, the City of Wilmington and the Wilmington Parking Authority have worked together for over one year to secure an agreement from a major corporate employer to construct a new corporate headquarters within the City of Wilmington; and

WHEREAS, the retention of this headquarters location will have substantial beneficial impact on all of the citizens of the State; and

WHEREAS, the cumulative efforts of the various parties involved have resulted in the formation of a plan for a significant economic development project; and

WHEREAS, the Inter-Neighborhood Consortium Agreement between the City of Wilmington and the property owners adjacent to the project stipulates that the City will insure orderly and responsible improvement of public spaces in conjunction with the project; and

WHEREAS, part of the inducement to this employer to make the substantial investment involved in constructing its new corporate headquarters is a commitment by the City of Wilmington, the Wilmington Parking Authority and the State to make necessary and desirable public improvements in the immediate vicinity of the project; and

WHEREAS, federal funds are available to assist in financing this project; and

WHEREAS, a part of this project is the improvement of the site on which the Fletcher Brown School (Wilmington Skills Center) is now located as a public park for passive recreational use; and

WHEREAS, the instructional programs carried on at the Fletcher Brown School can be relocated to other public school facilities in and around the City of Wilmington; and

WHEREAS, legal title to the Fletcher Brown School site is held in the name of the New Castle County School District pursuant to an order of the United States District Court for the District of Delaware in litigation captioned Evans v. Buchanan (Civil Action No. 1816-1822), which required the transfer of this and other property from the Board of Public Education in Wilmington to the New Castle County school district; and

WHEREAS, by Article 10, Section 1 of the Delaware Constitution the General Assembly is granted plenary power over the system of public schools in the State;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The New Castle County School District is authorized, empowered and directed to execute and deliver to the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control, on or before August 1, 1980, a deed transferring legal title to the following described parcel of land and the improvements located thereon to the Department of Natural Resources and Environmental Control for the sum of one dollar (\$1.00):

ALL That certain lot, piece or parcel of land with the buildings thereon erected situate in the City of Wilmington, County of New Castle and State of Delaware, designated as No. 1401 and No. 1403 Market Street, and more particularly bounded and described as follows, to-wit:

BEGINNING at the northwest corner of Market and Fourteenth Streets; thence by the northwest side of Market Street and Market Street extended to the line of land condemned for the Long Race; thence along that line to the southeast side of Orange Street extended; thence along Orange Street extended to Fourteenth Street; thence along Fourteenth Street to the place of Beginning. Be the contents thereof what they may.

The aforesaid land has been more particularly bounded and described by survey referred to in a deed of record with the office of Recorder of Deeds in and for New Castle County at Deed Book K, Volume 40, Page 197 as follows:

BEGINNING at the point of intersection of the Westerly side of Market Street (at 65' -6" wide) with the northerly side of Fourteenth Street (at 50 feet wide) thence from said beginning point along the said northerly side of Fourteenth Street North 54 degrees 54 minutes West 345.91 feet to the easterly side of Orange Street, extended (at 49' -6" wide); thence along the said easterly side of Orange Street extended North 35 degrees 3 minutes East 233.79 feet to the Southerly side of the right of way (at 33 feet wide) on which is located the South Long Race along the Brandywine Creek, the property of the Mayor and Council of Wilmington, thence along the southerly side of said 33 feet wide right of way on which is located the South Long Race the five following courses and distances: - South 59 degrees 12 minutes 38 seconds East 20.26 feet; thence South 56 degrees 21 minutes 50 seconds East 125.68 feet; thence South 60 degrees 2 minutes 40 seconds East 29.55 feet to a point of curve; thence along a line curving to the left with a radius of 341.79 feet, a distance of 53.61 feet to a point of tangency, said point of tangency being distant from the last mentioned point of curve South 64 degrees 32 minutes 16 seconds East 53.55 feet; thence South 69 degrees 1 minutes 52 seconds East 121.25 feet to the said westerly side of Market Street extended northeasterly from Fourteenth Street; thence thereby South 35 degrees West 279.74 feet to the place of Beginning. Be the contents thereof what they may.

The property so conveyed shall be improved and maintained as a public park for passive recreational use and shall be deemed public property for public use.

Section 2. There is appropriated to the New Castle County Vocational Technical School District the sum of \$100,000 to help defray the costs of transferring programs now located in the Fletcher Brown School to other locations in and around the City of Wilmington.

This is a supplemental appropriation and the funds shall be paid by the State Treasurer out of funds not otherwise appropriated from the General Fund. Any funds not encumbered or expended by October 1, 1980 shall revert to the General Fund.

Section 3. To the extent the provisions of Chapter 45, Title 7, Delaware Code are applicable to the conveyance contemplated by this Act, the General Assembly shall be deemed to have specifically approved such conveyances and the conveyances shall be deemed to have been made in conformity with the requirements of Chapter 45, Title 7, Delaware Code.

Section 4. Insofar as any provision of this Act is inconsistent with any general, special or local laws, or part thereof, including without limitation 36 Del. Laws ch. 149, this Act shall be controlling.

Section 5. This Act shall become effective upon signature by the Governor.

Approved July 1, 1980.

CHAPTER 308

FORMERLY

SENATE BILL NO. 230

AN ACT AWARDING SPECIAL PENSION BENEFITS TO ALICE L. BANTA, A FORMER STATE EMPLOYEE WITH THE DEPARTMENT OF PUBLIC INSTRUCTION, AND FURTHER APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND FURTHER DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT, ANY PROVISION OF CHAPTER 55, TITLE 29, DELAWARE CODE TO THE CONTRARY NOTWITHSTANDING.

WHEREAS, Alice L. Banta worked for the State of Delaware at the Department of Public Instruction from December 1943 to June 1966, a period of twenty-two (22) years; and

WHEREAS, Alice L. Banta resigned her position with the Department of Public Instruction to care for her ill mother who lived for seven (7) years; and

WHEREAS, upon the death of her mother she reapplied to the Department of Public Instruction for her old position which had been replaced; and

WHEREAS, Alice L. Banta should receive some type of service pension for her twenty-two (22) years of service with the State.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to accept and approve Alice L. Banta's application for a service pension of One Hundred Fifty Dollars (\$150.00) a month, any provision of Chapter 55, Title 29, Delaware Code to the contrary notwithstanding.

Section 2. The sum of \$19,085 is hereby appropriated to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware to implement the provisions of Section 1 of this Act.

Section 3. 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.

Approved July 1, 1980.

CHAPTER 309

FORMERLY

SENATE BILL NO. 627

AN ACT TO AMEND CHAPTER 40, TITLE 31, DELAWARE CODE, BY INCREASING THE AMOUNT OF BONDS AND NOTES THE DELAWARE STATE HOUSING AUTHORITY CAN ISSUE.

WHEREAS, the General Assembly has authorized the Delaware State Housing Authority to issue bonds and notes in an amount not to exceed \$250,000,000; and

WHEREAS, the Delaware State Housing Authority has issued bonds amounting to \$189,510,000 in serving the housing needs of low- and moderate-income Delaware families; and

WHEREAS, the U. S. House of Representatives and the Senate Committee on Finance have taken differing positions on the need for State Housing Finance Agencies to issue mortgage revenue bonds for single-family dwellings; and

WHEREAS, the temporary limit of \$150,000,000 on a state's single-family bonds may be amended or eliminated by the passage of federal legislation and/or the adjournment of the 96th Congress without legislation; and

WHEREAS, the General Assembly desires to increase said Authority to issue bonds and notes to \$350,000,000.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4053(18) of Chapter 40, Title 31, Delaware Code, by striking the figure "\$250,000,000" as the same appears in said paragraph 18 and inserting in lieu thereof the figure "\$350,000,000".

Approved July 1, 1980.

CHAPTER 310

FORMERLY

SENATE BILL NO. 639

AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT, DIVISION OF ECONOMIC DEVELOPMENT, TO PROVIDE FUNDS FOR THE OPERATION OF A SPECIAL MARKETING CAMPAIGN FOR THE NCR PLANT IN MILLSBORO, DELAWARE.

WHEREAS, NCR Corporation has announced the closing of its Millsboro, Delaware, facility; and

WHEREAS, such closing will adversely affect the economy of Millsboro and Sussex County; and

WHEREAS, it is in the State's interest to market aggressively that facility and obtain a stable, labor-intensive employer for Millsboro.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$25,000.00 is hereby appropriated to the Division of Economic Development, of the Department of Community Affairs and Economic Development, for the purpose of marketing NCR's Millsboro facility.

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

Section 3. Any monies appropriated remaining unspent or unencumbered on June 30, 1981, shall revert to the General Fund of the State of Delaware.

Approved July 1, 1980.

CHAPTER 311

FORMERLY

SENATE BILL NO. 13

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE X OF THE CONSTITUTION TO PROVIDE FOR A VOTE OF THE ELIGIBLE VOTERS OF A SCHOOL DISTRICT WHEN IT IS PROPOSED TO DIVERT PROPERTY TAXES RAISED FOR ONE PURPOSE TO ANOTHER PURPOSE.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 129th General Assembly, being Chapter 508, Volume 61, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE USE OF PUBLIC SCHOOL DISTRICT PROPERTY TAX RECEIPTS.

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 X of the Constitution of the State of Delaware by adding thereto a new section, to be designated as Section 6, which new Section shall read as follows:

'\$6. Property Tax; Use Limitations

Section 6. No property tax receipts received by a public school district as a result of a property tax levied for a particular purpose shall be used for any other purpose except upon the favorable vote of a majority of the eligible voters in the district voting on the question."

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 concurred in and adopted and shall forthwith become a part of the Constitution of the State of Delaware.

Approved June 30, 1980.

CHAPTER 312

FORMERLY

SENATE BILL NO. 571

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE CRIMINAL JURISDICTION OF INFERIOR COURTS AND JUSTICES OF THE PEACE.

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 IV, Section 28 of the Constitution of the State of Delaware by striking the first paragraph of said section in its entirety and substituting in lieu thereof the following:

"§28. The General Assembly may by law give to any inferior courts by it established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say — assaults and batteries, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from time to time prescribe."

Approved June 30, 1980.

CHAPTER 313

FORMERLY

SENATE BILL NO. 561

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT PROPOSING AN AMENDMENT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE AWARD OF CONTRACTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Article 15, Section 8 of the Constitution of the State of Delaware is hereby amended by striking said Section in its entirety and substituting in lieu thereof the following:

§8. Contracts for supplies or services for Government departments; interest of member or officer of department.

Section 8. No member or officer of any department of the government shall be in any way interested in any contract for the furnishing of stationery, printing, paper and fuel used in the Legislative and other departments of government; or for the printing, binding and distributing of the laws, journals, official reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, when such contract is awarded to or by any such member, officer or department.

Approved June 30, 1980.

CHAPTER 314

FORMERLY

HOUSE BILL NO. 182

AS AMENDED BY HOUSE AMENDMENT NOS. 2, 3
AND HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3
AND HOUSE AMENDMENT NO. 4

AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE, RELATING TO THE
PRACTICE OF PSYCHOLOGY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3501, Chapter 35, Title 24, Delaware Code, by adding a new paragraph as follows:

"(4) 'Psychological services' mean the application of psychological principles and procedures for the purpose of understanding, predicting, or influencing the behavior of individuals in order to assist in their attainment of maximum personal growth; optimal work, family, school and inter-personal relationships; and healthy personal adjustment. The application of psychological principles and procedures includes, but is not limited to any of the following: interviewing, counseling, and psycho-therapy; administering and interpreting instruments for the assessment and evaluation of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions and motivation; diagnosis, prevention, and amelioration of adjustment problems; hypnosis, the resolution of interpersonal and social conflict; educational and vocational counseling; personnel selection; and the evaluation and planning for effective work and learning situations. Teaching, writing, the giving of public speeches or lectures, and research concerned with psychological principles or the application of psychological services are not included in professional psychological services within the meaning of this act."

Section 2. Amend §3502, Chapter 35, Title 24, Delaware Code, by striking subsection (b) and inserting in lieu thereof a new subsection (b) as follows:

"(b) The Board shall consist of 6 members, appointed by the Governor, who are residents of this State. Five members shall be psychologists, appointed from a list of names submitted by the Delaware Psychological Association, and the sixth member shall be a layman who is not directly associated with the behavioral sciences."

Section 3. Amend §3502, Chapter 35, Title 24, Delaware Code, by striking subsection (c) and inserting in lieu thereof a new subsection (c) as follows:

"(c) All psychologists appointed to the Board shall be licensed to practice psychology under this chapter. At least 3 members of the Board shall be engaged in the practice of an applied field of psychology."

Section 4. Amend §3503, Chapter 35, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§3503. Compensation; expenses.

Each member of the Board shall receive as compensation a sum not to exceed \$50 for each day actually engaged in the duties of the office or \$500.00 maximum per member each year, which sum shall include compensation for all expenses incurred by such member."

Section 5. Amend §3504, Chapter 35, Title 24, Delaware Code, by striking the word "special" in subsection (a).

Section 6. Amend §3504, Chapter 35, Title 24, Delaware Code, by striking subsection (b) in its entirety and substituting in lieu thereof the following:

"The Board shall elect annually a President, Vice President and Secretary. A quorum of the Board shall consist of 4 members."

Section 7. Amend §3505, Chapter 35, Title 24, Delaware Code, by striking said section in its entirety and substituting the following:

"§3505. Records; Rules & Regulations

(a) The Board shall keep a register of all applications for licenses and a record of its proceedings. Such records shall be prima facie evidence of the proceedings of the Board.

(b) The Board may make any rules and regulations not inconsistent with the laws of this State which it deems necessary or expedient for the effective enforcement of this chapter or for the full and efficient performance of its duties hereunder."

Section 8. Amend §3506, Chapter 35, Title 24, Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"SUBCHAPTER II. LICENSE TO PRACTICE PSYCHOLOGY

§3506. License for the practice of psychology.

No person shall hold himself out to the public in this State as being qualified to practice psychology, or provide psychological services, or use in connection with his name or otherwise assume or use any title or description conveying or tending to convey the impression that he is qualified to practice psychology, or provide psychological services, unless such person has been duly licensed under this subchapter."

Section 9. Amend §3507, Chapter 35, Title 24, Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§3507. General Requirements for Licensing.

(a) Any applicant for the private practice of psychology shall submit evidence, verified by oath and satisfactory to the Board, that such person:

(1) Is domiciled in the State of Delaware at time of licensing or, if not domiciled in Delaware, has worked full time as a psychologist in the State of Delaware for a six-month period immediately prior to time of license application; and

(2) 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:

(i) Has had, after receiving the doctoral degree, at least 2 years of supervised experience in psychological work of a type satisfactory to the Board; or

(ii) Has had at least 5 years of supervised experience in psychological work of a type satisfactory to the Board after receiving the master's degree, provided that such person has the doctoral degree; and

(3) Is competent in the practice of psychology, as shown by examination, written or oral, or both, as the Board deems necessary; and

(4) Has not, within the preceding 6 months, failed an examination given by the Board or a comparable agency of another State.

(b) Any psychologist and who is either licensed or certified by a similar Board of another State, or territory of the United States, or of a foreign country or province whose standards, in the opinion of the Board, are, at the date of his certification or licensure, equivalent to or higher than the requirement of this Act, may be issued a temporary license not to exceed one year by the Board for the practice of psychology until such time as the Board conducts its regular licensing examinations."

Section 10. Amend §3508, Chapter 35, Title 24, Delaware Code, by deleting subsection (c) in its entirety.

Section 11. Amend §3510, Chapter 35, Title 24, Delaware Code, by striking subsection (a) in its entirety and substituting in lieu thereof the following:

"(a) The Board shall set by regulation fees for license applications, examinations, license renewals, temporary licenses, delinquent payments, and license replacement."

Section 12. Amend §3512, Chapter 35, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§3512. Expirations and Renewals.

Licenses shall be required to renew their license on the date set pursuant to 29 Del. C. §7904 (b). 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.

Section 13. Amend §3513, Chapter 35, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§3513. Revocation or Suspension of Licenses.

(a) The Board may revoke or suspend the license of anyone who is found guilty of:

(1) The practice of any fraud or deceit in obtaining a license, impersonating another person holding a license or allowing another person to use his license, or aiding or abetting a person not licensed to practice psychology in representing himself as a psychologist;

(2) Any offense involving moral turpitudes;

(3) Fraud, deceit, or misconduct in any relationships with clients;

(4) Using any chemical, drug or alcoholic beverage to the extent that such use impairs his ability to perform the work of a psychologist;

(5) Advertising in a way that may deceive the public or that may be harmful to public morals or safety.

(6) Making public claims of superiority in training or skill as a psychologist or in the performance of professional service;

(7) Using psychological techniques solely for entertainment purposes or other unprofessional and unscientific purposes unrelated to the promotion of human welfare;

(8) Engaging in a area of psychological practice in which he is, in the opinion of the Board, grossly incompetent;

(9) Any form of unethical conduct as defined in "Ethical Standards for Psychologists", adopted and published by the American Psychological Association in 1977, as revised.

(b) The Board or any aggrieved person may prefer charges against anyone licensed to practice psychology in this State concerning any of the activities listed in subsection (a) above. 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.

(c) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within 3 months after the date on which they were preferred, unless the President of the Board grants an extension of 1 month for the date of such hearing.

(d) 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 licensee shall have the right to appear personally and be represented by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own behalf. If, after such a hearing, 4 or more members of the Board find the licensee guilty of the charges, the Board shall revoke or suspend his license or take such action as the Board deems appropriate."

Section 14. Amend §3516, Chapter 35, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§3516. Use of Title.

(a) It is specifically prohibited that any individual present himself or that any organization present itself to the public by any title incorporating the name 'psychological', 'psychology', or 'psychologist', unless licensed in accordance with the provisions of this chapter, except as follows:

(1) Persons employed as psychologists by recognized academic institutions, agencies of the Federal Government, State or its political subdivisions, research laboratories, or corporations, solely for the purpose of providing psychological services to the corporation or its employees and not to the public, may represent themselves by the title conferred upon them by their employers. Nothing in this chapter shall be construed as permitting such persons or organizations to act as consultants or to accept remuneration for any psychological services other than those rendered during performance of their official duties, unless they have been licensed under this chapter.

(2) Visiting lecturers from recognized colleges or universities, laboratories and business corporations are exempt from the provisions of this section and may utilize their academic research title when presenting lectures or offering their research findings or providing scientific information to similar institutions or organizations.

(3) Students of psychology, psychological interns and other persons preparing to be come professional psychologists and who will be under qualified supervision in recognized training institutions or facilities may be designated by such titles as 'psychological intern', 'psychological trainee' or other titles clearly indicating such training status. In no instance shall students or interns offer psychological services to the public for remuneration, monetary or otherwise.

(b) Persons employed as psychologists by organizations that sell psychological services, whether for a profit or not to the public in this State shall not be exempted."

Section 15. Amend §3517, Chapter 35, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"§3517. Limitations on Scope of Chapter.

(a) This chapter shall not apply to the activities and services of a student, intern or a resident in psychology pursuing a course of study approved as qualifying training and experience under the terms of this chapter.

(b) This chapter shall not apply to those psychologists employed by recognized academic institutions, the Federal Government, the State or its political subdivisions, research laboratories or corporations, except professional service corporations chartered under 8 Del. C., chapter 6, unless such research laboratories or corporations sell psychological services whether for a profit or not to the public.

(c) Nothing in this chapter shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electroshock therapy or in any way infringing upon the practice of medicine as defined by the laws of this State.

(d) Nothing in this chapter shall be construed to prevent qualified members of other professional groups, licensed or registered according to the laws of Delaware and acting within the scope of the activity for which they are licensed or registered,

from doing work of a psychological nature consistent with the accepted standards of their respective professions; provided, however, that they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or are licensed to practice psychology.

(e) This chapter shall not apply to those psychologists not residents of this State who render professional services in this State for less than 6 days in any calendar year.

(f) Nothing in this chapter shall be construed to prevent or require licensing of religious counseling or any counseling of a spiritual nature such as confessionals or other forms of religious ministrations and this chapter is not to be applied to any Minister of any religious denomination to limit or otherwise control the religious functions thereof.

(g) Nothing in this chapter should be construed to prevent qualified counselors from doing work of a psychological nature consistent with the accepted standards of their profession, provided, however, that they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or licensed to practice psychology."

Section 16. Amend Section 3509, Chapter 35, Title 24, Del. C., by striking said section in its entirety.

Approved July 8, 1980.

CHAPTER 315

FORMERLY

HOUSE BILL NO. 313

AN ACT TO AMEND CHAPTERS 9 AND 39, TITLE 10 OF THE DELAWARE CODE
RELATING TO PARENTAL LIABILITY.

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 §926, Title 10 of the Delaware Code by striking the figure
"\$1,000" as it appears therein and substituting in lieu thereof the figure "\$5,000".

Section 2. Amend §3922, Title 10 of the Delaware Code by striking the figure
"\$1,000" as it appears therein and substituting in lieu thereof the figure "\$5,000".

Approved July 8, 1980.

CHAPTER 316
FORMERLY
HOUSE SUBSTITUTE NO. 1

TO

HOUSE BILL NO. 376
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE, TO EXEMPT FROM REALTY TRANSFER TAX TRANSFERS IN CONNECTION WITH, OR IN LIEU OF, THE FORECLOSURE OF CERTAIN MORTGAGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 5401 (p) of Chapter 54, Title 30, Delaware Code, by striking subsection (p) thereof in its entirety and substituting a new subsection (p) to read as follows:

"(p) Any conveyance to the lender holding a bona fide mortgage, which is genuinely in default, either by a sheriff conducting a foreclosure sale, or by the mortgagor in lieu of foreclosure;"

Section 2. Amend Section 5404, Chapter 54, Title 30, Delaware Code, by striking the "." at the end thereof and adding the following:

"; provided, that if prior to delivery of the deed pursuant to the said sale, the purchaser shall deliver to the sheriff, an affidavit as described in Section 5409 of this Title that the transfer is exempt from tax under Subsection P of Subdivision (1) of Section 5401 of this Title, the sheriff shall not pay the tax, but shall deliver the affidavit to the Recorder of Deeds as agent for the Department of Finance."

Section 3. Amend Section 5409, Chapter 54, Title 30, Delaware Code, by striking the "." at the end thereof and adding the following:

"; provided, that in the case of a transaction exempt from tax under Subsection P of Subdivision (1) of Section 5401 of this Title, the affidavit shall be made by the Grantee."

Approved July 8, 1980.

CHAPTER 317

FORMERLY

HOUSE SUBSTITUTE NO. 1
FOR HOUSE BILL NO. 394

AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2, 3, 4, AND 5

AN ACT TO AMEND CHAPTER 43, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURES; AND PROVIDING FOR EXPUNGEMENT UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter VII, Chapter 43, Part II, Title 11 of the Delaware Code by re-designating said Subchapter as new Subchapter VIII; and by re-designating present §4371 through §4374 as new §4381 through §4384.

Section 2. Amend Chapter 43, Part II, Title 11 of the Delaware Code by adding thereto a new Subchapter, designated as Subchapter VII, which new Subchapter shall read as follows:

"SUBCHAPTER VII. EXPUNGEMENT OF CRIMINAL RECORDS

§4371. Expungement; Statement of Policy

The General Assembly finds that arrest records can be a hindrance to an innocent citizen's ability to obtain employment, obtain an education, or to obtain credit. This Subchapter is intended to protect innocent persons from unwarranted damage which may occur as the result of arrest and other criminal proceedings which are unfounded or unproven.

§4372. Termination of Criminal Action in Favor of the Accused

(a) If a person is charged with the commission of a crime and

(1) is acquitted; or

(2) a nolle prosequi is taken, or the charge is otherwise dismissed,

he may file a petition setting forth the relevant facts and requesting expungement of the police records, and the court records relating to the charge.

(b) The petition shall be filed in the Superior Court in the county where the case was terminated, disposed of or concluded.

(c) A copy of the petition shall be served on the Attorney General, who may file an objection or answer to the petition within thirty days after it is served on him.

§4373. Hearing by Court; Granting or Denial of Expungement

(a) Unless the Court believes a hearing is necessary, petitions shall be disposed of without a hearing. If the Court finds that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes, or may

cause, circumstances which constitute a manifest injustice to the petitioner, it shall enter an Order requiring the expungement of the police and court records relating to the charge. Otherwise, it shall deny the petition. The fact that the petitioner has previously been convicted of a criminal offense, other than that referred to in the petition, shall be considered by the Court as *prima facie* evidence that the continuance existence and possible dissemination of information relating to the arrest in question does not constitute a manifest injustice to the petitioner.

(b) The State of Delaware shall be made party defendant to the proceeding. Any party aggrieved by the decision of the Court may appeal, as provided by law in civil cases.

(c) If an Order expunging the records is granted by the Court, all the records specified in the Order shall within sixty days of the Order, be removed from the files, and placed in the control of the supervisor of the State Bureau of Identification who shall be designated to retain control over all expunged records, and who shall insure that the records or the information contained therein is not released for any reason except as specified in this Subchapter. In response to requests from non-law enforcement officers for information or records on the person who was arrested, the law enforcement officers and departments shall reply, with respect to the arrest and proceedings which are the subject of the Order, that there is no record.

\$4374. Disclosure of Expunged Records

(a) Except for disclosure to law enforcement officers acting in the lawful performance of their duties in investigating criminal activity or for the purpose of an employment application as an employee of a law enforcement agency, it shall be unlawful for any person having or acquiring access to an expunged court or police record to open or review it or to disclose to another person any information from it without an Order from the court which ordered the record expunged.

(b) Where disclosure to law enforcement officers in the lawful performance of their duties in investigating criminal activity is permitted by subsection (a), such disclosure shall apply for the purpose of investigating particular criminal activity in which the person, whose records have been expunged, is considered a suspect and the crime being investigated is a felony or pursuant to an investigation of an employment application as an employee of a law enforcement agency.

(c) Nothing contained in this section shall require the destruction of photographs or fingerprints taken in connection with any felony arrest and which are utilized solely by law enforcement officers in the lawful performance of their duties in investigating criminal activity.

(d) Nothing herein shall require the destruction of court records or records of the Department of Justice. However, all such records, including docket books, relating to a charge which has been the subject of a destruction order shall be so handled to ensure that they are not open to public inspection or disclosure.

(e) An offense for which records have been expunged pursuant to this section shall not have to be disclosed by the person as an arrest for any reason.

(f) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class B misdemeanor, and shall be punished accordingly.

\$4375. Notification to Federal Agencies

Upon the granting by the Court for an Order for the expungement of records in accordance with this subchapter, a copy of such Order shall be forwarded to the federal Department of Justice."

Section 3. Section 3904, Title 11, Delaware Code is hereby repealed in its entirety.

Approved July 8, 1980.

CHAPTER 318

FORMERLY

HOUSE BILL NO. 457
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE
ADVISORY COUNCIL ON THE AGING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7915 (b) Chapter 79, Part VIII, Title 29, Delaware Code by twice striking the words "Social Services" as the same appears in two places in the first sentence of subsection (b) and substituting in lieu thereof both places the word "Division of Aging".

Section 2. Amend §7915 (c), Chapter 79, Part VIII, Title 29, Delaware Code, by adding at the close of subsection (c) the following sentence:

"New Castle County, exclusive of the City of Wilmington, Kent County, Sussex County and the City of Wilmington shall each be represented by two residents on the Council; one member shall be an at-large representative who shall reside anywhere in New Castle County".

Section 3. Amend §7915, Chapter 79, Part VIII, Title 29, Delaware Code, by adding a new subsection (h) which shall read as follows:

"(h) Members who are absent from more than three consecutive meetings, unless excused by the Council, shall be discharged from the Council".

Section 4. Amend §7915, Chapter 79, Part VIII, Title 29, Delaware Code, by adding a new subsection (i) which shall read as follows:

"(i) At least one-half of the members of the Council shall consist of actual consumers of services under the Title III Program, including low income and minority older persons, at least in proportion to the number of minority older persons in the State, with the remainder being broadly representative of the major public and private organizations in the State who are experienced or have demonstrated particular interest in the special needs of the elderly."

Approved July 8, 1980.

CHAPTER 319

FORMERLY

HOUSE BILL NO. 509

AN ACT TO AMEND CHAPTER 57, TITLE 25, DELAWARE CODE, RELATING TO LANDLORD-TENANT RELATIONSHIPS BY PROVIDING FOR AN APPEAL FROM A SUMMARY PROCEEDING FOR POSSESSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, past amendments to the Landlord-Tenant Code eliminated the procedure for appeal from a summary proceeding for possession; and

WHEREAS, substantial confusion has arisen concerning the availability of appeal and the procedure on appeal, thus necessitating clarifications on the Landlord-Tenant Code; and

WHEREAS, the Division of Consumer Affairs of the Department of Community Affairs and Economic Development, through conferences with representatives of tenant and landlord interests, has determined that substantial agreement exists as to the necessity and advisability of such clarification.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 57, Title 25, Delaware Code, by adding a new section thereto to be known and designated as §5717 which shall read as follows:

§5717. Stay of Proceedings on Appeal

A party aggrieved by the judgement rendered in such proceeding may request in writing within five (5) days after judgement, a trial de novo before a special court comprised of three (3) other justices of the peace, which shall sit in the same court and render final judgement, by majority vote, on the original complaint within ten (10) days after such request for a trial de novo. No such request shall stay proceedings on such judgement unless the aggrieved party, at the time of making such request, shall execute and file with the court an undertaking to the successful party, with such bond or other assurances as may be required by the court, to the effect that the aggrieved party will pay all costs of such proceedings which may be awarded against him and abide the order of the court therein, and pay all damages including rent justly accruing during the pendency of such proceedings. All further proceedings in execution of the trial court judgement shall thereupon be stayed."

Approved July 8, 1980.

CHAPTER 320

FORMERLY

HOUSE BILL NO. 627

AN ACT TO AMEND CHAPTER 31, TITLE 6 OF THE DELAWARE CODE TO INCREASE THE FEE CHARGED BY THE PROTHONOTARY FOR FILING CERTAIN CERTIFICATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3103, Chapter 31, Title 6 of the Delaware Code by striking the sum "\$1.00" and inserting in lieu thereof the sum "\$5.00".

Approved July 8, 1980.

CHAPTER 321

FORMERLY

HOUSE BILL NO. 629

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO LEON R. ELLIS, A RETIRED TEACHER, FOR ACCRUED SICK LEAVE.

WHEREAS, Leon R. Ellis was a teacher in the Seaford School District for 25 years; and

WHEREAS, for 23 years, Leon R. Ellis was a full-time teacher but for the school years 1977-79 he taught school on a 5/7 basis; and

WHEREAS, Leon Ellis had accumulated 200 days of sick leave at the time of his retirement on June 15, 1979, of which he can only actually receive 45 days compensation; and

WHEREAS, the payment for unused sick leave is based on a 5/7 basis instead of a full day basis resulting in a loss of \$875 to Leon R. Ellis.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$875 is hereby appropriated to the Seaford School District to be paid to Leon R. Ellis as the difference between his actual compensation for unused sick leave on a 5/7 basis as opposed to a full per diem basis.

Section 2. This is a supplemental appropriation and any monies hereby appropriated which are not expended for the purposes set forth in Section 1 of this bill on or before September 1, 1980, shall revert to the General Fund of the State of Delaware.

Approved July 8, 1980.

CHAPTER 322

FORMERLY

HOUSE BILL NO. 713

AN ACT TO AMEND CHAPTER 15, PART I, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LIABILITY OF OWNERS OR OCCUPIERS OF LAND FOR INJURY TO GUESTS OR TRESPASSERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1501, Chapter 15, Part I, Title 25 of the Delaware Code by striking the word "the" as the same appears between the words "onto" and "premises," it being the sixth word of said section, and substituting the word "private residential or farm" in lieu thereof.

Approved July 8, 1980.

CHAPTER 323

FORMERLY

HOUSE BILL NO. 718

AN ACT TO AMEND DELAWARE CODE, TITLE 14, BY CLARIFYING THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO MAKE RULES AND REGULATIONS CONCERNING INTER-SCHOLASTIC ATHLETICS AND PROHIBITING THE APPROVAL OF A REGULATION THAT WOULD PROHIBIT PARTICIPATION IN SIMILAR TEAM ACTIVITIES BY HIGH SCHOOL ATHLETES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Delaware Code, Title 14, §122 (b) by adding to that subsection a new item (19) as follows:

"(19) Governing the conduct of interscholastic athletics. The Board shall not approve any rule or regulation that denies a student the right to simultaneously try out, practice or participate in games on a team similar to the school team on which he or she is a member, except that the authority for such dual membership and participation on a similar team shall be authorized only upon written consent by the parent, custodian or guardian of the student. Such written consent shall clearly state the authority to participate on a particularly specified team of a designated organization or institution."

Approved July 8, 1980.

CHAPTER 324

FORMERLY

HOUSE BILL NO. 732
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE, RELATING TO PENALTIES FOR DISTRIBUTING DRUGS TO PERSONS UNDER 18 YEARS OF AGE, BY PROVIDING MANDATORY JAIL SENTENCES FOR THOSE DISTRIBUTING DRUGS TO PERSONS UNDER 16 YEARS OF AGE AND 14 YEARS OF AGE.

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 §4761, Chapter 47, Title 16 of the Delaware Code, by adding the following subsections:

"(3) In any prosecution for violation of §4761(1) of this Title, when the person to whom the narcotic drug has been distributed is under the age of 16, there shall be a mandatory minimum term of imprisonment of one (1) year, which one year mandatory minimum term shall not be subject to suspension and no person shall further be eligible for probation or parole during said one year mandatory minimum term; when the person to whom the narcotic drug has been distributed is under the age of 14, there shall be a mandatory minimum term of imprisonment of two (2) years which two year mandatory minimum term shall not be subject to suspension and no person shall further be eligible for probation or parole during said two year mandatory minimum term.

(4) In any prosecution for violation of §4761(2) of this Title, when the person to whom the non-narcotic drug been distributed is under the age of 16, there shall be a mandatory minimum term of imprisonment of six (6) months, which six months mandatory minimum term shall not be subject to suspension and no person shall further be eligible for probation or parole during said six months mandatory minimum term; when the person to whom the narcotic drug has been distributed is under the age of 14, there shall be a mandatory minimum term of imprisonment of one (1) year, which one year mandatory minimum term shall not be subject to suspension and no person shall further be eligible for probation or parole during said one year mandatory minimum term."

Section 2. Amend Title 16, §4761 by adding thereto a new subsection (5) to read as follows:

"(5) Mistake as to age. Whenever in this section the criminality of conduct or particular sentence depends on a person's age, it is no defense that the actor did not know the person's age, or reasonably believed the person to be older than age 14, 16, or 18, as the case may be."

Approved July 8, 1980.

CHAPTER 325

FORMERLY

HOUSE BILL NO. 791
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT AMENDING TITLE 28 OF THE DELAWARE CODE RELATING TO BINGO
LIMITATIONS AND REGULATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Delaware Code, Title 28, Section 1139, by deleting subparagraph (a) in its entirety and by inserting in lieu thereof a new section (a) as follows:

"(a) Games conducted on Sundays shall not commence prior to 1:30 P.M. Games on days other than Sunday shall be permitted only between the hours of 10:00 A.M. and 1:00 P.M. and between the hours of 6:00 P.M. and 11:30 P.M."

Approved July 8, 1980.

CHAPTER 326

FORMERLY

HOUSE BILL NO. 816

AS AMENDED BY HOUSE AMENDMENT NO. 2 AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTERS 5, 7 and 13 OF TITLE 7 OF THE DELAWARE CODE RELATING TO POSSESSION OR SETTING OF CERTAIN TRAPS AND PENALTIES THEREFORE; AND FOR THE CREATION OF A WILDLIFE THEFT PREVENTION FUND.

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 7, Title 7 of the Delaware Code by adding the following new section:

"Section 728. Prohibition, Possession or Setting of Certain Killer, Body-gripping Traps.

Anyone who sets, tends or possesses or attempts to set or tend a killer, body-gripping trap with a jaw spread in excess of 5 inches shall be fined not less than \$250 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for each subsequent offense. The fines imposed under this section shall not be suspended."

Section 2. Amend §512, Chapter 5, Title 7 of the Delaware Code by adding a new subsection as follows:

"(c) The Department may revoke any hunting or trapping license or any similar licenses issued by it or deny any person the right to secure such license or to hunt or trap anywhere in this State for a period within its discretion of not less than 3 years nor more than 5 years if the licensee has been convicted of illegally possessing, tending or setting or attempting to set or tend a killer, body-gripping trap."

Section 3. Amend Chapter 5, Title 7 of the Delaware Code by adding a new section to read as follows:

"Section 519. Trapping during revocation; penalty.

Whoever traps during a period when the Department has revoked or denied that person the right to secure a license to hunt or trap within the State pursuant to Section 512 of this chapter shall be fined \$1,000. The fines imposed under this section shall not be suspended."

Section 4. Amend Chapter 13, Title 7 of the Delaware Code by adding a new Section 1312 to read as follows:

"§1312. Wildlife Theft Prevention Fund; authorized expenditures.

A. There is hereby established by this section a Wildlife Theft Prevention Special Fund which shall consist of:

1. Monies received from fines imposed for violations of Chapter 1, 5, 6 and 7 of this Title.

2. Monies received from donations to the fund.

3. Monies appropriated by the General Assembly to the fund to carry out the purpose provided for in this section.

B. Funds from the Wildlife Theft Prevention Fund shall be expended only for the following purposes:

1. Financing of rewards to persons other than Peace Officers, Department of Natural Resources and Environmental Control personnel, or members of their immediate families, responsible for information leading to the conviction of any person for unlawfully taking, wounding or carrying, possessing, transporting or selling wildlife or trapping, attempting to trap or illegally setting traps for the purpose of catching wildlife. The Division of Fish and Wildlife shall establish a schedule of rewards for information received and payment shall be made from the funds available for this purpose. The amount of such reward shall not exceed \$100.

2. Financing of a statewide telephone reporting system containing the name of Operation Game Theft.

3. Promotion of public recognition and awareness of the Wildlife Theft Prevention Special Program.

C. The Wildlife Theft Prevention Special Fund shall be expended in conformity with the laws governing the State financial operations, except that regulations shall be developed by the Department to maintain the confidentiality of the informant's identity.

D. For the purpose of implementing Paragraph A.1. above, all monies received from fines assessed for violation of Chapters 1, 5, 6 and 7 of this Title shall be deposited at least monthly with the State Treasurer to be retained by him in a Special Fund until expended upon proper vouchers of the Department to carry out the purposes of this section."

Section 5. Amend Section 791, Chapter 7, Title 7 of the Delaware Code by striking subsection (b) of said section in its entirety and substituting in lieu thereof the following:

"(b) Any person may trap, hunt with dogs, or otherwise take raccoons from any lands during the period as defined by Departmental regulations."

Section 6. Amend Section 791, Chapter 7, Title 7 of the Delaware Code by adding thereto a new subsection (c) to read as follows:

"(c) Raccoon and opossum may be legally trapped, statewide, in a box type trap operated in such a way as to confine but not otherwise harm the entrapped raccoon or opossum with a maximum opening dimension not to exceed 195 square inches."

Section 7. Amend subsection (b), Section 704, Chapter 7, Title 7 of the Delaware Code by inserting between the word "muskrats," and the word "minks," the following:

"raccoon, opossum"

Approved July 8, 1980.

CHAPTER 327

FORMERLY

HOUSE BILL NO. 818

AN ACT TO AMEND CHAPTER 5, TITLE 29, DELAWARE CODE, BY REVISING CERTAIN SECTIONS RELATING TO THE PRESERVATION OF PUBLIC RECORDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 501, Title 29, Delaware Code by adding the following paragraphs:

"As used in this chapter, "record" means any document, book, photographic image, electronic data recording, paper, sound recording, or other material regardless of physical form or characteristics, made or received pursuant to the law or ordinance or in connection with the transaction of public business by any officer or employee of this State, or of a country, or an incorporated municipality.

As used in this chapter, "noncurrent record" shall be any record that is no longer in current use, and is unlikely to be further revised.

All records of this State, or of any political subdivision thereof, except as otherwise provided by law, shall be considered to be noncurrent after sixty years from the date of their creation."

Section 2. Amend Section 507, Title 29, Delaware Code by striking the sentence, "These publications are to be retained for reference and research purposes." and adding at the end of Section 507, the following:

"The Department of State may preserve microfilm copies of any publications deposited for preservation, and may destroy the originals after certified microfilm copies have been made and preserved."

Section 3. Amend Section 523, Title 29, Delaware Code by striking the word "future" and adding the following paragraph:

"The State Architect shall not approve final payment for any construction project until permanent, archival-quality copies of the architectural and engineering drawings of the building have been deposited with the Department of State."

Section 4. Amend Section 534, Title 29, Delaware Code by striking subsection 527(d) in its entirety.

Section 5. Amend Section 527, Title 29, Delaware Code, by striking the second paragraph thereof and substituting in lieu thereof, the following:

"The Department of State may require that certain records shall be kept on permanent-durable paper. The Department may require the microfilming of records that are not produced on permanent-durable paper."

Approved July 8, 1980.

CHAPTER 328

FORMERLY

HOUSE BILL NO. 837

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE, RELATING TO THE CREDIT AGAINST CORPORATION INCOME TAX AND REDUCTION IN LICENSE TAX FOR QUALIFIED NEW BUSINESS FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend the second sentence of subsection (a), Section 2011, Title 30, Delaware Code, by inserting after the word "credit" and immediately preceding the word "allowed," as they appear therein, the following:

"and reduction in the license fee"

Approved July 8, 1980.

CHAPTER 329

FORMERLY

HOUSE BILL NO. 839

AN ACT TO AMEND SECTION 2301 (d), TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL LICENSES AND FEES, AND THE REQUIREMENT TO FILE QUARTERLY RETURNS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (d), Section 2301, Title 30, Delaware Code, by designating all that appears as "paragraph (1),"

Section 2. Amend subsection (d), Section 2301, Title 30, Delaware Code, by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed by paragraph (1) for any calendar quarter does not exceed \$1,000, the return and payment of the additional license fee imposed for such quarter shall be filed on or before the 20th day of the first month following the close of the first subsequent calendar quarter in which the aggregate gross receipts for such quarter exceeds \$1,000, or, if that does not occur, on the 20th day of the first month following the close of the fourth calendar quarter of the calendar year."

Section 3. This Act shall apply to license years commencing on or after January 1, 1981.

Approved July 8, 1980.

CHAPTER 330

FORMERLY

HOUSE BILL NO. 848

AN ACT TO AMEND CHAPTER 30 OF TITLE 31 AND CHAPTER 46 OF TITLE 6 OF THE DELAWARE CODE RELATING TO THE PROHIBITION OF DISCRIMINATION AGAINST THE HANDICAPPED IN HOUSING, WITH RECOURSE TO THE STATE HUMAN RELATIONS COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 3004, Chapter 30, Title 31 of the Delaware Code by striking subsection (1) in its entirety, and substituting in lieu thereof the following:

"(1) Act as conciliator in matters involving race, age, marital status, color, sex, handicap, creed, national origin or ancestry."

Section 2. Amend Section 4601, Chapter 46, Title 6 of the Delaware Code by adding thereto a new subsection to be designated (7) and to read as follows:

"(7) 'Handicap' means, with respect to a person, (a) a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) a record of having such an impairment, or (c) being regarded as having such an impairment."

Section 3. Amend Section 4602, Chapter 46, Title 6 of the Delaware Code by inserting in the first sentence after the words "...race, age, marital status, creed, color, sex," the following word and punctuation "handicap,".

Section 4. Amend Section 4603, Chapter 46, Title 6 of the Delaware Code by inserting after the words "...because of race, age, marital status, creed, color, sex," the following word and punctuation "handicap,".

Section 5. Amend subsections (4) and (6) of Section 4603, Chapter 46, Title 6 of the Delaware Code by inserting after the words "...race, age, marital status, creed, color, sex," the following word and punctuation "handicap,".

Section 6. Amend Section 4604, Chapter 46, Title 6 of the Delaware Code by adding thereto a new subsection to be designated (c) and to read as follows:

(c) The provisions of this chapter as to discrimination based upon handicap shall not require any person to modify the features or structure of a dwelling unless otherwise required by law or the following conditions are met:

(1) a minor modification of the dwelling is requested by a tenant or prospective tenant and the tenant or prospective tenant bears the expense of the modification;

(2) if requested by the landlord or owner, the tenant agrees in writing prior to the modifications to return the dwelling to its original state prior to vacating the dwelling.

Approved July 8, 1980.

CHAPTER 331

FORMERLY

HOUSE BILL NO. 849

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 9, SUBCHAPTER III, TITLE 10 OF THE DELAWARE CODE RELATING TO THE FAMILY COURT; MANDATING A MINIMUM OF SIX (6) MONTHS OF CONFINED INSTITUTIONAL TREATMENT FOR CERTAIN CHILDREN; PROVIDING FOR A HEARING BEFORE A JUDGE BEFORE RELEASE ON PASSES, EXTENDED LEAVE OR AFTERCARE RELEASE SUBSEQUENT TO MANDATORY INSTITUTIONAL TREATMENT; AND PROVIDING FOR AN AMENABILITY HEARING FOR LATER CHARGES OF A CHILD WHO HAS ALREADY RECEIVED MANDATORY INSTITUTIONAL TREATMENT.

WHEREAS, the general intention behind the enactment of a mandatory commitment law for juveniles adjudicated delinquent for violating certain delinquent offenses was to serve as a warning to a first offender of the consequences of a second conviction; and

WHEREAS, mandatory prison terms applied to adults require that an offender has an opportunity to mend his ways after an initial confrontation with the courts before he is sentenced as a second offender; and

WHEREAS, the current provisions of 10 Del. C. §937, require that a juvenile be committed for the stated mandatory period if he has been adjudicated delinquent for the enumerated number and types of offenses, regardless of whether all offenses are adjudicated at one hearing; and

WHEREAS, the members of the General Assembly and the members of the Family Court Judiciary desire to establish a mandatory commitment provision triggered only by an offense committed after a first adjudication and within a prescribed period of time.

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. Amend §937(c) Part A, Subchapter III, Chapter 9, Title 10, by striking subsections (1) through and including subsection (6) in their entirety, and substituting in lieu thereof the following new subsections which shall read as follows:

"(1) Any child who has been adjudicated delinquent by this Court of one or more offenses which would constitute a felony were he charged as an adult under the laws of this State, and who shall thereafter within 12 months commit one or more offenses occurring subsequent to the said adjudication which offense or offenses would constitute a felony were he charged as an adult under the laws of this State, and thereafter be adjudged delinquent of said offense or offenses, is declared a child in need of mandated institutional treatment, and this Court shall commit the child so designated to the Department of Correction for at least a six-month period of institutional confinement.

(2) Any child committed to the Department of Correction subsequent to an adjudication of delinquency and who thereafter is adjudicated delinquent of a charge of escape, pursuant to Subpart E of Subchapter VI of Chapter 5 of Title 11, is

declared a child in need of mandated institutional treatment, and the Court shall recommit the child to the Department of Correction for at least a six-month period of institutional confinement.

(3) A child committed to the custody of the Department of Correction pursuant to this subsection shall not be released from institutional confinement on pass, on extended leave, or to aftercare during the first six months of said commitment; thereafter, a child committed to the Department of Correction pursuant to this subsection shall not be released from institutional confinement on pass, on extended leave, or to aftercare, unless the Judge of the Family Court who originally executed the Commitment order or a Judge of the Family Court designated by the Chief Judge shall, upon a petition filed by the Department of Correction (or its duly authorized representative), the child, the parent(s) or guardian of said child, or by the Court's own initiative, with notice to the Attorney General, determine by a preponderance of the evidence presented at a hearing that: the child has so progressed in his course of mandated institutional treatment that release would best serve both the welfare of the public and the interest of the child.

(4) Where a child has been declared in need of mandated institutional treatment in accordance with paragraphs (1) and (2) of this subsection, and he is subsequently charged with having committed one or more offenses which offense or offenses occurred subsequent to the child having been declared a child in need of mandated institutional treatment, the Court shall conduct a hearing to determine whether the child is amenable to the rehabilitative processes of the Court pursuant to §938(c) of this Title. "Offense" in this paragraph shall mean all offenses which would constitute a felony were he charged as an adult under the laws of this State, with the exception of a charge of escape pursuant to Subpart E of Subchapter VI of Chapter 5 of Title 11.

(5) Whenever a child appears before the Court on charges which would constitute a felony were he charged as an adult under the laws of this State, said child and any parent, guardian or custodian of said child who is present shall be specifically advised of the operation of this subsection."

Section 2. Amend §937(c), Part A, Subchapter III, Chapter 9, Title 10, by striking the subsection designators (7), (8), and (9), and substitute therefore the designators (6), (7), and (8), respectively.

Section 3. This Act shall be effective with respect to acts or courses of conduct which occur after its passage by the General Assembly and execution by the Governor. Except as stated in Section 4, no adjudication of delinquency occurring prior thereto shall be considered in determining appropriate disposition of a delinquent child pursuant to §937 of Title 10.

Section 4. An adjudication of delinquency occurring prior to the effective date of this Act shall be considered in determining appropriate disposition of a delinquent child pursuant to §937 of Title 10 only if both that adjudication and the adjudication under consideration in the disposition come within the terms of both the juvenile mandatory sentencing act in existence at the time of the first adjudication and this Act.

Section 5. This Act shall not affect the status or the commitment order of any child already committed to the Department of Correction pursuant to the predecessor section of this amendment.

Approved July 8, 1980.

CHAPTER 332

FORMERLY

HOUSE BILL NO. 880
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 31, TITLE 16 OF THE DELAWARE CODE RELATING TO
FEES OF CERTIFICATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 3137 by adding a new section (4) to read as follows:

"(4) No fee shall be charged for either the initial searches of records or the initial issuance of certificates when obtained by a senior citizen who is a resident of Delaware for their personal needs. A senior citizen is any person who is over the age of sixty-five (65) years."

Approved July 8, 1980.

CHAPTER 333

FORMERLY

HOUSE BILL NO. 914

AN ACT TO APPROPRIATE THE SUM OF \$650 TO THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS OF THE STATE DEPARTMENT FOR THE INSTALLATION OF A MARKER HONORING WILLIAM BARKLEY COOPER, GOVERNOR OF DELAWARE IN 1821-1822.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE;

Section 1. The sum of \$650 is hereby appropriated to the Division of Historical and Cultural Affairs of the State Department for the installation of a marker honoring William Barkley Cooper, Governor of Delaware in 1821-1822.

Section 2. This is a supplemental appropriation and shall be paid by the State Treasurer out of the General Fund from monies not otherwise appropriated.

Section 3. Any part of this appropriation neither expended nor encumbered by July 1, 1981, shall revert to the General Fund.

Approved July 8, 1980.

CHAPTER 334

FORMERLY

HOUSE BILL NO. 980
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND PART III, TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR CANCER REGISTRATION.

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 Part III, Title 16 of the Delaware Code by adding thereto a new Chapter, designated as Chapter 32, which new chapter shall read as follows:

"CHAPTER 32. REGISTRATION OF CERTAIN DISEASES

§3201. Short Title

This Chapter may be cited as the Delaware Cancer Control Act.

§3202. Purpose

It is the intent of the legislature to require the establishment and maintenance of a cancer registry for the State of Delaware. This responsibility is delegated to the Department of Health and Social Services, along with authority to exercise certain powers to implement this requirement. To insure an accurate and continuing source of data concerning cancer and certain specified tumors of a benign nature, the legislature by this Chapter requires all hospitals, clinical laboratories, and cancer treatment centers within the State to make available to the Department of Health and Social Services information contained in the medical records of patients who have cancer or specified tumors of a benign nature. It is intended that the product of these efforts will be a central data bank of accurate, precise and current information regarding the subject diseases.

§3203. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) "'Department' means the State of Delaware, Department of Health and Social Services.

(2) 'Cancer' includes a large group of diseases characterized by uncontrolled growth and spread of abnormal cells; any condition of tumors having the properties of anaplasia, invasion, and metastasis; a cellular tumor, the natural course of which is fatal; and malignant neoplasm.

(3) Specified tumors of a benign nature include all Intracranial tumors, all spinal cord tumors, polycythemia vera, chronic lymphoproliferative disease, mixed tumors of the parotid glands, hydatidiform mole and any other tumors as may be specified by the Department.

(4) 'Tumorous Disease' means a growth of tissue in which the multiplication of cells is uncontrolled and progressive, also called neoplasm. It is a swelling,

enlargement, or abnormal mass, either benign or malignant, which performs no useful purpose.

§3204. Cancer Registry.

(a) The Department shall establish and maintain an up-to-date registry which shall include every case of cancer, or specified tumors of a benign nature, that may occur in Delaware.

(b) The Department shall require the reporting of cases of cancer or specified tumors of a benign nature, and the submission of such specified additional information on reported cases as the Department deems necessary and appropriate for the recognition, prevention, cure or control of such diseases.

(c) The notices required by this section shall be upon forms supplied by the Department, and shall contain such information as shall be required by the Department.

§3205. Reports by Laboratories

Whenever an examination of a tissue specimen in a laboratory discloses the existence of cancer or specified tumors of a benign nature, the person in charge of such laboratory or the person making such examination, shall immediately report the same together with all the facts in connection therewith to the designated representative of the Department to whom a physician is required to report such cases pursuant to this section.

§3206. Public and Private Institutions

The person in charge of every hospital, dispensary, asylum or other similar public or private institution shall immediately give notice of every case of cancer or specified tumors of a benign nature coming under the care of the institution to the representative of the Department to whom a physician is required to report such cases pursuant to this section.

§3207. Confidentiality of Reports

The reports of cancer cases made pursuant to the provisions of this Chapter shall not be divulged nor made public so as to disclose the identity of any person to whom they relate.

No individual or organization providing information to the Department in accordance with this Act shall be deemed to be, or held liable for, divulging confidential information.

§3208. Medical Examinations; Compulsion Prohibited

Nothing in this Chapter shall be construed to compel any individual to submit to medical or Health Department examination or supervision.

§3209. Violations

Any violation of this section shall subject the violator to a \$100 fine for each and every violation."

Approved July 8, 1980.

CHAPTER 335

FORMERLY

HOUSE BILL NO. 1007

AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF LABOR FOR PAYMENTS TO EMPLOYEES WHO WORKED OVERTIME UNDER A FEDERAL GOVERNMENT SAFETY PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$4,313.55 is hereby appropriated to the Department of Labor for payment of overtime compensation accrued by eight state employees temporarily assigned from 1973 to 1976 to a federal safety program.

Section 2. The employees and the amounts are as follows:

Warren M. Heitz	\$1,764.03
Arthur J. Pennewill Jr.	1,139.16
Palmer Tackett	1,613.23
Donald Poore	1,042.34
Henry S. Krajewski	554.39
Lester E. Clendaniel	903.87
Susan Lee	1,026.92
Arthur R. Yotter	583.16
Total	<u>\$8,627.10</u>

Section 3. Of the total amount of \$8,627.10 in Section 2 above the Federal Government has agreed to pay 50 percent providing the State of Delaware, through the General Assembly, agrees to pay the remaining 50 percent.

Section 4. This is a supplementary appropriation and any part thereof unexpended or unencumbered on June 30, 1981, shall revert to the General Fund.

Approved July 8, 1980.

CHAPTER 336

FORMERLY

HOUSE BILL NO. 1008

AN ACT TO AUTHORIZE NEW CASTLE COUNTY TO SELL CERTAIN LAND TO THE CITY OF WILMINGTON WITHOUT COMPETITIVE BIDDING.

WHEREAS, the provisions of Title 9, Section 1521(e) and (f), Delaware Code, require that New Castle County publicly advertise and obtain competitive bids for the sale of land; and

WHEREAS, New Castle County owns a 187.7 acre tract of land immediately adjacent to the Pigeon Point Landfill, purchased by the County for landfill expansion; and

WHEREAS, the County-owned land is needed by the City of Wilmington for expansion of its port facilities in the future; and

WHEREAS, if the sale is approved, the City of Wilmington has agreed to lease to the Delaware Solid Waste Authority the subject land at a cost of \$1.00 per year until the landfill potential is exhausted; and

WHEREAS, a significant public purpose would be served by permitting the City of Wilmington to purchase the County-owned land for expansion of its port facilities.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Inapplicability of certain code sections.

The provisions of Title 9, Section 1521(e) and (f), Delaware Code, shall not apply to the sale by New Castle County of a 187.7 acre tract of land along the Delaware River and Pigeon Point Landfill to the City of Wilmington.

Approved July 8, 1980.

CHAPTER 337

FORMERLY

HOUSE BILL NO. 1023
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO
EXEMPTING SMALL TRAILERS FROM THE LATE-REGISTRATION RENEWAL FEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2151, Chapter 21, Title 21 of the Delaware Code by striking the first sentence of paragraph (6) and inserting in lieu thereof the following:

(6) A fee of \$2.00, in addition to the registration fee, shall be imposed at the time of renewal of registration of a motor vehicle or semi-trailer if the Delaware registration has expired. This fee shall not be imposed if the registration has expired over 12 months or if a permit has been purchased for the vehicle pursuant to Section 2103. The fee shall not be imposed if a transfer of ownership on the vehicle has taken place or if the motor vehicle or trailer has been inspected prior to the expiration of registration.

Approved July 8, 1980.

CHAPTER 338

FORMERLY

HOUSE BILL NO. 1118

AN ACT TO AUTHORIZE THE CONVEYANCE OF THE PROPERTIES KNOWN AS THE HODGSON VOCATIONAL-TECHNICAL SCHOOL, THE HOWARD CAREER CENTER, THE HOWARD HIGH SCHOOL AND THE MARSHALLTON ELEMENTARY SCHOOL TO THE NEW CASTLE COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICT.

WHEREAS, Title 14, Section 1029(b) of the Delaware Code provides that all vocational-technical centers or schools shall come within the authority of the vocational-technical school board in the County in which they are located; and

WHEREAS, the New Castle County Vocational-Technical School District has since July 1, 1978 administered and supervised the Hodgson Vocational-Technical School and the Howard Career Center pursuant to a Stipulation between the Vo-Tech District and the New Castle County School District filed in *Evans v. Buchanan*; and

WHEREAS, the Hodgson Vocational-Technical School and the Howard Career Center were constructed with funds from the State of Delaware; and

WHEREAS, the New Castle County Vocational-Technical School District presently rents for One Dollar per year the Howard High School and Marshallton Elementary School from the New Castle County School District and pays all costs, expenses and obligations of every kind relating to these schools; and

WHEREAS, custody of the Hodgson Vocational-Technical School, the Howard Career Center, the Howard High School and the Marshallton Elementary School is with the New Castle County School District having been so conveyed by the former Newark School District, Wilmington School District and Marshallton-McKean School District, respectively.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The transfer and conveyance of the properties known and described as the Hodgson Vocational-Technical School, the Howard Career Center, the Howard High School, and the Marshallton Elementary School from the custody of the New Castle County School District to the New Castle County Vocational-Technical School District is hereby specifically approved.

Section 2. The Department of Administrative Services is hereby authorized, empowered, directed and required on behalf of the State of Delaware to transfer the Hodgson Vocational-Technical School, the Howard Career Center, the Howard High School and the Marshallton Elementary School described herein from the custody of the New Castle County School District to the New Castle County Vocational-Technical School District.

Section 3. The provisions of this Act shall become effective on July 1, 1980.

Section 4. If any provision of this Act or the application thereof to any person or circumstance 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 July 8, 1980.

CHAPTER 339

FORMERLY

HOUSE BILL NO. 1120

AN ACT TO REINCORPORATE THE TOWN OF SMYRNA.

WHEREAS, it is deemed advisable that the Charter of the Town of Smyrna, set forth in Chapter 192, Volume 36, Laws of Delaware, with subsequent amendments, be consolidated into one complete Act and in certain respects be further amended and revised.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. BOUNDARIES AND TOWN PLOT

(a) Boundaries

The limits and boundaries of the Town of Smyrna in Kent County, Delaware, shall be as previously fixed and established or hereafter altered according to law and shall be marked and defined according to maps and plots now of record or hereafter recorded in the Office of the Recorder of Deeds in and for Kent County pursuant to lawful annexation proceedings. Such maps and plots, when so made and approved by the said Council, and signed by the Mayor and Secretary of council, and sealed with the town seal and when recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for Kent or New Castle County, at Dover or Wilmington, shall be deemed to be the true and correct maps and plots of the Town and of all the streets, boundaries, lanes and alleys thereof, 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 the State of Delaware.

(b) Alteration of Boundaries

The Town of Smyrna is authorized to alter its boundaries by the annexation of new territory in the manner hereinafter set forth; provided however, that no territory not *contiguous* to the Town at the time of the annexation may be annexed into the Town.

(1) The Council shall adopt a resolution proposing the inclusion of territory within the limits of the Town of Smyrna and calling for a special election to be held in said territory. The resolution shall contain a description of the territory proposed to be *annexed* and shall specify the date, time, and place or places of said election. The resolution shall be published at least twice in a newspaper of general circulation in the Town of Smyrna at least two weeks but not more than four weeks before the day of the election.

(2) If more than one territory is involved in any resolution, elections may be held in more than one of them on the same day, but the elections shall be separate; only the votes of the qualified voters and real estate owners of a territory shall be counted in the election to determine whether that territory shall be annexed.

(3) At any such election, the following rules shall govern voting:

(a) Each legal entity (whether an individual, partnership, corporation, association, trust, or any other entity capable of holding legal title), owning property solely in its own name, shall be entitled to one vote. Where title is jointly held, each joint-owner shall be entitled to one vote. Where property is held in a life estate, the holders of the life estate shall be deemed, for purposes of this provision, to be the owners in fee thereof and entitled to vote accordingly.

(b) Each bona fide domiciliary of the territory shall be entitled to one vote provided they are 18 years of age or older and have resided in the territory for at least 30 days prior to the day of the election.

(c) These rules shall be construed so as to permit only "one-man, one-vote." Where a voter is entitled to vote by virtue of both residence and ownership of property in the territory, that voter shall be entitled to only one vote; where a voter is entitled to vote by virtue of ownership of two or more properties in the territory, that voter shall be entitled to only one vote.

(d) Any legal entity entitled to vote (other than a natural person) must cast their vote by a duly executed power of attorney. Any natural person entitled to vote may cast his vote in person or by a duly executed power of attorney; however, no person whose name is not listed either as a taxpayer or voter in the Town of Smyrna shall be entitled to authorize another person to cast his vote by use of a Power of Attorney.

Any person holding a power of attorney will be accompanied into the voting booth by an elections officer to insure that the vote is cast in accordance with the Power of Attorney.

(4) Any such election shall be conducted by the Elections Board of the Town of Smyrna who shall make all decisions concerning eligibility of voters, validity of Powers of Attorney, and other similar matters pertaining to the conduct of the election. The Town Council shall bear the cost of conducting the election and shall provide ballots. The ballots shall briefly but clearly indicate the territory proposed to be annexed into the Town and shall provide two boxes beside which shall appear the words:

"For inclusion within the Town of Smyrna" and "Against inclusion within the Town of Smyrna."

Each voter shall indicate his preference by making a mark within the box beside the words expressing his preference.

(5) When the polls are closed, the election officers shall publicly count the votes and forthwith certify to the Secretary of the Council the numbers of votes cast for and against inclusion within the town limits. At the next regular or special meeting of the Council, the Mayor and Council shall receive the results of the election and make the same a part of the minutes of said meeting.

(6) If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the Council shall thereupon adopt a resolution annexing said territory and including it within the limits of the Town of Smyrna. Upon the adoption of a resolution of annexation, a copy thereof certified by the Secretary of the Council and a plot of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County or New Castle County and the area so annexed shall for all purposes thenceforth be a part of the Town of Smyrna.

(7) If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of the Town of Smyrna, the proposed annexation shall be declared by the Council to have failed.

(8) Nothing in this section shall prohibit the Council from resubmitting a proposal of annexation to the voters of said territory, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

Section 2. BODY CORPORATE, POWERS

(a) Body Corporate

The inhabitants of the Town of Smyrna, within the limits and boundaries referred to in Section 1 of this Charter, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic and corporate in Law and in Equity by the corporate name of the "Town of Smyrna", and under that name shall have perpetual succession.

The Town of Smyrna shall succeed to own or possess all property, whether real, personal, or mixed, and all the powers, rights, privileges or immunities now or heretofore belonging to, possessed, or enjoyed by the Town of Smyrna.

(b) Powers

The Town of Smyrna shall have and enjoy all the powers possible for a municipal corporation, city, or town 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. Included among, but not in limitation of its powers, the Town:

(1) May have and use a corporate seal, which may be altered, changed, or renewed at pleasure.

(2) May sue and be sued, plead and be impleaded in all courts of Law and Equity in the State of Delaware or elsewhere.

(3) May hold and acquire by gift, negotiation and purchase, devise, lease or condemnation property both real (improved or unimproved) and personal or mixed, within or without the boundaries of the town, in fee or lesser estate or interest, necessary or desirable for any municipal or public purpose, including but not limited to, providing sites for constructing, improving, extending, altering, or demolishing:

(a) public buildings;

(b) parks;

(c) streets, squares, lanes, alleys, and sidewalks;

(d) sewer systems, including but not limited to sewage lines, conduits, sewage disposal or treatment plants, and all appurtenants thereto;

(e) water systems, including but not limited to, water plants, wells, lines, conduits and all appurtenants thereto;

(f) electric systems, including but not limited to, electric plants, substations, distribution systems, lines, conduits and all appurtenants thereto;

(g) gas systems, including but not limited to, storage tanks, distribution systems, conduits and all appurtenants thereto;

(h) recreational facilities, including but not limited to, public bathing beaches, gymnasiums, athletic fields, bicycle paths, tennis, basketball, or paddleball courts and all appurtenants thereto;

(i) for slum clearance and redevelopment, urban renewal, revitalization, or rehabilitation of blighted areas, or removal of dangerous buildings;

(j) for the protection of the health of the citizens of the town,

(k) for the proper furnishing of adequate municipal services to the citizens of the Town and those persons residing in such proximity to, but

beyond the corporate limits of the Town of Smyrna who can be furnished with such municipal services, in the discretion of the Mayor and Council to the mutual benefit and advantage of the Town and such non-residents thereto, upon such terms, charges, and conditions as the Town Council may determine and approve.

(4) May sell, grant, alienate, lease, mortgage, manage, hold and control such property as the interests of the Town may require except as prohibited by the Constitution of the State of Delaware or as restricted by this Charter.

(5) May pay for the acquisition, construction, improvement, extension, alteration, or demolition of any municipal or public property, real, personal, or mixed, from the general fund of the Town, from the proceeds of any bond issue which may be authorized and sold for any of the purposes for which lands and premises are authorized by this Act to be acquired, and/or from the proceeds of any grant or loan made to the Town by any governmental entity of the United States or the State of Delaware where the proceeds of the grant or loan are for the purposes for which lands and premises are authorized by this Act to be acquired.

(6) May prevent vice, drunkenness and immorality;

(7) May provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;

(8) May prohibit all gaming and fraudulent devices;

(9) May prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games;

(10) May ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair and replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other public thoroughfare within the Town; and may hire skilled surveyors to make plots or maps showing the limits of the Town and the ascents, descents, and limits of all streets, lanes, alleys, sidewalks, and building lines, and to show the location, depth, and grade of all sewer and water mains.

(11) May establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large and to authorize the destruction of the same; and to regulate the keeping of dogs within the Town, and to provide for registration and fees therefor.

(12) May enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners;

(13) May prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, post or any other erection or projections in, over, upon or under any street, highway, alley, lane, water course, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline of the Town;

(14) May provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, or fills for the preservation of any strand or high land within the limits of the Town and contiguous thereto to the end that the same may be preserved, property protected that the general public might enjoy the use thereof.

(15) May grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the Town Council shall deem in the best interest of the municipality, to use the present and future streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, television, railroad excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the Town, unto and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting wharfs and piers and for the purpose of vending any article or merchandise or service upon or from any vehicle upon any present and future street, highway, lane, alley, etc.

(16) May direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees;

(17) May direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter;

(18) May provide for or regulate the numbering of houses and lots on the streets and the naming of the streets and avenues;

(19) May regulate, control or prevent the use or storage of gasoline, naphtha, gun powder, fireworks, tar, pitch, resin, and all other combustible or dangerous materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to regulate, suppress, remove or secure any fireplace, stove chimney, oven broiler, or other apparatus which may be dangerous in causing fires;

(20) For the prevention of fire and the preservation of the beauty of the Town, may regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a building line for buildings to be erected; to zone or district the town and make particular provisions for particular zones or districts with regard to building or building materials; and may prohibit any building or construction except those for which a building permit has been issued as prescribed by Council; and generally to exercise all powers and authorities vested by virtue of Chapter 3, title 22, Del C. and all amendments heretofore or hereafter adopted;

(21) May regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other device for discharging missiles which may cause bodily injury or injury or harm to property; and to regulate or prevent the use of bonfires, fireworks, bombs and detonating works of all kinds;

(22) May provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both, not exceeding one thousand dollars (\$1,000.00) or thirty (30) days imprisonment, or both;

(23) May provide for the organization of a fire department and the control and government thereof; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and at the discretion of the Town Council, to contribute, donate or give an amount or amounts to any volunteer fire company or companies incorporated under the laws of the State of Delaware, or any volunteer fire association or associations maintaining and operating fire fighting equipment and service to the Town, provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Town Council shall deem advisable;

(24) To condemn, upon inspection, any existing building or structure in the Town which is determined to be a fire hazard or otherwise unsafe, and cause the same to be torn down or removed.

(25) To levy and collect taxes upon all gas and water mains, telephone, telegraph, power poles, pipelines, rail lines, and 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 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 construction or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to collection proceedings, the Town Council shall have the authority to cause the same to be removed; and to enact ordinances to prevent abate or regulate other disturbances with radio or television reception in the Town.

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

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

(28) To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency;

(29) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due the Town by the performance of labor or service for the town by any person owing the same;

(30) To inquire into and investigate the conduct of any officer, agent or employee of the Town of any municipal affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and the production of books, papers, or other evidence by subpoena;

(31) To establish a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem most appropriate. The method of funding may, if deemed desirable by the Town Council be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council;

(32) To make, adopt and establish all such Ordinances, Regulations, Rules, and By-Laws not contrary to the laws of this State and the United States as the town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; provided, however that any Ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) miles from said limits.

(33) To enact ordinances or resolutions as the town Council may prescribe for the remission of Town taxes.

(34) To determine what purposes are deemed to be public purposes or deemed to be municipal purposes.

(35) In the preparation and printing of any bonds and the interest coupons therefor now or hereafter authorized by legislative enactment to be issued by the Town of Smyrna, where any such bond is signed by the Mayor of the Town of Smyrna and by the Treasurer of the Town of Smyrna, and the Trustee's Certificate on said bond is signed by the Secretary on behalf of the Town Council of the Town of Smyrna, the signatures of the Mayor and of the Treasurer of said Town on the interest coupons attached to and belonging with such words may be facsimiles, either engraved or printed or stamped on said coupons.

(c) Liberal Construction; Manner of Exercise

The powers of the Town of Smyrna under this Charter shall be liberally construed in favor of the Town of Smyrna, and the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the Town of Smyrna shall have any and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter to specifically enumerate. All powers of the Town of Smyrna, whether express or implied, shall be exercised in the manner prescribed by this Act, or if not prescribed herein, then in the manner provided by ordinance or resolution of the Town Council. The Council may, by resolution, do such other act or thing incidental, necessary, or useful in connection with any of the matters in this Act duly authorized.

(d) Intergovernmental Cooperation

The Town of Smyrna may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, except as prohibited or restricted by the Constitution or laws of the State of Delaware or by this Charter.

Section 3. MAYOR, TOWN COUNCIL

(a) Qualifications, Nomination, Term of Office

(1) Qualifications.

The government of said Town and the exercise of all powers conferred to the Town by this Charter or the laws of the State of Delaware shall be vested in a Mayor and in a Town Council composed of six members, all seven of which offices shall be elected at large. Nominees for the offices of mayor and members of Council shall be at least twenty-one years of age and no person shall be elected to the office of Mayor or Council member unless he shall have been a bona fide domiciliary of the Town for at least one year prior to the day of the election. Any person elected to the office of mayor or Council member must continue, throughout his term of office, to meet these qualifications or shall forfeit his office.

(2) Nomination.

The Mayor and the six members of Council shall be nominated and elected as follows, to-wit: On the last Monday in March of each year nominations shall be filed with the Mayor or with any Councilman. Such nominations shall be in writing, signed by the nominee or by five other qualified voters of said Town. Each nomination shall be presented to Council at a meeting to be held at its usual meeting place not later than eight o'clock p.m. on the evening of the last day for the filing of such nominations, which date shall be the last Monday in March prior to the date of election.

(3) Term of Office.

The term of the Mayor shall be two years and the terms of all Councilmen shall be three years from the day after their respective election and until their respective successors shall be duly elected and qualified.

(b) Elections

(1) Voter Qualifications.

Each person, who, on the day of the election:

- (a) is eighteen years of age or older, and
- (b) has been continuously domiciled in the Town for at least thirty days; and
- (c) has not been adjudged an idiot, insane, or incompetent person by a court of competent jurisdiction; and
- (d) has not been convicted of a felony or been disenfranchised pursuant to Article V, §3 or §7 of the Constitution of the State of Delaware; and
- (e) has properly registered to vote in the Town of Smyrna shall be entitled to vote in any regular or special election of the town;

For purposes of this section, a person is "domiciled" in the Town when he physically resides within the corporate limits of the Town with the actual intent to make that residence his fixed and permanent home; however, any person who is enlisted or engaged in any government service of the United States or any military organization of this State or of the United States, which service requires him to reside outside the limits of the Town, shall be considered to be a domiciliary of the Town during the period of his service so long as it remains his actual intention to retain his Smyrna residence as his fixed and permanent home.

(2) Date and Time of Annual Election.

The Annual Town Election shall be held on the last Monday in April in each year at the Town Hall of said Town, or at such other convenient place in said Town as shall be appointed by the Council by a majority vote. The polls shall be open for at least seven hours; the times to be determined by the Council by a majority vote. The Council shall advertise the place, date, and times of the election at least once a week for three successive weeks immediately prior to said election in a newspaper of general circulation in the Town of Smyrna, and post notices containing that information in at least five public places in the Town three weeks prior to the day of the election.

(3) Voting Machines/Ballots.

Council shall make arrangements with the Kent County Department of Elections for the use of an appropriate number of voting machines to be used at any contested election. In the event no contest exists in any election, voting machines shall not be required, and paper ballots may be used for the formal conduct of any such election.

(4) Election Board.

Every election shall be held under the superintendence of an Election Board, the number of persons on said Board to be an uneven number of qualified voters of the said Town and will be determined by the Council upon determination of the number of voting machines to be used and the number of clerks needed to conduct such election. The Election Board shall be appointed by the Council at least thirty days before the date of election, but if at the opening of the polls there shall not be present the Election Board as appointed, or any one of them, in such case the persons entitled to vote and then present at the polls shall appoint, by viva voce vote, qualified voter or voters to act on said Election Board. The Election Board holding the election shall pass upon the qualifications of voters and conduct the election, keeping a list of all voters voting and at the close of such election shall canvass the vote and the

candidates having the highest number of votes for each office shall be declared elected and certificates shall be made out and delivered to the person or persons so elected. In case of a tie, the Election Board holding the election shall, by a majority vote decide which of the candidates so tied shall be elected.

(5) Registration of Voters.

The Town Council shall have the authority to enact such ordinances concerning the registration of qualified voters for municipal elections in the Town of Smyrna as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election.

(c) Compensation; Reimbursement

The mayor and each member of Council shall receive the sum of \$25.00 for each regular or special Council meeting attended by such person. The Council Secretary shall receive such additional reasonable compensation as fixed by the Council. Any member of Council sitting to hear tax appeals shall also be paid the sum of \$25.00 for each sitting. Payments shall be made quarterly.

The Mayor and members of Council shall be reimbursed for their actual and necessary expenses while out of the said Town on business which has been duly authorized by motion, resolution or order of Council.

(d) Prohibitions

(1) Holding Other Office.

Except where authorized by law, no Councilman, nor the Mayor, shall hold any other Town Office or Town employment during the term for which he was elected to Council and no former Councilman shall hold any compensated appointed Town Office or employment until one year after the expiration of the term for which he was elected to the Council.

(2) Contracts with the Town.

It shall be unlawful for the Council or the Town's officers, agents, or employees, to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Smyrna with any member of Council or the Mayor or with any partnership in which any member of Council or the Mayor is a partner, or with any corporation in which any member of Council or the Mayor is a director or stockholder or with any firm or company in which any member of Council or the Mayor is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent; provided however, that nothing herein shall prohibit the Council, the Town's officers, agents, or employees, from entering into any such contract without such approval where the amount involved in the transaction and other related transactions does not exceed the sum of \$250.00.

(e) Vacancies, Forfeiture of Office

(1) Vacancies.

The office of Mayor or Council member shall become vacant upon his death, resignation, lawful removal from, or forfeiture of his office.

(2) Forfeiture Proceedings.

A forfeiture of his office shall occur when the Mayor, or any Council member:

(i) lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law.

(ii) wilfully violates any express prohibition of this Charter.

(iii) is convicted of a felony or any crime involving moral turpitude.

(iv) fails to attend five consecutive regular meetings without being excused by Council.

(v) is physically, mentally, or emotionally incapable of performing the functions of his office.

(3) Determinations concerning forfeiture of office shall be made by the council, but the affected party shall not have a vote in any such decision. Such deliberations may be had in executive session and if the Council determines by a unanimous vote, that a forfeiture has occurred, it shall, within forty-eight hours of that determination, provide him written notice thereof, stating specific reasons. The affected party shall then have ten days in which to make a written demand for a public hearing before the Council, to be held within twenty days of the written demand, at which hearing he may appear with the assistance of Counsel and present evidence to the relevant issues. Thereafter, the Council shall hear any other relevant evidence and vote again on the question of forfeiture; and if a determination of forfeiture is again made by a unanimous vote, the decision shall be final.

(4) Failure of the affected person to make written demand for a public hearing as hereinabove stated shall be an absolute bar to his right to challenge that decision. During, or in connection with, any such proceedings, the Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done at the written request of the affected person.

(f) Filling Vacancies; Special Election for Mayor

(1) Filling Vacancies on Council.

In case of a vacancy among the Councilmen, the remaining Councilmen shall elect another qualified person to serve for the remainder of that vacant seat's term.

(2) Special Election for Mayor.

In the event the Mayor's office becomes vacant, such vacancy shall be filled by the holding of a special election which shall be held not sooner than thirty days, nor later than sixty days, after the office becomes vacant. The qualifications of candidates for the office of mayor to be voted at such special election and the method of nomination of candidates shall be the same as for regular Town elections and the person so elected at such special election shall serve as Mayor for the period of the unexpired term of the former Mayor. Such special election shall be held in the same manner, the polls shall be open the same hours and other details of such special election shall be the same as provided for the election of a Mayor at a regular election, except that the Town Council shall cause notice of the vacancy in said office and the limit of time for the filing of nominations to be published at least once in a newspaper published in the Town of Smyrna, if there be none such, then in one published in Kent County, Delaware, prior to the time for filing nominations, and except also that notice of the time and place of the holding of such special election shall also be published in the same manner as provided for notice of nominations in at least one issue of said newspaper prior to the date of such special election.

(g) Town Officers Running for the Office of Mayor

No person who holds any elective office in the Town of Smyrna may file as a candidate for the Office of mayor in any regular or special election unless and until that person first resigns from his elected position; provided, however, that this subsection shall not require any elected official whose term of office will expire at the next regular municipal election to resign his seat as councilman to file for the office of mayor in the next regular election.

Section 4. ORGANIZATION OF COUNCIL

(a) Organizational Meeting

On the evening of the next day following the annual election, Council shall meet with the Mayor and organize by election of a Vice Mayor and Secretary who shall both be members of Council. Before entering upon the duties of their offices, the newly elected Mayor and members of Council shall be sworn, by a Notary Public, a Justice of the Peace, the hold-over Mayor, a hold-over member of council, or any judge of the State of Delaware to faithfully and impartially perform the duties of their respective offices.

(b) Duties and Powers of Mayor

(1) The Mayor shall preside at all meetings of Council; shall serve as the head of the Town government for all ceremonial purposes and for purposes of military law; shall appoint all committees, subject to Council confirmation; shall have general superintendence of all municipal affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees and appointees as selected by Council for the superintendency or conduct of any specified municipal activity; shall receive complaints of nuisances and all complaints of violations of laws or Ordinances and present the same to Council at its first meeting thereafter for action of Council.

(2) The Mayor shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may prescribed by resolution or ordinance of Council. If the mayor be incapacitated in the performance of the duties of his office, by reason of death, illness, absence or any other cause, including the institution of forfeiture proceedings, then all powers and duties conferred upon him by this Act and by any other law, and by any ordinance or resolution now or hereafter enacted or adopted by Council, shall during said incapacity be exercised and performed by the Vice-Mayor.

(3) The Mayor shall have the same right as other Councilmen to vote on all matters and may at any time appoint another Councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties as presiding officer. For purposes of establishing a majority vote, the Mayor shall be counted as a member of Council.

(c) Duties and Powers of Vice-Mayor

The Vice-Mayor shall, during the temporary absence or inability of the Mayor, act as the Mayor, and while so acting, shall be vested with all the powers, duties, and authority of the Mayor.

(d) Secretary

The duties of the Secretary shall be to keep a true and faithful record of all the proceedings of Council at all meetings and to do and perform such other matters and things as may be prescribed by this Act, or law, or which Council may from time to time prescribe by resolution or ordinance.

(e) Meetings of Council; Regular and Special(1) Regular Meetings

The Town Council shall meet regularly the first and third Monday of each month, provided that when any meeting date falls on a Town holiday, that meeting shall be held on the next business day. The time and place of each meeting shall be set by Council each year at their organizational meeting held the day following the annual election.

(2) Special Meeting; Waiver of Notice.

Special meetings shall be called by the Secretary upon the written request of the Mayor, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the Mayor and to each member of Council of the day, hour, and place of such special meeting and of the subject and subjects proposed to be considered thereat. Such notice of the Secretary must be deposited in the U.S. mail in the main post office in the Town of Smyrna at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the Mayor and all other members of Council prior to or immediately upon the convening of such special meeting shall make forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any business referred to in the waiver, or the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Smyrna shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at a regular meeting. In addition to notifying the members of Council, the Secretary shall also, at least twenty-four hours before the time of this special meeting, give public notice thereof by posting a copy of the notice and proposed agenda at the Town Hall, and meeting a reasonable number of copies thereof available to the public upon request.

(f) Act of Council

In the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it receives the affirmative vote of a majority of all members elected to Council.

(g) Powers of Council; Manner of Acting

All powers of the Town shall be vested in the Town Council, except as otherwise provided by law, and the Council shall provide for the exercise thereof and for performance of all duties and obligations imposed on the Town by law. All powers of Council, whether express or implied, shall be exercised in the manner provided by ordinance or resolution of Council.

Section 5. OTHER ELECTIVE OFFICERS

(a) Town Treasurer

(1) The Town shall have a Town Treasurer who shall have the same qualifications as the members of Council. The term of the Town Treasurer shall be one year from the day following his election, or until his successor has been duly elected and qualified.

(2) The Town Treasurer, to be elected, shall be nominated in the same manner and be elected by the same qualified voters, at the same Town elections and by the same regulations as prescribed in Section 3 hereof for the nomination and election of members of Council.

(3) The Town Treasurer, upon entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the Mayor, or Vice-Mayor.

(4) The Town Treasurer, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council, in the sum as determined by Council, conditioned on the faithful discharge of the duties of his office and for the payment to his successors in office all sums of money belonging to said Town which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty.

(5) The Treasurer shall pay all orders drawn on him by order of said Council and signed by the Mayor and Secretary thereof, out of any monies in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the fiscal year, and oftener and at such other times as Council may require.

(b) Board of Assessment

(1) The Town shall have a Board of Assessment, the members of which shall have the same qualifications as members of Council.

(2) The Board shall consist of one member, except that every third year, beginning in 1981, the Board shall consist of three members.

(3) The members of the Board of Assessment, to be elected, shall be nominated in the same manner and shall be elected by the same qualified voters, at the same Town elections and by the same regulations as prescribed in Section 3 hereof for the nomination and election of members of Council. The term of office for each member of the Board shall be one year commencing the day following his election and until his successor is duly elected and qualified.

(4) The members of the Board of Assessment, before entering upon the duties of their office, shall be sworn or affirmed by the Mayor or Vice-Mayor to faithfully and impartially perform the duties of their office.

(c) Compensation

The Town Treasurer and the members of the Board of Assessment shall each receive such reasonable compensation as the Council shall fix.

(d) Vacancies, Forfeiture of Office, Filling Vacancies

(1) Vacancies.

The office of Treasurer or any seat on the Board of Assessment shall become vacant forthwith upon the death, resignation, lawful removal from, or forfeiture of, the person holding that office.

(2) Forfeiture of Office.

A forfeiture of his office shall occur when the Treasurer or any member of the Board of Assessment:

(i) lacks, at any time during his term of office, any qualification for the office prescribed by this Charter or by law; or

(ii) is convicted of any felony or any crime involving moral turpitude; or

(iii) is physically, mentally, or emotionally incapable of performing the functions of his office.

Forfeiture proceedings concerning the office of Treasurer or any member of the Board of Assessment shall be as provided for the Mayor and Council members in Section 3, Subsection (d) of this Charter.

(3) Filling Vacancies.

Where any vacancy occurs in the office of Town Treasurer or in any seat on the Board of Assessment, such vacancy shall be filled by appointment of Council for the residue of that term, provided that the person appointed by Council to fill such vacancy or vacancies shall have the same qualifications as are required of a candidate for the office to be so filled and provided, further, that Council shall have the same powers and limitations of appointment in case of any vacancy in the aforesaid offices for any reason.

Section 6. APPOINTED OFFICERS

(a) Town Manager

(1) The Council shall appoint a Town Manager who shall be the chief administrative officer of the Town of Smyrna. He need not when appointed be a resident of the Town of Smyrna, or of the State of Delaware but shall, as a condition of his employment, become domiciled within a radius of the Town Hall as determined by Council within six months of his appointment. No member of Council nor the Mayor shall, during the term for which elected, be appointed to act as Town Manager. The Town Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the Mayor and Council, subject to his right as an appointed officer as provided in Section 6 (e) of this Charter. In case of the absence, disability or suspension of the Town Manager, the Mayor and Council may designate some other competent person to perform the duties of the office during such absence, disability or suspension.

(2) The Town Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the Town placed in his charge, and shall have such powers and duties and shall have such supervision of the streets of the Town, for the collection of Town taxes and other revenue accruing to the Town, of the water and sewer systems of the Town, of the electric system of the Town, of the other personal property and of the real estate belonging to the Town of Smyrna and of such other branch or branches of the municipal activities of the Town, all as shall be fixed from time to time by resolutions or by ordinances of the Council, provided that no such resolution or ordinance shall conflict with the powers and duties of any other officer of the Town duly elected by the voters thereof, during the term for which such other officer was elected.

(3) It shall be the duty of the Town Manager to collect all Town taxes, water and sewer rents or charges for electric service and all other kinds of Town revenue and money from time to time due said Town. The Town Manager shall pay all monies collected by him to the Town Treasurer at least monthly. In addition to any other bond required by the Council, as provided in this Act, the Town Manager, before collecting any taxes due the Town, shall be bonded by the Town of Smyrna with sufficient surety to be approved by the Council, in an amount determined by Council, conditioned for the faithful performance of the duties of his office pertaining to the collection of taxes due said Town, and for the settlement of his tax accounts with the Treasurer of said Town not later than the last day of each fiscal year, and oftener and at such other times as the Council may require. To which bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment in favor of the Town of Smyrna for said penalty as determined by Council if the form of such bond makes the same expedient, at the discretion of the Council.

(4) The Town Manager shall, when so requested by the Council, submit his recommendations as to all other appointive officers or employees of the Town to be engaged in any branch of municipal activities over which the Town Manager shall then be in charge, and the Council may follow such recommendations or appoint other persons, as the Council deems for the best interest of the Town. All subordinate appointees and employees of the Town shall be under the supervision of the Town Manager while engaged in any municipal activity which has been placed in the charge of the Town Manager. Dismissal of all such subordinate appointees and employees of the Town shall be vested in the Council, subject to the provisions of Section 6 (e) of this Charter as to appointed officers, and subject to such personnel policies as adopted by the Town as to other employees.

(5) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town placed under his charge, to make such recommendations to the Council concerning the affairs of the Town as may seem to him desirable; to keep the Council advised of the financial condition and needs of the Town insofar as his prescribed duties and powers permit; to prepare and submit to the Council budget estimates at such times as the Council may designate; to prepare and submit to the Council from time to time such reports as they may request, and to

perform such other duties as may be prescribed by this Act or by resolutions or ordinances of the Council. The Town Manager shall keep a full and strict account of all Town monies received by him and such accounts shall at all times be open to inspection by the Council, and he may be required to furnish bond at the expense of the Town, in addition to being bonded for the collection of taxes, in such amount and in such form and with such surety as the Council may prescribe and approve.

(b) Chief of Police

(1) The Council shall appoint a Chief of Police who shall be the chief law enforcement officer of the Town of Smyrna. He need not, when appointed, be a resident of the Town or of the State of Delaware, but shall, as a condition of his employment, become domiciled within a radius of the Town Hall as determined by Council, within six months of his appointment. No member of Council, nor the Mayor, shall, during the term of office for which elected, be appointed to act as Chief of Police. The Chief of Police shall be appointed for an indefinite term and shall be removable at the pleasure of the Council, subject to his rights as an appointed officer as provided in Section 6 (e) of this Charter. In case of the absence, disability, or suspension of the Chief of Police, the Council may designate some other competent person to perform the duties of the office during such absence, disability, or suspension.

(2) The Chief of Police shall, with the approval of Council, secure and appoint the required number of competent personnel to properly staff and operate the Police Department of the Town Smyrna, of which he shall be the chief administrative officer.

(c) Deputy Treasurer

The Council shall appoint a Deputy Treasurer who shall conform in every respect to the Treasurer as regards his qualifications, term of office, oath of office, bond, and warrant of attorney. The Deputy Treasurer shall serve under the direction of the Treasurer and his authority to pay orders shall be limited to the authority specifically delegated to him in writing by the Town Treasurer; provided that whenever the Treasurer is unable to fulfill the duties of his office by reason of disqualification, illness, death, or extended absence from the State, the Deputy Treasurer shall assume all responsibilities and authority of the Treasurer.

(d) Compensation, Reimbursement

All appointive officers of the Town shall be paid such sums and receive such benefits, as determined by Council. Appointive officers shall be reimbursed for their actual and necessary out-of-pocket expenses as reasonably and necessarily incurred in the furtherance of their duties, subject to approval by the Council.

(e) Removal of Appointed Officers

(1) The Town Council shall have full power and authority, by a majority vote of all members, to remove at any time any of the appointed officers of the Town when Council shall deem it proper so to do for cause.

(2) No person appointed to office by Council shall be removed from his office except for cause, and in such event such officer shall have a copy of the charges and at such meeting shall have the right to be heard in his own behalf, and may be represented by counsel, and Council shall hear witnesses and evidence as he may desire to present relating to such charges, provided, however, that any such officer may be immediately suspended, with salary, pending such hearing and the final determination of the case by Council.

(3) "Cause," for purposes of this Section, means one or more specific, articulable reasons which rationally support removal from office, as opposed to whimsical, or arbitrary and capricious motives. "Cause" does not have to rise to gross incompetence, malfeasance, misuse of office, conviction of a crime, or other serious infraction to justify removal from office if the Town Council so agrees by majority vote.

Section 7. ASSESSMENTS: APPEALS

(a) Assessments

(1) It shall be the duty of the Board of Assessment, in the years when it is composed of three members, to make a personal inspection of all taxable real property in said Town and to make a true, just and impartial valuation and assessment, at the true market value thereof, at the time the assessment is made.

(2) It shall be the duty of the Board of Assessments, in the years when it is composed of only one member, to make personal inspection only of such real property as has undergone some significant change of condition since the last general inspection and assessment by the Board of three members and to make a true, just and impartial assessment of such taxable real property as has undergone some significant change of condition at the true market value thereof at the time the assessment is made, and to make a true and correct copy according to the last general assessment of all other taxable real property within said Town, and to make any changes therein found necessary by reason of changes of ownership.

(3) In addition to the elected Board of Assessment, it shall be within the discretion of the Council to appoint a professional assessor to assist the Board of Assessment in performing the duties of the office to which they were elected, but the Board of Assessment shall in all instances be responsible for making the final determination.

(4) The Board of Assessment, in all years, shall make three copies of such assessment and return the same to Council not later than the first Council Meeting in April of each year.

(b) Additions to Tax Bills

The Town council shall annually, prior to the posting of the assessment records, by resolution provide for the Town Manager a list of any and all charges, costs or other assessments owed to the Town, which list of charges incurred shall include, but not be limited to, the following: curb and gutter assessments, sewer and water charges and assessments, weed and grass cutting bills, past due electric charges and past due water rents. Said amounts, when adopted and set forth by resolution of the Mayor and Council, shall be shown on the copies of the assessments posted pursuant to the provisions of Section 7 (c) of the Charter.

(c) Assessment Appeals

The Town council shall annually fix the sum to be assessed upon each and every citizen owning taxable real property within the limits of said Town, and the sum so fixed shall be one and the same for every class and description of citizens. The Council shall, after receiving the three copies of assessment from the Board of Assessment as hereinbefore provided, and after assessing the real estate of the members of the Board of Assessment, cause two of the copies of the assessment to be hung up in two such public and convenient places, as Council shall designate in said Town, where they shall remain for at least ten days prior to the first Monday in May for public inspection and hold a Court of Appeals, or Appeal Day, which shall continue open from one o'clock P.M. until five o'clock P.M. of said day at the Town Manager's office in said Town, or at such other place as may be designated in the two copies of the assessment hung up as aforesaid, at which time and place Council shall hear and determine appeals from the said assessment and may make such corrections, authorize such additions to or alterations in said assessment as Council determines to be proper. Council may adjourn the Court of Appeals to the following day if all appeals cannot be heard on the regular Appeal Day above provided for. Notice of the hanging up of said two assessment lists, and also at the same time, notice of the time and place of hearing appeals, shall be given by posting notices in at least five public places in the Town of Smyrna and advertising at least once in a newspaper of general circulation in the Town at least ten days prior to the first Monday in May. The determination and decision of Council upon any appeal, or upon any matter relating to such assessment, shall be final and

conclusive. No member of Council shall sit to hear his own appeal but such appeal shall be heard and determined by the other members of Council.

Section 8. TAXATION AND COLLECTION

(a) Taxation

(1) General Purposes; Bonds.

The Town Council of the Town of Smyrna is hereby authorized to levy and collect from the taxables of said Town, according to the terms and provisions of this Act, and any other Acts not hereby repealed or made inconsistent hereby, such sum of money as may be deemed by Council necessary and proper for the general municipal needs of said Town, which sum shall in no year exceed a sum of money in excess of one percent of the total assessed value of all the real estate subject to taxation in the Town.

Provided however, that this limit on taxes for general Town purposes shall not limit or prohibit the council from levying and collecting such further and additional taxes or sums of money in any year as may be necessary or expedient to pay the interest on the bonds of the Town of Smyrna now outstanding, or authorized to be issued, or on bonds of the Town of Smyrna hereafter authorized by legislative enactment, and such sum or sums deemed by Council to be necessary or expedient to retire such bonds when and as they become due or before they become due, and also such sum or sums deemed by Council necessary or expedient to create an adequate sinking fund reserve for the retiring of Town bonds either before or at the time they become due, and the Town Council is hereby granted full power and authority to levy and collect such additional taxes or sums of money in any year as it deems necessary or expedient for the aforesaid payments of interest on bonds, for the creation of such sinking fund reserves and for the retiring of bonds of said Town, whether such bonds be now outstanding, now authorized but not issued, and/or may be authorized and issued in pursuance of legislative enactment in the future.

(2) Special Tax by Town Meeting.

Provided, further, that the citizens of the Town of Smyrna may assemble in Town Meeting at the last Council Meeting in January in any year to determine whether any sum or sums additional to those hereinbefore mentioned shall be levied and collected for any specific purpose or purposes during that fiscal year; notice of which meeting, the day and place thereof and the special purpose and purposes for which additional sum or sums are desired to be raised having been published by Council, or by any taxable, or group of taxables of said Town, in a newspaper published in the Town of Smyrna, or if there be none such, in a newspaper published elsewhere in Kent County, in at least two issues preceding the time set for said Town meeting. At said meeting a resolution or resolutions in writing shall be offered, stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. At said meeting every resident and non-resident taxable of said Town, having paid all taxes assessed to them and due and payable at the time of said Town meeting shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last assessment in the Town.

It shall be the duty of the Town Manager to be present at the meeting with the tax and assessment records of his office and to inform the voters and the officers of the meeting the number of votes the respective voters are entitled to cast and his records in this respect shall be official and final. The qualified voters as aforesaid, present at the Town meeting, shall then proceed to vote "yes" or "no" by ballot upon said resolution or resolutions and the result for or against the resolution or resolutions shall be certified to the Secretary the Town Council within three days after the said Town meeting by the persons chosen by the qualified voters present at the Town Meeting as Chairman and Secretary of the Town meeting and, if a majority of the votes

cast at the Town meeting shall be in favor of said resolution or resolutions, then the Town Council shall levy and collect said additional sum or sums and apply the same for the purpose or purposes specified in said resolution or resolutions, and if more is authorized to be levied and collected than is necessary for the purpose or purposes specified, the residue shall be carried into the general fund or Treasury of the Town for general Town purposes, but if a majority of the votes cast at the Town meeting be against the resolution or resolutions, the Town Council shall not levy and collect said proposed additional sum or sums. The authority for such additional taxes as above provided for, shall only apply to and be effective for the fiscal year in which the Town meeting is held and the additional taxes are approved. The monies arising from any additional taxes, approved and levied as aforesaid, need not all be expended by Council during the fiscal year they are authorized if the purpose or purposes approved by the Town meeting have not been completed, but the Council must complete the specified works as soon as practicable.

(b) Levy

(1) After the said valuations and assessment shall be examined, adjudged and approved by Council as provided in Section 7, all taxes shall be levied, assessed and raised on taxable real property thus valued and assessed, in just and equal proportions and rates.

(2) The Town Council of said Town after having ascertained and determined the sum necessary and proper to be raised from the taxables of said Town, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, not later than the fifteenth day of May of in each year, cause to be delivered to the Town Manager a list of assessment containing the names of taxables, the name of each taxable, the amount of real estate, and the taxes on the whole valuation and assessment and the rate per hundred dollars thereof. Such list or assessment shall include the list of any and all charges, costs, or other assessment owed to the Town, including but not limited to curb and gutter assessments, weed and grass cutting bills, past due electric charges, and past due water rents.

(3) The list or assessment, with the warrant for collection of the taxes assessed, shall be approved by Council and shall be signed by the Mayor and Secretary of Council.

(4) The Town Manager immediately after receiving said list and warrant, shall proceed to collect the taxes as written and contained in said list and in collecting the same shall have all of the power conferred by law on the Receiver of Taxes in Kent County by virtue of the Laws of Delaware now in force or hereafter enacted. In the collection of said taxes, the Council of said Town shall authorize and order the Town Manager to deduct six percentum (6%) from the amount of the tax assessed against property of any taxable who will pay such tax by the first day of June, next following the assessment of the said tax, and to add to the amount of the tax assessed against the property of any taxable to be paid after the last day of September in the year in which the assessment and warrant shall be delivered to him, a penalty at the rate of one and one half (1 1/2) percentum (1 1/2%) per month until same shall be paid, which penalty shall also apply to any additional charges added to the tax bill pursuant to Article 8 (b).

(c) Collection

(1) Attachment for Taxes.

In addition to the powers hereinafter given to the Town Manager for the collection of the Town taxes, it shall be and may be lawful for such Town Manager, on and after October first in each year and after demand made by him upon the person against whom the taxes may be assessed, for the payment of the tax assessed, and the failure of said taxable to pay the same on demand, to give written notice to any person or persons residing Kent County, whom the Town Manager may believe to have in his, her or their possession, any goods, chattels, rights, credits, monies or wages belonging to or owing to said

taxable, stating the amount of taxes due from said delinquent taxable, and if the person served with notice as aforesaid shall refuse or neglect for thirty days after such notice to file a statement with Town Manager giving in detail the goods, chattels, rights, credits, monies or wages in his hands belonging to said delinquent taxable, or any he has, or had at the time of such notice, and to deliver the same to the Town Manager, or to pay into the hands of the Town for taxes due and owing to said Town from said delinquent taxable, and all costs incurred in and about the collection of taxes due said Town from said delinquent taxable, the Town Manager may proceed by suit in the name of the Town of Smyrna, before any Justice of the Peace in the Town of Smyrna, or if there be none in said Town, a Justice of the Peace elsewhere in Kent County, against any person notified as aforesaid and failing as hereinbefore provided, and may recover against him, her or them a judgement for the amount of the Town taxes due from said delinquent taxable and all costs. The costs shall be fixed by the Justice of the Peace hearing the case and shall conform, as nearly as may be, in amount to fees in cases now cognizable before a Justice of the Peace. The costs for serving the written notice shall be the same as now provided by law in cases of attachment. The oath of the Town Manager shall be sufficient evidence of the demand on the taxable, and the service of notice upon and the refusal or neglect of the person, in whose hands were supposed to be goods, chattels, rights, credits, monies or wages of such delinquent taxable.

(2) Tax Lien.

The provisions of Title 9, Chapter 87 of the Delaware Code shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter except that the lien for town taxes as prescribed in §8705 (d) of said Chapter 87 shall remain a lien for a period of ten years from the date prescribed by this Charter for the delivery of the assessment or duplicate thereof to the Town Manager.

Section 9. EXEMPTION FROM TAXATION; MANDATORY EXEMPTIONS

(a) Exemption from Taxation

The Town Council of the Town of Smyrna shall have the power and authority to exempt, by ordinance or resolution, such real property from the Town's property tax as, in the opinion of the Council, will best promote the public welfare. Without limiting this power by the following enumeration:

Newly Annexed Territory.

The Town Council of the Town shall have the power by an ordinance or by resolution to relieve, release, exonerate and exempt from taxation or reduce the rate of taxation for all or part of any real property hereinafter annexed as a part of the Town of Smyrna; provided, however, that the real property so annexed or any part thereof shall be taxed at the established rate for taxation upon the application for and the granting of a building permit and/or transfer of ownership of any lot or lots from any owner or owners at the time of annexation.

(2) Manufacturers Employing Six or More Persons; Utilities.

The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real property of any person, firm, association or corporation used in any manufacturing business within the limits of said Town and employing not less than six persons; and the real property of any person, firm, association or corporation used in the manufacture or distribution or both, of water, gas, electric current or other service or commodity deemed desirable or necessary for the best interests of the inhabitants of said Town, and the real property held, owned, leased or employed by any person, firm, association or corporation with whom Council may now or in the future have a contract for the furnishing to said Town and its inhabitants of electric current, light, power, heat, water or any or, all of them, from any assessment of taxes for Town purposes or other taxes over which Council has power or authority and from the payment of the same.

No property shall be exempt from taxation under this subsection until such an ordinance is enacted or such a special resolution adopted and the period of such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years and shall only be revokable upon the breach of a condition contained in such ordinance or resolution.

(b) Mandatory Exemptions

Property belonging to the State of Delaware, or to the United States, or to any County of the State of Delaware, or owned by any municipality of the State of Delaware, and held for public use, or any college or school and used for educational or school purposes, or any corporation created for charitable purposes and not held by way of investment shall not be liable to taxation and assessment.

Section 10. FINANCES

(a) Fiscal Year, Annual Statement

The fiscal year of the said Town shall begin with the first day of January in each year and shall end with the next succeeding thirty-first day of December. The Town Council shall cause a full and correct annual statement of the receipts and disbursements of all Town monies for the fiscal year next preceeding, to be published in a newspaper published in the Town of Smyrna, or if there be none, one published in Kent County, at least once not more than two weeks and not less than one week prior to the annual Town election.

(b) Use of Town Money

The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town, or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interests of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolutions of Council.

(c) Town Bonds and Notes

(1) The Town Council of the Town of Smyrna shall have full power and authority to borrow, upon the faith and credit of the Town of Smyrna, a sum or sums of money not exceeding one and one-half percent (1 1/2%) of the Town's total taxable assessed property value in any one fiscal year not to exceed a total of six percent (6%) of total assessed value, when in the opinion of the majority of Council the needs of the Town demand it. The Town Council may secure such sum or sums of money by promissory note or notes, or certificates of indebtedness of the Town of Smyrna duly authorized by resolution of Council, and signed by the Secretary, and by the Mayor or the acting Mayor of Council with or without the corporate seal of the town affixed in accordance with the request of the person or corporation advancing the money on said notes or certificates, and no officer or member of Council shall be personally liable for the payment of such notes or notes, because of his signature as an officer of the Council, his membership in Council or his approval of the authorizing resolution. Provided, however, that any sum of money borrowed by the council on the full faith and credit of the Town of Smyrna as aforesaid shall be repaid in full, together with all interest and charges thereon, within a period not to exceed ten (10) years and shall be repaid in equal annual installments out of the General Funds of the Town.

(2) This provision in no way shall be interpreted to apply to the right of the Council to submit to the voters for their approval capital improvement projects to be financed by long term bonds issue, the sale of said bonds to be in accordance with the established procedures required in connection with same.

Section 11. STREETS

(a) The Town Council shall have power and authority to ascertain, locate, lay out and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interests of the said Town. The procedure in every case as aforesaid shall be as follows: The said Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street, or any part thereof, as the case may be and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

(b) At the time and place fixed in the said resolution, said Council shall hear such residents of the Town, or owners of the property affected as shall attend, and it shall at said meeting, or at a subsequent day, as it shall deem proper, adopt a resolution, by a majority vote, to proceed with, or to abandon, as it shall deem for the best interests of the said Town, the opening of the new street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or parts thereof as the case may be as contemplated in its prior resolution. And in case the determination of the said Council shall be 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. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council as aforesaid upon delivery of a Deed in fee simple in favor of the Town of Smyrna, and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary of Council or the Mayor. In order to prosecute said appeal such appellant shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Superior Court for the State of Delaware in Kent County for the appointment of appraisers to hear and determine the matter of compensation to such appellant for any property of which he will be deprived as aforesaid, and thereupon the Superior Court shall issue a commission directed to three impartial appraisers of Kent County, commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their findings to the Court at a time appointed in said commission. The said appraisers shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the Secretary of Council or the Mayor at least five days before the day of such meeting.

(c) The appraisers named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said appraisers shall make return in writing of their proceedings in the premises to the said Court which shall cause the said return to be delivered to the said Secretary of Council or Mayor and such return shall be final and conclusive. The Superior Court shall have power to fill any vacancy among the appraisers. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained or may deposit the same to his or her credit in any Bank in the Town of Smyrna to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the appraisers appointed by the Court if the damages shall be increased or if Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands belonging to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The

fees to the appraisers shall be set by the court and shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the appraisers as aforesaid, Council shall have the option of applying the damages assessed within the term aforesaid and proceed with the said improvements, or upon the payment of the costs only, may abandon the proposed improvements.

(d) Whenever the land comprehended or included in any street, or part thereof, vacated or abandoned under this Section is owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

(e) The word "street" shall be deemed and held to comprehend and include sidewalks, lanes and alleys for all the purposes of this Section.

Section 12. PAVING, GUTTERING, CURBING

(a) The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part or portion thereof, in said Town, with such material or material and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in effect that on a named day and a named hour and place the council will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters or both with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of assessing the cost thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the said Town or in a newspaper published elsewhere in Kent County, if there be none published in said Town. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and therat shall hear the aforesaid owners of property and other residents of the Town appearing on the questions referred to in the said ordinance or resolution.

(b) After such hearing, the Council, either at said meeting or at a subsequent meeting, shall decide whether or not to proceed with the improvements referred to in the said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the cost of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or a specified proportion of said cost shall be borne by said owners, then and in such case the said owners shall be compelled to pay the whole or the specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the sidewalk to be paved or repaved, or on the gutter to be repaired or laid, or on the curb to be repaired or constructed of any or all of said improvements, as the case may be.

(c) When the said paving or repaving, curbing recubing, guttering or reguttering, or any or all of them, have been done and the cost thereof ascertained, the Council shall ascertain the amount that the owner of each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such owner, or one of the co-owners, by mailing the same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same may be collected by the sale of his aforesaid real property. Such sale shall be made to the Sheriff of Kent County who shall advertise the parcel of real property for sale in at least two issues of a newspaper published in the Town of Smyrna, or in a newspaper published elsewhere in Kent County, if there is no such newspaper published in said Town, before the day of sale and shall post five such notices in said Town at least ten days before the day of sale. Such advertisements shall give such general description of the parcel to be sold as will identify it, and shall state the day, hour and place in the Town at which the sale will be held.

(d) Unless a sum of money, for the payment of which the said parcel is to be sold as aforesaid, together with the cost of advertisements of the sale, shall be paid prior to the sale, said parcel of real property shall be sold by the Sheriff of Kent County at public sale on the day and at the hour and place named in the advertisements for the sale to the highest and best bidder for the same.

(e) Upon payment to the Sheriff of the price for which the property is sold at such sale, a deed of the property sold shall be executed in the name of the Town of Smyrna by the Mayor and attested by the Secretary of Council and bearing an imprint of the corporate seal of the Town of Smyrna and delivered to the Purchaser. Such deed shall vest in the purchaser the same estate or interest in the property sold as the owner or owners of the parcel at the time of the sale had therein or thereto, subject to the same liens and encumbrances of record against said property at the date of the first appearance of the newspaper advertisement of its sale as aforesaid.

(f) The money paid to the Town Treasurer by the Sheriff as the price of the property sold as aforesaid shall be dealt with by the Treasurer as follows:

(g) The Town Treasurer shall first deduct the costs of sale, which shall include the cost for the advertisements of the sale, the charges of an auctioneer, and all other expenses incident to the sale and also ten percentum (10%) of the amount that the owner of the property had failed to pay for the cost of the improvements as aforesaid, which ten percentum shall be paid to the Sheriff as his fee for the sale.

(h) The Town Treasurer shall then deduct the amount that the owner of the property had failed to pay to the Town as aforesaid, and shall pay the same so deducted into the Town Treasury.

(i) Any balance remaining shall be paid by the Town Treasurer to the person or persons who were the owners of the property sold or if this be not possible for any reason, he shall deposit said balance to their credit in any Bank in said town.

(j) The word "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinance or resolution first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.

(k) The aforesaid deed of the property shall recite briefly the amount that the owner had failed to pay to the Town as aforesaid, the advertisements and notice of sale, the holding the sale, the amount of the successful bid, and the amount of the costs of the sale, provided that Council shall have power and authority to pave, repave, gutter or regutter, curb or recurb, or any or all of such improvements, in such parts of the Town and in front of such properties and in such manner at such times, at the entire expense of the Town and may use Town money for such purposes, whenever it deems it wise so to do, and in such event no notice to property owners or others shall be required, provided, however, that where such entire cost is to be paid by the Town, the Council shall adopt a resolution authorizing such improvements and particularly stating herein the specific reasons the Town is to bear the entire cost thereof.

Section 13. CONSTRUCTING, PAVING AND REPAIRING OF STREETS

The Town Council of the Town of Smyrna shall have full power and authority to regrade, redress and otherwise repair and rebuild all existing streets, lanes, alleys and other public thoroughfares in the Town of Smyrna to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares now opened or to be hereafter opened for public use in said Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Council shall deem expedient and may use different materials and different methods of construction on different streets or on different parts of the same street, as council deems advisable. For the purpose of this Section, Council shall have full power and authority to expend such part or parts of the monies of the said Town in the general fund of the Town not otherwise appropriated.

Section 14. WATER SYSTEM

The Town Council is hereby vested with full power and authority to provide for the Town of Smyrna an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control well, reservoirs, pumping stations, water mains, fire hydrants and all other instruments for the collection, storage, purification, conveyance and distribution of water on, over, under or through the lands of any person. The Council shall have the power and authority to make contracts for the purchase of water with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such water had been produced by the Town. The Council shall have power to enact ordinances, rules and regulations in regard to the use of public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed by Section 11 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 11 shall be changed and modified to cover the cases contemplated by this present Section

Section 15. SEWER SYSTEM

The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system and or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at its option, furnish sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The council may require any property in the Town, for which there is an available sewer, to be connected with the sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor, as provided in Section 12 of this Act. The Council shall have power to make contracts for the maintenance, operation, management and control of the Town's sewer system with any responsible persons, firms, or corporations.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 11 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 11 shall be changed and modified to cover the cases contemplated by this present Section.

Section 16. ELECTRIC CURRENT, POWER PLAN, FRANCHISES

The Town Council of the Town of Smyrna shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacture of electric current for the use of the inhabitants of said Town and for lighting of streets, squares, lanes, alleys and public buildings of said Town. The Council shall have power to make contracts for the purchase of electric current with any responsible persons, firms or corporations and to distribute the powers as if such electric current had been generated or manufactured by the said Town as herein expressly provided for by this Act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may deem just and proper and shall enact such ordinances relating to

electric current, its generation and distribution in said Town and the regulation of the connections thereof with the properties of individuals in said Town and its general management and control as to said Council shall from time to time seem most expedient. The Council may at its option transmit electric current from said Town to places and properties outside of the Town limits upon such terms, charges and conditions as it shall deem wise.

The Town Council shall also have full power as authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, squares, alleys and lanes of the said Town for purposes of furnishing electric power or current, gas or water, or any or all of them, to said Town and to the persons, firms or corporations residing therein and for the purpose of transmitting electric power or current, gas and water, or any or all of them, through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of electric power or current, gas, or water or any or all of them, or for the furnishing of electric current either at wholesale or retail to said Town and to persons, firms and corporations residing therein, or adjacent thereto.

Sale of Property

The Council, by a majority vote, is hereby authorized and empowered in its discretion to sell and convey or lease to any responsible persons, firms, associations or corporations any or all real or personal property, or both, now or hereafter owned by said Town and used for generating or furnishing electric power, electric current, or water or any or all of them, and to execute to the purchaser or purchasers thereof proper deed or bills of sale or other legal assurance of title for the same. Provided, however, that before the Council shall sell or convey any of the real or personal property for any sum in excess of twenty-five thousand dollars now or hereafter owned by said Town and used for generating or furnishing electric power, water or electric current, or any or all of them a special election shall be held in the same place and in the same manner as other Town elections in said Town. Notice of said election shall be given by advertisements in a newspaper published in the Town of Smyrna, if there be one, and if not, in a newspaper published elsewhere in Kent County, at least ten days before said election, and by posting notices in at least ten public places in said Town at least ten days before said election, which said advertisement and notices shall state the time and place of the election and a general description of the property proposed to be sold. At said election every taxable paying Town taxes in the said Town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by said taxable according to the last assessment in said Town. Residence shall not be a qualification to vote at said election.

Section 17. DRAINAGE

The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands, and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 11 of this Act for the opening and laying out of new streets and the resolutions referred to in said Section 11 shall be changed and modified to cover the cases contemplated by this present section.

Section 18. OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS

The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary or unsafe conditions at any time existing or deemed to be contemplated whether in the streets, squares, lanes or alleys, or on the sidewalks or in any other public or private place within the limits of said Town either on its own inspection or upon the written complaint of any citizen of said Town, stating the character and location of the obstruction, nuisance, unsanitary or unsafe condition, and signed by the citizen making the complaint. If a majority of Council, upon inspection, shall determine that such obstruction, nuisance, unsanitary or unsafe condition exists and ought to be removed or abated, as the case may be, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing signed by the Mayor to the person or persons contemplating or causing such obstruction, nuisance, unsanitary or unsafe condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of two days after such notice is mailed to remove or abate the stated condition, Council shall have power and authority to cause such obstruction, nuisance, unsanitary or unsafe condition to be removed or abated; and for this purpose Council may issue a warrant in the name of the Town of Smyrna, under the name of its Mayor, or Vice-Mayor, and the seal of the Town, and directed to any police officer of the Town, commanding him forthwith to remove or abate such obstruction, nuisance, unsanitary or unsafe condition, whereupon the police officer to whom said warrant may be delivered shall forthwith proceed to remove or abate the same and for such purpose he shall have full power and authority to enter into and upon any lands and premises in said Town and to take with him such assistants, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper and to do and perform all matters and thing right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance, unsanitary or unsafe condition. The costs of all the necessary work, labor and proceedings of the Town in the removal or abatement of such obstruction, nuisance, unsanitary or unsafe condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the Treasurer of said Town, for the use of the Town, by the person or persons causing or responsible for such obstruction, nuisance unsanitary or unsafe condition, within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons at their last and best known post office address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements of such person or persons and it shall be the duty of Council to issue a warrant in the name of the Town of Smyrna under the hand of the Mayor, and the seal of the Town, directed to a Justice of the Peace, commanding him that of the goods and chattels, lands and tenements of such person or persons he shall cause to be levied and made the amount of such bill together with all costs. It shall be the duty of the Justice of the Peace as soon as convenient thereafter, and after ten days written notice to such person or persons deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at least five of the most public places in said Town at least ten days before the day of sale, to first sell the goods and chattels of such person or persons at public sale in said Town, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods or chattels of such person or persons can be found in said Town, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Justice of the Peace, after further notice of ten days, given to said person or persons in the same manner, as aforesaid for the sale of goods and chattels, and after posting five or more notices of sale in at least five of the most public places in said Town, for at least ten days before the day of sale, and after causing such notice of sale to be published once in a newspaper published in the Town of Smyrna, or if there be none such, in a newspaper published elsewhere in Kent County, to sell the lands and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Justice of the Peace shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or lesser estate, as if the same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expense of the Town in removing or abating such obstruction, nuisance, unsanitary or unsafe condition, and all costs, shall be a lien on the premises where such obstruction, nuisance, unsanitary or unsafe condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall

have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Justice of the Peace out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs to retain and pay to the Town Treasurer, for the use of the Town, the amount of the said bill to the Town, and the residue of said purchase money, if any, shall at once be deposited in some bank in the Town of Smyrna to the credit of the owner or owners of said goods and chattels, or lands and tenements. Any notice required by this Section to one co-owner shall be notice to all, and in case no owners shall reside in said Town, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her last and best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section hereinbefore set forth shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines penalties as shall in the judgment of Council, be necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purposes of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

Section 19. POLICE AND JAIL

(a) Police

It shall be the duty of the Police Department of the Town of Smyrna to execute all warrants issued by the Justice of the Peace and to enforce all proper laws of the State of Delaware, all ordinances, resolutions and orders of the said Town and the Council thereof, now in force or hereafter put into force, which shall place any enforcement or other responsibility upon the Town Police; to suppress all riotous, turbulent, disorderly, noisy or unauthorized or unlawful assemblages or gatherings of persons in or about any streets, lanes, alleys or other public or private places in said Town; to prevent and disperse all gatherings which may interfere with the free and unmolested use of any street, lane, alley or other public place in said Town and to do all such lawful things, which are in the scope of the usual authority of a Town Police Department for the preservation of good order, and the protection of the persons and property of all inhabitants of said Town.

The Chief of Police appointed by the Council of said Town as aforesaid, and each member of the police force of said Town, shall be vested with the same power and authority in all cases of breach of the peace or violation of any laws of the State of Delaware or of any ordinance of the Town of Smyrna, to preserve order, protect the property of the Town of Smyrna and in any lawful manner carry out their duties as police officers at or on any property now owned or hereafter acquired by the Town Smyrna as if such act or acts had taken place within the corporate limits of the Town of Smyrna.

(b) Jail

The Town Council of said Town shall have full power and authority to build, acquire, improve and maintain in said Town a suitable place as a jail and any Justice of the Peace, acting under the provisions of this Act, or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or resolution adopted by virtue of the powers herein conferred, may commit to said jail, for any time not exceeding five days, and for want of such suitable jail, or, in the event it is deemed best for any reason in the discretion of the Justice of the Peace, to the Delaware Correctional Center at Smyrna. Council shall have power to pay and shall pay to the State of Delaware Department of Corrections or to such other person or body as is or may be hereafter named by law to receive the same such sums of money as is proper and lawful for the keeping of such Town of Smyrna prisoners in said Correctional Center.

Section 20. CONTRACTS TO BE ADVERTISED

(a) All contracts for street improvements, repairs and extensions, for sewer repairs, extensions, and improvements, for repairs, improvements and extensions to the water system and electric lighting system, when the sum to be expended amounts to more than two thousand five hundred dollars (\$2,500) shall be let only to the lowest responsible bidder, upon and after competitive bidding has been asked by advertisements published in at least one issue in a newspaper published in the said Town or in a newspaper published elsewhere in Kent County, if there be none published in said Town at the time. Council shall have at all times the right to reject any and all bids, for reasons which Council shall deem sufficient. Provided that nothing in this Section or this Act shall require Council to submit to bidders nor to advertise and work or contract for labor or material, or both, desirable or necessary for the cleaning or maintenance of the sewer, water or electric systems or the streets of the Town.

(b) The Town Council shall at all times comply with the Delaware Professional Services Negotiation Act (29 Del. C. Chapter 69, Subchapter II) as it may be amended from time to time.

(c) Provided however, that nothing in this Section shall require the Town Council to submit to bidders or advertise any work or contract for any legal services or for any other professional services not within the scope of the Delaware Professional Services Negotiation Act.

Section 21. TRANSITIONAL PROVISIONS; SEPARABILITY;**(a) Transitional Provisions**

The Act entitled "An Act to Reincorporate the "Town of Smyrna" passed at Dover, 36 Del Laws 192, as amended, and the several Acts and parts of Acts therein and thereby repealed, all other Acts and parts of Acts inconsistent with or supplied by this Act are hereby repealed, and made null and void, saving and excepting, however, from the effect of such repeal all Acts and the parts of Acts relative to the Town of Smyrna, not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinances resolutions, orders, and regulations of the Town of Smyrna, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. That all Acts and doings of the Council of said Town, or of any officers of said Town, lawfully done or performed under the provisions of any law of this State or of any ordinance of the Council of said Town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said the Town of Smyrna, and all debts due from the Town of Smyrna to any person or persons whomsoever or to any firm, association or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and all Laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. That all powers conferred by law upon the Town Manager for the collection of all taxes in the said Town heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said Town Manager and of all other bonded officers and employees of said Town, shall be unaffected and unimpaired by this repeal and they and their sureties therein shall continue liable for any breaches of any conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine forfeiture or debt due to the said Town, 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 sum be fully paid, liquidated and discharged; that those persons holding an elective office in the Town of Smyrna shall continue in office, notwithstanding this repeal, until their successors are duly elected and qualified, and those persons holding an appointive office shall continue in office under the terms of this Act; and that the Town of Smyrna, having previously qualified for home rule charter status under 22 Del. C. §836, shall continue to be so qualified under this Act until such status is lawfully terminated pursuant to 22 Del. C. §825 or its successor."

Approved July 8, 1980.

CHAPTER 340

FORMERLY

HOUSE BILL NO. 1174

AN ACT TO AMEND TITLE 14, DELAWARE CODE, BY ADDING A NEW CHAPTER THERETO, CREATING AN EDUCATIONAL FINANCE OVERVIEW COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14, Delaware Code, by adding thereto a new Chapter 18, to read as follows:

"CHAPTER 18. EDUCATIONAL FINANCE OVERVIEW COMMITTEE

§1801. Establishment of the Educational Finance Overview Committee.

There is hereby established the Educational Finance Overview Committee.

§1802. Membership; Chairman.

The Committee shall be composed of five (5) persons, to be appointed by the Governor and to serve at the pleasure of the Governor, who shall designate the Committee's Chairman.

§1803. Duties and Responsibilities of the Committee.

(a) (1) With respect to any school district subject to this Chapter, the Committee shall certify by adoption of a "Certification of Available Revenues," at a time chosen by the Committee, such revenues to the schooldistrict as are available from all sources for the annual budget of the local school district. No school district subject to this Chapter shall adopt any budget which proposes expenditures in excess of the amount certified as available by the Committee. The "Certification of Available Revenues" may be amended by the Committee from time to time as the Committee may deem appropriate.

(2) The Committee shall have plenary authority to review, and make recommendations concerning, any annual budget or revisions thereto proposed by any school district and its successors in this State which receives State appropriations in fiscal year 1981 pursuant to Chapter 17 of this Title, in an amount greater than \$20,000,000.

(3) No annual budget or revisions thereto proposed by any school district that is subject to this Chapter shall be approved by the local school board of said school district unless and until such budget has been expressly approved in writing by the Committee.

(4) With respect to any school district subject to this Chapter, the Committee may establish and require, by act of the Committee, a schedule for the orderly preparation of an annual budget for the local district in a form prescribed by the Committee. In the event that such a schedule is established by the Committee, the school district subject to such schedule shall file with the Committee its proposed annual budget no later than the date set by the Committee for such proposal.

(b) (1) The Committee shall have plenary authority to review the implementation of any annual budget or revisions thereto adopted by a school district subject to this Chapter. In the exercise of this responsibility, the Committee may review any matter having, in the opinion of the Committee, significant, or potentially adverse, financial impact upon the school district.

(2) Upon its review of any such matter, the Committee shall make, to the local school board of the school district subject to this Chapter, such recommendations as it deems necessary for corrective action.

(3) Upon the receipt of recommendations made to a local school board pursuant to §1803(b), said local school board of education shall accept or reject such recommendations, and shall take action forthwith thereon.

(4) In respect of the action taken by the board in response to recommendations made pursuant to this section by the Committee, the minutes of the board shall fully and accurately reflect the deliberations and determinations made by the board in taking such action.

§1804. Resources of Educational Finance Overview Committee.

(a) The Auditor of Accounts; Superintendent of Public Instruction; Attorney General; Controller General; Director of Research of Legislative Council; State Treasurer; Budget Director; Secretary of Finance; Director of Office of Management, Budget, and Planning; superintendents of local school districts; and the heads of all other State agencies shall cooperate with the Committee by making available to the Committee such employees, supplies, office space, and other assistance as the Committee may reasonably request in order to carry out its functions. All employees of State agencies shall cooperate fully and completely with the Committee when so requested by the Committee.

(b) The Committee shall have a right of full and complete access to all records of all State agencies and local districts reasonably relating to its duties, functions, and responsibilities under this Chapter. The Committee may compel the attendance of witnesses and the production of books and documents and files deemed necessary by the Committee to carry out its functions and duties by the issuance of subpoenas signed by the Chairman of the Committee. If a person subpoenaed to attend any investigation or hearing fails to obey without reasonable cause, or if a person in attendance in any such investigation or hearing refuses, without lawful cause, to be examined or to answer a legal or pertinent question, or to exhibit any book, account, record, or other document when ordered to do so by the Committee, the Committee may apply to the Superior Court for an order directing such person to show cause why he should not comply with such subpoena or such order. Upon return of the rule, the Court shall examine such person under oath, and if the Court shall determine, after giving such person an opportunity to be heard, that he refused without legal excuse to comply with a subpoena or order of the Committee, the Court may order such person to comply therewith. Any failure to obey the order may be punished as a contempt of the Superior Court, pursuant to the Rules of the Superior Court.

§1805. Expenses.

The Committee members shall be entitled to receive their actual disbursements for expenses in performing the duties of the Committee.

§1806. Reports.

The Committee shall, at least quarterly, file such reports as the Committee shall deem appropriate. Such reports shall include the Committee's findings, its recommendations, the actions of local school districts in response to the Committee's recommendations, and any other matter that the Committee may deem appropriate to include, and such reports shall be submitted to each member of the General Assembly, to the Governor, and to the State Board of Education. Such reports shall be available for public inspection. Such reports shall be filed on or before January 15, April 15, July 15, and October 15 of each year.

§1807. Sunset Provison.

The Committee shall cease to exist two (2) years from the effective date of this Act. A final report of the Committee shall be filed on or before April 15, 1982, and shall be a comprehensive report of the Committee's scope of work and of its findings since inception. The report shall also contain a recommendation to the General Assembly and to the Governor as to whether its existence should be continued."

Approved July 8, 1980.

CHAPTER 341

FORMERLY

SENATE BILL NO. 242
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 7, TITLE 17, DELAWARE CODE RELATING TO
RAILROAD CROSSINGS OVER HIGHWAYS.

WHEREAS, there presently exists many inadequate and unsafe railroad crossings throughout the State of Delaware; and

WHEREAS, many of these crossings exist on lines other than main lines; and

WHEREAS, existing law provides an exception to the necessity of grade separated crossings for railroad spurs and sidings but not branch lines; and

WHEREAS, railroad service cutbacks, since the Conrail takeover of responsibility, have resulted in fewer runs on many branch lines; and

WHEREAS, the expenditure of funds for grade separation for the crossing of a branch line and highway each carrying low volume of traffic, in light of current fiscal pressures, is not always in the interests of the public; and

WHEREAS, it is often more beneficial to adjacent property owners, the traveling public and the State of Delaware to relocate many of the existing crossings from their present locations at grade rather than via a grade separation due to many factors.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §703 (a) of Chapter 7, Title 17, Delaware Code by striking the language in the second sentence of paragraph (a) beginning with the word "but" and ending with the word "traffic" and further striking the third sentence of said paragraph (a) in its entirety and inserting in lieu thereof the following:

"provided, however, state highways may cross spurs, sidings and branchlines of any railroad or railway at grade if approval is first obtained from the Secretary of the Department of Transportation to whom reasons and supporting data for requesting at grade crossing shall be furnished. All at grade crossings so approved shall be furnished with crossing protection, required by applicable Federal, state and local regulations".

Approved July 8, 1980.

CHAPTER 342

FORMERLY

SENATE BILL NO. 244

AN ACT TO AMEND CHAPTER 14, TITLE 24 OF THE DELAWARE CODE, PROVIDING
FOR AN EXEMPTION FROM ELECTRICAL INSPECTION TO THE DEPARTMENT OF
TRANSPORTATION.

WHEREAS, a certificate of inspection for electrical inspection of drawbridges and traffic control devices has not been required from the Department of Transportation for at least the past thirteen (13) years, and

WHEREAS, existing legislation does not provide for an inspection exemption for certain aspects of work performed by the Department of Transportation, which, in fact, is not required.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 24, Section 1432 (a) of the Delaware Code, by adding thereto a new Subsection, to be designated as Subsection (7), which new Subsection shall read as follows:

- (7) The Department of Transportation, its agencies offices and divisions, for all work performed by the Department or under its supervision and which is approved by the Department, for the installation, erection, construction, reconstruction and/or maintenance of drawbridges and traffic control devices, including traffic signals, traffic signs and highway lighting. No individual, trustee, personal representative, partnership, association, corporation or other entity of any type and in any form shall have a cause of action based upon events occurring before or after passage of this provision for damages against any light or power company arising from the alleged failure of such company to comply with Section 1433 (e) of this title with respect to the work excepted under this Subsection.

Approved July 8, 1980.

CHAPTER 343

FORMERLY

SENATE BILL NO. 256

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO SIZE AND WEIGHT OF VEHICLES AND LOADS CLARIFYING THE GRANTING OF SPECIAL PERMITS IN THE HAULING PERMIT SECTION OF THE DEPARTMENT OF TRANSPORTATION.

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 §4504 of Chapter 45, Title 21, Delaware Code by striking said section in its entirety and substituting a new section to read as follows:

"§4504. Permits for Excessive Size and Weight

A. Granting of Permits

(1) The Department of Transportation shall adopt regulations under which permits may be granted for the movement of vehicles and/or loads of a size or weight exceeding the maximums specified in this Chapter.

(2) Local authorities may adopt regulations under which permits may be granted for the movement of vehicles and/or loads of a size or weight exceeding the maximum specified in this Chapter over any highway for which the local authority has the sole maintenance responsibility.

(3) Every permit granted shall be in writing and shall contain a description of the vehicle and/or load, a statement of the fee levied and the name of the authorized officer of the granting authority. It may designate the route and certain restrictions, rules, conditions, and regulations as deemed necessary.

(4) Permits may be granted only for vehicles or trailers complying with Chapter 21 of this Title.

B. Types of Permits

(1) Single trip permits shall be issued for single trips from the designated starting point to the designated terminal point. Intermediate stopping points and round trips are not permitted.

(2) Multi-trip permits shall be issued for the period from the first day of the month to the first day of the following month. Each permit shall be valid as authorized herein; it shall not be transferable.

(a) Utility companies may be issued a permit for piling and pole trailers. Each permit may be valid for up to four trailers at the time of issue.

(b) Utility companies and governmental agencies may be issued a permit for a manned and/or unmanned aerial type single motor vehicle up to 50 feet long. Each permit shall be valid for an individual vehicle only.

(c) Pole and piling haulers may be issued a permit for piling and pole movements. Each permit shall be valid for an individual tractor only.

(d) Multi-trip permits shall not be issued for any purpose not specifically authorized in (a), (b), or (c) of this Section.

C. Display of Permit

(1) Every permit shall be carried in the vehicle to which it refers during the movement it authorizes and it shall be open to inspection by any peace officer. Copies of multi-trip permits issued to utility companies may be carried by their vehicles in lieu of the original.

D. Accuracy and Compliance

(1) No person shall fail to provide accurate information concerning the granting of a permit.

(2) No person shall violate any of the terms, conditions, restrictions, rules or regulations published in the policy or stated on the permit.

(3) Any permit obtained on the basis of false or misleading data is null and void. Any fee levied for it shall not be returned or transferred.

Approved July 8, 1980.

CHAPTER 344

FORMERLY

SENATE BILL NO. 460

AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 3, TITLE 24, DELAWARE CODE, REGULATING THE PRACTICE OF ARCHITECTURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 3, Title 24, Delaware Code by striking said Chapter in its entirety and substituting in lieu thereof a new Chapter 3 to read as follows:

"CHAPTER 3. PRACTICE OF ARCHITECTURE

§301. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) 'Architect' means a person registered with the Board of Architects to practice architecture.

(b) 'Practicing Architect' means an architect whose principal occupation is actively furnishing architectural services.

(c) 'Certificate of Registration' means any document which indicates that a person is currently registered with the State Board of Architects.

(d) 'Instruments of Service' means any document or other method used by the architect to provide his services.

§302. Board of Architects

The Board of Architects, heretofore established and hereafter in this Chapter referred to as the 'Board', shall consist of seven (7) members, all residents of the State, who shall be appointed by the Governor. At least six (6) members of the Board shall be Architects who have been in active practice in this State for not less than three (3) years immediately prior to his or her appointment. One (1) member of the Board shall be a public member. The public member shall not be, nor ever have been, an architect, engineer, or a person financially involved in the practice of or business of architecture, engineering, or construction. All appointments to the Board shall be made for a period of five (5) years. In case a successor is not appointed at the expiration of the term of any member, such member shall hold office until his successor has been duly appointed and qualified.

The Governor may remove at his pleasure any member of the Board. In the event of any vacancy occurring in the membership of the Board and in any manner other than by expiration of time, the Governor shall fill said vacancy by an appointment for the unexpired term.

§303. Oath of Office

The members of the Board shall, before entering upon the discharge of their duties, subscribe to and file with the Secretary of State the constitutional oath of office.

§304. Officers of the Board

The Board shall elect from its membership any officers it shall deem necessary.

§305. Rules, Regulations and Meetings

The Board shall adopt all necessary rules, regulations and by-laws, not inconsistent with this Chapter and the Constitution and laws of this State and of the United States, to:

- (a) Govern its time and places of meeting for organization and reorganization; and
- (b) hold examinations; and
- (c) establish minimum qualifications for eligibility to take examinations for registration; and
- (d) establish the length of the terms of its officers; and
- (e) regulate all other matters requisite to the exercise of its powers, including requirements for continuing professional development of architects, the business and professional conduct of architects, and the performance of its duties and the transactions of its business under the provisions of this Chapter.

At least one (1) meeting shall be held each year for the purpose of administering examinations for registration.

§306. Quorum

Four (4) members of the Board shall constitute a quorum, but no action at any meeting can be taken without at least four (4) votes in accord.

§307. Record of Proceedings

The Secretary shall keep a true record of all proceedings of the Board.

§308. Disposition of Fees

All fees provided for by this Chapter and all fines and penalties derived from the operation of this Board shall be deposited daily to the credit of the State Treasurer as part of the General Fund of the State, in accordance with Chapter 61 of Title 29.

§309. Expenses

The necessary expenses of the Board shall be paid by the State Treasurer, within the limits of appropriations made to the Board by the General Assembly, upon warrants signed by the President and Secretary of the Board.

§310. Members to Serve Without Compensation

The members of the Board shall serve without compensation for their services.

§311. Roster of Registered Architects and Annual Report to the Governor

A roster showing the names and places of residence of all registered architects shall be prepared by the Secretary of the Board during the month of July of each year.

On or before the last day of August of each year the Board shall submit to the Governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the Board, certified by the President and the Secretary, and a copy of the roster of registered architects. A copy of this report shall be filed with the Secretary of State.

S312. Certificate of Registration a Prerequisite to Practicing Architecture

In order to safeguard the life, health and welfare of the public, no person, except as provided in this Chapter, shall practice architecture in this State or use the title Architect or Registered Architect in any way to indicate that such person is practicing architecture or is an architect unless such person shall have secured a certificate of registration in the manner provided in this Chapter. The right to engage in the practice of architecture shall be deemed a personal right, based on the qualifications of the individual as evidenced by his certificate of registration, which shall not be transferable.

S313. Persons Who May Practice Without Registration

Any person, who was practicing architecture in this State as an Architect and was maintaining his principal office in this State on April 20, 1933, may continue his practice and the use of the title 'Architect', and any such person after becoming duly registered in the manner provided by and pursuant to this Chapter may be styled or known as a Registered Architect.

S314. Certificate of Registration; Qualifications

The Board shall grant a Certificate of Registration to any person who:

- (1) is of good moral character, and who has not:
 - (a) been convicted for commission of a felony;
 - (b) willfully misstated facts or misrepresented facts in connection with his/her application;
 - (c) willfully violated any of the rules of conduct required of registrants and set forth in the statutes or regulations;
 - (d) practiced architecture without being registered in violation of registration laws of the jurisdiction in which the practice took place; and
- (2) is a graduate of a high school course or an equivalent course in any other school or institution of learning; and
- (3) is twenty-one (21) years of age or upward; and
- (4) except as otherwise provided in this Chapter, has successfully passed an examination approved by this Board.
- (5) The Board may, in lieu of examination, accept satisfactory evidence of registration or certification as an architect in another state or country, where the requirements for the registration are equal, in the opinion of the Board, to the requirements in this State. In such case, the Board may require applicants to furnish satisfactory evidence of knowledge of professional practice.

S315. Fees

- (a) The fees to be paid to the Board:

(1) by an applicant for an examination to determine his fitness to receive a certificate of registration as an architect shall be Twenty-Five Dollars (\$25). The applicant shall bear all other examination and registration costs;

(2) by an applicant for a certificate of registration as an architect, who is an architect registered under the laws of another state or territory of the United States, or of a foreign country or province, shall be Fifty Dollars (\$50). The applicant shall bear all other examination and registration costs;

(3) by an applicant for the renewal of a certificate of registration shall be Twenty Dollars (\$20);

(4) the penalty for late renewal shall be Thirty Dollars (\$30).

(b) Fees shall not be refunded for any cause.

\$316. Records of the Board to be Retained and Open for Inspection; Recordation of Certificate

(a) Filing, recording and renewal of all examination papers and other evidence of qualifications submitted by each applicant shall be filed with the Board.

(b) The Board shall keep a record open to the public inspection at all reasonable times, of its proceedings, relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration.

This record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every Registered Architect entitled to practice his profession in this State.

(c) Every person granted such certificate of registration shall have the same recorded with the Secretary of State of this State.

(d) Examination records shall be made available only to the examinee and only in the presence of a Board representative.

(e) References and investigative materials shall be sealed and opened only on the authority of the majority of the Board or by Court order.

\$317. Annual Renewal of Certificates

Every Registered Architect in this State who desires to continue the practice of his profession shall, annually, during the month of July, renew his certificate of registration, and pay to the Board the renewal fee required by §315(a)(3) of this Title.

A person who fails to renew his certificate of registration during the month of July in each year may not thereafter renew his certificate except upon payment of the fee required by this Chapter.

Every renewal certificate shall expire on the thirtieth (30th) day of June following its issuance.

\$318. Revocation, Suspension and Discipline; Notice and Hearing

With at least ten (10) days' notice by registered or certified mail to an Architect, the Board may hold a hearing to revoke or suspend any certificate or impose discipline, including but not limited to a reprimand of an architect if proof satisfactory to the Board is presented in the following cases:

(1) if the certificate of registration was obtained through fraud or misrepresentation;

(2) if the holder of the certificate of registration has been found to have committed any fraud or deceit in his professional practice or has been convicted of a felony under §861, §876, §878, §903, §908, and §1223, Title 11 of the Delaware Code;

(3) if the holder of the certificate of registration has been grossly incompetent or reckless in the conduct of his practice; or

(4) if the holder of the certificate of registration has been in violation of any rules of conduct and regulations of this Board.

S319. Proceedings for Revocation; Suspension and Discipline

Proceedings for the revocation, suspension and discipline of an Architect may be begun by the Board upon receipt of a written, notarized statement against the person charged under S318 of this Title. A time and place for the hearing of the charges shall be fixed by the Board. A record of the hearing shall be made and kept by the Board. The Board may subpoena and bring before it any person in this State or take testimony of any such person by deposition with the same fees and mileage in the same manner as prescribed by law in judicial procedure in courts of this State in civil cases.

S320. Violations and Penalties; Jurisdiction

(a) Whoever uses the title of Architect in any way or indicates or tends to imply in any way that he is an Architect without compliance with the provisions of this Chapter or makes any willfully false oath or affirmation in any manner or proceeding where an oath or affirmation is required by this Chapter shall be fined not less than Five Hundred Dollars (\$500) or more than Ten Thousand Dollars (\$10,000), or imprisoned not more than one year, or both.

(b) The Superior Court for the State of Delaware shall have exclusive original jurisdiction over offenses under this Chapter.

S321. Appeal

In an appeal pursuant to Rule 72 of the Superior Court Rules within ten (10) days after the licensee has received notice that the Board has rendered a decision revoking or suspending a license, an aggrieved licensee may secure judicial review of such decision by commencing an action in Superior Court. No bond shall be required for the filing of such an appeal.

S322. Exclusions to this Chapter

This Chapter shall not be construed to prevent or to affect:

(a) the work of an employee or subordinate of a registrant providing such work is done under the direct responsibility and supervision of a registrant; or

(b) the practice of architecture by a professional engineer legally registered in this State when such practice is incidental to what may be properly considered an engineering project."

Section 2. If any provision of this Act or the application thereof to any person or circumstance 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 July 8, 1980.

CHAPTER 345

FORMERLY

SENATE BILL NO. 462

AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO ACCUMULATION OF ANNUAL LEAVE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1318, Chapter 13, Part 1, Title 14, Delaware Code, by striking subsection (h) in its entirety and substituting in lieu thereof a new subsection (h) to read as follows:

"(h) The maximum amount of annual leave which any employee shall be permitted to accumulate shall be (42) days. At the end of each fiscal year, the accumulated annual leave of each employee shall equal not more than (42) days. Where, prior to the end of a fiscal year, an employee has accumulated more than (42) days of annual leave, such annual leave shall be adjusted to (42) days at the end of such fiscal year."

Approved July 8, 1980.

CHAPTER 346

FORMERLY

SENATE BILL NO. 479

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16, OF THE DELAWARE CODE RELATING TO DELIVERY OF NARCOTIC CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. §4751, Subchapter IV, Chapter 47, Title 16, of the Delaware Code, is hereby amended by striking said section in its entirety and substituting in lieu thereof the following:

"§4751. Prohibited acts A; Penalties.

(a) Except as authorized by this chapter, any person who manufactures, delivers, or possesses with intent to manufacture or deliver a controlled substance or a counterfeit controlled substance classified in Schedule I or II which is a narcotic drug is guilty of a felony and shall be fined not less than \$5,000 nor more than \$50,000 and imprisoned not more than 25 years unless the defendant is not himself addicted to narcotic drugs in which case, upon conviction, he shall be fined not less than \$25,000 nor more than \$100,000 and imprisoned for 30 years without eligibility for parole.

(b) 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 8, 1980.

CHAPTER 347

FORMERLY

SENATE BILL NO. 490

AN ACT TO AMEND TITLE 3, DELAWARE CODE RELATING TO AGRICULTURE AND FORESTAL OPERATIONS NOT BEING CONSIDERED NUISANCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 3, Delaware Code, by establishing a new Chapter to be designated as Chapter 14 to read as follows:

"CHAPTER 14. AGRICULTURE AND FORESTAL NUISANCES

§1401. Agricultural and Forestal Operations not Nuisances

No agricultural or forestal operation within this State which has been in operation for a period of more than one (1) year shall be considered a nuisance, either public or private, as the result of a changed condition in or about the locality where such agricultural or forestal operation is located. The provisions of this Section shall not apply when the nuisance is determined to exist as the result of the negligent or improper operation of any agricultural or forestal operation or when such operation is being operated in violation of State or Federal law or any local or county ordinance."

Approved July 8, 1980.

CHAPTER 348

FORMERLY

SENATE BILL NO. 533
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 11 AND 29, TITLE 18, DELAWARE CODE RELATING TO THE INTEREST RATE USED FOR CALCULATING MINIMUM RESERVES AND NONFORFEITURE BENEFITS FOR LIFE INSURANCE POLICIES AND ANNUITY CONTRACTS, AND FOR VARIABLE CONTRACTS.

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 all of said subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) Except as otherwise provided in paragraph (2) of subsection (b) of §1113 for group annuity and pure endowment contracts, the legal minimum standard for the valuation of annuities issued on and after January 1, 1932, shall be McClintock's Table of Mortality Among Annuitants with interest at 4% per annum; however, (i) for annuities and pure endowments purchased under group annuity and pure endowment contracts the legal minimum standard may, at the option of the insurer, be the 1971 Group Annuity Mortality Table or any modification of such table approved by the Commissioner, with interest at 5% per annum, and (ii) annuities deferred ten (10) or more years and written in connection with life insurance shall be valued on the same basis as that used in computing the consideration or premiums therefor, or upon any higher standard at the option of the insurer."

Section 2. The introductory clause of Subsection (b)(1), Section 1113, Chapter 11, Title 18, Delaware Code is amended by striking all of said clause and inserting in lieu thereof the following new introductory clause:

"(b)(1) Except as otherwise provided in paragraph (2) 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 methods defined in subsections (c), (d) and (g) of this Section, 3 1/2% interest except as otherwise provided in subparagraph d. of this paragraph, or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after June 21, 1973, 4% interest for such policies issued prior to the effective date of this amendatory Act of 1980 and 4 1/2% interest for such policies issued on or after the effective date of this amendatory Act of 1980, and the following tables:"

Section 3. Subparagraph (b)(1) a., Section 1113, Chapter 11, Title 18, Delaware Code is amended by striking the numeral "3" in line 9 of said paragraph and inserting in lieu thereof the numeral "6".

Section 4. Subparagraph (b)(1) d., Section 1113, Chapter 11, Title 18, Delaware Code is amended by striking all of said subparagraph and inserting in lieu thereof the following new subparagraph:

"(b)(1)d. For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts — either (i) the Group Annuity Mortality Table for 1951 or any modification of such table approved by the Commissioner; or (ii) at the option of the insurer, the 1971 Group Annuity

Mortality Table or any modification of such table approved by the Commissioner in which event 5% interest shall be used in determining the minimum standard for the valuation of such contracts; or (iii) at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;"

Section 5. The introductory clause of paragraph (b)(2), Section 1113, Chapter 11, Title 18, Delaware Code is amended by striking said clause in its entirety and inserting in lieu thereof the following new introductory clause:

"(2) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this paragraph, 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 Commissioner's reserve valuation methods defined in subsections (c) and (d) of this Section and the following tables and interest rates:"

Section 6. Subparagraphs a. through d. of subsection (b)(2), Section 1113, Chapter 11, Title 18, Delaware Code are amended by repealing them in their entirety and inserting in lieu thereof the following subparagraphs a. through e.:

"a. For individual annuity and pure endowment contracts issued prior to the effective date of this amendatory Act of 1980, 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;

b. For individual single premium immediate annuity contracts issued on or after the effective date of this amendatory Act of 1980, 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 7 1/2% interest.

c. For individual annuity and pure endowment contracts issued on or after the effective date of this amendatory Act of 1980, other than single premium immediate annuity contracts, 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 5 1/2% interest for single premium deferred annuity and pure endowment contracts and 4 1/2% interest for all other such individual annuity and pure endowment contracts.

d. For all annuities and pure endowments purchased prior to the effective date of this amendatory Act of 1980 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.

e. For all annuities and pure endowments purchased on or after the effective date of this amendatory Act of 1980 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 7 1/2% interest."

Section 7. Subsection (c), Section 1113, Chapter 11, Title 18, Delaware Code is amended by repealing the word "Reserves" in line 1 of said subsection and inserting in lieu thereof the following:

"Except as otherwise provided in subsection (d) and (g), reserves"

Section 8. Subparagraph (1) of subsection (c), Section 1113, Chapter 11, Title 18, Delaware Code is amended by repealing the symbol "%" in line 3 of said subparagraph.

Section 9. The final paragraph (not numbered) of subsection (c), Section 1113, Chapter 11, Title 18, Delaware Code is amended by repealing said paragraph and inserting in lieu thereof the following:

"Reserves according to the Commissioner's reserve valuation method for (i) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (ii) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under §408 of the Internal Revenue Code, as now or hereafter amended, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this subsection, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums."

Section 10. Section 1113, Chapter 11, Title 18, Delaware Code is amended by adding a new subsection (d) as follows:

(d) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under §408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the Commissioner's annuity reserve valuation method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values."

Section 11. Subsection (d), Section 1113, Chapter 11, Title 18, Delaware Code is amended by repealing said subsection in its entirety and inserting in lieu thereof the following:

"(e) In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the effective date of this Act, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (c), (d) and (g) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies."

Section 12. Subsection (e), Section 1113, Chapter 11, Title 18, Delaware Code is amended by repealing said subsection in its entirety and inserting in lieu thereof the following:

"(f) Reserves for any category of policies, contracts or benefits as established by the Commissioner may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein."

Section 13. Subsection (f), Section 1113, Chapter 11, Title 18, Delaware Code is amended by repealing said subsection in its entirety and inserting in lieu thereof the following:

"(g) If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium."

Section 14. Amend §2929(e), Chapter 29, Title 18, Delaware Code, by striking the date "January 1, 1986" as it appears in the first paragraph and inserting the following:

"the effective date of the amendatory act of 1980 and a rate of interest not exceeding 5 1/2% per annum may be used for policies issued on or after the effective date of this amendatory act of 1980, except that for any single premium whole life or endowment insurance policy, a rate of interest not exceeding 6 1/2% per annum may be used; and further amending §2929(e) by striking the number '3' and inserting in lieu thereof the number '6'."

Section 15. Amend §2929(f), Chapter 29, Title 18, Delaware Code by striking the date "January 1, 1986" as it appears in the first sentence of said section and inserting the following:

"the effective date of this amendatory act of 1980 and a rate of interest not exceeding 5 1/2% per annum may be used for policies issued on or after the effective date of this amendatory act of 1980, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding 6 1/2% per annum may be used."

Section 16. Subsection (e), Section 2932, Chapter 29, Title 18, Delaware Code is amended by repealing the word and number "and 2925" in line 1 of said subsection and inserting in lieu thereof the following:

" , 2925 and 2929A".

Section 17. Chapter 29, Title 18, Delaware Code is amended by adding a new section to be designated "§2929A. Standard Nonforfeiture Law for Individual Deferred Annuities" and to read as follows:

"(a) This Section shall be known as the Standard Nonforfeiture Law for Individual Deferred Annuities.

(b) This Section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the company issuing the contract.

(c) In the case of contracts issued on or after the operative date of this Act as defined in subsection (1), no contract of annuity, except as stated in subsection (b), shall be delivered or issued for delivery in this State unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the Commissioner are at least as favorable to the contractholder, upon cessation of payment of considerations under the contract.

(1) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (e), (f), (g), (h) and (j).

(2) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (e), (f), (h) and (j). The company shall reserve the right to defer the payment of such cash surrender benefit for a period six (6) months after demand therefor with surrender of the contract.

(3) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits.

(4) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract.

Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two (2) full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than twenty dollars (\$20.00) monthly, the company may at its option terminate such contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

(d) The minimum values as specified in subsections (e), (f), (g), (h) and (j) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

(1) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of three percent (3%) per annum of percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of

a. any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent (3%) per annum; and

b. the amount of any indebtedness to the company on the contract, including interest due and accrued; and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars (\$30.00) and less a collection charge of one dollar and twenty-five cents (\$1.25) per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five percent (65%) of the net consideration for the first contract year and eighty-seven and one-half percent (87 1/2%) of the net considerations for the second and later contract

years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five percent (65%) of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent (65%).

(2) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

a. The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five percent (65%) of the net consideration for the first contract year plus twenty-two and one-half percent (22 1/2%) of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

b. The annual contract charge shall be the lesser of (i) thirty dollars (\$30.00) or (ii) ten percent (10%) of the gross annual consideration.

(3) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ninety percent (90%) and the net consideration shall be the gross consideration less a contract charge of seventy-five dollars (\$75.00).

(e) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(f) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than one percent (1%) higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(g) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(h) For the purpose of determining the benefits calculated under subsections (f) and (g), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(i) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(j) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(k) For any contract which provides, within the same contract by rider or supplemental contract provisions, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (e), (f), (g), (h) and (j), additional benefits payable (i) in the event of total and permanent disability, (ii) as reversionary annuity or deferred reversionary annuity benefits, or (iii) as other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this Section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(l) After the effective date of this Section, any company may file with the Commissioner a written notice of its election to comply with the provisions of this Section after a specified date before the second anniversary of the effective date of this Section. After the filing of such notice, then upon such specified date, which shall be the operative date of this Section for such company, this Section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this Section for such company shall be the second anniversary of the effective date of this Section."

Section 18. This Act shall take effect upon approval by the Governor.

Approved July 8, 1980.

CHAPTER 349

FORMERLY

SENATE BILL NO. 552

AN ACT TO AMEND CHAPTER 5, TITLE 17, OF THE DELAWARE CODE RELATING TO THE DEDICATION OF SUBURBAN COMMUNITY ROADS FOR STATE MAINTENANCE.

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 §508, Chapter 5, Title 17 of the Delaware Code by striking said Section in its entirety and substituting in lieu thereof a new Section to read as follows:

"§508. Dedication of New Roads for State Maintenance; Approval Required; Bond

(a) No person, firm or corporation shall construct, or cause to be constructed any new road or street outside the corporate limits of any city or town and intended to be dedicated by the owner thereof to the public use, including the initial installation of traffic and street name signs, unless such road or street is in conformity with plans and specifications approved by the Department and with this Section. The new road or street shall be a continuation of an existing or proposed public road designed to be part of the general highway system of the State. Such construction shall be performed pursuant to a written agreement, signed by the Developer as hereinafter defined incorporating but not limited to the plans and specifications approved by the Department, the posted security for completion and whatever other terms the Department, in its sole discretion, determines may be necessary. The owner or person actually engaged in any development or construction of residential or commercial property as determined by the Department which will affect or require access onto State-maintained highways, streets and roads shall be known as the 'Developer' for purposes of this Section.

Pursuant to the terms of this Section and such rules, regulations, standards and/or regulations as may be adopted by virtue thereof, the Department shall accept such roads or streets constructed in compliance herewith into the State Maintenance System. Provided however, that with regard to any road or street constructed to serve any dwelling, building or facility, etc., other than single family residences, the Department shall have the sole discretion as to whether such road or street shall be accepted into the State Maintenance System.

(b) Before commencement of any construction undertaken pursuant to this Section, including the installation of utilities within the dedicated right of way, the Developer shall first post with the Department a good and sufficient bond, certified check, letter of credit or other form of security in a manner and form approved by the Department and in such amount as may be fixed, but not to exceed 10% of the estimated cost of such construction as approved by the Department, which bond, certified check, letter of credit, or the like, shall be conditioned on the faithful performance and satisfactory completion of the obligations imposed by subsection (a) of this Section. In the event the Developer, regardless of corporate name, has been adjudged by the Department to be in violation of this Section and/or has not maintained a satisfactory record of compliance on repair and construction completion as determined by the Department, then the Department may require a bond, certified check, letter of credit, or other form of security, consistent herewith in an amount not to exceed one hundred percent (100%) of the cost of such construction.

(c) The Department shall inspect any new road or street being constructed in accordance with this Section as well as any construction including utilities within the road or street right of way to insure that the construction is in conformity with standards, plans and specifications approved by the Department. Upon dedication of the right of way to the public use and satisfactory completion of the street or road construction including its connection to an existing State maintained road within the sole judgement, discretion and approval thereof by the Department, the Department shall so notify the Developer that the new road or street has been accepted into the State Maintenance System and that the dedicated right of way has been accepted according to the terms of such acceptance.

The Department, upon acceptance, shall thereafter assume the sole and absolute care, management and control of the new road or street as a public road or street. Until such time as the Department accepts the new road or street, the Developer or his legal successor in interest shall be solely responsible for maintenance thereof.

(d) In order to carry out the purpose of this Section, the Department shall make and publish rules, regulations, standards and/or specifications for planning, designing, constructing and maintaining any new road or street.

(e) The bond, certified check, letter of credit, or other acceptable forms of security, posted with the Department shall be immediately due and owing upon failure of the developer to meet the obligations set forth in the agreement executed pursuant to this Section. Upon failure of the developer to comply with the standards, plans and specifications and/or with the terms of the said construction agreement, the Department may:

1. Withdraw any approval to construct such road or street which it has given pursuant to this Section and may thereafter notify the appropriate governmental agency to cease issuance of occupancy permits for dwellings in the construction area; and/or
2. Proceed to forfeiture of the bond, certified check, letter of credit, or other form of security; and/or
3. Move to fine violators pursuant to this Section; and/or
4. Seek specific performance of the developers agreement; and/or
5. Within its sole discretion, conditionally accept and satisfactorily complete the road or street and recover damages in the amount of completion costs and incidental expenses from the developer; and/or
6. Institute whatever other legal or equitable actions necessary to cause the streets to be completed.

(f) Any person, firm, corporation, developer and/or the like which does not comply with the provisions of this Section, shall within one hundred (100) days of written notification by the Department of such violation, be punished by fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, and the further sum in an amount equal to the amount fined for the initial offense for each and every day such violation exists; provided that the total fine shall not exceed the total estimated cost of street construction and incidental expenses related thereto.

(g) Any funds received as the result of action taken pursuant to this Section shall be utilized by the Department to carry out the general purposes of Chapter 17.

(h) Any Developer who is found to be in violation of this Section by the Department shall thereafter be unable to conduct business in the State until all conditions created by such Developer constituting a violation have been corrected to the satisfaction of the Department.

(i) The provisions of this Section are declared to be separable, and should any word, phrase, sentence, subsection or particular application thereof be declared unconstitutional or otherwise invalid, the remainder of such provisions and other applications thereof shall not thereby be affected but shall remain in full force and effect.

(j) Justice of the Peace Courts shall have jurisdiction over violations of this Section to the extent that they are hereby granted the authority to order forfeiture of the security posted pursuant to this Section and may impose the fines set forth in subsection (g) hereof."

Approved July 8, 1980.

CHAPTER 350

FORMERLY

SENATE BILL NO. 570

AN ACT TO AMEND CHAPTER 65, PART IV, TITLE 11 OF THE DELAWARE CODE,
RELATING TO WORK BY INMATES OF DELAWARE PRISONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6532, Chapter 65, Part IV, Title 11 of the Delaware Code by striking the words "crimes classified as A or B felonies" as the same appear in subsection (d), and substituting in lieu thereof the following:

"any crime classified as a Class A felony, or any crime classified as a Class B felony which involves a sex offense, escape or assault".

Approved July 8, 1980.

CHAPTER 351

FORMERLY

SENATE BILL NO. 593
AS AMENDED BY
SENATE AMENDMENT NOS. 1, 2, SENATE AMENDMENT NO. 1 to
SENATE AMENDMENT NO. 2, and 3

AN ACT TO AMEND DELAWARE CODE, TITLE 14, AS IT RELATES TO THE ORGANIZATION, GOVERNANCE AND FINANCING OF SCHOOL DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Delaware Code, Title 14, §1001 by designating the single paragraph of that section as (a) and adding to the section a new subsection (b) as follows:

"(b) It is the further purpose and intent of the General Assembly to establish policy, procedures, standards and criteria under which the State Board of Education is authorized to determine and establish an appropriate reorganized school district or school districts and to implement the reorganization thereof. Any Plan or Rules and Regulations duly adopted in accordance with the provisions of this subchapter and subsection (k) of §1028 of this title by the State Board of Education for its implementation of such a plan shall be binding upon the parties involved in accordance with §122 (a) of this Title."

Section 2. Amend Delaware Code, Title 24, §1028 by adding to that section a new paragraph (k) as follows:

"(k) During the period January 1, 1980 through August 31, 1981 the State Board of Education may divide any school district created by order of a federal court, pursuant to this §1028, provided, however, that:

(1) The requirement of referendum included in subsection (b) of this section, the requirement of taxation of subsection (e) and the statutory restriction of subsection (j) shall not be applicable.

(2) The requirements of subsection (d) of this section shall be met by funds available pursuant to subsection (b) of §1057 of this title and by taxes collected by the county taxing authorities, which taxes shall be collected uniformly throughout the entire area being divided.

(3) The area being divided shall be permanently constituted as a school tax district as defined in §1925 of this title.

(4) The rates for school taxes for current operating expenses and debt service on obligations evidenced by (i) bonds of the district being divided authorized prior to the division (ii) bonds of the district being divided and (iii) bonds of any former school district located in the geographical area of the district being divided which are levied in the school tax district shall be established and set according to the provisions of §1925 of this title.

(5) Obligations evidenced by bonds authorized prior to the division herein authorized shall be paid by the county taxing authorities from debt service taxes collected in the school tax district.

(6) Taxes collected in the school tax district for current operating expenses shall be distributed each year in a uniform manner, on a per unit basis according to units certified by the State Board of Education for the previous fiscal year, by the county taxing authorities, to the districts formed by the division.

(7) No tax funds herein authorized shall be distributed to a separate vocational-technical school district.

(8) Nothing herein or in §1925 of this title shall prevent any school district created as a result of such a division from levying and collecting taxes for any purpose within the new district when such rates are set according to the provisions of this title, chapter 19 requiring a referendum of the qualified voters in the district.

(9) Nothing herein or in §1925 of this title shall prevent any school district created as a result of such division from issuing bonds and levying and collecting taxes to provide funds for the payment of interest and annual payments on such bonds, in accordance with chapter 21 of this title.

(10) Any school district created as a result of such division may each fiscal year determine and set tax rates for tuition and for minor capital improvements for the next fiscal year.

(11) A change in tax rates by a single district shall not alter the rate set in accordance with §1925 of this title for the school tax district.

(12) At the time of the division of a school district according to the provisions of this subsection, the State Board of Education shall include at least the following in the description of the boundaries of the newly created district or districts:

(i) The boundaries of the district or districts shall be described by any combination of terms including reference to former component school districts of the district being divided, geographic or man made boundaries such as streams, railways, highways and streets, or census tracts or modified grids of census tracts as described by the United States Census Bureau.

(ii) Boundaries of subsections within the school district or school districts shall also be described and these subsections shall hereafter be known as nominating districts. A nominating district shall be described in terms similar to those authorized for the definition of boundaries of a school district. Each school district shall be divided into seven nominating districts. At the time of its creation each nominating district shall encompass an area in which approximately 15% of the total population of the school district is resident. The data base for the determination of population in residence shall be census data from the United States Census of 1970. The approximation of 15% may vary in a range from ten per cent to twenty per cent of the population of the school district.

(13) The boards of education of school districts resulting from the division authorized by this subsection shall be established in accordance with §1066 of this title."

Section 3. Amend Delaware Code, Title 14 by adding a new §1925, as follows:

"§1925. School Tax Districts.

(a) If the State Board of Education divides a school district pursuant to the authority of subsection (k) of §1028 of this title, the geographical area encompassed by the district being divided shall be established as a school tax district for the collection of taxes at a uniform rate throughout the school tax district, said taxes to be distributed according to the provisions of §1028(k) of this title. Such a school tax district shall serve no other function nor shall any staff or governing board be established for such a district.

(b) The tax rate for current operating expenses shall be the rate of taxes levied for current operating expenses in the district being divided in the fiscal year in which the State Board of Education adopts the plan dividing the district.

(c) The tax rate for the meeting of bond obligations shall be set by the taxing authorities of the county wherein the school tax district is located after consultation with the Treasurer of the State of Delaware and levied throughout the school tax district in order to meet the obligations of subsection (k) of §1028 and §2121 of this title.

(d) The official of the county wherein the school tax district is located who is authorized to collect school taxes pursuant to §1917 of this Title shall annually set the tax rate, in compliance with subsections (b) and (c) of this section, for taxes to be collected in the following year.

(e) This section shall supersede §1924 of this title upon the effective date of the division pursuant to §1028(k) of this title."

Section 4. Amend Delaware Code, Title 14, by deleting §1002 and inserting in lieu thereof a new §1002 as follows:

"§1002. Definitions

Unless otherwise defined in this chapter:

(1) 'School district' means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area provided that 'school district' shall not, for the purposes of this subchapter and subsection (k) of §1028 of this title, include any district specifically created to administer a system of vocational and/or technical education.

(2) 'Reorganized school district' or 'newly reorganized school district' means a school district which is constituted and established in accordance with this chapter, provided that 'reorganized school district' or 'newly reorganized school district', for the purposes of this subchapter and subsection (k) of §1028 of this title, shall not include any district specifically created to administer a system of vocational and/or technical education.

(3) 'School board' means the board of education of a reorganized school district consisting of members duly elected or appointed in accordance with this chapter.

(4) 'Component former school district' or 'component school district' means a school district, as constituted on July 1, 1977, which comprises in whole or in part a reorganized school district on or after July 1, 1978.

(5) 'Component former school board' means the board of education of any component former school district or component school district."

Section 5. Amend Delaware Code, Title 14, by deleting §1004 thereof and inserting in lieu thereof a new §1004 as follows:

"§1004. Establishment of Reorganized School District(s) on a Designated Date.

Whenever any school district is reorganized either by consolidation of whole or parts of whole districts into a new district or districts or by division of a district or by a combination of consolidation and division of districts, the State Board of Education shall set the date upon which the implementation of the reorganized district or districts shall occur, after which date the reorganized district or districts shall be organized and administered according to the provisions of this title and the school board of the former school district shall be dissolved."

Section 6. Amend Delaware Code, Title 14, by deleting §1005 and inserting in lieu thereof a new §1005 as follows:

"§1005. Employee's Right to Fair Dismissal.

Nothing in this chapter shall be deemed to alter or affect in any way either chapter 14 of this title or the right to terminate the employment of any school employee to whom chapter 14 of this title does not apply, for cause or for any other reasons not inconsistent with the purpose of this section, except that, for purposes of §1403 of this title, a teacher as defined in §1401 of this title who is and has been continuously employed among a district created by a division under subsection (k) of §1028 of this title, the district divided under subsection (k) of this title and one of its component former school districts shall be deemed to have been continuously employed by the new district to which he or she has been assigned for the entire term of his or her continuous employment in the several school districts."

Section 7. Amend Delaware Code, Title 14, by deleting §1006 and inserting in lieu thereof a new §1006 as follows:

"§1006. Deployment of School Employees in Each Reorganized School District

(a) The State Board of Education shall devise a fair and equitable procedure for the deployment of school employees among and within the districts reorganized pursuant to this subchapter and subsection (k) of §1028 of this title which will be consistent with the criteria for reorganization set out in §1003 of this title.

(b) Any school district which is eligible for division pursuant to section (k) of §1028 of this title shall include in every employment contract into which it enters after the effective date of this Act a statement providing that the contract shall not be binding on any district created by such division."

Section 8. Amend Delaware Code, Title 14, §1007, §1008, §1009, §1010, §1011 and §1012 by deleting each of those sections in their entirety.

Section 9. Amend Delaware Code, Title 14, by inserting a new §1007 as follows:

"§1007. Deployment of New Board(s) As Interim Board(s); Authority, Membership, Vacancies, Funding And Planning Prior To The Organization Of Interim Board(s).

(a) When a reorganized school district, excluding a vocational-technical school district, is divided pursuant to the provisions of this subchapter and subsection (k) of §1028 of this title, there shall be an interim board of education for each district being created. The interim board of education shall have seven members, one of whom resides in each nominating district. Each member of the board of education of the district being divided shall become a member of the interim board of the district being created and from the nominating district in which he or she resides, provided that his or her term on the interim board shall terminate on the date on which his or her term on the board of education of the district being divided terminates. Any person who succeeds a member of the board of the district being divided shall also succeed that person as a member of the interim board. Except with regard to persons appointed to fill vacancies, the remainder of the members of the interim board of education shall be chosen by election pursuant to the following procedure:

(1) Candidates for the interim board of education shall be nominated in accordance with the provisions of §1075 of this title except that a nominee must be a resident of the nominating district he or she will represent.

(2) A nominating petition in support of any nominee may be signed by any resident of the school district qualified to vote in the election proposed.

(3) Election of members of the interim board shall be at large in the geographic area encompassed by the school district being created, provided that no person may vote for more than one person who resides in each nominating district.

(4) The election shall be conducted in accordance with §§1071-1085 of this title, provided, however, that:

(a) The election shall be held within one hundred thirty (130) days of the approval by the State Board of Education of the plan for division of the district pursuant to subsection (k) of §1028 of this title on a date chosen by the Department of Elections of the county in which the district is located after consultation with the State Board of Education or its designee, provided, however, that it shall not be held in November or December.

(b) The election shall be conducted by the Department of Elections of the county in which the district is located. The cost of the election shall be borne by the school district being divided.

(c) In the case of a tie between nominees from the same nominating district, the member shall be chosen by a run-off election to be held within thirty (30) days.

(b) Not later than ten (10) calendar days after the election of the members of an interim board, the president of the State Board of Education or the president's designee shall meet the new board and swear in the members and shall on the same occasion instruct the board immediately to organize according to the provisions of this chapter.

(c) Each new board so organized shall serve as an interim board of education for the reorganized district until the date set by the State Board of Education for the establishment of the new school district according to §1004 of this title.

(d) Each interim board shall have all of the authority of a board of education as set forth in this title for the sole purpose of planning and preparing for the establishment of a reorganized school district to be established on the date set by the State Board of Education. The authority herein granted to each interim board may include but is not limited to the authority to set tax rates in accordance with this title, negotiate contracts, employ personnel for assignment as of the date of implementation of the new district and select a name for the reorganized school district.

(e) The interim board may employ personnel for immediate assignment to execute the policies of the interim board.

(f) All persons elected to the interim board or appointed to fill a vacancy shall be members of the interim board until it is dissolved on the date selected by the State Board of Education pursuant to section 1004 of this title for implementation of the reorganization. A vacancy on the interim board shall be filled by the remaining members of the interim board who shall appoint a person who resides in the nominating district in which his or her predecessor resided.

(g) Each interim board shall devise a budget to support its operation during the period from the date of its organization until the date set by the State Board of Education for implementation of the new district and present that budget to the State Board of Education for review and approval on a date set by the State Board of Education which shall be not more than thirty (30) calendar days after the date that the interim board is organized. The State Board of Education shall approve or make modifications in and approve the budget not later than ten (10) days after it is presented by the interim board.

(h) If the district being divided or consolidated fails to contribute to the interim board the amount assessed against it, according to this section, within ten (10) calendar days of receipt of the statement of assessment delivered by certified mail, the interim board shall report the delinquency to the State Board of Education, which shall in turn verify the delinquency and certify its finding to the Secretary of Finance. Upon certification of the Secretary of Finance, the State Treasurer shall pay the assessed amount to the interim board from such funds as are available in the state and local district accounts for the delinquent district.

(i) Prior to the organization of the interim board, the State Board of Education shall engage in planning to effectuate the division of the school district. The board of education of the school district being divided shall, at the request of the State Board of Education, assign personnel to assist the State Board of Education.

(j) Nothing herein shall alter the procedure or timing of elections for membership on the board of education of the district being divided."

Section 10. Amend Delaware Code, Title 14, by inserting a new §1009 as follows:

"§1009. Transfer of Real Property

During the period beginning on the date that an interim board is organized pursuant to §1007 of this title and ending on the date set by the State Board of Education for the establishment of a new district, any school district being divided shall take the steps necessary to transfer and convey all property that, as determined by the State Board of Education, naturally belongs to the reorganized district and shall make and execute such deed or deeds of conveyance as are necessary to pass to the reorganized district the legal title to all such property, provided that the State Board of Education shall make no determination contrary to subsection (f) of §1028 of this title. For purposes of this section, the property upon which a vocational technical center or school is located and the property constituting such vocational technical center or school shall be deemed to belong to the vocational technical school board in the county in which the vocational technical center or school is located. The transfers herein required shall be concluded not later than ninety (90) calendar days after the establishment of the new reorganized school district."

Section 11. Amend Delaware Code, Title 14, §1066 by adding to that section a new subsection (c) as follows:

"(c) Other provisions of this section notwithstanding, if during the period January 1, 1980 through August 31, 1981, the State Board of Education divides a school district that was created by the order of a federal court, the number of board members, the members of the board, the length of the term of each member and the provisions for election of members to those boards shall be as follows:

(1) The number of members for any such board shall be seven.

(2) The term of office for a member of any such board shall be five years except that the initial terms will expire in accordance with this subsection.

(3) Each person who was elected directly to the interim board of education and each person who became a member of the interim board of education by reason of his or her election to the board of education of the district being divided shall be a member of the board of education of the newly created district from the nominating district in which he or she resides. The remaining members shall be chosen by an election conducted under the procedure of this section and sections 1071-1085 of this title, provided, however, that the election shall be conducted by the Department of Elections of the county in which the district is located on a date chosen by the Department of Elections after consultation with the interim board of the school district being created and further provided that in the case of a tie between nominees from the same nominating district, the member shall be chosen by a run-off election to be held within thirty (30) days. The cost of such election shall be borne by the school district being divided.

(4) The terms of the members of the board of education shall be determined in accordance with the following:

(i) One term shall end in 1986, two terms shall end in 1985, one term shall end in 1984, two terms shall end in 1983 and one term shall end in 1982. All terms shall end on June 30.

(ii) The term of each person who is a member of the board of education by reason of his or her election to the board of education of the district being divided shall end on the date his or her term on the board of education of the district being divided would have ended.

(iii) The person or persons elected directly to the board of education shall have the longest of the remaining terms. If two or more persons are elected directly to the board of education of the district being created the length of their terms shall be determined by comparing their vote totals. The person who received the highest total shall have the longest remaining term. The person who received the next highest vote shall have the next longest remaining term, and so forth. Where a nominee has been elected in a run-off election, the length of his or her term shall be determined by the vote total received in the election which resulted in a tie. If two or more nominees from different nominating districts are elected with the same number of votes, the ranking to set length of term shall be determined by the State Board of Education, by lot.

(iv) The persons who are members of the board of education of the district being created by reason of their election to the interim board of education of the district being created shall have whichever terms are not filled in accordance with subparagraphs (ii) and (iii) of this paragraph. The length of their terms shall be determined by comparing their vote totals. The person who received the highest total shall have the longest remaining term. The person who received the next highest vote total shall have the next longest remaining term, and so forth. Where a nominee has been elected in a run-off election, the length of his or her term shall be determined by the vote total received in the election which resulted in a tie. If two or more nominees from different nominating districts are elected with the same number of votes, the ranking to set length of term shall be determined by the State Board of Education, by lot.

(5) At the time that members are to be elected directly to a board of education for a district created pursuant to subsection (k) of §1028 of this title the nominees shall be nominated according to the provisions of §1075 of this title except that a nominee must be a resident of the nominating district in which his or her predecessor resides.

(6) A nominating petition in support of any nominee may be signed by any resident of the school district qualified to vote in the election proposed.

(7) Election of members of a board of education shall be at large in the school district, provided that no person may vote for more than one person who resides in each nominating district.

(8) Any vacancy on a board of education shall be filled according to the provisions of §1054 of this title."

Section 12. Amend Delaware Code, Title 14, §1028 by adding to that section a new paragraph (l) to read as follows:

"(l) If the division of a school district is carried out under the provisions of paragraph (k) of this section, then the following provisions shall apply:

(1) Any outstanding obligations of the school district for current operating expenses, on the effective date of the division, shall become the joint obligation of the newly created districts. Each new district shall be responsible for a portion of the total outstanding obligation; the liability of each new district shall be in the same proportion to the total liability of the district being divided as the number of units of pupils enrolled in schools located in the area encompassed by the new district was to the total number of units in the district being divided in the fiscal year preceding the division.

(2) Balances in the local current expense account of the school district, on the effective date of the division, shall be divided among the newly created districts. The amount of funds received by each such district shall be in the same proportion to the total balance as the number of units of pupils enrolled in schools located in the area encompassed by the new district was to the total number of units in the district being divided in the fiscal year preceding the division.

(3) Balances in the local tuition account of the school district, on the effective date of the division, shall be divided among the newly created districts. The amount of funds received by each such district shall be in the same proportion to the total balance as the number of units of pupils enrolled in the schools located in the area encompassed in the new district was to the total number of units in the district being divided in the fiscal year preceding the division.

(4) Balances in the local debt service account of the reorganized school district, on the effective date of the division, shall be retained in the debt service account of the school tax district. These funds shall be used to meet bond obligations which are due after the effective date of the division.

(5) Balances in the local minor capital improvement accounts of the district being divided, on the effective date of the division, shall be divided among the newly created districts. The funds shall be divided in a proportion which will best enable the funds to be used for the projects for which they were intended at the time of the division, as determined by the State Board of Education.

(6) Balances in the annual maintenance accounts of the reorganized district, on the effective date of the division, shall be divided among the newly created districts. The funds shall be divided in a proportion which will best enable the funds to be used for the maintenance for which they were intended at the time of the division, as determined by the State Board of Education."

Section 13. Amend Delaware Code, Title 14, by deleting §1057 and inserting in lieu thereof a new §1057 as follows:

"§1057. Sale Of Property And Disposition Of Proceeds

(a) When any property, real or personal, of any reorganized school district is no longer needed for school purposes by such district, the school board thereof may, subject to written approval by the Director of State Planning and the State Board of Education, sell such property at a price not less than fair market value as certified by the Secretary of the Department of Administrative Services, and transfer or convey to the purchaser thereof a good and sufficient title thereto, or lease such property. The Director of State Planning shall not give written approval until he has determined, in his sole discretion, whether any state agency has a significant interest in purchasing the property and has afforded an opportunity to purchase the property to every state agency which he has found to have a significant interest in purchasing the property. The proceeds of such sale or sales shall be deposited to the account of the reorganized school district and shall be used by the school board for school purposes if there had been no financial participation by the State in the original cost of purchase or construction and any additions or alterations thereto; otherwise, the proceeds of the sale or sales shall be returned to the State in the same proportion as the share of the State in the original cost of purchase or construction and any additions or alterations thereof.

(b) Notwithstanding anything to the contrary in subsection (a) of this section, any rental income in excess of the cost of operation received from the rental of, or sales income received from the sale of, any building owned by a reorganized school district created pursuant to subsection (k) of §1028 of this title and constructed prior to the creation of such district shall be used at the earliest feasible date for payments on bonds issued or authorized prior to the effective date of the division under subsection (k) of §1028 for funding construction, additions or alterations of buildings located in the area encompassed by such reorganized school district, if such bonds are outstanding at the time the funds are received."

Section 14. In the event any Order of the United States District Court for the District of Delaware requiring or necessitating dissolution of the school districts or former school districts subject to such order is reversed on appeal so that the eleven districts involved in *Evans v. Buchanan* are legally authorized to regain their separate identities and status, any reorganization plan adopted or implemented pursuant to this Act shall be null and void; provided, however, that if the reversal of such order occurs during the school year as defined in §1023 of Chapter 10 of this title, any reorganization shall remain in effect until the end of such fiscal year.

Section 15. This Act shall be construed so as not to impair the rights of any bondholder, and all bonds outstanding shall remain in full force and effect according to the terms thereof.

Section 16. If any provision of this Act is held invalid, the other provisions of this Act shall not be affected thereby. If the application of this Act or any of its provisions to any person or circumstance is held invalid, the application of this Act and its provisions to other persons or circumstances shall not be effected thereby.

Section 17. Nothing contained in this Act shall be construed as repealing any section of Delaware law except as specifically provided in this Act.

Section 18. This Act shall be known as the "School District Reorganization Act."

Section 19. The provisions of this Act shall be effective upon enactment except as specified in the Act.

Approved July 8, 1980.

CHAPTER 352

FORMERLY

SENATE BILL NO. 540

AN ACT TO AMEND CHAPTER 25, TITLE 6 OF THE DELAWARE CODE RELATING TO THE DELAWARE FRANCHISE SECURITY LAW; AND PROVIDING FOR THE CURTAILMENT OF CERTAIN PRACTICES IN THE SALE OF PETROLEUM PRODUCTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subsection (1), Section 2551, Chapter 25, Title 6 of the Delaware Code by striking the period (.) at the end of paragraph (c), and substituting in lieu thereof the following:

"; or

(d) Operating a service station, filling station, store, garage or other place of business for the sale of motor fuel for delivery into the service tank or tanks of any vehicle propelled by an internal combustion engine."

Section 2. Amend Subsection (2), Section 2551, Chapter 25, Title 6 of the Delaware Code by striking the period (.) at the end of paragraph (c), and substituting in lieu thereof the following:

"; or

(d) Producing or refining of petroleum products, or the producer or fabricator of any automotive products sold or distributed by a service station."

Section 3. Amend §2551, Chapter 25, Part II, Title 6 of the Delaware Code by striking the period (.) at the end of subsection (3), and substituting in lieu thereof the following:

"; provided however, that a franchised distributor as defined under §2551 (1)

(d) shall not be required to have paid any consideration to enter into such contract or other arrangement."

Section 4. Amend §2552, Chapter 25, Part II, Title 6 of the Delaware Code by adding thereto a new subsection, designated as subsection (j), which new subsection shall read as follows:

(j) Notwithstanding any terms of the franchise agreement to the contrary, no franchisor who leases real or personal property to a franchised distributor may charge the franchised distributor a rent or other charge for the use or occupancy of such real or personal property which is unreasonable or excessive in light of the franchisor's interest in such real or personal property, and the purpose to which the real or personal property is being used. The refusal of the franchisor to renew a lease for real or personal property except upon the payment of a rent or other charge which is unreasonable or excessive in light of the use to which the property has been placed by the franchisor and/or the interest of the franchisor in the real or personal property shall be deemed to be an unjust termination of the franchise.

Approved July 9, 1980.

CHAPTER 353

FORMERLY

SENATE BILL NO. 296

AS AMENDED BY SENATE AMENDMENTS NOS. 2 AND 3

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO AN INCOME TAX CREDIT FOR ACTIVE VOLUNTEER FIREMEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 11, Title 30 of the Delaware Code by adding thereto a new section, designated as §1113, which new section shall read as follows:

"§1113. Credit for Expenses Incurred by Active Volunteer Firemen

An individual who is a resident of this State who is an active volunteer firefighter, on call to fight fires on a regular basis, and a voting member of a Delaware volunteer fire company shall be allowed a credit of an amount not to exceed \$50 against the tax otherwise due under this Chapter for expenses actually incurred for the purchase of clothing, equipment, motor fuel and other essential items necessary to perform his duties as an active volunteer firefighter during the taxable year."

Section 2. Amend §1106 (b) (4), Chapter 11, Title 30, Delaware Code by striking said sub-paragraph in its entirety.

Section 3. This Act shall be effective for tax years after 1980.

Approved July 4, 1980.

CHAPTER 354

FORMERLY

SENATE BILL NO. 236

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO TAXICABS.

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 21, Title 21 of the Delaware Code by striking in its entirety Subchapter VI and by inserting in lieu thereof a new Subchapter VI to read as follows:

"SUBCHAPTER VI - TAXICABS

§2171. Operation of Unregistered Taxicab; Exception

No person shall drive or move, nor shall any person, being the owner of a taxicab, knowingly permit to be driven or moved upon any highway, any taxicab which is not registered as a taxicab and for which a certificate of title has not been issued or applied for, or for which current taxicab registration plates have not been issued, as provided in this title, or for which the appropriate fees have not been paid when and as required by this Chapter, except that when application accompanied by the proper fee has been made for taxicab registration and certificate of title for a vehicle, it may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application; or otherwise under rules and regulations promulgated by the Department.

§2172. Number and Registration Plates

(a) The Department shall furnish for each vehicle registered as a taxicab one number plate as hereinafter provided. Upon the termination of the lawful use of any such plates, they shall be returned to the Department.

(b) The number plate shall have displayed thereon the taxicab registration number assigned to the vehicle and the name of this State, which may be abbreviated. Each number plate shall bear a distinctive word, letter or marking which shall be designated by the Department for the purpose of identifying taxicabs.

§2173. Marking of Taxicabs

Every motor vehicle which is at any time used as a taxicab or which is intended to be used as a taxicab on any highway shall have painted thereupon in distinctive color and shall at all times bear the word 'TAXI', in letters having height of at least four inches and a width of at least one inch. The word 'TAXI' shall appear on the front and rear of the body of the taxicab, and shall be so located that it shall be plainly visible from a height of four feet.

§2174. Penalties

(a) Whoever violates this Subchapter shall for the first offense be fined not less than \$25 nor more than \$100 or imprisoned not less than 30 days nor more than 90 days or both. For each subsequent like offense he shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 90 days nor more than 6 months or both."

Approved July 10, 1980.

CHAPTER 355

FORMERLY

SENATE BILL NO. 238

AN ACT TO AMEND CHAPTER 30, TITLE 30 OF THE DELAWARE CODE RELATING TO CREDIT GIVEN ON VEHICLE DOCUMENT FEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 3001, Chapter 30, Title 30 of the Delaware Code by striking the words, "If the owner made no trade-in in conjunction with the purchase of any motor vehicle but 60 days prior or subsequent to such purchase, such owner sold privately the previously owned vehicle, credit shall be given in the same amount on the document fee as if the owner had made a trade-in of such previously owned vehicle in connection with the purchase of another vehicle.", as they appear in paragraph (5) of such section, such paragraphs defining "Purchase Price", and inserting in lieu thereof the following words:

"If the owner made no trade-in in conjunction with the purchase of any motor vehicle or trailer but 60 days prior to or subsequent to the date on which a certificate of title was issued in Delaware on such vehicle such owner sold privately the previously owned vehicle, credit shall be given in the same amount on the document fee as if the owner had made a trade-in of such previously owned vehicle in connection with the purchase of another vehicle. Credit shall be given for only one motor vehicle or trailer per application."

Approved July 10, 1980.

CHAPTER 356

FORMERLY

SENATE BILL NO. 261
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 8, SECTION 391, DELAWARE CODE REGARDING TAXES
AND FEES PAYABLE TO THE SECRETARY OF STATE FOR CERTAIN
NON-PROFIT CORPORATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Amend §391(a), Title 8, Delaware Code, by adding thereto a new subparagraph (19)
to read as follows:

"(19) In the case of religious, charitable, or other non-profit corporations
organized under the Laws of the State of Delaware, the total fees payable to the
Secretary of State upon the filing of a Certificate of Change of Registered Agent
and/or Registered Office shall be \$5.00."

Approved July 10, 1980.

CHAPTER 357

FORMERLY

SENATE BILL NO. 328
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE FAMILY COURT OF THE STATE OF DELAWARE FOR THE PURPOSE OF CORRECTING OMISSIONS IN CHAPTER 12, VOLUME 62, LAWS OF DELAWARE.

WHEREAS, the General Assembly of the State of Delaware enacted legislation to compromise the dispute over the entitlement of members of the judiciary to cost-of-living benefits; and

WHEREAS, the subject legislation attempted to treat all members of the judiciary equally and with fairness; and

WHEREAS, the compromise legislation required the approval of all currently serving members of the court system; and

WHEREAS, the spirit of compromise and fairmindedness expressed in Chapter 12, Volume 62, Laws of Delaware, resolved the compensation dispute; and

WHEREAS, Chapter 12, Volume 62, Laws of Delaware, provided a payment of \$5,300.00 for past judicial services to all members of the judiciary serving on any of the State courts described in that legislation as of December 31, 1976; and

WHEREAS, the Honorable William Swain Lee, Family Court Judge, In Georgetown, Delaware, was appointed to the bench as of July 1, 1977; and

WHEREAS, there appears to be no reason to exclude Judge Lee from the aforesaid provision simply because he was appointed to the Family Court bench on July 1, 1977; and

WHEREAS, the legislation failed to include within its terms a payment to the estate of the late distinguished Family Court Judge, James M. Faulkner, and former Family Court Judge, Joseph P. Hurley; and

WHEREAS, prior to his demise, the Honorable James M. Faulkner would have been entitled to cost-of-living benefits in the approximate amount of \$599.01; and prior to leaving the bench, the Honorable Joseph P. Hurley accrued an entitlement to the cost-of-living benefits in the amount of \$661.39.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of Six Thousand Five Hundred Twenty Dollars and Forty Cents (\$6,520.40) is hereby appropriated to the Family Court of the State of Delaware for the purpose of paying the following named persons in the amounts herein shown:

1. To the Estate of the late James M. Faulkner	\$	559.01
2. To Joseph P. Hurley		661.39
3. To William Swain Lee		<u>5,300.00</u>
TOTAL	\$	6,520.40

All funds herein appropriated shall be paid in one (1) full payment to the respective persons for past judicial services.

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 or unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Approved July 10, 1980.

CHAPTER 358

FORMERLY

SENATE BILL NO. 514

AN ACT TO AMEND AN ACT, BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO AMEND THE QUALIFICATIONS FOR VOTERS AT THE ANNUAL MUNICIPAL ELECTION, TO PROVIDE FOR THE APPOINTMENT OF A TOWN CLERK, TO DELETE THE PROVISION FOR A TOWN MANAGER, TO ELIMINATE THE REQUIREMENT THAT THE PRESIDENT OF COUNCIL BE ELECTED BY BALLOT, TO PROVIDE FOR A TREASURER OF THE TOWN, AND TO PERMIT A COLLECTION CHARGE TO BE IMPOSED ON DELINQUENT ACCOUNTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Section 6, Chapter 457, Volume 60, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Section 6 and substituting in lieu thereof a new Section 6 to read as follows:

"Section 6. The qualifications for Town Councilman at the time of his election shall be as follows:

(a) A bona fide resident of the United States and of the State of Delaware and a resident of The Town of Millsboro for at least ninety (90) days next preceding the Annual Municipal Election; and

(b) At least eighteen (18) years of age;

(c) Each of the qualifications for Town Councilman shall be continuing qualifications to hold office and the failure of any of the Town Councilmen to have any of the qualifications required by this Section during his term of office shall create a vacancy in that Office."

Section 2. Subsection (a), Section 7, Chapter 457, Volume 60, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the word "Manager" as it appears in said Subsection (a) and substituting in lieu thereof the word "Clerk."

Section 3. Subsection (b), Section 7, Chapter 457, Volume 60, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Subsection (b) and substituting in lieu thereof a new Subsection (b) to read as follows:

"All such notifications of candidacy must be filed in the Town Office during the regular business hours of the Town on or before the close of business on the last Friday in the month of May; and thereupon it shall be the duty of the Secretary of the Town Council to have a list of all candidates so filed with him printed in a newspaper of general circulation in the Town of Millsboro at least five (5) days prior to the date of the said Annual Municipal Election next ensuing; or, in the discretion of the Town Council, the Secretary may post a list of names of all candidates designating the office sought by each candidate in at least five (5) public places in the Town, such public places to be designated by the Town Council. One of the said public places shall be in the Town Hall of The Town of Millsboro."

Section 4. Subsection (c), Section 7, Chapter 457, Volume 60, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the word "Manager" as it appears in said Subsection and substituting in lieu thereof the word "Clerk."

Section 5. Subsection (h), Section 8, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out all of said Subsection (h) and substituting in lieu thereof a new Subsection (h) to read as follows:

(h) At such Annual Municipal Election, every person, male or female, who shall have attained the age of eighteen (18) years on the date of the said Annual Municipal Election and who shall be a bona fide resident of the Town of Millsboro shall have one (1) vote.

Section 6. Subsection (b), Section 9, Chapter 457, Volume 60, Laws of Delaware, is hereby amended by striking out all of said Subsection (b) and substituting in lieu thereof a new Subsection (b) to read as follows:

"(b) At the annual meeting held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect a President and a Vice-President who shall hold office for the term of one (1) year or until their respective successors shall be duly qualified and elected. The person elected as President of the Town Council shall have the title of Mayor of The Town of Millsboro. The Town Council shall likewise select a Secretary and a Treasurer from their own number to serve until the first regular meeting after the next Annual Municipal Election. The Town Council may also select a Town Clerk to serve until the first regular meeting following the next Annual Municipal Election who may or may not be from among their own number and such other officers and employees as may be determined to be necessary".

Section 7. Subsection (b), Section 17, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the word "registered" as it appears in said Subsection (b).

Section 8. Section 18, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 18 and substituting in lieu thereof a new Section 18 to read as follows:

"TREASURER

Section 18. (a) The Treasurer shall be the custodian of all the funds of the Town. He shall deposit, or cause to be deposited, such funds in such banking institutions as may be prescribed by the Town Council. The Treasurer, together with such other members of the Town Council, as shall be authorized by Resolution of the Town Council, shall be authorized to execute checks, but no funds shall be paid out except as authorized by the Town Council.

(b) The Treasurer shall keep a true, accurate and detailed account of all funds received and of all funds paid out by the Treasurer. The Treasurer shall preserve all vouchers for moneys paid out and the books and records shall, at all times, be open to inspection by any member of the Town Council. The Treasurer shall make a report at each regular meeting of the Town Council and at such other times as may be required by the Town Council. All such reports shall be a part of the minutes of the Town Council.

(c) The Treasurer shall file with The Town of Millsboro a bond with corporate surety approved by the Town Council in a sum not less than Twenty-five Thousand Dollars (\$25,000.00), the premium for said bond to be paid by the Town Council. The bond shall be conditioned upon the faithful performance by the Treasurer of his duties of office and the restoration to the Town in the case of his death, resignation, or removal from office of all books, papers, vouchers, funds and other property of whatever kind in his possession belonging to The Town of Millsboro.

(d) Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Treasurer shall prepare a rough draft of a Town Budget. From this rough draft, the Town Council shall prepare the Town Budget.

(e) The Treasurer shall perform such other duties relative to the finances of The Town of Millsboro as the Town Council may from time to time prescribe or require."

Section 9. Section 20, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 20 and inserting in lieu thereof a new Section 20 to read as follows:

"TOWN CLERK

Section 20. (a) The Town Council of The Town of Millsboro annually may appoint a Town Clerk who shall be responsible to the Town Council of The Town of Millsboro for the proper administration of the affairs of the Town placed in his charge.

(b) No person holding the office of Town Councilman shall be chosen to be the Town Clerk during his term of office as Councilman.

(c) The Town Clerk shall at each regular monthly meeting render to the Town Council a true, accurate and detailed account of all moneys collected or received by him in the performance of his duties and shall promptly turn the same over to the Town Council.

(d) The Town Clerk shall prepare and submit to the Town Council such reports as may be required by the Town Council. The Town Clerk shall perform such other duties as may be required by the Town Council."

Section 10. Subsection (a), Section 23, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "of the Town Manager" and substituting in lieu thereof the words "the Chairman of the Police Committee."

Section 11. Section 27, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "Town Manager" as they appear in said Section and substituting in lieu thereof the words "Town Clerk."

Section 12. Section 28, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "Town Manager" as they appear in said Section and substituting in lieu thereof the words "Town Clerk."

Section 13. Subsection (b), Section 29, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "Town Manager" as they appear in said Subsection and substituting in lieu thereof the word "Treasurer."

Section 14. Section 31, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "Town Manager" as they appear in said Section and substituting in lieu thereof the word "Treasurer."

Section 15. Subsection (a), Section 32, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "Town Manager" as they appear in said Subsection and substituting in lieu thereof the words "Town Clerk."

Section 16. Subsection (b), Section 33, Chapter 457, Volume 60, Laws of Delaware, be and the same is hereby amended by striking out the words "Town Manager" as they appear in said Subsection and substituting in lieu thereof the words "Town Clerk."

Section 17. Section 30(a), Chapter 457, Volume 60, Laws of Delaware, as amended, is further amended by adding at the end of said section a subsection to be known as subsection (44) to read as follows:

"(44) To effect the collection of any delinquent charge the Town Council of the Town of Millsboro may impose a collection charge not exceeding eighteen percent (18%) of the amount of such charge and any interest or penalty imposed thereon."

Approved July 10, 1980.

CHAPTER 359

FORMERLY

SENATE BILL NO. 516

AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO FEES FOR EXAMINATION AND SUPERVISORY ASSESSMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §127 (a), Chapter 1, Title 5, Delaware Code, by adding the following two sentences to the end thereof:

"In no instance shall the charge for examination for any financial institution with less than two million dollars in assets be more than five (5) man days. For purposes of this section a man day shall be the calculated daily rate of pay for an examiner."

Approved July 10, 1980.

CHAPTER 360

FORMERLY

SENATE BILL NO. 527

AN ACT TO AMEND CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DAGSBORO", AS AMENDED, TO REVISE THE QUALIFICATIONS FOR VOTERS IN MUNICIPAL ELECTIONS AND TO PERMIT ABSENTEE VOTING IN SUCH 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. Subsection (D), Section 5, Chapter 161, Volume 43, Laws of Delaware, as amended, is amended by striking said subsection in its entirety and substituting in lieu thereof the following:

"(D) At such annual municipal elections, every person, male or female, who shall have attained the age of eighteen (18) years and who shall be an owner of real property within the Town of Dagsboro for a period of thirty (30) days immediately preceeding the date of such annual municipal election, whether an individual, partnership, association, or corporation, and whether or not a resident of the State of Delaware or of the Town of Dagsboro shall have one (1) vote, provided such person is registered to vote in the Town of Dagsboro. In addition, every person, male or female, who shall have obtained 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 Town of Dagsboro on the date of the annual municipal election shall be entitled to one (1) vote, provided such person is registered to vote in the Town of Dagsboro. Provided, however, that any person who is both an owner of real property and a resident and otherwise qualified to vote, shall only be entitled to one (1) vote. No vote shall be cast by a partnership except by a partner, and no vote shall be cast by an association or corporation except by a person holding a certified copy of a resolution of said association or corporation authorizing the person named therein to cast the vote of said association or corporation, which certified copy of the resolution shall be filed with the Election Board at the time said ballot is cast. The Town Council of the Town of Dagsboro shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the Town office. The Books of Registered Voters shall contain the following information for each person who registers: 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 voter became a resident of the State of Delaware, the date the voter became a resident of the Town of Dagsboro, the date the voter became a freeholder of the Town of Dagsboro 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 time. The Books of Registered Voters shall be maintained at the Town office and shall show conclusive evidence of the right of any person to vote at the annual municipal election. A person may register at the Town office during regular business hours on any day until the close of business on the second Friday in January in any year."

Section 2. Chapter 161, Volume 43, Laws of Delaware, as amended, is amended by adding the following Section 5.1:

"ABSENTEE VOTING

Section 5.1 (A) Any qualified voter of this Town may cast his vote by absentee ballot in any municipal elections held under the provisions of Section 5, of this Charter such votes to be counted in the total for the municipal election 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 Organizations; or

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

(4) Sick or physically disabled; or

(5) Because of his absence from the municipality while on vacation.

(B) Affidavits required of persons applying for absentee ballots.

(1) Any qualified voter desiring to receive an absentee ballot because he qualifies under any of the reasons set forth in subsection (A) of this section shall file an affidavit with the Town Council, subscribed and sworn to by him before an officer authorized by law to administer oaths. The affidavit shall be dated not more than 90 days prior to the day of the election. It shall state the reason why he cannot appear at the regular polling place for the municipal election on the day of the election, his birthdate, social security number, his expected location, including his address and a telephone number (if available) to be used for the purpose of challenge on election day and, if sick or disabled, the name and address of a physician or Christian Science practitioner who can attest to the voter's inability to go to his polling place on the day of election. The Town Council shall mail or deliver the official ballot, envelopes and instructions to the voter as soon as possible after receiving the affidavit.

(2) Nothing contained in this section shall prevent the issuance of an absentee ballot to any qualified voter serving 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 Organizations when such a voter is lawfully entitled to an absentee ballot and has made a request to the Town Council if, in the judgment of the Council, the voter has been reasonably unable to comply fully with the requirements for an affidavit set forth in subsection (1) above.

(C) Request for ballot.

Any voter who is qualified under subsection (A) of this section to vote by absentee ballot and who desires to do so shall, not later than 12:00 noon of the day prior to any such municipal election, request the Town Council for an official ballot to be voted at such election.

(D) Distribution of ballots, envelopes and instructions.

Upon receipt of a request from a voter, together with an affidavit if required by subsection (B) of this section, the Council, not more than 60 nor less than 3 days prior to a municipal election and within 3 days after the ballots, envelopes and instructions for absentee voters become available, as provided by the general election law, shall mail to the voter, postage prepaid, an official ballot for the municipal election enclosed in an official envelope along with a voucher envelope marked "voucher envelope," an envelope marked "mailing envelope." Nothing contained in this section shall prevent the issuance of an absentee ballot to those lawfully entitled thereto prior to 12:00 noon of the day prior to any municipal election when the request is made less than 3 days prior to the municipal election.

(E) Affidavit of eligibility on voucher envelope form.

There shall be printed on the face of each voucher envelope an affidavit in substantially the following form:

"I do solemnly swear (affirm) that I will be absent from the Town of Dagsboro on the day of election because of being () In the public service of the United States or this State, () 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 the United Service Organization, () Unavoidably absent from the municipality, () Sick or physically disabled. For the reason indicated, I cannot appear at the polling place in the municipality in which I am a qualified voter. I further swear (affirm) that I marked my ballot in secret.

"I, do solemnly swear (or affirm) that I have not received or accepted, or offered, to receive or accept, paid or transferred or delivered, or offered or promised to pay, transfer or deliver or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register or for the giving or withholding a vote at this election.

(Signed) _____

Print name.

"Subscribed and sworn (affirmed) before me this ____ day of ____, A.D. 19__; and I hereby certify that the affiant did in such manner that I could not see his ballot mark such ballot and that the affiant was not solicited or advised by me to vote for or against any candidate.

(Signed) _____

Notary Public or
other qualified
person; state
title."

(F) Envelope specifications; approval by President of Town Council.

(1) The voucher envelope shall be of the type known as a security mailing envelope and shall be such as to securely protect the contents thereof from tampering, removal or substitution without detection. Such envelopes shall be successively numbered beginning with Number 1 printed in red ink in the upper right hand corner thereof.

(2) The mailing envelope shall be large enough to carry the voucher envelope.

(3) All envelopes used under the provisions of this section, including all envelopes in which the Council shall forward to an absentee voter an official ballot accompanied by the official envelope, the voucher envelope, a mailing envelope and instruction to absentee voters, and the carrier envelope used by the Council for forwarding the returned marked ballot to the polls of the Town shall be uniform. The President of the Town Council shall personally approve each kind or type of envelope and no department shall purchase, use, have printed upon mail or deliver any envelope for use under the provisions of this section unless such type or kind of such envelope has first been approved personally by the President of the Town Council.

(G) Instructions to absentee voter.

The President of the Town Council shall prepare a list of instructions to assist an absentee voter in properly marking and returning his ballot under the provisions of this section which shall be known as "instructions to absentee voter." Before each municipal election the President of the Town Council shall deliver a copy thereof to the Council in sufficient time for the Council to have such instructions printed and forwarded to absentee voters requesting an official ballot for the ensuing municipal election.

(H) Voting procedure, execution of affidavit; return of ballot.

The absentee voter shall make and subscribe to the affidavit printed on the voucher envelope, before an officer authorized by law to administer oaths, and such voter shall thereupon in the presence of such officer, and of no other person, mark such ballot but in such manner that the officer cannot know how the ballot is marked, and the ballot shall then in the presence of the officer be deposited by the voter in the official envelope. The official envelope containing the ballot shall then be deposited in the voucher envelope, and the voucher envelope shall be securely sealed by the voter. Thereupon the voucher envelope containing the marked ballot shall be enclosed in the mailing envelope received by the voter from the Town Council and after the voter has enclosed the voucher envelope containing the marked ballot in the mailing envelope, he shall securely seal the mailing envelope and mail it, postage prepaid, to the Town Council of the Town of Dagsboro, or if more convenient, it may be delivered to the Town Council in person, to be received in either case, by the Town Council before 12:00 noon of the day before the election and not thereafter.

(I) Time limit for return of ballot; late ballots.

The absentee voter shall return his marked ballot enclosed in the voucher envelope to the Town Council of the Town of Dagsboro before 12:00 noon of the day before election; and any absentee ballot received by the Council after 12:00 noon of the day before election shall not be forwarded to the polls, but the Council shall endorse on the voucher envelope containing such ballot the time such was received and shall retain all such envelopes unopened and so endorsed until the last day of February next after the election, and longer if directed to do so by proper authority.

(J) Procedure on receipt of absentee ballot by Town Council.

(1) Upon receipt of the mailing envelope from the absentee voter, the Council or person authorized by it to do so shall open only the mailing envelope and take therefrom the voucher envelope containing the ballot of the absentee voter.

(2) No person shall open or attempt to open the enclosed voucher envelope containing the ballot of the absentee voter, or change or alter, or attempt to do so, the envelope or any writing, printing or anything whatsoever thereon.

(3) Any person authorized by the Council to do so shall immediately place the unopened voucher envelope in a special carrier envelope and securely seal the carrier envelope, which shall be kept safely in the Town office until delivered as provided in this section.

(K) Special carrier envelope used to convey absentee ballots to polling place; form.

Before the absentee ballots are conveyed to the polling place, the Council shall securely seal all absentee ballots in 1 or more carrier envelopes which shall have printed thereon the following:

ABSENTEE BALLOTS

for the

Municipal Election of the Town of Dagsboro

This carrier envelope contains absentee voter ballots and shall be opened only at the polls of said municipal election on election day while said polls are open. This carrier envelope and the enclosed voucher envelope(s) shall be preserved by the Election Board and at the close of the count, shall be placed in the ballot box, into which the ballots have been put when read, and returned therewith.

(L) Delivery of absentee ballots to polling places.

When an absentee voter's ballot is received by the Council, the voucher envelope containing the marked ballot shall be safely and securely kept in the Town office until the day of the election when it shall be delivered to the polling place.

A duly authorized representative of the Council shall deliver all such voucher envelopes, sealed in 1 or more carrier envelopes as set forth in subsection (K) of this section, to the Election Board at the polling place after the opening of the polls and at least 2 hours before the closing of the polls. The representative, who shall carry suitable identification provided by the Council, shall obtain a receipt from the Election Board for delivery of the absentee ballots.

(M) Requirements for absentee ballots received by Election Board.

The Election Board shall refuse to receive any absentee voter's ballot from any person other than a duly authorized representative of the Council.

(N) Procedure at polling place.

At any time between the opening and the closing of the polls on election day the Election Board or a judge of the election shall open the outer or carrier envelope only and ascertain the name of the absentee voter as appears by the executed affidavit of the absentee voter on the voucher envelope enclosing the marked ballot, whereupon he shall announce the absentee voter's name for the purpose of challenges and upon the determination that such person is a qualified voter of the Town of Dagsboro by comparing the voter's signature upon the voucher envelope with the signature of the voter appearing in the Election Record, and that such voter has not voted in person at the election he shall open the voucher envelope containing such absentee voter's ballot in such a manner as not to deface or destroy the number thereof, or the affidavit thereon, and take therefrom the official envelope containing the marked ballot, and without opening or permitting the official envelope to be opened or the contents examined, shall cause 2 members of the Election Board to write their names on the official envelope, and shall then enter the name and address of the absentee voter on the poll lists. The ballot shall then be voted by depositing same (still in its official envelope) in the ballot box provided for receipt of absentee ballots, and the proper notations of such vote shall then be recorded in the election records in the same fashion as if the voter had appeared to cast his vote in person.

All voucher envelopes from which ballots have been taken and voted and all voucher envelopes containing ballots which have been rejected and endorsed as provided in subsection (P) of this section shall be preserved by the Election Board, and at the close of the count shall be placed in the ballot box as provided by the general election laws.

(O) Challenges.

The vote of any absentee voter may be challenged for the same causes and in the same manner as provided in this Charter for other voters. In addition, the vote of an absentee voter may be challenged on the ground that the affidavit filed by the voter in compliance with subsection (B) of this section is false. Upon challenge, proceedings thereon shall be as provided elsewhere in this Charter.

(P) Rejected ballots.

(1) In case the affidavit of the absentee voter is found to be insufficient, or the absentee voter is not a duly qualified voter in such election, or the voucher envelope is open, or has been opened and resealed, or it is evident that the voucher

envelope has been tampered with or altered, or such ballot has been forwarded to the polls by someone other than a duly authorized representative of the Council, such vote shall not be accepted or counted. If the voucher envelope has not been opened at the time the Election Board decides that the offered ballot contained therein should be rejected for any of the foregoing reasons, it shall not be opened by the Election Board, but they shall endorse thereon, "REJECTED," giving reason therefor, and if the voucher envelope has been opened and the ballot is rejected, the official envelope containing the ballot shall be replaced in the same voucher envelope from which it was taken and the Election shall endorse on the voucher envelope, "REJECTED," giving reason therefor.

(2) Whenever it is made to appear by due proof to the Election Board that any absentee voter, who has marked and forwarded his ballot, has died, the voucher envelope containing the ballot shall not be opened but shall be marked "REJECTED, Dead," and shall be preserved and disposed of as other rejected ballots.

(3) Whenever a ballot has not been counted but has been rejected for any reason, the Election Board shall make the required notation on the absentee ballot tally sheet and shall note the number of ballots so rejected on the certificates of election.

(Q) Procedure if requests or ballots sent to wrong official.

If any request for an absentee ballot and accompanying envelopes or any marked ballot of any such voter are addressed to and returned to any official of the Town of Dagsboro other than the Town Council, then such other official, shall immediately transmit such request or returned marked ballot to the Town Council, to be acted upon by the Council as provided by this section.

(R) Persons before whom affidavits may be taken.

Any affidavit required under the provisions of this section may be taken before any person with authority to administer oaths and affirmations in the place where such affidavit may be taken, and whenever taken outside this State, the authority of such person shall be conclusively presumed.

Any affidavit required under the provisions of this section, when made by a voter in the armed forces or merchant marine of the United States, or by persons serving with the American Red Cross, the Society of Friends and the United Service Organizations who are attached to and serving with the armed forces of the United States, may be taken before any commissioned or noncommissioned officer not below the rank of sergeant, or petty officer in the armed forces of the United States, or any member of the merchant marine of the United States properly designated for such purpose, or any other person authorized to administer and attest oaths or affirmations, and whenever taken outside the State, the authority of such person shall be conclusively presumed.

(S) File of absentee voters.

(1) The Town Council shall maintain records providing for the prevention of fraud and to make possible the tracing and detection of any attempt to do so. Such records shall include the following entries: Name of voter; address; address where ballot is to be mailed; date affidavit received by the Council; the date of the election; voucher number; date ballot mailed or delivered to the voter; date ballot is returned; the names of any physicians executing affidavits for sick or disabled persons; and the names of all officers administering oaths for all affidavits received.

(2) The Town Council shall compile from its files a list of names and addresses of all applicants for absentee ballots, and shall send current and complete copies thereof without cost to all candidates on the ballot in the forthcoming election. Such lists shall be provided upon completion of the nominations of candidates.

(T) Authority to alter forms in certain cases; procedure.

(1) If, on or before the 1st day of January in the year of a municipal election, in the joint judgment of the President of the Town Council and the Town Solicitor, it is deemed expedient to make certain changes in the size, weight or material of the ballots, envelopes, instructions to absentee voters, form of request for ballot, form of affidavit of voter, the address or any other direction or printing or endorsement upon the voucher or carrier envelopes, postage or manner of transmission, then such officers jointly shall cause to be made effective any or all such changes to the end that there shall be extended to the absentee voters full opportunity to receive and return a marked ballot to the Council for delivery to the polling place on election day to be acted upon and counted as other votes personally cast at such poll, provided, however, that the plan and arrangement of any official ballot and the list of candidates thereon, as provided for by the general election law, shall not be changed or altered under any circumstances.

(2) Upon the making of any such changes, the President of the Town Council and the Town Solicitor shall jointly in writing forthwith notify the Council of such changes, and the Council shall cause such changes to be carried into effect, and the ballots, envelopes and instructions, as so changed, to be so printed, transmitted and distributed.

(U) Penalties.

(1) Whoever wilfully makes a false affidavit shall be guilty of perjury and shall be punished as in such case by law provided.

(2) Whoever, other than the Election Board on the day of the municipal election at the polls, opens or attempts to open any sealed voucher or carrier envelope; or

(3) Whoever prints or causes to be printed any envelope identical or purportedly similar to the voucher envelope or either carrier envelope, other than the printing of such envelopes by the official printer selected by the Council for the printing of such envelopes pursuant to the provisions of this section; or

(4) Whoever aids or abets, or attempts to aid or abet, any fraud in connection with any vote cast, or to be cast, under this section shall be imprisoned not less than 15 days nor more than 30 days.

(5) Whoever fraudulently signs the name of a voter to the affidavit on any voucher envelope shall be guilty of forgery and shall be punished for such crime as by law provided.

(6) Whoever, being an election officer or public official:

(a) Knowingly violates this section and thereby aids in any way the illegal casting of a vote, or attempting to cast a vote; or

(b) Connives to nullify any provision of this section, in order that fraud may be perpetrated shall be fined not less than \$50.00 nor more than \$100.00 and imprisoned not less than 15 days nor more than 30 days.

(7) Whoever, in any way in voting or attempting to vote himself, or any other person pursuant to the provisions of this section who violates any of the provisions enacted to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation, shall be punished as provided by law."

Approved July 10, 1980.

CHAPTER 361

FORMERLY

SENATE BILL NO. 560

AS AMENDED BY SENATE AMENDMENT NO. 2 AND HOUSE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 83, TITLE 11 AND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE POLICE PENSIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 83, Title 11 of the Delaware Code by adding a new Subchapter III as follows:

"SUBCHAPTER III§8351. Definitions.

As used in this Subchapter:

(a) "Board" shall mean the Board of Pension Trustees established by Section 8308 of Chapter 83, Title 29, Delaware Code.

(b) "Compensation" shall mean all salary or wages, excluding overtime payments and special payments for extra duties, payable to a member for service.

(c) "Credited service" shall mean, for any member,

(1) service as an employee; and

(2) equalized State service if the member elects a unified pension.

(d) "Dependent" shall mean a dependent child or dependent parent.

A dependent child is a person who is unmarried and either:

(1) has not attained age 18, or

(2) has attained age 18 but not age 22 and is attending school on a full time basis, or

(3) has attained age 18 and is permanently disabled as the result of a disability which began before he attained age 18.

A dependent parent is the parent of a member who was receiving at least one-half of his support from the member at the time of the member's death.

(e) "Employee" shall mean an individual who is first employed by the State on or after July 1, 1980, on a full time basis pursuant to an appointment as a State police officer, as provided in Title 11, Section 8301.

(f) "Equalized State service" shall mean years of service as an "employee" as defined in Chapter 55, Section 5501(a)(1) and (2) of Title 29, multiplied by 25/30. It shall not include service for which the member has received the withdrawal benefit

provided by Chapter 55, Section 5530, or the refund provided by Chapter 55, Section 5523(b), unless such benefit or refund is first repaid with interest at a rate determined by the Board before such service may be equalized.

(g) "Final average compensation" shall mean 1/36 of the compensation paid to an employee during any period of thirty-six consecutive months in his years of credited service in which his compensation was highest.

(h) "Fund" shall mean the Fund established by Section 8393 of this Title.

(i) "Inactive member" shall mean a member who

- (1) has terminated service;
- (2) is not eligible to begin receiving a service or disability pension; and
- (3) has neither applied for nor received a refund of his contributions.

(j) "Member" shall mean a person who is first hired as an employee on or after July 1, 1980, and whose compensation is not subject to the federal old-age, survivors and disability insurance tax.

(k) "Normal retirement date" shall mean the date at which a member is eligible for a service pension pursuant to Section 8363(a) of this Subchapter. For a member who has received a disability benefit, the period of disability plus credited service, not to exceed 25 years, shall be used in determining normal retirement date.

(l) "Partial disability" shall mean a medically determined physical or mental impairment which renders the member unable to function as a State police officer and which is reasonably expected to last at least 12 months.

(m) "Primary survivor" shall mean a person in the following order of priority, unless the priority is changed by the member on a form prescribed by the Board and filed with the Board at the time of the member's death-

- (1) the surviving spouse, or
- (2) if there is no eligible surviving spouse, a dependent child (or with the survivor's pension divided among them in equal shares, all such children, including any resulting from a pregnancy prior to the member's death), or
- (3) if there is no eligible surviving spouse, or eligible dependent child, a dependent parent (or, with the survivor's pension divided between them in equal shares, both such parents).

(n) "Retired member" shall mean a member who has terminated service, other than an inactive member, who is eligible to receive a service or disability pension under this Chapter.

(o) "Total disability" shall mean a medically determined physical or mental impairment which renders the member totally unable to work in any occupation for which he is reasonably suited by training or experience, which is reasonably expected to last at least 12 months.

§8352. Employment of pensioners.

An individual shall not receive a pension under this Subchapter for any month during which he is an employee, as defined in Section 8351(c) of this Chapter or Section 5501 of Chapter 55, Title 29, unless he is-

- (1) An official elected by popular vote at a regular or special election, or
- (2) An official appointed by the Governor, or
- (3) A registration or election official, or a juror, or

(4) Receiving an ordinary service or survivor's pension.

§8353. Attachment and assignment of benefits.

The benefits provided by this Subchapter shall not be subject to garnishment and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

§8355-8360. Reserved.

§8361. Mandatory retirement.

A member shall retire after accumulating 25 years of credited service as defined in Section 8351(c)(1).

§8362. Retirement option.

When the member applies for a service pension, he shall choose either a unified pension or an ordinary pension.

§8363. Eligibility for service pension.

(a) A member shall become eligible to receive a service pension, after he has terminated employment, beginning with the month when

- (1) he has 10 years of credited service, and has attained age 62; or
- (2) his age plus credited service (but not less than 10 years) equals 75; or
- (3) he has 25 years of credited service.

(b) An inactive member with a vested right to a service pension shall become eligible to receive such pension, computed in accordance with the provisions of this Subchapter in effect when he ceased to be an employee, beginning with the first month after his attainment of age 62.

(c) For purposes of this section, credited service shall include any period during which a member is receiving a disability pension as provided by this subchapter.

§8364. Vesting rights; return to service.

(a) A member who has ten years of credited service shall have a vested right to a service pension.

(b) If a member who has less than ten years of credited service ceases to be an employee, his service credits to the date of termination shall be cancelled unless (i) he again becomes an employee within 4 months after such cessation of employment; or (ii) he subsequently acquires 5 years of credited service; or (iii) he has joined the State employees' pension system; and provided that if he has withdrawn his contributions he repays them with interest at a rate determined by the Board.

(c) For purposes of this section, credited service shall include any period during which a member is receiving a disability pension as provided by this subchapter.

§8365. Eligibility for disability pension.

(a) A member who suffers a partial or total disability resulting from an individual and specific act the type of which would normally occur only while employed as a police officer, shall be eligible for a duty-connected disability pension. If such act involves a traumatic event which directly causes an immediate cardiovascular condition which results in partial or total disability, the member shall be eligible for a partial or total duty-connected disability pension.

(b) A member with five years of credited service who suffers a partial or total disability and who is not eligible for a duty-connected disability pension shall be eligible for an ordinary partial or total disability pension.

(c) The determination of disability and its cause shall be made by the Board after receiving the recommendation of its medical committee.

§8366. Payment of service pension.

Service pension payments shall be made to a retired member for each month beginning with the month in which he becomes eligible to receive such pension and ending with the month in which he dies.

§8367. Payment of disability pension.

(a) Disability pension payments shall be made to a member for each month beginning with the month in which he becomes eligible to receive such pension and ending with the month in which he ceases to be eligible or dies.

(b) Any member receiving a disability pension who has not reached normal retirement date shall report to the Board annually, in a form prescribed by the Board, his total earnings from any gainful occupation or business and Workmen's Compensation benefits in the preceding calendar year. The excess of such earnings and/or such benefits over the current base pay of the rank held at the time of disability shall be deducted from his disability pension beginning 90 days following the day the report is due, in a manner determined by the Board. If any member received a disability pension for less than twelve months in the calendar year for which earnings are reported, the deduction, if any, shall be determined on a pro rata basis.

(c) If a member who is initially determined to be totally disabled recovers, yet is still partially disabled, his total disability pension shall be reduced to a partial disability pension for as long as he shall remain partially disabled.

(d) If a member who is disabled recovers and is no longer totally or partially disabled, his disability pension shall be discontinued unless (i) he has reached normal retirement date, or (ii) in the case of a duty-connected disability, he is not offered employment by the State in a position for which he is suited by training and experience.

(e) A member aggrieved by the reclassification or termination of disability pension pursuant to subsection (c) or (d) of this section may appeal such decision to the Superior Court within 30 days of the day the decision is mailed. The appeal shall be on the record, without a trial de novo. The Court may remand the case to the Board for further proceedings on the record if the Court determines that the record is insufficient for review. When factual determinations are at issue, the Court's review, in the absence of actual fraud, shall be limited to a determination of whether the Board's decision is supported by substantial evidence in the record.

§8368. Amount of ordinary service pension.

The amount of the monthly ordinary service pension payable to a retired member shall be 1/40 of his final average compensation multiplied by the number of years (not to exceed 25), taken to the nearest twelfth of a year, in his period of credited service.

§8369. Amount of unified service pension.

The amount of the unified service pension payable to a retired member shall be the sum of-

(a) 1/40 of his final average compensation multiplied by the number of years (not to exceed 25), taken to the nearest twelfth of a year, in his period of credited service as defined in subparagraph 8351(e)(1); plus

(b) The amount computed according to the provisions of Section 5527(a)(2), Chapter 55, based on his period of credited service as defined in subparagraph 8351(c)(2).

§8370. Amount of duty-connected disability pension.

(a) The duty-connected total disability pension shall be 75% of compensation plus 10% of compensation for each dependent during the period of dependency, not to exceed a total of 25% of compensation for all dependents.

(b) The duty-connected partial disability pension shall be computed in the same manner as the service pension based on credited service accrued to the date of disability, subject to a minimum of 50% of compensation.

(c) Medical costs made necessary by reason of duty-connected disability shall be paid by the Fund.

§8371. Amount of ordinary disability pension.

The ordinary disability pension shall be computed in the same manner as the service pension based on credited service accrued to the date of disability, subject to the following-

(a) in the case of total disability, the minimum pension shall be 50% of compensation plus 5% of compensation for each dependent during the period of dependency, not to exceed a total of 20% of compensation for all dependents; and

(b) in the case of partial disability, the minimum pension shall be 30% of compensation.

§8372A. Survivor's pension.

(a) Upon the death of a member in service a monthly survivor's pension shall be payable to his primary survivor equal to one-half of the member's compensation.

(b) Upon the death of a retired member, a monthly survivor's pension shall be payable to his primary survivor and surviving dependents equal to one-half of such service or disability pension. If the primary survivor is the surviving spouse, such person must have been married to the deceased member (i) prior to retirement or (ii) for at least one year before the date of death, unless the death was the result of an accident.

(c) A survivor's pension shall begin with the month following the month in which the member or retired member dies. If payable to a surviving spouse who dies or marries, it shall become payable in the following month to the next primary survivor as defined in 8351(m) or cease with that month in the absence of eligible dependents. If payable to a child who dies or fails to meet the conditions of eligibility in Section 8351(d) it shall become payable in the following month to a dependent parent or cease with that month in the absence of eligible parents. If payable to a parent, it shall cease with the month in which the parent dies.

§8373. Death benefit.

Upon the death of a member, inactive member, retired member, or individual receiving a survivor's pension, there shall be paid to the designated beneficiary or beneficiaries or, in the absence of a designated beneficiary, to the estate of the member, inactive member, retired member, or survivor, a lump sum equal to the excess, if any, of the accumulated member contributions with interest over the aggregate of all pension payments made.

§8374. Withdrawal benefit.

(a) The accumulated contributions with interest of a member who is neither eligible for a service nor disability pension, nor has a vested right to a service pension, shall be refunded upon his withdrawal from service. There shall be a

rebuttable presumption that a former member who fails to apply for a withdrawal benefit within five (5) years after the date of withdrawal has waived his right to such benefit.

(b) If a member has a vested right to a service pension and withdraws from service and is not immediately eligible for a service or disability benefit, he may request refund of his accumulated contributions with interest. Refund of such contributions shall extinguish all rights to benefits under this subchapter.

§8375. Adjustment of benefits.

A pension payable under this subchapter shall be adjusted no less liberally than adjustments made for pensions payable under the State Employees' Pension Plan, taking into account adjustments to Social Security benefits payable to State employees.

§8376. Application of benefits.

(a) A service pension, disability pension, survivor's pension, death benefit, or withdrawal benefit shall be paid only upon the filing of an application in a form prescribed by the Board. A monthly benefit shall not be payable for any month earlier than the second month preceding the date on which the application for such benefit is filed.

(b) The Board may require any member, inactive member, retired member, or eligible survivor to furnish such information as may be required for the determination of benefits under this Subchapter, or to authorize the Board to procure such information. The Board may withhold payment of any pension under this Subchapter, whenever the determination of such pension is dependent upon such information and the member, inactive member, retired member, or eligible survivor does not cooperate in the furnishing or procuring thereof.

§8377. Dual Membership Prohibited.

No member covered by the provisions of Subchapter III of this Chapter may be covered by the provisions of Subchapter II of this Chapter.

§8378-90. Reserved.

§8391. Member contributions.

Member contributions to the Fund shall be 5% of monthly compensation.

§8392. State contributions.

The contribution of the State for each fiscal year shall be the percentage of covered payroll approved by the Board on the basis of the most recent actuarial valuation, and shall equal (i) the normal cost; plus (ii) adjustments for actuarial gains and losses or increases in benefits adopted on or subsequent to participation; plus (iii) administrative costs.

§8393. Establishment of Fund.

There shall be established a State Police Retirement Fund, hereinafter referred to as the "Fund", separate and distinct from the fund established under Subchapter II, Chapter 83, Title 11, to which State appropriations and other employer contributions shall be deposited monthly, and to which member contributions shall be deposited upon deduction from the member's paycheck, and to which earnings on investments, refunds, and reimbursements shall be deposited upon receipt, and from which benefits shall be paid and fees and expenses authorized by the Board shall be paid."

Section 2. Amend Subsection 5501(a)(3), Chapter 55, Title 29, Delaware Code by inserting after the word "State" and before ";" the following:

"unless the State Pension Plan provides for a unified State service pension and the member is not concurrently accruing nor collecting benefits under that system;"

Section 3. Amend Subsection 5501(b)(6), Chapter 55, Title 29, Delaware Code by inserting after the phrase "involuntary termination," in subparagraph (iv), the following:

"or (v) he has joined another State Pension Plan which provides for a unified State service pension."

Section 4. Amend Subsection 5501(b), Chapter 55, Title 29, Delaware Code by adding a new subparagraph as follows:

"(13) Service with another State Pension Plan that provides for a unified State service pension, provided that such years of credited service shall be multiplied by a ratio the numerator of which shall be the accrual rate earned under this chapter and the denominator of which shall be the accrual rate earned under that system."

Approved July 10, 1980.

CHAPTER 362

FORMERLY

SENATE BILL NO. 563

AN ACT TO AUTHORIZE THE TOWN OF BETHANY BEACH TO ISSUE BONDS TO THE FARMERS HOME ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE, FOR IMPROVEMENTS AND ADDITIONS TO THE TOWN WATER SUPPLY AND DISTRIBUTION SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. The Commissioners of the Town of Bethany Beach are hereby authorized to issue bonds in an aggregate principal amount not exceeding \$950,000 to finance the construction or reconstruction of or addition to a water supply and distribution system whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus.

Section 2. The Commissioners are authorized to sell such bonds at private sale to the Farmers Home Administration, U.S. Department of Agriculture, and to determine the terms, form and contents of such bonds, provided that no such bonds shall have a maturity beyond forty years from the date of issuance, and the payment of principal of such bonds shall be made annually beginning at least two years from the date of the bonds.

Section 3. The bonds shall be issued pursuant to a resolution of the Commissioners. The resolution shall become effective upon adoption of a majority of the elected Commissioners and may be adopted at the meeting of the Commissioners at which the resolution is introduced. Power to determine the terms, form and contents of the bonds subject to this act may be delegated to the President of the Commissioners of the Town.

Section 4. The Commissioners shall pledge the full faith and credit and taxing power of the Town to the payment of principal of and interest on the bonds without limitation as to rate or amount.

Section 5. The resolution authorizing the bonds may authorize the publication of an estoppel notice in a paper of general circulation in the Town, the publication of which after due adoption of the resolution authorizing the issuance of the bonds will prohibit suits contesting the authorization and issuance of the bonds twenty days after publication of the notice.

Section 6. The provisions of this act will control the issuance and sale of the bonds any other law to the contrary notwithstanding.

Section 7. This act shall take effect immediately upon approval by the Governor.

Approved July 10, 1980.

CHAPTER 363

FORMERLY

SENATE BILL NO. 564

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 103 of the City Charter for the City of Newark, Delaware, by deleting the second paragraph thereof in its entirety and substituting in lieu thereof a new paragraph to read as follows:

"Said ordinance shall provide for the zoning of the annexed territory and shall further specify of which of the districts, hereinafter mentioned, the annexed territory shall become a part."

Section 2. Amend Section 104 of the City Charter of the City of Newark, Delaware, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"104 - DISTRICTS - The City of Newark shall be divided into not less than three nor more than six districts. Council shall have power to establish the number of districts, within the limits herein set forth, at the time of each reapportionment and redistricting."

Section 3. Amend Section 104.1 of the City Charter of the City of Newark, Delaware, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"104.1 - REAPPORTIONMENT - Commencing not later than 1981, and thereafter at intervals of not more than ten years, the aforesaid districts shall be reapportioned and redistricted either by an act of Council or by amendment to this Charter, and approved by a majority of the voting electorate in the City of Newark, in accordance with the following rules:

1. Current Federal Decennial Census population statistics, to the extent possible and practicable, shall be used as guides so that each District shall be nearly equal in population.

2. Each District shall be formed of contiguous territory.

3. Each District shall be so created as not to favor unduly any person or group of persons.

4. Requisite voter approval for any reapportionment plan shall coincide with the next general or special election held in the City of Newark."

Section 4. Amend Section 304.2 of the City Charter of the City of Newark, Delaware, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"304.2 - ELECTION OF COUNCILMEN - Councilmen shall be elected as follows:

1. Whenever the Council shall have established three districts, two councilmen shall be elected from each district. One councilman in each district shall be elected in even-numbered years. The other councilmen in each district shall be elected in odd-numbered years.

2. Whenever the Council shall have established four districts, one councilman shall be elected from each district, and two councilmen shall be elected from the City at-large. Three councilmen, including the other councilman at-large shall be elected in odd-numbered years.

3. Whenever the Council shall have established five districts, one councilman shall be elected from each district, and one councilman elected from the City at-large. Three councilmen shall be elected in even-numbered years. The other three councilmen shall be elected in odd-numbered years.

4. Whenever the Council shall have established six districts, one councilman shall be elected from each district. Three councilmen shall be elected in even-numbered years. The other three councilmen shall be elected in odd-numbered years. In the first regular election following reapportionment and redistricting, six councilmen shall be elected from the various districts or at-large. At the time of the reapportionment and redistricting and prior to the time of the regular election, the Council shall provide by ordinance for the staggering of terms of the six councilmen to be elected."

Section 5. Amend Section 304.4 of the City Charter of the City of Newark, Delaware, by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"304.4 - TERM OF OFFICE - The Mayor shall be elected for a term of three years. Councilmen shall be elected to serve a term of two years except when Council, pursuant to Section 304.2, shall have established an initial one-year term for three councilmen in the first regular election following each reapportionment and redistricting. All terms shall commence with the Organization Meeting following their election."

Section 6. Amend Article III of the City Charter of the City of Newark, Delaware, by adding a new Section 304.5 to read as follows:

"304.5 - CARRYOVER OF COUNCILMEN FOLLOWING REAPPORTIONMENT - Those councilmen whose terms would not otherwise have expired at the time of the Organization Meeting following the first regular election following reapportionment shall become members-at-large of the Council until the expiration of the term for which each was originally elected, provided, however, that should such a councilman seek election to a new term, he shall forfeit his at-large position on Council. In the event of such a forfeiture, or if for any other reason an at-large seat established pursuant to this section becomes vacant, the seat shall remain vacant, and the provisions of Section 306 regarding the filling of vacancies shall not apply."

Approved July 10, 1980.

CHAPTER 364

FORMERLY

SENATE BILL NO. 565
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25, OF THE DELAWARE CODE RELATING TO "SELF-SERVICE STORAGE FACILITIES" TO PROVIDE A LIEN ON ALL PERSONAL PROPERTY STORED AT SUCH FACILITIES IN FAVOR OF THE OWNERS THEREOF; AND TO PROVIDE A PROCEDURE FOR THE ENFORCEMENT OF SUCH LIEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

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

"CHAPTER 49 SELF-SERVICE STORAGE FACILITIES

§4901. Short Title.

This Law shall be known as the Self-Service Storage Facility Act.

§4902. Definitions.

As used in this Chapter unless the context clearly requires otherwise the following words shall have the following meaning:

(1) 'Self-Service Storage Facility' means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property. No occupant shall use a Self-Service Storage Facility for residential purposes. A Self-Service Storage Facility is not a warehouse as used in Title 6, Article 7, Delaware Code. If an owner issues any warehouse receipt, Bill of Lading, or other document of Title for the personal property stored, the owner and the occupant are subject to the provisions of Title 6, Article 7, Delaware Code and the provisions of this Chapter do not apply.

(2) 'Owner' means the owner, operator, lessor, or sublessor of a Self-Service Storage Facility, his agent, or any other person authorized by him to manage the facility or to receive rent from an occupant under a rental agreement.

(3) 'Occupant' means a person, his sublessee, successor, or assign, entitled to the use of the storage space at a Self-Service Storage Facility under a rental agreement, to the exclusion of others.

(4) 'Rental Agreement' means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a Self-Service Storage Facility.

(5) 'Personal Property' means movable property not affixed to land and includes, but is not limited to, goods, merchandise, and household items.

(6) 'Last Known Address' means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

\$4903. Lien.

The owner of a Self-Service Storage Facility and his heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at Self-Service Storage Facility for rent, labor, or other charges, present or future. In relation to the personal property and for expenses necessary for its preservations or expenses reasonably incurred in its sale or other disposition pursuant to this Chapter. The lien provided for in this Section is superior to any other lien or security interest, except liens or security interests secured by motor vehicles titled pursuant to Title 21, Chapter 23, Delaware Code. The lien attaches as of the date the personal property is brought to the Self-Service Storage Facility; provided that the written rental agreement states that such lien will attach.

\$4904. Enforcement of Lien.

(A) An Owner's lien as provided for in \$4903 of this Chapter for a claim which has become due may be satisfied as follows:

(1) The occupant shall be notified;

(2) The notice shall be delivered in person or sent by certified mail to the last known address of the occupant;

(3) The notice shall include:

(A) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(B) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it, except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(C) A notice of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement, which provides the name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to said notice;

(D) A demand for payment within a specified time not less than thirty days after delivery of the notice;

(E) A conspicuous statement that unless the claim is paid within the time stated in the notice the personal property will be advertised for sale or other disposition and will be sold or otherwise disposed of at a specified time and place.

(4) Any Notice made pursuant to this section shall be presumed delivered when it is deposited with the United States Postal Service and properly addressed with postage prepaid.

(5) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be published once a week for two consecutive weeks in a newspaper of general circulation in the County where the Self-Service Storage Facility is located. The advertisement shall include:

(A) A brief and general description of the personal property reasonably adequate to permit its identification as provided for in sub-paragraph (3)(B) of this section;

(B) The address of the Self-Service Storage Facility and the number, if any, of the space where the personal property is located and the name of the Occupant;

(C) The time, place, and manner of the sale or other disposition. The sale or other disposition shall take place not sooner than thirty days after the first publication.

(6) Any sale or other disposition of the personal property shall conform to the terms of the notification as provided for in this section;

(7) Any sale or other disposition of the personal property shall be held at the Self-Service Storage Facility or at the nearest suitable place to where the personal property is held or stored;

(8) Before any sale or other disposition of personal property pursuant to this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon receipt of such payment, the Owner shall return the personal property and thereafter the Owner shall have no liability to any person with respect to such personal property.

(9) A purchaser in good faith of the personal property sold to satisfy a lien as provided for in §4903 of this Chapter takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this section;

(10) In the event of a sale under this section, the owner may satisfy his lien from the proceeds of the sale but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within two years of the date of sale, it shall become the property of the owner without further recourse by the occupant.

§4905. Supplemental Nature of Act

Nothing in this chapter shall be construed as in any manner impairing or affecting the right of parties to create liens by special contract or agreement, nor shall it in any manner affect or impair other liens arising at common law or in equity, or by any statute of this state, or any other lien provided for in §4902 thru §4904 of this Chapter.

Section 2. Effective Date This Act shall become effective July 1, 1980. It shall apply to all rental agreements entered into or extended or renewed after that date.

Section 3. Savings Clause All rental agreements entered into before the effective date of this Act, and not extended or renewed after that date, and the rights and duties and interests flowing from them, shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.

Section 4. Severability

If any provision of this Act or the application thereof to any person or circumstance 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 this end the provisions of this Act are declared to be severable.

Approved July 10, 1980.

CHAPTER 365

FORMERLY

SENATE BILL NO. 581

AN ACT TO AMEND SECTION 1056, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF FEES FOR THE USE OF SCHOOL PROPERTY, FACILITIES AND EQUIPMENT NOT IN USE FOR EDUCATIONAL PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subsection (e), Section 1056, Subchapter 3, Chapter 10, Title 14 of the Delaware Code by adding a new paragraph at the end of said subsection to read as follows:

Notwithstanding any other provision of this subsection, all fees collected for the use of school property, school facilities or school equipment not used by a school district for educational purposes shall be deposited in the operating account of the school district. The school district shall pay to the State from the operating account such proportion of the net fee as the share of the state in the original cost of acquisition or construction together with any additions or alterations thereto. As used in the preceding sentence, the term 'net fee' shall mean the fee received by the district in excess of the cost expended by the district in operation maintenance of such property, facility or equipment."

Section 2. Any school board of this State is hereby relieved of any obligation under 14 Delaware Code §1056(e) to pay or repay to the General Fund any fees collected for the use of school equipment or school property which have been improperly retained and expended by such board prior to the passage of this Act.

Approved July 10, 1980.

CHAPTER 366
FORMERLY
SENATE BILL NO. 588

AN ACT TO AMEND "AN ACT TO REINCORPORATE THE TOWN OF HOUSTON" BEING
VOLUME 61, CHAPTER 517, LAWS OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE
(Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 517, Laws of Delaware, Volume 61 by adding to the Title of Section 5 thereof after the word "Councilman" the words "and Mayor".

Section 2. Amend Section 5 (a), Chapter 517, Laws of Delaware, Volume 61, by striking the word "freeholder" as the same appears therein in its entirety.

Section 3. Amend Section 7 (e), Chapter 517, Laws of Delaware, Volume 61, by striking the period "." at the end thereof and substituting in lieu thereof the following:

", except in cases where a person is under doctors care, on military duty, or out of town for business reasons. All reasons must be in writing and notarized and submitted with a copy of the ballot, prepared by voter, and also notarized, in a sealed envelope, and delivered to the Election Inspector no later than 3:00 P.M. on the day of the Election."

Section 4. Amend Section 24, Chapter 517, Laws of Delaware, Volume 61, by striking the words "accountant to be the auditor of accounts of the Town of Houston." as the same appears in the first sentence thereof and substituting in lieu thereof the following:

"Auditor of accounts for the Town of Houston."

Section 5. Amend Section 24, Chapter 517, Laws of Delaware, Volume 61 by striking the fourth sentence thereof beginning with the words "the Auditor" and ending with the words and period "annual report." in its entirety and substituting in lieu thereof the following:

"The auditor shall annually make and deliver a detailed report of any and all accounts, records, and books by them examined and audited which report, shall be available to any resident and/or taxpayer of the Town of Houston."

Section 6. Amend Section 26, Chapter 517, Laws of Delaware, Volume 61, by adding thereto the following:

(f) In lieu of a Board of Assessment, the Council may, by majority vote, accept the tax listing of the Kent County Board of Assessment, Receiver of Taxes.

(g) It will be the responsibility of the Mayor to present at the regular May Meeting of the Council, the above current tax assessments from the records of the Kent County Board of Assessment and Receiver of Taxes.

Section 7. Amend Section 27 (d), Chapter 517, Laws of Delaware, Volume 61, by striking the words "immediately proceed to collect the same as hereinafter provided" as the same appears therein and substituting in lieu thereof the following:

"proceed to collect the same as hereinafter provided."

Section 8. Amend Section 27, Chapter 517, Laws of Delaware, Volume 61, by adding thereto the following:

(f) "In the event that any tax rate need be changed from the prior years, the Council shall hold two (2) public hearings, (excluding regular meetings) concerning the changing of any tax rates. Said public hearings must be posted ten (10) days prior, in four (4) public places and in one (1) newspaper having general circulation in the Town. A majority vote shall be taken by the council at two (2) regular Council meetings prior to the tax rate changes."

Section 9. Amend Section 28(a), Chapter 517, Laws of Delaware, Volume 61, by striking the words "at once" as the same appear therein in their entirety and substituting in lieu thereof the following:

"on or before July 1, of the year."

Section 10. Amend Section 28(d), Chapter 517, Laws of Delaware, Volume 61, by striking said sub-section (d) in its entirety and substituting in lieu thereof the following:

"In the collection of said taxes, there shall be an abatement of three percent (3%) on any taxes paid on or after the first day of July and prior to the last day of August. On all taxes paid after October 1st there shall be an additional sum of one and one half percent (1 1/2%) interest per month as a penalty for each month or fraction thereof such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax." The town Council shall have the power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid after the 1st of October shall be considered delinquent. In effecting a collection of any delinquent tax the Town Council may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any interest or penalty imposed thereon.

Section 11. Amend Section 29(b), Chapter 517, Laws of Delaware, Volume 61, by striking said sub-section (b) in its entirety and substituting in lieu thereof the following:

(b) "Annually each year at the regular May Meeting of the Council, the Mayor shall present a rough draft of the Town Budget for consideration by the Council members. From this rough draft, the Town Council shall, at the regular June meeting, by majority vote, adopt a final Town Budget for the ensuing fiscal year, containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year."

Section 12. Amend Section 29(e), Chapter 517, Laws of Delaware, Volume 61, by striking said sub-section (e) in its entirety and substituting in lieu thereof the following:

"(e) The budget shall be posted in four (4) public places in the Town within one week following its adoption, and shall be available for any resident and/or taxpayer."

Section 13. Amend Section 32(a), Chapter 517, Laws of Delaware, Volume 61, by striking the words "sidewalks, curbing of any or all of them shall be done" as the same appear in the first sentence thereof and substituting in lieu thereof the following:

"sidewalks, and/or curbing shall be done."

Section 14. Amend Section 32(a), Chapter 517, Laws of Delaware, Volume 61, by striking the words "graveling and/or curbing, or any of them" as the same appear in the first sentence thereof and substituting in lieu thereof the following:

"of sidewalks and/or curbing".

Approved July 10, 1980.

CHAPTER 367

FORMERLY

SENATE BILL NO. 590
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT BEING CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PERMIT THE ISSUING OF REVENUE 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. Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new Section following §35 to be designated as §35A to read as follows:

"POWER TO ISSUE REVENUE BONDS

§35A. (a) The City Council, in addition to the power set forth in §35 of this Charter to borrow money and issue the bonds, shall have the authority to borrow money and issue bonds or certificates of indebtedness and to secure the payment thereof by pledging the revenues derived from the operation of any project for which the bonds are issued pursuant to this Section.

(b) The funds derived from the sale of bonds issued pursuant to this Section may be used for any or all of the following purposes, including incidental expenses incurred in connection therewith:

(1) For the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances or equipment for the supply or manufacture and distribution of electricity or gas for light, heat, or power purposes;

(2) For the furnishing of water to the public;

(3) For the construction or repair of sewers or sewage disposal equipment;

(4) For the defraying of the cost or the share of the City of the cost of any permanent municipal improvement;

(5) For the purchase of land in the planning and development, including construction, erection or installation of buildings for an industrial complex when the land or buildings, or both, at the discretion of the City Council may be sold or leased by the City to private enterprise where such buildings are all purpose buildings suitable for sale or rental for general manufacturing use or office use or general retail use or any combination thereof;

(6) For the acquisition, construction, reconstruction, repair, alteration, improvement, extension or financing, or partial refinancing of any commercial enterprise, which includes but is not limited to, shopping centers, and industrial or agricultural enterprises, provided that the project requires a capital investment of at least Five Hundred Thousand Dollars (\$500,000.00) that the issuance of such bonds pursuant to this paragraph (6) shall not constitute a debt of the City of Seaford nor a pledge of its credit or taxing power and the bonds shall contain on the Face thereof a statement to the following effect:

'Neither the faith and credit nor the taxing power of the City of Seaford is pledged to the payment of the principal of premium, if any, or interest on this Bond, nor is the City of Seaford in any manner obligated to make any appropriation for payment thereof.'

(7) For the refunding from time to time of any bonds issued pursuant to the provisions of this Section by the issuance of new bonds, whether the bonds to be refunded have or have not matured, or be subject to redemption, and may issue bonds then outstanding in amounts sufficient to provide:

A. The principal amount of the obligations being refunded;

B. Any applicable redemption premiums thereon;

C. Unpaid interest on such obligations to the date of delivery of the refunding bonds and interest to accrue on such obligations being refunded from the date of delivery of the refunding bonds to the first of any subsequently available redemption date or dates selected by the City Council; and

D. Any expenses, including bond discount, deemed by the City Council to be necessary for the issuance of the refunding bonds. The proceeds of the sale of any refunding bonds shall be applied as follows, either:

(1) To the immediate payment and retirement of the obligations being refunded; or

(2) If not required for the immediate repayment of the obligations being refunded, such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, but provisions may be made for the pledging and disposition of any amount in excess of the amounts required for such purposes, including, without limitation, provision for the pledging of any excess amounts to the payment of the principal of and interest on any portion of such refunding bonds or series of such refunding bonds issued for the purpose of providing amounts in addition to the principal amount and the premium payable with respect to the outstanding obligations to be refunded.

(c) All bonds issued pursuant to this Section shall be deemed to be legal investments by any bank, trust company, insurance company, executor, administrator, curator, trustee or any other fiduciary.

(d) At its discretion, the City Council may dispose of any real property and any personal property acquired by the issuance of bonds pursuant to this Section to a private individual, firm or corporation at public or private sale, for cash or on credit, and under such other terms and conditions as the City Council may deem to be in the best interest of the City without regard to any other provision of this Charter; provided, however, that the revenue received from any such disposition shall be used to retire any outstanding bonds and if no bonds which are issued pursuant to this Section are outstanding, the revenue derived from such disposition may be used for any municipal purpose.

(e) Any property acquired by The City of Seaford from the proceeds of bonds issued pursuant to this Section shall be exempt from taxation by the State of Delaware or any political subdivision thereof.

(f) The interest on any bonds issued pursuant to this Section shall be exempt from all taxation by the State of Delaware or by any political subdivision or agency thereof.

(g) There shall be no limitation on the amount of bonds to be issued pursuant to this Section and the indebtedness created by any bonds issued pursuant to this Section shall not be used in computing the maximum bonded indebtedness which may be created by the City pursuant to §35 of this Charter nor shall the City Council be required to levy taxes to pay the principal of or interest on any bonds issued pursuant to this Section.

(h) The bonds to be issued pursuant to this Section shall be authorized by resolution of the City Council and shall bear such date or dates, mature at such time or times not exceeding forty (40) years from their respective dates, bear interest at a rate or rates per annum as may be determined by the City Council, 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. Bonds of The City of Seaford issued by the City Council pursuant to the provisions of this Section may be sold at either public or private sale at such place and interest rates as may be determined by the City Council.

(i) Any resolution or resolutions authorizing any bonds securing any issue or bonds may contain provisions which shall be part of a contract with the holders of the bonds thereby authorized, as to:

(1) Pledging all or any part of the monies, earnings, income and revenues derived from the undertaking for which the bonds are issued to secure the payment of the bonds or of any issue of the bonds subject to such agreements with bondholders as may then exist;

(2) The rates, rentals, fees and other charges to be fixed and collected and the amounts to be raised in each year thereby, and the use and disposition of the earnings and other revenues;

(3) The setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(4) Limitations on the right of the City Council to restrict and regulate the use of the activity or property in connection with which such bonds are issued;

(5) Limitations on the purposes to which and the manner in which the proceeds of sale or any issue of bonds may be applied;

(6) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, the refunding of outstanding or other 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) The creation of special funds into which any earnings or revenues of the City may be deposited;

(9) Vesting in a trustee or trustees such properties, rights, powers and duties in trust as the City Council may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to this Section and limiting or abrogating the right of bondholders to appoint a trustee under such Section or limiting the rights, duties and powers of such trustee;

(10) Defining the acts or omissions to act which shall constitute a default in the obligation and duties of the City Council to the bondholders and providing the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver; provided however that such rights and remedies shall not be inconsistent with the general laws of this State and any other provisions of this Charter;

(11) Any other matters of like or different character which in any way affect the security or protection of the bonds;

(12) The obligations of the City Council in relation to the construction, maintenance, operation, repairs and insurance of the property, the safeguarding and application of all monies and as to the requirements for the supervision and approval of consulting engineers in connection with construction, reconstruction and operation;

(13) Any other matter or course of conduct which by recital in a resolution or resolutions is declared to further secure the payment of the principal of or interest on the bonds.

(j) Neither the Mayor nor any member of the City Council for The City of Seaford nor any person executing the bonds or other obligations shall be personally liable on the bonds or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

(k) The City Council shall have the power out of any funds available therefor to purchase (as distinguished from the power of redemption hereinabove provided) any bonds issued pursuant to this Section or which may be assumed by the City Council at a price of not more than the principal amount thereof and accrued interest and all such bonds shall be cancelled.

(l) In the discretion of the City Council, the bonds may be secured by a trust indenture by and between The City of Seaford and a corporate trustee which may be any trust company or bank having the powers of a trust company within the State of Delaware. Such trust indenture 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 covenants setting forth the duties of the City Council in relation to the construction, maintenance, operation, repair, insurance of the properties, and the custody, safeguarding and application of all monies, and may provide that the property shall be constructed and paid for under the supervision and approval of consulting engineers. The City Council may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the properties to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, or such safeguards and restrictions as the City Council may determine. All expenses incurred in carrying out the provisions of such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the properties. If the bond shall be secured by trust indenture, the bondholder shall have no authority to appoint a separate trustee to represent them. Notwithstanding any other provisions of this Section, any resolution or resolution authorizing bonds or notes of the City pursuant to the provisions of this Section shall contain a covenant by the City Council that it will

at all times maintain rates, fees, rentals and/or other charges sufficient to pay, that any contracts entered into the by the City Council for the use of any properties shall contain rates, fees, rentals or other charges sufficient to pay the cost of operation and maintenance of the properties, the principal of and interest on any obligations issued pursuant to such resolution or resolutions as the same severally become due and payable and to maintain any reserves or other funds required by the term of such resolution or resolutions.

(m) In the event that the City of Seaford shall default in the payment of principal of or interest on any issue or bonds after the same shall have become due, whether out of maturity or upon call for redemption, and such default shall continue for a period of thirty (30) days, or in the event that The City of Seaford shall fail or refuse to comply with the provisions of this Section or shall default in any agreement made with the holders of any issue or bonds, the trustee appointed by the City Council or if none has been appointed, the trustee who may be appointed by the holders of twenty-five percent (25%) in aggregate principal amount of the bonds of such issue then outstanding by instrument or instruments filed in the Office of the Recorder of Deeds, in and for Sussex County, approved or acknowledged in the same manner as a deed to be recorded shall represent the holders of such bonds for the purposes stated in this Section. Such trustee may and upon written request of the holders of twenty-five percent (25%) of principal amount of such bonds then outstanding shall in his or its own name:

(1) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the bondholders, including the right to require The City of Seaford to collect revenues, rates, rentals, fees and other charges adequate to carry out any agreement as to, or pledge of such revenues, rates, rentals, fees and other charges and to require The City of Seaford to carry out any other agreements with the holders of such bonds and to perform its duties pursuant to the provisions of this Section;

(2) Bring suit upon such bonds;

(3) By action of suit in equity require that The City of Seaford to account as if it were the trustee of an express trust for the holders of such bond;

(4) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds.

(n) Any suit, action or proceeding by the trustee on behalf of bondholders shall be heard or maintained in a Court of competent jurisdiction.

(o) Before declaring the principal of all such bonds due and payable, the trustee shall first give thirty (30) days notice in writing to The City of Seaford.

(p) Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as a right to the appointment of a receiver for any property for which the revenues are pledged for the security of the bonds of such issue and such receiver may enter and take possession of such part or parts of the properties and subject to any pledge or agreement with bondholders shall take possession of all monies and other properties derived from such part or parts of the properties and proceed with any construction thereon or the acquisition of any property, real or personal, in connection herewith which The City of Seaford is under an obligation to do, and to operate, maintain and reconstruct such part or parts of the properties and collect and receive all

revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of The City of Seaford under the direction of the Court. In any suit, action or proceeding by the trustee, fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the Court shall be a first charge on any revenues derived from the properties.

(q) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights."

Approved July 10, 1980.

CHAPTER 368

FORMERLY

SENATE BILL NO. 604

AN ACT PROVIDING THAT THE NAME OF THE DELAWARE STATE BUILDING LOCATED AT 9TH AND FRENCH STREETS BE OFFICIALLY NAMED THE ELBERT N. CARVEL DELAWARE STATE BUILDING AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFORE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The official name of the Delaware State Building located at 9th and French Streets in Wilmington is hereby changed to the Elbert N. Carvel Delaware State Building.

Section 2. The Department of Administrative Services is hereby directed to take the necessary steps to provide plaques, signs, and other informational insignia required to acquaint the general public with the name for the Delaware State Building.

Section 3. The sum of \$1,000 is hereby appropriated to the Department of Administrative Services for the purpose of implementing the provisions of Section 1 of this Act.

Section 4. This is a supplemental appropriation and the funds herein appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 5. The funds herein appropriated remaining unexpended or unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Approved July 10, 1980.

CHAPTER 369

FORMERLY

SENATE BILL NO. 613

AN ACT RELATING TO THE PRESERVATION OF GROUP PHOTOGRAPHS OF
MEMBERS OF THE GENERAL ASSEMBLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Division of Historical and Cultural Affairs, Department of State, shall make arrangements to photograph as a group the members of the House of Representatives and the members of the Senate during each General Assembly.

The negatives and one print of such group photographs shall be retained by the Division for the State Archives. Prints of such group photographs shall be made available to members of the General Assembly and the general public at cost.

Approved July 10, 1980.

CHAPTER 370

FORMERLY

SENATE BILL NO. 626

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO PROVIDE FOR SUPPLEMENTAL PAYMENTS TO THE FIREMEN'S PENSION FUND OF THE WILMINGTON BUREAU OF FIRE AND THE VOLUNTEER FIRE COMPANIES OF THIS STATE IN ACCORDANCE WITH THE REQUIREMENTS OF 18 DELAWARE CODE, SECTION 705.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

The sum of \$219,147.01 is hereby appropriated to be distributed in the following manner:

- (a) \$68,943.82 to the Firemen's Pension Fund of the City of Wilmington;
- (b) \$91,943.88 to be divided equally among the 21 volunteer fire companies of New Castle County, outside the City of Wilmington;
- (c) \$6,628.50 to be divided equally among the 18 volunteer fire companies of Kent County; and
- (d) \$51,630.81 to be divided equally among the 21 volunteer fire companies of Sussex County.

Section 2. This is a supplemental appropriation and the funds herein appropriated shall be paid out of the General Fund of the State of Delaware by the Treasurer from funds not otherwise appropriated.

Section 3. The funds herein appropriated remaining unexpended or unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Section 4. Distribution of the funds referred to in Section 1 of this bill shall be in accordance with the provisions and requirements of 18 Del. C. §705. Aforesaid funds shall be in addition to the funds previously distributed pursuant to 18 Del. C. §705 the organizations referred to in Section 1, pursuant to 18 Del. C. §705, with respect to insurance premiums written in Delaware in calendar year 1978. Payments of the funds authorized by Section 1 of this bill shall fully satisfy the State's obligation under 18 Del. C. §705 with respect to payments based on insurance premiums written in Delaware in calendar year 1978.

Approved July 10, 1980.

CHAPTER 371

FORMERLY

SENATE BILL NO. 642

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, AND RELATING TO RESIDENCY OF COMMISSIONERS, TIME AND PLACE OF ANNUAL ELECTIONS, MEETINGS OF COMMISSIONERS, AUTHORITY OF COMMISSIONERS, AND AUTHORITY TO BORROW FUNDS.

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 (b) of Section 4 of Chapter 212, Volume 25, Laws of Delaware, as amended, by striking (b) in its entirety and inserting in lieu thereof the following:

"(b) All of the Commissioners may be residents of the Town; however, at least four (4) of the Commissioners shall be residents of the Town on the date of the filing of notice of intention to seek office or on the date of their appointment, as the case may be. In addition to being qualified as a Commissioner, as set forth above, the Commissioners with the titles of President (Mayor), Vice President and Secretary-Treasurer, shall also be residents of the Town as defined in this subsection. If the President (Mayor), Vice President or Secretary-Treasurer shall during his or her term of office, cease to be a resident of the Town, he or she shall be deemed to have vacated such office by reason of said fact alone, but shall not be deemed to have vacated the office of Commissioner. If a "non-resident" Commissioner establishes residency in the Town during his or her term of office, he or she shall not be deemed to have vacated such "non-resident" office by reason of said fact alone. If a resident Commissioner fails to maintain residency in the Town, he or she shall not be deemed to have vacated such "resident" office by reason of said fact alone. The Commissioners shall be the sole and final judges of the qualifications of their members. For purposes of this Act, a "resident" shall mean any person who has during the 12-month period immediately preceding his or her filing date of notice of intention to seek office, as provided herein or date of appointment, as the case may be, actually lived in the Town at least nine (9) months, consecutively or non-consecutively, of said preceding 12-month period."

Section 2. This Act shall take effect immediately upon approval by the Governor.

Approved July 10, 1980.

CHAPTER 372

FORMERLY

HOUSE BILL NO. 534

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY TO PROVIDE FOR THE LICENSING OF FOREIGN-TRAINED PHYSICAL THERAPISTS, TO ELIMINATE THE PROVISION FOR TEMPORARY CERTIFICATES, AND TO REVISE THE SECTION DEALING WITH CERTIFICATE RENEWAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2607, Chapter 26, Title 24 of the Delaware Code by striking said section and inserting in lieu thereof the following:

"§2607. Application requirements

An applicant for certification of registration as a physical therapist shall file a written application on forms provided by the Board. The applicant shall present satisfactory evidence that he is at least eighteen (18) years of age, is of good moral character and has been graduated -

A. from an educational program for the physical therapist which is accredited by the accrediting agency recognized by the United States Commissioner of Education and/or the Council on Postsecondary Accreditation, or

B. from an education program for the physical therapist of a foreign country whose program has a curriculum determined by the Board to be equivalent to the curriculum required by the accrediting agency recognized by the United States Commissioner of Education and/or the Council on Postsecondary Accreditation; or

C. if graduated prior to 1936 the school or course was approved by the American Physical Therapy Association at the time of his graduation.

He shall pay to the Board \$75 and present himself for examination at the first meeting thereafter at which examinations are to be held."

Section 2. Amend §2610, Chapter 26, Title 24 of the Delaware Code by striking the words "or foreign country" in the first sentence thereof.

Section 3. Amend §2612, Chapter 26, Title 24 of the Delaware Code by striking all of said section and substituting in lieu thereof the following:

"§2612. Renewal of certificate

Every registered physical therapist shall during the month of January 1956 and during the month of January every period thereafter apply to the Board for an extension of his registration and pay a fee not to exceed \$20 to the Secretary-Treasurer. Registration that is not so extended in the first instance before January 31, 1956, and thereafter before January 31 of every successive period shall automatically lapse. The Board shall revive and extend a lapsed registration on the payment of all past unpaid extension fees and a revival fee of \$10."

Approved July 10, 1980.

CHAPTER 373

FORMERLY

HOUSE BILL NO. 665
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE RELATING
TO NONTRANSFERABILITY OF ASSISTANCE GRANTED UNDER THIS CHAPTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §513, Title 31, Del. C., by striking the section in its entirety and substituting in lieu thereof the following:

"§513. Assistance not generally assignable; recoupment

Assistance granted under this chapter shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under this chapter shall be subject to execution, levy attachment, garnishment or other legal process or to the operation of any bankruptcy or insolvency law, with the exception that the State shall seek recoupment for overpayments other than those made by error of the Division of Social Services and provided such recoupment shall not exceed \$10 per month. Such recoupment must be made in accordance with applicable Federal laws and regulations."

Approved July 10, 1980.

CHAPTER 374

FORMERLY

HOUSE BILL NO. 881

AN ACT TO AMEND CHAPTER 29 OF TITLE 25 OF THE DELAWARE CODE BY ADDING A NEW SECTION THERETO AND AMENDING EXISTING SECTIONS TO PROVIDE FOR THE ESTABLISHMENT OF A LIEN FOR TAXES AND OTHER GOVERNMENT CHARGES AND SETTING FORTH THEIR RESPECTIVE PRIORITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Title 25, Delaware Code is amended by deleting the existing Section 2901 and adding in lieu thereof the following:

CHAPTER 29. LIENS OF THE STATE AND/OR ITS POLITICAL SUBDIVISIONS.

Section 2901. Lien of Taxes and Other Charges; Priority.

(a) All taxes and all charges for water service, sewer service, garbage collection, or other such services levied or imposed by the State or its political subdivisions (including the Levy Court or County Council of a County, any united, consolidated or incorporated School district, or any incorporated town or city in this State) shall be and constitute a lien, hereinafter more specifically defined, upon all the real estate of the taxable against or upon whom such taxes and/or charges are laid or imposed, of which such taxable was seized at any time after such taxes and/or charges have been levied and imposed, situate in the County in which such taxes and/or charges are assessed and collectable. Such liens shall have preference and priority to all other liens on such real estate created or suffered by the taxable, although such other lien or liens may be of a date prior to the time of attaching of the liens for taxes and/or other government charges.

(b) Except as otherwise specified, "lien" or "liens" as used in this chapter shall arise whenever taxes, charges or other costs are levied or imposed by the State or any of its political subdivisions and become due. "Lien" or "liens" shall include but shall not be limited to the following:

- (1) Real property taxes, including penalty and interest thereon;
- (2) School taxes, including taxes for a vocational, technical high school district or country vocational, technical center district, and including penalty and interest thereon;
- (3) Service charges for maintenance or use of sewer systems;
- (4) Service charges for maintenance or use of water systems; and
- (5) Service charges for garbage collection, "Liens" shall not include administrative costs incurred by the Sheriff in the Sheriff Sale process.

Section 2. Title 25, Delaware Code is amended by adding thereto the following:

"Section 2906. Priority of Liens of the State and Political Subdivisions on Real Estate; Extinction of such Liens.

(a) Except as otherwise provided in subsection (b), liens for taxes and other government charges levied and imposed by the State or its political subdivisions, which liens are assessed against real property, shall be equal in status, regardless of the time of assessment of said lien; no such lien shall have priority over any other such lien in the distribution of proceeds of the sale of real facias or any other process or order of any court resulting in a Sheriff's Sale. In the event that the proceeds of a Sheriff's Sale are insufficient to satisfy all such liens encumbering the property sold, then the State and/or its political subdivisions holding such liens shall share that portion of the proceeds of the Sheriff's Sale allotted to such liens on a prorata basis.

(b) In the event that real property is sold to the State or any of its political subdivisions pursuant to a writ of venditioni exponas, levavi facias or any other process or order of any court resulting in a Sheriff's Sale and such writ or process was filed by the entity purchasing the real property, then the liens of the purchasing entity shall have priority over all other liens of the State or its political subdivisions and in the event that the proceeds of the Sheriff's Sale are insufficient to satisfy all liens of the State or its political subdivisions encumbering the real estate, the liens of the purchasing entity will be paid to the extent funds are available for such purposes and the remaining funds, if any, shall then be distributed on a prorata basis to other governmental entities having such liens on the real estate sold, in full satisfaction of all such liens.

(c) When real property is sold pursuant to a writ of venditioni exponas, levavi facias or any other process resulting in a Sheriff's Sale, said writ having been filed by the State or any of its political subdivisions, the purchasing party, other than the original owner, shall take the property free and clear of any and all liens on such real property, including liens of the State and/or its political subdivisions whether or not such liens have been fully satisfied from the proceeds of the sale.

(d) Except as specifically provided herein, nothing in this section shall be construed as affecting the order or priority of payment of any other liens, charges, costs or other debts against real estate sold at Sheriff's Sale or the affect of such Sheriff's Sale on the quality of title of real estate sold as provided in any other statute or ordinance of this State or its political subdivision.

(e) All liens of the State or any of its political subdivisions encumbering real estate sold at Sheriff's Sale prior to the effective date of this statute and purchased by the State or any of its political subdivisions at such sale are hereby extinguished, provided, however, that such lien existed at the time of said Sheriff Sale.

(f) Nothing in this Act shall effect the priority of any liens not of the State or any of its political subdivisions which existed of record on or prior to the effective date of this Act.

Approved July 10, 1980.

CHAPTER 375

FORMERLY

HOUSE BILL NO. 895

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 3

AN ACT TO AMEND CHAPTER 41 OF TITLE 21 OF THE DELAWARE CODE RELATING TO LITTER.

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 Title 21, Delaware Code, Section 4189 by redesignating subsections (e) through (g) as subsection (f) through (h) and adding a new subsection (e) to read as follows:

"(e) No person shall leave, drop, throw away or otherwise dispose of trash of any description in quantity to exceed five (5) pounds or one (1) cubic foot upon or alongside any highway."

Section 2. Amend Title 21, Delaware Code, Section 4189(f) by deleting the words "a police officer" and adding in its place the words "any person".

Section 3. Further amend Title 21, Delaware Code, Section 4189(f) by deleting the word "driver" and adding in its place the phrase "registered owner if the drivers identity cannot be ascertained or the driver".

Section 4. Further amend Title 21, Delaware Code, Section 4189 (g) by adding a new sentence at the end of the existing sentence to read as follows:

"Whoever violates subsection (e) of this section shall be fined not less than \$400.00 nor more than \$600.00. For each subsequent offense occurring within three (3) years of a former offense, he shall be fined not less than \$500.00 nor more than \$1,000.00. The minimum fines for a violation of this section shall not be subject to suspension."

Section 6. Further amend Title 21, Delaware Code, Section 4189 by inserting the words "or adjacent property" between the words "highway" and "any" as the same appears in subsection (a) and (b) thereof.

Approved July 10, 1980.

CHAPTER 376

FORMERLY

HOUSE BILL NO. 904

AN ACT AMENDING TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2821, Title 24 of the Delaware Code by adding thereto the following paragraph:

"(d) Applicants for a Certificate of Authorization must comply with the applicable State tax laws of Chapter 23, Occupational Licenses and Fees, Title 30, Delaware Code. Proof of such compliance is required by the Council prior to the issuance of a Certificate of Authorization."

Approved July 10, 1980.

CHAPTER 377

FORMERLY

HOUSE BILL NO. 946

AN ACT TO AMEND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO WORK BY INMATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6532 of Chapter 65, Title 11, of the Delaware Code by striking subsection (b) in its entirety and in lieu thereof provide the following:

"(b) inmates may be compensated, at rates fixed by the Department, for labor performed, including institutional maintenance. If adequate for such purpose, the inmate should be encouraged, and when approved by the Commissioner, required to support his dependents who may be receiving public assistance during the period of commitment."

Section 2. Amend Section 6532 of Chapter 65, Title 11, of the Delaware Code by adding thereto the following:

"(f) The Department may institute a program requiring physically able inmates to labor without compensation. In the event that inmates shall labor for more than eight hours in one day or forty hours in one week, said inmate shall receive credit for overtime for the time he has labored in excess of eight hours in one day or forty hours in one week. The Department may promulgate regulations regulating the use of overtime and the award of overtime credits to inmates. The Department need not give credit for overtime less than one hour or for fractions of an hour in excess of one hour.

(g) Inmates shall receive a reduction of sentence at the rate of two hours for every hour of overtime credited. Nothing in this section shall be construed to permit the reduction of the sentence of persons serving minimum mandatory sentences or sentences without eligibility for parole.

(h) The Department is authorized to revoke previously earned good time (whether such good time was earned pursuant to this section or other provisions of this title) from inmates who refuse to perform labor as required by the Department pursuant of this section. In addition, the Department may impose such other lawful disciplinary measures as it deems appropriate upon inmates refusing to perform labor as required by the Department pursuant to this section.

(i) No greater amount of labor shall be required of any inmate than his physical health and strength will reasonably permit, nor shall any inmate be placed at such labor as the institutional physician determines to be beyond his ability to perform. Persons not serving a sentence for conviction of a crime shall not be required to perform labor without compensation.

Approved July 10, 1980.

CHAPTER 378

FORMERLY

HOUSE BILL NO. 960

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF FLASHING SCHOOL SPEED LIMIT SIGNS ON VEALE ROAD AT THE ENTRANCE TO ST. EDMOND'S ACADEMY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of six thousand six hundred dollars (\$6,600) is hereby appropriated to the Department of Transportation to be used for the installation of Flashing School Speed Limit Signs for St. Edmond's Academy on Veale Road.

Section 2. This is a supplemental appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund from monies not otherwise appropriated.

Section 3. Any part of this appropriation not expended or enumbered on June 30, 1981 shall revert to the General Fund.

Approved July 10, 1980.

CHAPTER 379

FORMERLY

HOUSE BILL NO. 962
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 84, TITLE 29 OF THE DELAWARE CODE RELATING TO
THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF
ADMINISTRATION.

WHEREAS, there is created within the enabling Legislation an Office of Administration for the Department of Transportation; and

WHEREAS, the enabling Legislation indicates that the Office of Administration shall be responsible for the general administrative support of the Department to include but not be limited to recordkeeping, fiscal affairs, data processing, statistics, accounting, personnel and such other general services as are necessary for the proper efficient and economical operation of the Department; and

WHEREAS, the head of the Office of Administration is entitled Chief of Administration appointed by the Secretary with the written approval of the Governor; and

WHEREAS, there is a merit system classification entitled Chief of Administration; and

WHEREAS, there is confusion and conflict over an appointed Chief of Administration and a merit system Chief of Administration; and

WHEREAS, it is deemed important to eliminate the confusion of duplicate titles, one exempt and one classified.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 8402 (4) Chapter 84, Title 29, Delaware Code, by striking said Section in its entirety and inserting in lieu thereof a new Section to read:

"(4) 'Director' means the Director of Transportation Authority and/or the Director of Division of Highways and/or the Director of the Office of Administration."

Section 2. Amend Section 8404 (2) c of Chapter 84 of Title 29, Delaware Code by striking the words "Chief of Administration" and inserting in lieu thereof "Director of Administration".

Section 3. Amend Section 8411 (4) of Chapter 84 of Title 29, Delaware Code by striking the word "Chief" and inserting in lieu thereof the word "Director".

Approved July 10, 1980.

CHAPTER 380

FORMERLY

HOUSE BILL NO. 982

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5101, Chapter 51, Title 30 of the Delaware Code by striking the semi-colon ";," after the word "State" the second time it appears in the fourth line of subparagraph (1) of said subsection and inserting the phrase "or who desires to purchase gasoline tax free from another distributor for resale within this State or for export from this State;"

Section 2. Amend §5101, Chapter 51, Title 30, Delaware Code by renumbering subparagraph "(2)" as subparagraph "(4)" and by inserting new subparagraphs (2) and (3) to read as follows:

"(2) 'Retailer' means any person engaged in the sale of gasoline within this State who is not licensed as a distributor;

(3) 'Person' includes every natural person, fiduciary, association of persons or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment or both, the term 'person' as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof;"

Section 3. Amend §5104, Chapter 51, Title 30, Delaware Code, by striking in its entirety the last sentence of said Section.

Section 4. Amend subsection (a) of §5107, Chapter 51, Title 30, Delaware Code by striking the figure "\$5,000" and substituting in lieu thereof the figure "\$1,000".

Section 5. Amend §5108, Chapter 51, Title 30, Delaware Code by adding at the end thereof a new paragraph to read as follows:

"The Department of Public Safety may suspend or revoke a gasoline retailer's license for reasonable cause in the same manner as a distributor's license."

Section 6. Amend subparagraph (4) of §5111(a), Chapter 51, Title 30, Delaware Code by striking said subparagraph in its entirety and by renumbering subparagraphs "(5)" and "(6)" as subparagraphs "(4)" and "(5)", respectively.

Section 7. Amend subsection (b) of §5113, Chapter 51, Title 30, Delaware Code by striking the phrase "each calendar month" wherever the same appears therein and substitute in lieu thereof the phrase "June each year".

Section 8. Amend subsection (b) of §5114, Chapter 51, Title 30, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) Distributors averaging monthly sales and/or use of 500,000 or more gallons over a twelve (12) month period ending April 30th each year shall when complying with the provision of §5113(b) of this Chapter pay to the Department of Public Safety in June each year the tax or taxes on 75% of the gallons of gasoline estimated to be sold and/or used during said month of June. The balance of the tax due on the actual sales and/or use in June shall be paid on or before the twenty-fifth (25th) day of the next calendar month."

Section 9. Amend §5115, Chapter 51, Title 30, Delaware Code by striking the phrase "next to the last business day" and substituting in lieu thereof the following phrase:

"twenty-fifth (25th) day".

Section 10. Amend §5115, Chapter 51, Title 30, Delaware Code by adding a new paragraph as follows:

"A month, for purposes of calculating interest in this Chapter, shall be from the twenty-sixth (26th) day of a given month through the twenty-fifth (25th) day of the following month."

Section 11. Amend §5116, Chapter 51, Title 30, Delaware Code by adding new subsections (c) and (d) as follows:

"(c) Promptly after the date of such determination, the Department of Public Safety shall notify by mail the person against whom the assessment is made. Within sixty (60) days after the date of notification, such person may file with the Department of Public Safety a petition for redetermination of such assessment. Every petition for redetermination shall state specifically the reason(s) which the petitioner believes entitles him to such redetermination. It shall be the duty of the Secretary of Public Safety within ninety (90) days after the receipt of any petition to dispose of such petition for redetermination. Notice of the decision shall be given in writing to the petitioner promptly by the Secretary of Public Safety.

(d) Any person shall have the right to appeal within sixty (60) days the decision of the Secretary of Public Safety concerning redetermination to the Superior Court of this State."

Section 12. Amend §5117, Chapter 51, Title 30, Delaware Code by striking the word "shall" as it appears between the words "safety" and the word "issue" in the first sentence of said section and substituting in lieu thereof the word "may".

Section 13. Amend §5120, Chapter 51, Title 30, Delaware Code by striking from subsection (a)(1) the phrase "except in motor vehicles operated or intended to be operated in whole or in part", and substituting in lieu thereof the following:

"except in motor vehicles licensed, or subject to being licensed, for operation".

Section 14. Amend §5120, Chapter 51, Title 30, Delaware Code by adding new subsections (f) and (g) as follows:

"(f) There shall be refunded out of the General Fund of this State any tax, penalty or interest erroneously or illegally collected under the provisions of this Chapter. A refund claim prepared in such manner as the Department may prescribe shall be filed with the Department within three (3) years from the date of payment of the monies erroneously or illegally collected and the Department shall certify the amount thereof to the State Treasurer who shall thereupon draw a warrant to the Claimant forthwith.

(g) If a refund granted under the provisions of this Section shall later be determined to have been erroneously or illegally paid in whole or in part, the Department of Public Safety may demand, within three (3) years from the date of such payment, that restitution be made to the General Fund of this State. Interest on said monies assessed shall accrue at the rate of 1% per month or fraction thereof from the date of notification by this Division until receipt of payment."

Section 15. Amend subsection (b) of §5121, Chapter 51, Title 30, Delaware Code by striking the phrase "on file in the office of the Department on or before the next to last business day" and substituting in lieu thereof the following phrase:

"postmarked by the U. S. Postal Service on or before the twenty-fifth (25th) day".

Section 16. Amend §5121, Chapter 51, Title 30, Delaware Code by adding a new subsection (c) as follows:

"(c) If any carrier fails to file a report as required by this Section, a penalty of five dollars (\$5) per business day shall accrue until said report is filed up to a maximum amount of twenty-five (\$25) dollars for each report; however, the Department may waive all or part of the penalty if it is established to the satisfaction of the Department that failure to file the report was not with intent to violate the law."

Section 17. Amend §5122, Chapter 51, Title 30, Delaware Code by inserting after the word "distributors" in the title the phrase "or retailers" and by inserting after the word "distributor" the two times it appears in subsection (a) the phrase "or retailer".

Section 18. Amend §5123, Chapter 51, Title 30, Delaware Code, by inserting the phrase "or retailer" following the word "distributor" wherever it appears in subsections (a) and (b) and by inserting the phrase "or retailers" following the word "distributors" wherever it appears in subsection (b).

Section 19. Amend §5124, Chapter 51, Title 30, Delaware Code by inserting the words "or retailer" following the word "distributor" wherever it appears in subsections (a) and (b) of said Section.

Section 20. Amend subsection (a) of §5128, Chapter 51, Title 30, Delaware Code by inserting after the word "distributor" the two times it appears, the phrase "or retailer".

Section 21. Amend §5128, Chapter 51, Title 30, Delaware Code by adding after the last sentence of subsection (b) the following sentence: "The Superior Court of this State shall have exclusive jurisdiction over violations of this Chapter," and by adding a new subsection (c) as follows:

"(c) The Delaware State Police are authorized and directed to assist in the enforcement of this section."

Section 22. Amend Chapter 51, Title 30, Delaware Code by adding a new §5129 to read as follows:

"§5129. Collection of Bad Checks; Service Charge; Interest

If a check received in payment of monies due this Department under the provisions of this Chapter shall be returned to this Department by the maker's bank because of insufficient funds, closed account, stopped payment, or any other reason, there shall be imposed upon the maker a service charge of ten dollars (\$10) and interest at the rate of 1% per month or fraction thereof shall accrue on the tax, if any, from the date such tax was due to be paid. A statement shall be sent to the maker demanding payment within fifteen (15) days of the original amount of the check plus the added service charge, interest if any, and the cost of the postage incurred in mailing the statement. Failure of the maker to respond to the demand within fifteen (15) days shall constitute cause for the Department to suspend the maker's motor fuel license and thirty (30) days thereafter, to revoke the maker's motor fuel license."

Approved July 10, 1980.

CHAPTER 381

FORMERLY

HOUSE BILL NO. 985
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO DELIVERY OF BEER
ON SUNDAYS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

"Section 1. Amend Title 4, Section 714, Delaware Code, by striking the period (".")
at the end of subsection (b) and substituting in lieu thereof the following:

,except as subsection (g) of this section may apply."

Section 2. Amend Title 4, Section 714, Delaware Code, by striking the period (".")
at the end of subsection (c) and substituting in lieu thereof the following:

",except as subsection (g) of this section may apply."

Section 3. Amend Title 4, Section 714, Delaware Code, to add thereto a new
subsection "(g)", to read as follows:

"(g) Notwithstanding the provisions of subsection (e) of this Section, importers
or holders of a license for the sale of spirits, wines, or beer may deliver beer on
Sundays in motor vehicles equipped with permanently-installed devices for the
refrigeration and dispensing of beer to licensed gatherings only; provided, however,
that such licensee shall have first given notice of such delivery to the Commission."

Approved July 10, 1980.

CHAPTER 382

FORMERLY

HOUSE BILL NO. 990
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE STATE EMPLOYEES PENSION TRUST FUND PURSUANT TO THE PROVISIONS OF SECTION 5544(g), CHAPTER 55, TITLE 29, DELAWARE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. There is hereby appropriated to the State Employees Pension Trust Fund the sum of Five Million Sixty Eight Thousand Dollars (\$5,068,000), which appropriation is made pursuant to the provisions of 29 Delaware Code 5544 (g) and is that amount required for the second and final payment to amortize the unfunded accrued liability for the increase in certain service, survivor, and disability pensions granted pursuant to 62 Delaware Laws, Chapters 6 and 103.

Section 2. The sum appropriated in Section 1 of this Act is a supplemental appropriation, and it is the intent of the General Assembly that the funds so appropriated be identified as available, and be paid by the State Treasurer, from surplus General Fund monies over and above those required to fully fund the Budget Reserve Account.

Section 3. Funds appropriated and remaining unexpended or unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Approved July 10, 1980.

CHAPTER 383

FORMERLY

HOUSE BILL NO. 1029

AN ACT TO AMEND SUBCHAPTER II, TITLE 21 OF THE DELAWARE CODE RELATING TO INTERFERENCE WITH TRAFFIC CONTROL DEVICES.

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 §4112, Title 21, of the Delaware Code by adding to the Section's title the phrase "or other street signs" at the end of the present title.

Section 2. Amend §4112, Title 21, of the Delaware Code by adding the following phrase "or other type of highway signs erected by the State of Delaware regardless of whether such sign is classified as regulatory or informational."

Section 3. Amend §4112, Title 21, of the Delaware Code by adding a sentence at the end of the existing sentence to read as follows:

"Whoever violates this section shall, for the first offense, be fined not less than \$50.00 nor more than \$200.00, or imprisoned for not more than 10 days, or both. For each subsequent like offense committed within two (2) years, he shall be fined not less than \$100.00 nor more than \$400.00, or imprisoned for not more than 30 days, or both. Whoever violates this section shall in addition to any fine or incarceration make restitution to the State of Delaware for actual costs incurred to replace the traffic control device."

Approved July 10, 1980.

CHAPTER 384

FORMERLY

HOUSE BILL NO. 1064

AN ACT TO AMEND SUBCHAPTER III, OF CHAPTER 1, TITLE 17, DELAWARE CODE, RELATING TO THE AUTHORIZATION OF THE DEPARTMENT OF TRANSPORTATION TO ALLOW VENDING MACHINES AND OTHER ITEMS FOR THE DRIVER'S REST AND RELAXATION IN SAFETY ROADSIDE REST AREAS ON AN EXPERIMENTAL BASIS; AND TO FURTHER PROVIDE FOR A SPECIAL FUND WITHIN THE STATE TREASURY TO WHICH SUCH PROFITS SHALL BE EARMARKED.

WHEREAS, the Delaware Department of Transportation has been in contact with the Federal Highway Administration concerning safety roadside rest areas; and

WHEREAS, similar interest has been expressed by visitors to our rest areas and from other states; and

WHEREAS, the FHWA has concurred with the general approach being proposed by the Department for the purpose of testing the feasibility of vending products from safety roadside rest areas; and

WHEREAS, the purpose of this Act is to make certain items available at existing roadside rest areas which will enable drivers to be more rested and refreshed when leaving the rest area and thus drive more safely upon returning to the highway; and

WHEREAS, the Department is considering a test program in the Smyrna safety roadside rest location to determine the feasibility of placing vending machines in any future safety roadside rest areas, including a thorough analysis of the test program by gathering questionnaires from the traveling public to determine its success, acceptability, and need.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §132(c) of Subchapter III, Chapter 1, Title 17, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (14) to read as follows:

"(14) Place vending machines and/or other items that will enable drivers to be more rested and refreshed in safety roadside rest areas, unless prohibited by Federal laws, rules, or regulations. Any profits derived from such items shall be credited to the Department of Transportation Safety Roadside Rest Area Fund.

(i) There is hereby created within the State Treasury a special fund to be designated as the Department of Transportation Safety Roadside Rest Area Fund which shall be used in the operation and maintenance of the roadside rest areas under the jurisdiction of the Department.

(ii) Any profits realized by the Department from items available at existing roadside rest areas that are for the purpose of enabling drivers to be more rested and refreshed shall be deposited in the State Treasury to the credit of said Department of Transportation Safety Roadside Rest Area Fund. Such profits shall be used by the Department for the operation and maintenance of the safety roadside rest area facilities within its jurisdiction."

Section 2. The Department of Transportation is to proceed immediately with this program and report to the General Assembly on its progress on an annual basis.

Approved July 10, 1980.

CHAPTER 385

FORMERLY

HOUSE BILL NO. 1124

AN ACT TO AUTHORIZE THE DIRECTOR OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO TRANSFER TO THE DELAWARE AGRICULTURAL MUSEUM ASSOCIATION OWNERSHIP OF A LOG CABIN AND CONTENTS THEREIN OWNED BY THE STATE OF DELAWARE.

WHEREAS, the Delaware State Museum has among its exhibits a log cabin; and

WHEREAS, because the Delaware State Museum is running out of space it is prepared to make the log cabin and the contents thereof owned by the State of Delaware available to the Delaware Agricultural Museum Association; and

WHEREAS, the Delaware Agricultural Museum Association, which dedicated its museum on grounds of the Delaware State College last September, can use the log cabin and contents owned by the State and will make it a part of the farm display.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Director of the Division of Historical and Cultural Affairs is authorized to transfer to the Delaware Agricultural Museum Association ownership of a log cabin and its contents therein owned by the State of Delaware.

Section 2. The transfer agreement shall stipulate that the cost of moving the log cabin and the contents owned by the State of Delaware shall be borne by the Directors of the Delaware Agricultural Museum Association.

Approved July 10, 1980.

CHAPTER 386

FORMERLY

HOUSE BILL NO. 301

AN ACT TO AMEND CHAPTER 1, TITLE 31, DELAWARE CODE RELATING TO THE BURIAL OF THE REMAINS OF AN INDIGENT PERSON BY THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 31, Chapter 1, §110, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new §110 to read as follows:

"§110. Burial Expenses of Indigent Person

An indigent person's remains may be buried at public expense on the order of the Division of Social Services. Uniform standards for such burial shall be established by the Department of Health and Social Services. The fee shall be established by the Department at the lowest cost for which burial services which meet the standards can be locally obtained. In the event that funds are available from Social Security, Veterans Administration, or any other benefits or insurance, the compensation allowed to be paid for burial shall be reduced by the amount available from such benefits or insurance."

Approved July 10, 1980.

CHAPTER 387

FORMERLY

HOUSE BILL NO. 924
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 16, TITLE 16 OF THE DELAWARE CODE RELATING TO LITTER CONTROL AND TO PROVIDE FOR PAYMENT BY MAIL FOR VIOLATIONS OF THE 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. Chapter 16, Title 16 of the Delaware Code is amended by striking subsection (a) of Section 1605 and substituting in lieu thereof the following:

"(a) Any person found guilty of violating this Chapter shall be punished by a fine of not less than \$25 nor more than \$50 for each violation. In addition, any person found guilty of violating this chapter shall, at the discretion of the Court, be required to pick up and remove from any public street, highway, or public or private right-of-way, or public beach, stream, bank or public park any and all litter deposited thereon by anyone prior to the date of execution of sentence."

Section 2. Chapter 16, Title 16 of the Delaware Code is amended by adding thereto a new subsection to be designated as subsection (d) to read as follows:

"(d) Any duly constituted peace officer in the State, who charges any person with any offense under the provisions of this section may, in addition to issuing a summons for such offense, provide the offender with a voluntary assessment form which, when properly executed by the officer and the offender, allows the offender to dispose of the charge without the necessity of personally appearing in the Court to which the summons is returnable. Payments made pursuant to this section shall be remitted to the Court to which the summons is returnable and shall be received by the Court within ten (10) days from the date of arrest (excluding Saturday and Sunday) and shall be paid only by check or money order. The fine imposed pursuant to this subsection shall be the minimum fine as provided for in §1605 (a) of this title, plus other costs as may be assessed by law. Voluntary assessment forms, as used in this Section, means the written agreement or document signed by the violator wherein he agrees to pay by mail the fine for the offense described therein together with costs and penalty assessment."

Approved July 10, 1980.

CHAPTER 388

FORMERLY

HOUSE BILL NO. 1072

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO
GOOSE-NECKED SEMI-TRAILERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2152, Chapter 21, Title 21 of the Delaware Code by inserting the words "pickup truck, truck or" before the words "truck tractor" as they appear in subsection (a) of said section.

Approved July 10, 1980.

CHAPTER 389

FORMERLY

SENATE BILL NO. 235
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE
DEFINITION OF PROOF OF FINANCIAL RESPONSIBILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 101, Chapter 1, Title 21 of the Delaware Code by striking the number "\$5,000" as it appears in the definition of proof of financial responsibility in paragraph 27 and insert in lieu thereof the number "\$10,000."

Section 2. Further amend Section 101, Chapter 1, Title 21 of the Delaware Code by striking the number "\$10,000" as it appears in paragraph 27 and insert in lieu thereof the number "\$20,000".

Section 3. Further amend Section 101, Chapter 1, Title 21 of the Delaware Code by striking the number "\$1,000" as it appears in paragraph 27 and insert in lieu thereof the number "\$5,000".

Approved July 11, 1980.

CHAPTER 390

FORMERLY

SENATE BILL NO. 329
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO
ZONING REQUIREMENTS FOR FACILITIES FOR DEVELOPMENTALLY DISABLED
PERSONS.

WHEREAS, it is the policy of this state that developmentally disabled persons are entitled to live in normal residential surroundings, and should not be excluded therefrom because of their disability; and

WHEREAS, in order to implement the policy of this state, it is necessary to establish a statewide policy that the use of property for the care and housing of ten or fewer developmentally disabled persons is a residential use of such property for the purposes of zoning.

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. Amend Title 9, Chapter 26 by adding thereto a new section to read as follows:

"§2612. Zoning Regulations Relating to Residential Facilities For
Developmentally Disabled Persons.

(a) For purposes of all county zoning ordinances a residential facility licensed or approved by a state agency serving ten or fewer developmentally disabled persons on a 24 hour-per-day basis shall be construed to be a permitted single family residential use of such property.

(b) For purposes of this Section a developmentally disabled person is a person with a disability resulting in substantial functional limitations in a person's major life activities attributable to mental retardation, cerebral palsy, epilepsy, or autism, attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons, or attributable to a physical impairment.

(c) No residential facility serving ten or fewer developmentally disabled persons shall be established within a 5,000-foot radius of an existing, similar community residential facility in a residential area."

Section 2. Amend title 9, Chapter 49 by adding thereto a new section to read as follows:

"§4923. Zoning Regulations Relating to Residential Facilities For
Developmentally Disabled Persons.

(a) For purposes of all county zoning ordinances a residential facility licensed or approved by a state agency serving ten or fewer developmentally disabled persons on a 24 hour-per-day basis shall be construed to be a permitted single family residential use of such property.

(b) For purposes of this Section a developmentally disabled person is a person with a disability resulting in substantial functional limitations in a person's major life activities attributable to mental retardation, cerebral palsy, epilepsy, or autism, attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons, or attributable to a physical impairment.

(c) No residential facility serving ten or fewer developmentally disabled persons shall be established within a 5,000-foot radius of an existing, similar community residential facility in a residential area."

Section 3. Amend title 9, Chapter 68 by adding thereto a new section to read as follows:

"§6819. Zoning Regulations Relating to Residential Facilities For Developmentally Disabled Persons.

(a) For purposes of all county zoning ordinances a residential facility licensed or approved by a state agency serving ten or fewer developmentally disabled persons on a 24 hour-per-day basis shall be construed to be a permitted single family residential use of such property.

(b) For purposes of this Section a developmentally disabled person is a person with a disability resulting in substantial functional limitations in a person's major life activities attributable to mental retardation, cerebral palsy, epilepsy, or autism, attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons, or attributable to a physical impairment."

Section 4. Amend Title 22, Chapter 3 by adding thereto a new section to read as follows:

"§309. Zoning Regulations Relating to Residential Facilities For Developmentally Disabled Persons.

(a) For purposes of all local zoning ordinances a residential facility licensed or approved by a state agency serving ten or fewer developmentally disabled persons on a 24 hour-per-day basis shall be construed to be a permitted single family residential use of such property.

(b) For purposes of this Section a developmentally disabled person is a person with a disability resulting in substantial functional limitations in a person's major life activities attributable to mental retardation, cerebral palsy, epilepsy, or autism, attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons, or attributable to a physical impairment.

(c) No residential facility serving ten or fewer developmentally disabled persons shall be established within a 5,000-foot radius of an existing, similar community residential facility in a residential area."

Approved July 11, 1980.

CHAPTER 391

FORMERLY

SENATE BILL NO. 407
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 39, TITLE 18, OF THE DELAWARE CODE, RELATING
TO CASUALTY INSURANCE CONTRACTS FOR MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 39, Title 18, of the Delaware Code by adding thereto a
new section to read as follows:

"§3913 Requests for driving records; limitation

No insurer issuing a policy of insurance as described in this Chapter shall, before such policy is issued, require that the proposed insured provide such insurer with his driving record for any period other than the three years immediately preceding the proposed effective date of such policy; provided, however, that if no violations or accidents are reflected on such record for two years immediately preceding the proposed effective date of such policy during which period the insured held a valid operator's license, then an insurer may not consider more than such two year period for the purpose of issuing a policy of insurance."

Approved July 11, 1980.

CHAPTER 392

FORMERLY

SENATE BILL NO. 471

AN ACT TO AMEND CHAPTER 55, TITLE 29, DEL. C., RELATING TO THE STATE EMPLOYEES' PENSION PLAN BY PROVIDING FOR A REDUCED SERVICE PENSION AFTER TWENTY-FIVE YEARS OF CREDITED SERVICE REGARDLESS OF AGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5522 (a), Title 29, Del. C., by striking the period at the end thereof and substituting in lieu thereof the following:

"; or

- (4) he has twenty-five (25) years of credited service, exclusive of service credited under §5501 (b) (4) or (5), regardless of age."

Section 2. Amend §5522, Title 29, Del. C., by adding at the end thereof the following:

- "(d) The amount of the service pension payable to an employee who becomes eligible to receive a service pension pursuant to subsection (a) (4) of this section shall be reduced by four-tenths percent for each month of credited service the employee has less than thirty (30) years."

Approved July 11, 1980.

CHAPTER 393

FORMERLY

SENATE BILL NO. 510

AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO REIMBURSING STATE EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5112, Chapter 51, Title 29, Delaware Code, by striking the period "," after the word "salaries" which is the last word of §5112 and inserting the following:

"; provided further, that this Section shall not apply to employees of the Division of Economic Development."

Approved July 11, 1980.

CHAPTER 394

FORMERLY

SENATE BILL NO. 513
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE RELATING TO THE IDENTIFICATION OF THE PRINCIPAL PLACE OF BUSINESS WHEN RECOVERING CLAIMS FROM AN INSURER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4212, Chapter 42, Title 18, Delaware Code, by adding thereto a new subsection (c) to read as follows:

"(c) For purpose of determining residence under this Section, if the insured is a corporation which transacts business outside of the State of incorporation, recovery shall be sought in that jurisdiction where a principal place of business most closely related to the claim is located."

Approved July 11, 1980.

CHAPTER 395

FORMERLY

SENATE BILL NO. 532

AN ACT TO AMEND CHAPTER 121, VOLUME 32, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 181, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER AND LIGHT COMMISSIONERS FOR THE CITY OF NEW CASTLE", RELATING TO THE SALARIES OF THE COMMISSIONERS.

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 181, Volume 36, Laws of Delaware, by striking Section 1, thereof in its entirety and substituting in lieu thereof the following:

"Section 1. Amend Chapter 121, Volume 32, Laws of Delaware by adding thereto a new section 11, to read as follows:

"Section 11. Commencing April 1, 1980, the President of the Board shall receive an annual salary of One Thousand One Hundred Dollars (\$1,100.00) and each member of the Board an annual salary of One Thousand Dollars (\$1,000.00) for their services, payable quarterly out of the funds of the Board, and in addition to their necessary expenses in the performance of their duties. The provisions of Section 2 of said Act are changed to the extent provided by this Section."

Approved July 11, 1980.

CHAPTER 396

FORMERLY

SENATE BILL NO. 573
AS AMENDED BY SENATE AMENDMENTS NOS. 4 AND 6
AND HOUSE AMENDMENT NO. 1

AN ACT TO AUTHORIZE MEDICAL EXAMINERS IN DELAWARE TO PROVIDE TO EYE BANKS CORNEAS FROM DECEDENTS UNDER THEIR JURISDICTION AND TO PROVIDE IMMUNITY FROM CERTAIN CIVIL ACTION ARISING THEREFROM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 47, Title 29, Delaware Code, by adding thereto a new section to read as follows:

"§4711. Authority to Provide Corneas to Eye Banks

(a) Upon request of an authorized eye bank on behalf of a patient in need of corneal tissue for a transplant, a medical examiner is authorized to provide the cornea under the following conditions:

(1) a decedent who may provide a suitable cornea for transplant is under the jurisdiction of the medical examiner;

(2) after making bona fide good faith efforts to contact the next of kin, no objection by the next of kin is known by the medical examiner prior to the removal of the cornea by an authorized representative of an eye bank; and

(3) the cornea for transplant will not interfere with the subsequent course of an investigation or autopsy or alter the post mortem facial appearance of the decedent.

(b) For the purposes of this section, the following terms shall have the following meanings:

'Authorized Eye Bank' includes the Eye Foundation of Delaware Valley and any other eye bank approved by the Eye Bank Association of America.

'Next of kin' means:

(1) a spouse;

(2) if no spouse, the decedent's adult children;

(3) if no spouse or adult children, the decedent's parents.

(c) The Medical examiner or an authorized eye bank, while acting in compliance with this section, shall not be liable to the next of kin of a decedent, whose corneal tissue is removed and donated pursuant to the provisions of this section, for any civil damages."

Approved July 11, 1980.

CHAPTER 397

FORMERLY

SENATE BILL NO. 607
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 83, TITLE 11, OF THE DELAWARE CODE, RELATING
TO WITHDRAWAL OF PENSION CONTRIBUTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 83 of Title 11 of the Delaware Code by adding thereto a
new section to read as follows:

"§8329. Withdrawal of Pension Contributions

Upon the withdrawal from service of a member who is not eligible for a
service or disability pension, his accumulated contributions with interest shall be
paid to him. The provisions of this section shall be applied retrospectively to
members who withdrew from service on or after July 1, 1976."

Approved July 11, 1980.

CHAPTER 398

FORMERLY

SENATE BILL NO. 612

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COUNTY AND MUNICIPAL PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, Delaware Code by adding thereto a new Chapter 55A to read as follows:

"CHAPTER 55A. DELAWARE COUNTY AND MUNICIPAL PENSION PLAN

SUBCHAPTER I. GENERAL PROVISIONS

§5551. Definitions

As used in this Chapter:

(a) 'Approved medical leave' means a leave of absence from employment, without pay, for a definite period of time, authorized by the employer, and necessitated by the employee's mental and/or physical condition. Approved medical leaves shall not exceed one year unless extended by the Board of Pension Trustees.

(b) 'Board' shall mean the Board of Pension Trustees established by §8308 of Chapter 83, Title 29, Delaware Code.

(c) 'Compensation' shall mean all salary, wages, and fees, including overtime payments and special payments for extra duties, payable to a member for service credited under paragraph (d)(1) and the value of any maintenance provided for him as part of such payments.

(d) 'Credited service' shall mean, for any individual,

(1) service as an employee after the date of affiliation with the Fund by his employer, excluding any period during which an employee is on an approved medical leave or approved sabbatical leave unless service credit for such period or periods of leave is purchased pursuant to subparagraphs (5) or (6) of this Section,

(2) service as an 'employee' as defined in Chapter 55, §5501(a)(1) and (2) of this Title, rendered subsequent to the service credited pursuant to subsection (1), provided that the individual is not accruing nor collecting benefits under the State Employees Pension Plan for such service.

(3) restored credited service. If a member ceases to be an employee before he has acquired 10 years of credited service, his service credits to the date of termination shall be cancelled but shall be restored if: (i) his cessation of employment is due to absence on account of military service, disability or approved leave, under such rules as the Board may adopt, and he again becomes an employee within four (4) months after such absence, or (ii) he again becomes an employee within four (4) months after such

cessation of employment or (iii) he subsequently acquires five (5) years of credited service, provided that if he has withdrawn his contributions he repays them with interest at a rate determined by the Board.

(4) purchased service. A member may elect to purchase (i) up to five (5) years of credited service for full-time active duty in the Armed Services of the United States, and/or (ii) up to five (5) years of credited service for full-time employment performed for another state, a political subdivision of another state, or other service with the State of Delaware for which the employee will not receive pensionable credit in another Delaware State Pension Plan, a county or municipality of the State of Delaware, the Federal Government, or an accredited private school or college, provided that the member pays into the Fund, on or before the date of issuance of his first benefit check, a single lump sum payment equal to the actuarial value of the pension benefits to be derived from such service credits computed on the basis of actuarial assumptions approved by the Board and the member's attained age and final average compensation. Any credited service purchased under this paragraph (4) shall not be used to determine eligibility for benefits under this Chapter.

(5) Approved medical leave if the member subsequently accrues at least one (1) year of credited service under paragraph (1) of this subsection and pays into the Fund prior to the issuance of his or her first pension check, contributions determined by multiplying the rates in effect at the time of payment for member contributions and employer contributions times the average of the sixty (60) months of creditable compensation used to calculate the member's pension benefit times the months or fractions thereof so credited. Any credited service purchased for medical leave shall not be used to determine eligibility for benefits under this Chapter.

(6) Approved sabbatical leave if the member pays into the Fund, prior to the issuance of his or her first pension check, contributions equal to the sum of the employee contributions and employer contributions which would have been made to the Fund during such periods of sabbatical leave, with the amount of such contributions to be determined in accordance with rules and regulations adopted by the Board.

(e) 'Employee' shall mean: (1) an individual who is employed on a full time or annual basis or on a regular part time basis, as the terms 'full time or annual basis' and 'regular part time basis' are defined in rules and regulations adopted by the Board, by an employer; or (2) an elected or appointed official; or (3) a person defined in subparagraphs (1) or (2) of this subsection during the period he or she is on an approved medical or sabbatical leave.

(f) 'Employer' shall mean a county or municipality in Delaware which has affiliated with the Fund established by Chapter 55 as provided in §5555.

(g) 'Final average compensation' shall mean 1/60 of the compensation paid to an employee during any period of sixty (60) consecutive months or any sixty (60) months comprised of five (5) periods of twelve (12) consecutive months in his or her years of credited service in which his or her compensation was highest.

(h) The clause 'for which he or she is eligible under the Federal Social Security Act' shall mean the old age insurance benefit or the disability insurance benefit for which a member is or will be eligible by virtue of age and his or her wage credits under the Federal Social Security Act, based on his or her final average compensation and the provisions of the Federal Social Security Act in effect when the member ceased to be an employee under this Chapter and computed in accordance with rules and regulations approved by the Board, regardless of any other factors such as, without limitation, whether the member has made application for Social Security benefits or is subsequently employed.

(i) 'Fund' shall mean the Fund established by Chapter 55, §5541 of this Title.

(j) 'Inactive member' shall mean a member who:

- (1) has terminated service;
- (2) is not eligible to begin receiving a service or disability pension; and
- (3) has neither applied for nor received a refund of his contributions.

(k) 'Member' shall mean a person who is first hired as an employee on or after the date the employer affiliates with the Fund and who has not attained age 65 on the date of hire.

(l) 'Retired member' shall mean a member who has terminated service, other than an inactive member, who is eligible to receive a service or disability pension under this Chapter.

§5552. Employment of Pensioners

(a) An individual shall not receive a pension under this Chapter for any month during which he is an employee, unless he is:

- (1) An official elected by popular vote at a regular or special election, or
- (2) An official appointed by the Governor, or
- (3) A temporary employee whose earnings from such temporary employment do not exceed the maximum allowed by Social Security without affecting Social Security benefits, or
- (4) A registration or election official, or a juror.

§5553. Attachment and Assignment of Benefits

The benefit provided by this Chapter shall not be subject to attachment or execution and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

§5554. Waiver of Benefits

Any individual entitled to any benefits under this Chapter may decline to accept all or any part of such benefits by a waiver signed and filed with the Board. Such waiver may be revoked in writing at any time, but no payment of the benefits waived shall be made covering the period during which such waiver was in effect.

§5555. Optional Participation of Counties and Municipalities

Any county or municipality may elect to participate in the State Employees' Pension Fund beginning July 1 of any year on or after July 1, 1981. Application to participate shall be by resolution approved by the governing body of the county or municipality and shall be submitted to the Board in such form as the Board shall determine, not later than ninety (90) days prior to the date participation is to begin, except such time limit may be reduced by the Board. Any such application, upon approval by the Board, shall be irrevocable. Each participating county and municipality shall provide such information to the Board as it may require for the administration of this Chapter.

SUBCHAPTER II. ELIGIBILITY REQUIREMENTS AND BENEFITS

§5571. Mandatory Retirement

A member shall retire on his mandatory retirement date as established by the employer.

cessation of employment or (iii) he subsequently acquires five (5) years of credited service, provided that if he has withdrawn his contributions he repays them with interest at a rate determined by the Board.

(4) purchased service. A member may elect to purchase (i) up to five (5) years of credited service for full-time active duty in the Armed Services of the United States, and/or (ii) up to five (5) years of credited service for full-time employment performed for another state, a political subdivision of another state, or other service with the State of Delaware for which the employee will not receive pensionable credit in another Delaware State Pension Plan, a county or municipality of the State of Delaware, the Federal Government, or an accredited private school or college, provided that the member pays into the Fund, on or before the date of issuance of his first benefit check, a single lump sum payment equal to the actuarial value of the pension benefits to be derived from such service credits computed on the basis of actuarial assumptions approved by the Board and the member's attained age and final average compensation. Any credited service purchased under this paragraph (4) shall not be used to determine eligibility for benefits under this Chapter.

(5) Approved medical leave if the member subsequently accrues at least one (1) year of credited service under paragraph (1) of this subsection and pays into the Fund prior to the issuance of his or her first pension check, contributions determined by multiplying the rates in effect at the time of payment for member contributions and employer contributions times the average of the sixty (60) months of creditable compensation used to calculate the member's pension benefit times the months or fractions thereof so credited. Any credited service purchased for medical leave shall not be used to determine eligibility for benefits under this Chapter.

(6) Approved sabbatical leave if the member pays into the Fund, prior to the issuance of his or her first pension check, contributions equal to the sum of the employee contributions and employer contributions which would have been made to the Fund during such periods of sabbatical leave, with the amount of such contributions to be determined in accordance with rules and regulations adopted by the Board.

(e) 'Employee' shall mean: (1) an individual who is employed on a full time or annual basis or on a regular part time basis, as the terms 'full time or annual basis' and 'regular part time basis' are defined in rules and regulations adopted by the Board, by an employer; or (2) an elected or appointed official; or (3) a person defined in subparagraphs (1) or (2) of this subsection during the period he or she is on an approved medical or sabbatical leave.

(f) 'Employer' shall mean a county or municipality in Delaware which has affiliated with the Fund established by Chapter 55 as provided in §5555.

(g) 'Final average compensation' shall mean 1/60 of the compensation paid to an employee during any period of sixty (60) consecutive months or any sixty (60) months comprised of five (5) periods of twelve (12) consecutive months in his or her years of credited service in which his or her compensation was highest.

(h) The clause 'for which he or she is eligible under the Federal Social Security Act' shall mean the old age insurance benefit or the disability insurance benefit for which a member is or will be eligible by virtue of age and his or her wage credits under the Federal Social Security Act, based on his or her final average compensation and the provisions of the Federal Social Security Act in effect when the member ceased to be an employee under this Chapter and computed in accordance with rules and regulations approved by the Board, regardless of any other factors such as, without limitation, whether the member has made application for Social Security benefits or is subsequently employed.

(i) 'Fund' shall mean the Fund established by Chapter 55, §5541 of this Title.

(j) 'Inactive member' shall mean a member who:

- (1) has terminated service;
- (2) is not eligible to begin receiving a service or disability pension; and
- (3) has neither applied for nor received a refund of his contributions.

(k) 'Member' shall mean a person who is first hired as an employee on or after the date the employer affiliates with the Fund and who has not attained age 65 on the date of hire.

(l) 'Retired member' shall mean a member who has terminated service, other than an inactive member, who is eligible to receive a service or disability pension under this Chapter.

§5552. Employment of Pensioners

(a) An individual shall not receive a pension under this Chapter for any month during which he is an employee, unless he is:

- (1) An official elected by popular vote at a regular or special election, or
- (2) An official appointed by the Governor, or
- (3) A temporary employee whose earnings from such temporary employment do not exceed the maximum allowed by Social Security without affecting Social Security benefits, or
- (4) A registration or election official, or a juror.

§5553. Attachment and Assignment of Benefits

The benefit provided by this Chapter shall not be subject to attachment or execution and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

§5554. Waiver of Benefits

Any individual entitled to any benefits under this Chapter may decline to accept all or any part of such benefits by a waiver signed and filed with the Board. Such waiver may be revoked in writing at any time, but no payment of the benefits waived shall be made covering the period during which such waiver was in effect.

§5555. Optional Participation of Counties and Municipalities

Any county or municipality may elect to participate in the State Employees' Pension Fund beginning July 1 of any year on or after July 1, 1981. Application to participate shall be by resolution approved by the governing body of the county or municipality and shall be submitted to the Board in such form as the Board shall determine, not later than ninety (90) days prior to the date participation is to begin, except such time limit may be reduced by the Board. Any such application, upon approval by the Board, shall be irrevocable. Each participating county and municipality shall provide such information to the Board as it may require for the administration of this Chapter.

SUBCHAPTER II. ELIGIBILITY REQUIREMENTS AND BENEFITS

§5571. Mandatory Retirement

A member shall retire on his mandatory retirement date as established by the employer.

\$5572. Eligibility for Service Pension

(a) A member shall become eligible to receive a service pension, beginning with the month after he has terminated employment, if:

(1) he has five (5) years of credited service, and has attained age sixty-five (65), or

(2) he has fifteen (15) years of credited service, and has attained age sixty (60), or

(3) he has thirty (30) years of credited service.

(b) An inactive member with a vested right to a service pension shall become eligible to receive such pension, computed in accordance with the provisions of this Chapter in effect when he or she ceased to be an employee, beginning with the first month after his or her attainment of age sixty-two (62).

(c) A member shall become eligible to receive a reduced service pension beginning with the month after he or she has terminated employment, if he or she has fifteen (15) years of credited service, and has attained age fifty-five (55). The amount of the service pension shall be reduced by four-tenths percent (4/10%) for each month the member is under age sixty (60).

\$5573. Vested Right to Service Pension

(a) A member who has ten (10) years of credited service shall have a vested right to a pension.

(b) An inactive member's vested right shall be forfeited upon his application for a refund of his accumulated contributions and his membership cancelled.

\$5574. Eligibility for Disability Pension

(a) A member who has five (5) years of credited service, becomes disabled, and is no longer employed shall become eligible to receive a disability pension beginning with the month following the inception of his or her disability. Such member shall cease to be eligible at the end of the month in which he or she recovers from disability, if such recovery occurs before his or her attainment of age sixty (60).

(b) A member shall be deemed disabled who is unable to engage in any substantial gainful activity for which the employee is reasonably suited by training or experience by reason of any medically determinable physical or mental impairment which can be expected to result in death or to last for a period of not less than twelve (12) months.

\$5575. Payment of Service Pension

Service pension payments shall be made to a retired member for each month beginning with the month in which he became eligible to receive such pension and ending with the month in which he dies.

\$5576. Payment of Disability Pension

(a) Disability pension payments shall be made to a member for each month beginning with the month in which he becomes eligible to receive such pension and ending with the month in which he ceases to be eligible or dies.

(b) Any member receiving a disability pension who has not attained age sixty (60) shall report to the Board by February 15 each year, in a form prescribed by the Board, his total earnings from any gainful occupation or business in the preceding calendar year. The excess of such earnings over one-half of the annual rate of compensation received by him before he became disabled shall be deducted from his disability pension during the twelve (12) months beginning in March of the year

following the calendar year for which earnings are reported, in a manner determined by the Board. If any person received a disability pension for less than twelve (12) months in the calendar year for which earnings are reported, the deduction, if any, shall be determined on a pro rata basis.

(c) Termination of a disability pension on account of recovery from disability shall not prejudice the right of the retired member to qualify subsequently for a service pension or another disability pension.

\$5577. Amount of Service or Disability Pension

(a) The amount of the monthly service or disability pension payable to a retired member shall be $1/60$ of his or her final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his or her period of credited service subject to the following limitations:

(1) The service pension, beginning at age sixty-two (62) or, if later, at retirement, shall be in no case exceed seventy-five percent (75%) of final average compensation minus the old age insurance benefit for which he or she is eligible under the Federal Social Security Act at age sixty-two (62), the result to be multiplied by the ratio, not to exceed one, the numerator of which is his or her years of credited service and the denominator of which is thirty (30) years, and

(2) the disability pension, when combined with the disability insurance benefit or old age insurance benefit for which he or she is eligible under the Federal Social Security Act, without taking into account any increases in such benefit after payments commence, shall in no case exceed seventy-five percent (75%) of final average compensation.

\$5578. Survivor's Pension

(a) Upon the death of a member in service who has five (5) years of credited service, a monthly survivor's pension shall be payable to his or her eligible survivor or survivors equal to one-half ($1/2$) of the service pension for which the employee would have been eligible if he or she had been sixty-two (62) years of age.

(b) Upon the death of a retired member, a monthly survivor's pension shall be payable to his or her eligible survivor or survivors equal to one-half ($1/2$) of such service or disability pension, provided that upon the death of a retired member who had not attained age sixty-two (62) and was receiving a service pension, a monthly survivor's pension shall be payable to his or her eligible survivor or survivors equal to one-half ($1/2$) of the service pension for which the retired member would have been eligible if he had been sixty-two (62) years of age.

(c) For the purpose of this Section, the eligible survivors of a member or retired member shall be as follows, provided that a member may change the priority of eligible survivors specified for herein by designating his or her priority of eligible survivors on a form prescribed by the Board and filed with the Board at the time of the member's death:

(1) the widow or widower, provided such person had been married to the deceased member for at least one (1) year before the date of death, or

(2) if there is no eligible widow or eligible widower, a child (or with the survivor's pension divided among them in equal shares, all such children if there are more than one), provided the child is unmarried and either:

(i) has not attained age eighteen (18),

(ii) has attained age eighteen (18) but not age twenty-two (22) and is attending school on a full time basis, or

(iii) has attained age eighteen (18) and is permanently disabled as the result of a disability which began before he attained age eighteen (18), or

(3) if there is no eligible widow, eligible widower, or eligible child, a dependent parent (or, with the survivor's pension divided between them in equal shares, both such parents if there are two [2]).

(d) The amount payable to a widow or widower who has not attained age fifty (50) at the time the survivor's pension begins shall be actuarially reduced, in accordance with actuarial tables approved by the Board, for each month the survivor is under age fifty (50) at such time, provided, however, that the actuarial reduction for any such widow or widower shall not apply for the period during which such widow or widower has in his or her care a son or daughter who is unmarried and either: (i) has not attained age eighteen (18), (ii) has attained age eighteen (18) but not age twenty-two (22) and is attending school on a full-time basis, or (iii) has attained age eighteen (18) and is permanently disabled as the result of a disability which began before he attained age eighteen (18).

(e) A parent shall be deemed to have been dependent on the member or retired member who was receiving at least one-half (1/2) of his or her support from the member at the time of the member's death.

(f) A survivor's pension shall begin with the month following the month in which the member or retired member dies. If payable to a widow or widower, it shall cease with the month in which the survivor dies or marries. If payable to a parent, it shall cease with the month in which the parent dies. If payable to a child, it shall cease with the month in which the child dies or fails to meet the conditions of eligibility in paragraph (c)(3) herein.

\$5579. Death Benefit

Upon the death of a member, inactive member, retired member, or individual receiving a survivor's pension, there shall be paid to the designated beneficiary or beneficiaries or, in the absence of a designated beneficiary, to the estate of the member, inactive member, retired member, or survivor, a lump sum equal to the excess, if any, of the accumulated member contributions with interest over the aggregate of all pension payments made.

\$5580. Withdrawal Benefit

Upon the withdrawal from service of a member who is not eligible for a service or disability pension, his accumulated contributions with interest shall be paid to him. There shall be a rebuttable presumption that a former member who fails to apply for a withdrawal benefit within five (5) years after the date he or she first becomes eligible to receive such benefits has waived his or her right to the withdrawal benefit.

\$5581. Application of Benefits

(a) A service pension, disability pension, survivor's pension, death benefit, or withdrawal benefit shall be paid only upon the filing of an application in a form prescribed by the Board. A monthly benefit shall not be payable for any month earlier than the second month preceding the date on which the application for such benefit is filed. In no event shall a withdrawal benefit be paid to an individual whose application is filed more than five (5) years after the date he first becomes eligible to receive such benefit.

(b) The Board may require any member, inactive member, retired member, or eligible survivor to furnish such information as may be required for the determination of benefits under this Chapter, or to authorize the Board to procure such information including, but not limited to, information regarding benefits pursuant to the Federal Social Security Act. The Board may withhold payment of any pension under this Chapter whenever the determination of such pension is dependent upon such information and the member, inactive member, retired member, or eligible survivor does not cooperate in the furnishing or procuring thereof.

SUBCHAPTER III. FINANCING AND ADMINISTRATION

S5591. Member Contributions

Member contributions to the Fund shall be either (a) three percent (3%) of total monthly compensation in excess of Five Hundred Dollars (\$500), plus two percent (2%) of that portion which exceeds the amount determined by dividing social security wage base by twelve (12); or (b) if any member receives annual compensation in fewer than twelve (12) months, three percent (3%) of total monthly compensation which exceeds the amount determined by multiplying the ratio of twelve (12) over the number of months which he receives annual compensation times Five Hundred Dollars (\$500), plus two percent (2%) of monthly compensation which exceeds the amount determined by dividing the social security wage base by the number of months he or she receives annual compensation. In no event shall total compensation during any calendar year in excess of Six Thousand Dollars (\$6,000) be exempt from contributions.

S5592. Employer Contributions

The contribution of an employer for each fiscal year shall be the percentage of covered payroll approved by the Board on the basis of the most recent actuarial valuation, and shall equal (i) the normal cost; plus (ii) adjustments for actuarial gains and losses or increases in benefits adopted on or subsequent to participation; plus (iii) administrative costs."

Approved July 11, 1980.

CHAPTER 399

FORMERLY

SENATE BILL NO. 617

AN ACT MAKING A SUPPLEMENTARY APPROPRIATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT FOR THE PURPOSE OF ESTABLISHING A STATE ASSISTED YOUTH WORK PROGRAM FOR PART OF THE SUMMER OF 1980.

WHEREAS, the outlook for work for the State's young people during the Summer of 1980 is bleak; and

WHEREAS, young people who are ready and willing to work should be given the opportunity to use their abilities and skills; and

WHEREAS, a state-assisted youth-work program for part of the Summer of 1980 will help to augment the job market and will give a number of young people a positive feeling about their position in the community.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The sum of \$84,000 is hereby appropriated to the Department of Community Affairs and Economic Development to be used for a youth work program for a period of six weeks commencing July 15, 1980 and to be allocated in the following manner:

\$ 26,000	New Castle County (outside the City of Wilmington)
26,000	City of Wilmington
16,000	Kent County
<u>16,000</u>	Sussex County
\$ 84,000 - TOTAL	

Section 2. This is a supplementary appropriation act and the funds herein appropriated shall be paid out of the General Fund of the State from funds not otherwise appropriated.

Section 3. The funds herein appropriated remaining unexpended or unencumbered on September 15, 1980 shall revert to the General Fund of the State of Delaware.

Section 4. Notwithstanding any other provision of the Delaware Code to the contrary youth chosen for work under this program shall not be less than 15 years of age nor more than 20 years of age and shall be required to provide evidence of same before becoming eligible. All youth participating in the state assisted program shall be required to present a letter from their parents or guardian indicating their consent to work and also releasing the State of Delaware and the sponsoring agency from any liability for assignments in the low risk jobs that will be available.

Youth chosen to work under this program shall not be required to work more than 6 hours per day, nor more than 4 days per week and such youth shall receive minimum wage payable under Delaware law.

Preference shall be given to single parent family members whose income does not exceed \$11,000. Two parent family income shall not exceed \$19,000.

Any non-profit or tax exempt organization certified by the Department of Community Affairs and Economic Development may be authorized to be a sponsoring agent for the state assisted youth work program.

Sponsoring agents shall be required to submit a plan or project of activity of meaningful and productive work experience providing such details as the Department shall deem necessary before becoming eligible as a sponsoring agent.

The sponsoring agent shall provide one work leader for each 20 youth employed in the program to supervise and monitor the attendance and work performance of the youth selected for the program. Work leaders shall be paid no more than \$4.50 per hour and shall work no longer than 8 hours per day and 5 days per week.

In each of the political subdivisions wherein funds have been appropriated no more than \$2,000 shall be expended for administrative purposes and no more than \$1,000 shall be expended for equipment, supplies or mileage.

A record of all equipment and supplies purchased with funds herein appropriated shall be kept by the sponsoring agent and at the conclusion of the six week program such supplies and equipment shall be turned over to the Department of Community Affairs and Economic Development.

Approved July 11, 1980.

CHAPTER 400

FORMERLY

SENATE BILL NO. 618

AN ACT TO AMEND CHAPTER 663, VOLUME 60, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 106, VOLUME 62 RELATING TO PENSION BENEFITS OF CORRECTIONS OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1, Chapter 663, Volume 60, Laws of Delaware, as amended by Chapter 106, Volume 62, by striking therefrom the phrase "July 1, 1980", and inserting in lieu thereof the phrase "July 1, 1981".

Section 2. Amend Section 2, Chapter 663, Volume 60, Laws of Delaware, as amended by Chapter 106, Volume 62 by striking the phrase "June 30, 1980", and inserting in lieu thereof the phrase "June 30, 1981".

Approved July 11, 1980.

CHAPTER 401

FORMERLY

SENATE BILL NO. 637

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO REINCORPORATE THE TOWN OF FRANKFORD.

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 following is hereby adopted as the Charter of the Town of Frankford:

NAME AND TERRITORIAL LIMITS

The inhabitants of the Town of Frankford, in the County of Sussex, State of Delaware, are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Town of Frankford."

The Boundaries of the Town of Frankford are hereby established and declared to be as follows:

BEGINNING, for the purpose of this description at a point on the Southwesterly right-of-way line of Main Street at the center of Vine Branch Canal; thence by and with the centerline of said Vine Branch Canal, in a Southwesterly direction approximately 1,635 feet; thence in a Westerly direction to a point on the Westerly right-of-way line of Delaware Street and the Westerly right-of-way line of the Penn Central Transportation Company; thence in a Northwesterly direction approximately 1,100 feet to the Southeasterly right-of-way line of Frankford Avenue; thence in a Northwesterly direction approximately 590 feet to the Easterly right-of-way line of U.S. Route 113; thence by and with the Easterly right-of-way line of said U.S. Route 113 to its intersection with the Southerly right-of-way line of Hickory Street; thence by and with the Southerly right-of-way line of Hickory Street approximately 636 feet to a point; thence Northerly 1,651.5 feet approximately, to a point on the Easterly right-of-way of the Penn Central Transportation Company; thence by and with the following 5 courses and distances, to-wit: 1) N 52 degrees 35 minutes 40 seconds E, 1,497.92 feet; 2) N 02 degrees 05 minutes 00 seconds E, 2,640.97 feet; 3) S 87 degrees 05 minutes 00 seconds E, 660.0 feet; 4) S 02 degrees 05 minutes 00 seconds W, 60.0 feet to a point on the Westerly right-of-way line of Honolulu Road; thence by and with the Westerly right-of-way line of Honolulu Road to the Southerly right-of-way line of Thatcher Street; thence in a Southeasterly direction to the center of Vine Branch Canal; thence by and with the center of Vine Branch Canal in a Southwesterly direction to the BEGINNING.

The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, when so made and approved by the said Council, and signed by the President and Secretary of the Council, and sealed with the Town Seal, and when recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for Sussex County, at Georgetown, shall be deemed to be a true map and plot of the Town, 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.

GENERAL POWERS

Section 2. (A) The inhabitants of the Town of Frankford, within the limits and boundaries referred to in Section 1 of this Act, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic and corporate in Law and Equity by the Corporate name of "The Town of Frankford," hereinafter called The Town, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of Law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require, subject however to other sections of this Act.

As hereinafter provided in Section 20 of this Charter relating to power to issue Bonds, the Town shall have all other powers and functions requisite to or appropriate, for the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort, and well being of its population and the protection and preservation of property, public and private; and all actions, suits, and proceedings shall be brought in the name of "The Town of Frankford."

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of Frankford shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town of Frankford whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinance or resolution of the Town Council.

STRUCTURE OF GOVERNMENT

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 a Town Council. The Town Council shall consist of five members who shall be citizens of the State of Delaware and residents of the said Town above the age of twenty-one years at the time of their nomination. No compensation shall be paid to Councilmen.

ELECTION IN GENERAL

Section 4. The present Members of the Town Council, shall by this Act be appointed to serve and shall continue to act as Councilmen of said Town from and after the passage hereof until Councilmen are duly elected; and that at the annual election held on the first Saturday in February, 1981, after the passage of this Act as provided for in Section 5 of this Act: two (2) Councilmen shall be elected for a term of two (2) years and that at the annual election to be held the first Saturday in February 1982 three (3) councilmen shall be elected for a term of two (2) years; and thereafter the successor of each member of the Town Council shall be elected by the qualified voters as defined in Section 5 of this act to serve for a term of two (2) years.

MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS

Section 5. (A) The annual municipal elections shall be held the first Saturday in the Month of February from one o'clock P.M., until four o'clock P.M., at such places as shall be determined by the Council, due notices of which shall be given by posting notices thereof in five public places within the limits of the Town of Frankford, not less than ten days before the day of the annual election.

(B) Said members of the Council shall be nominated as follows, viz:

At least ten days before the day of the election as hereinafter fixed, nominations shall be filed with the Secretary of the Council. Said nominations shall be in writing signed by the nominee or five other citizens of the Town, which nominations shall be presented to the Council by the said Secretary at the meeting to be held at the usual meeting place, which shall not be later than eight o'clock in the evening of the last day for filing said nominations. Voting machines shall be used to record votes cast at all elections and the Council shall provide for the payment of all costs and expenses incident to their use, provided that in the event no contest exists in any election such voting machines shall not be required in such elections.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voce vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

(D) At such annual election, every person, male or female, who shall have attained the age of eighteen (18) years, and who shall be a resident in the Town of Frankford for a period of thirty days immediately preceding the date of such Annual Municipal Election, and who shall be a resident of the State of Delaware and the Town of Frankford shall have one (1) vote, provided such person is registered on the "Books of Registered Voters" of the Town of Frankford, as set forth herein. The Town Council may provide a register to be known as "Book of Registered Voters", which is to be kept at the office of the Town Secretary. The Book of Registered Voters shall contain the following information for each register. The names of the voters arranged in alphabetical order, the pertinent addresses of the voters, the local address of the voter, the birth date of the voter, the date the register became a resident of the State of Delaware, the date the register became a resident of the Town of Frankford, the date the register became a freeholder of the Town of Frankford, and other pertinent information. No person shall be registered upon the Book of Registered Voters, until 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 the 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 Book of Registered Voters and notice sent to said registered voter at his last known address by Certified 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 Book of Registered Voters may be maintained at the Office of the Town Secretary and shall constitute conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the Town Secretary during the regular business hours on any day until the close of business on the second Friday in January in any year.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie vote for any office, the Election Board shall determine the tie by lot.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected notice of the Election, which Book, containing such minutes, shall be preserved by the Council, and shall be evidence of any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 6. On the first Monday following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and thereafter shall hold meetings at such time as hereinafter provided.

SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U.S. mail in the main post office in the Town of Frankford at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Frankford shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

QUORUM

Section 8. In the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it received the affirmative vote of a majority of all members elected to Council.

RULES AND MINUTES OF COUNCIL

Section 9. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the Journal with the text of the ordinance or resolution.

VACANCIES

Section 10. In case of a vacancy created in the members of the Council either by death, resignation, loss of residence in the Town of Frankford, or otherwise, the Council shall fill such vacancy for the remainder of the entire term. In the event of any such vacancy, a special meeting shall be called by the secretary adhering to the notice requirements hereinbefore mentioned therefor, which special meeting held for the purpose of filling such vacancy shall be held within 45 days.

DISQUALIFICATION

Section 11. If any Councilman shall, during his term of office, lose his residence in said Town, or his citizenship in the State of Delaware, or be found guilty of any crime or misdemeanor other than minor traffic violations, he shall forthwith be disqualified to act as a Member of Council, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said Council, to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Frankford with any member of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is peculiarly interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

REGULAR MEETINGS OF COUNCIL

Section 13. The Council of the Town of Frankford shall hold regular meetings once a month at such times as may be prescribed by the ordinance and resolution at the Town Hall, or at such other suitable place in said Town as the Council may select, but in the event of a temporary change in the place of meeting, public notice shall be posted in the usual place of meeting not later than seven o'clock P.M. on the evening of the said meeting, plainly stating the new place of meeting selected by Council, and the day and hour of such meeting.

OFFICERS

Section 14. (A) The Council shall, at the annual meeting held on the first Monday next following the annual election, organize by the election of a President, Vice-President, Secretary-Treasurer and Collector of Taxes. The President and the Vice-President shall be Members of the Council. The Secretary-Treasurer and Collector of Taxes may or may not be a member of the Town Council. The Council shall also elect and appoint any such other officers, employees and agents of the Town which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause.

(B) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town and the time and manner of his or her payment. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of service.

DUTIES AND POWERS OF PRESIDENT

(D) The duties of the President of the Council shall be to preside at all meetings of Council; to have general superintendence of municipal affairs, provided, however, that such general superintendence shall in all cases be subordinate to the authority of all committees, and appointees as selected by Council for the superintendence or conduct of any specified municipal activity, to receive complaints or nuisances and all complaints or violations of Law and Ordinances, and present the same to Council at its first meeting thereafter for action of Council. The President shall issue and sign all licenses for every exhibition within the Town, or licenses for any other purpose for which, under the Laws of Delaware, or the Ordinances of said Town, a license therefor is required.

The President may sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance of Council. If the President be incapacitated from acting by reason or absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed under him by this Act, or any other Law, or any resolution or ordinance now or hereafter adopted or enacted by Council, shall be exercised and performed by the Member of Council chosen by Council as Vice-President for the period of such incapacity or absence.

The President shall have the same right as other Councilmen to vote on all matters and may at any time appoint another Councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties, as presiding officer.

SECRETARY

(E) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for that purpose; and shall file and keep in a safe place the Seal of the Town and all papers, and documents, relative to the affairs of the Town, and deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council, and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall be open for the inspection of Council and the public.

TREASURER

(F) The Treasurer shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

The Town Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the President or Vice-President.

The Town Treasurer, before entering upon the duties of his office, shall also give bond to the Town of Frankford, with sufficient surety to be approved by Council, in the penal sum of Fifteen Thousand Dollars (\$15,000), conditioned for the faithful discharge of the duties of his office.

COLLECTOR OF TAXES

(G) The Collector of Taxes shall be at least of the age of twenty-one years at the time of his appointment.

It shall be the duty of the Town Collector to collect all Town Taxes, water and sewer rents, charges for electric current and all other kinds of Town revenue and to deposit to appropriate Town account.

The Town Collector, before entering upon the duties of his offices, shall give bond to the Town of Frankford, with sufficient surety to be approved by Council, in the sum of Fifteen Thousand Dollars (\$15,000), conditioned for the faithful performance of the duties of his office.

(H) The Council shall commission the Auditors who shall audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of THE TOWN. They shall audit the books and the records of all fines, penalties and costs imposed or collected, pursuant to any judgment order or decree made. The Auditors shall make and deliver a detailed report of all and every of the accounts, records and books by them examined and audited, which copies of said report under their hands and seals may be printed in a newspaper of general circulation in the Town in the issue immediately succeeding their annual report. The Auditors in the performance of their duties shall have access to all records of Council and the officers of the Town; and are authorized and empowered to employ such clerks or accountants as in their judgment may be necessary for the proper performance of their duties.

TOWN SOLICITOR

(I) At the annual meeting, the Council may select a Town Solicitor. The Town Solicitor shall be a member of the Bar of Sussex County. It shall be his duty to give legal advice to the Council and other officers of the Town, and to perform other legal service as may be required of him by the Council.

POLICE OFFICERS

(J) The Council may appoint a Police force consisting of a Chief and such members or subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police force. The members of the force shall be subject to the direction of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police force shall be vested with all powers and authority of a Constable of Sussex County, and in the case of a pursuit of an offender their powers and authority shall be without territorial limitations.

It shall be the duty of the police to suppress riotous disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Town relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before a Justice of the Peace for hearing thereon.

TOWN CLERK

(K) The Town Council of the Town of Frankford shall appoint a Town Clerk. Upon the appointment of the Town Clerk, his duties shall be prescribed by the Town Council. The Town Clerk shall not be a member of Town Council. At the discretion of the Town Council, he shall give corporate bond to the Town in an amount fixed by the Town Council conditioned for the faithful performance of his duties, the payment to the Town Council of all money coming into his hands as Town Clerk from whatever source derived, and in the event of death, resignation or removal from office, the delivery to his successor of all papers, books, records and other property of the Town in his hands or under his control.

He may receive as compensation for his services, a salary to be fixed, from time to time, by resolution of the Town Council. He shall attend all meetings of the Town Council and keep proper and adequate minutes of its acts and proceedings and keep a correct journal of the same in a book or books provided for that purpose. Said journal must show all bills approved by the Town Council, the amount of said bills and to whom payable; and he shall be in attendance at his office on such days and between such hours as may be directed by ordinance or resolution of the Town Council.

He shall keep a record of all officers, agents and employees of the Town, when elected or appointed, the terms of office or employment, if a term be fixed, and the salary or compensation thereof. He shall keep the assessment books and tax records of the Town with the names of the tax payers arranged alphabetically, showing the tax, a short description, and assessed value, as determined by the provisions hereof, of each parcel of real estate and a short description of each item of personal property assessed, if any. He shall also keep and maintain proper books and records showing the names of persons charged with utility rentals or service charges and detailed accounts thereof.

LEVY OF ANNUAL TAXES

Section 15. (A) Prior to July 1, of each year, after receiving the assessments of property situated in the Town as established by the Sussex County Board of Assessment, the Town Council shall determine, to their best judgment and knowledge, the total amount necessary to be raised by the Town to meet all fixed and anticipated expenses and obligations of the Town including reasonable and appropriate reserves, for the then current fiscal years as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.

(B) They shall then proceed to determine, in their sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this charter with respect to any such source, the amount to be raised from each such source.

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

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

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

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

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

(5) The fees or rates to be charged in respect of any other authorized source of revenue sufficient in their best judgment and estimation to realize the amount to be raised from each such source determined by them to be used.

(D) Prior to July 1 of each and every year the Town Council shall make, or cause to be made, a full, true and correct annual tax list showing the amount of tax levied against each taxable thereon from sources mentioned above. This list shall be known as the annual Tax List of the Town of Frankford. In addition to the information contained as to the rate of tax upon real estate per \$100 of assessed value thereof.

(E) The Councilmen shall cause to be delivered to the Town Clerk a duplicate of said annual tax list, and the Town Clerk shall immediately proceed to collect the same as hereinafter provided.

(F) The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the Town, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the Town Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in case of other taxes and the Council shall have authority to cause the same to be removed.

(G) Nothing contained in this Charter shall be construed to effect or impair in any way the validity of any tax, fee, assessment, or other charge lawfully levied, assessed, or due the Town of Frankford under existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in the Town of Frankford.

COLLECTION OF ANNUAL TAXES

Section 16. (A) The Town Clerk, as soon as the Councilmen shall have placed in his hands the duplicate annual tax list, shall proceed at once to collect the taxes on said duplicate list.

(B) All taxes so laid or imposed by the councilmen of the Town of Frankford in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable, against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed, at any time after such taxes shall have been levied and imposed, that is situated in the Town. Such lien shall have preference and priority to all other such liens on real estate or upon improvements located on land under lease, as aforesaid, created or suffered by said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes.

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

(D) On all taxes paid after the first day of October next succeeding the delivery of the annual duplicate tax list to the Town Clerk, there shall be added an amount equal to one (1%) per centum per month for each and every month such taxes shall remain unpaid and shall be collected in the same manner as the original amount of the tax.

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

REMEDIES, POWERS AND METHODS FOR THE COLLECTION OF TAXES, ASSESSMENTS AND

OTHER CHARGES DUE THE TOWN

Section 17. The following remedies are cumulative and, if two or more proceedings are pending to recover the amount due for taxes upon the same property for any year, neither proceeding shall be pleaded in a bar or in suspension of other proceedings, although when the full amount due for taxes upon the property for the year shall have been fully paid to the Town in any proceeding, together with all costs in all proceedings then pending, the Town shall enter upon the records thereof discontinuances thereof:

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

(B) At any time after the delivery of the duplicate annual tax list or warrant, or any other list of charges due the Town of Frankford, the Town Clerk may with the approval of and in the name of the Town Council institute suit before any Justice of the Peace or Court of the State of Delaware, in any of the Counties of the State, for the recovery of the unpaid tax, assessment, fee, or other charge, in an action of debt, and upon judgement obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace. The action shall be brought in the name of "_____, Receiver of Taxes and Town Treasurer for the Town of Frankford." The said execution shall constitute a lien upon all of the personal property of the taxable within the County where the judgment shall have been obtained, which lien shall have preference and priority to all other liens on the personal property created or suffered by the taxable, although such other lien or liens be of a date prior to the time of the attachment of such lien for taxes.

(C) At any time after the delivery of the tax list and warrant, the Collector of Taxes may notify, in writing, the person, firm, or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the President of the Council and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable, the amount of the tax due and owing from the employee, and charge the same against him and to pay the same to the Collector of Taxes within ten (10) days. The Collector of Taxes shall give to the employer a Certificate of Payment which shall be allowed in any suit or accounting between the employer and the taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in any action of debt before any Justice of the Peace, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(D) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the remedies herein provided, the Collector of Taxes is empowered to sell the lands and tenements of a taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax. The rights of the Town to conduct such a sale, as well as the procedures to be followed for the holding of such a sale, shall be the same in every manner as those rights available and those procedures specified for the sale of land for the collection of taxes on the part of the individuals charged with the responsibility for the collection of

taxes for Sussex County, and all such procedures and methods available for the sale of land, as aforesaid, as they are presently enacted and hereafter amended, are included herein and made a part hereof by reference thereto, including the method of sale by motion, as the same is set forth in the statutes made and provided, substituting the Town of Frankford for Sussex County therein.

ENUMERATION OF POWERS

Section 18. (A) Not by way of limitation upon the power vested in the Councilmen to exercise all powers delegated by this Charter to the municipal corporation of the Town of Frankford except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Councilmen are vested by this Charter with the following powers, to be exercised by said Councilmen in the interest of good government and the safety, health, and welfare of the Town, its inhabitants and affairs, that is to say:

- (1) To prevent vice, drunkenness and immorality.
- (2) To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the Town and its inhabitants.
- (3) To prohibit all gaming and fraudulent devices.
- (4) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games.
- (5) To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair, or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct or pipeline, or portion thereof, or any new or present sidewalk, curb, or gutter, or portion thereof, in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway of the State of Delaware for the permanent maintenance, repair and upkeep of any street, alley, lane, roadway or other highway within the Town.
- (6) to regulate or control the observance of the Sabbath Day.
- (7) To establish and regulation pounds and to restrain, prohibit and empound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same, and to impose taxes on the owners of dogs.
- (8) To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer, or manure plants or establishments, swine pens, privies, water closets, and any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or noxious nature.
- (9) To enforce the removal of snow, ice, dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.
- (10) To prohibit, remove, or regulate the erection and maintenance of, any stoop, step, platform, bay window, cellar door, gate, area, descent, sign, post, or any other erection or projection in, over, upon or under any street, highway, alley, lane, watercourse, park, lake, strand, sidewalk, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline of the Town.
- (11) To define, prevent, abate or remove nuisances, obstructions or any condition detrimental to the public safety, health or welfare.

(12) To provide an ample supply of pure water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in and about the collection, storage, purification, conveyance, distribution or sale of water; to regulate and prescribe for what private or public purposes the water furnished by the municipal corporation may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the water system or equipment of the Town; to furnish, or refuse to furnish, water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipal corporation itself. For all purposes of this Charter the word "user" when referring to the users of either the public water system or the public sewer system shall be deemed to mean either the owner to whom the real estate is assessed or a leaseholder who holds land under a valid lease for a term of not less than ten (10) years and whose lease is of record in the Office of the Recorder of Deeds, in and for Sussex County, and who has erected upon the leasehold an improvement having an assessed valuation of at least One Thousand Dollars (\$1,000.00).

(13) To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish or refuse to furnish, sewer disposal service from the Town system to places and properties outside the Town limits; in the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the municipal corporation itself.

(14) To provide, construct, extend, maintain, manage and control a plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets, highways, lanes, alleys watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks, public buildings or other public places of the Town, and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control, and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessary properly to light the Town, and to furnish proper connections for electric current and gas to the properties of the inhabitants of the Town who may desire the same; to regulate and prescribe for what private or public purpose the current or gas furnished by the municipal corporation may be used, the manner of its use, the amount to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the electric or gas system or systems of the Town; to furnish or refuse to furnish, electric current or gas from the Town's system or systems to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the municipal corporation itself.

(15) To fully control within the Town the drainage of all water and, to that end, to alter or change the course and direction of any natural water course, runs or rivulet within the Town, to regulate, maintain, clean and keep the same open, clean and unobstructed, and to provide, construct, extend, maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.

(16) To provide, construct, extend, maintain, manage and control jetties, bulkheads, embankments, flood gates, piers, boardwalks, or fills for the preservation of any strand or high land within the limits of the Town or contiguous thereto, to the end that the same may be preserved, properly protected and the general public might enjoy the use thereof.

(17) To grant franchises or licenses to any responsible person, firm, association or corporation, for such period of time, upon such terms, restrictions, stipulations and conditions and for such considerations as the Councilmen shall deem wise, to use the present and future streets, highways, lanes, alleys, watercourses, parks, lakes, strands, sidewalks, crosswalks, wharves, docks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, railroad, excepting railroads or railways engaged in interstate commerce, bus, taxi or other transportation, carrier or public service to the Town and to the persons, firms, or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of erecting wharves and piers, and for the purpose of vending any article of merchandise or service upon, or from any vehicle upon, any such present and future street, highway, lane, alley, etc.; provided, that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

(18) To regulate and control the exercise of any license or franchise mentioned in Section 18 (17) of this Charter or intended so to be.

(19) To direct, regulate and control the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.

(20) To direct the digging down, draining, filling up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

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

(22) To regulate, control or prevent the use or storage of gunpowder, fireworks, tar, pitch, resin and all other combustible materials and the use of candles, lamps and other lights in stores, shops, stables and other places; to suppress, remove, or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fire.

(23) For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; zone or district the Town and make particular provisions for particular zones or districts with regard to building or building materials; and, generally to exercise all the powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22, Revised Code of Delaware, 1974, and all amendments thereto.

(24) To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town, which shall be used as a place of detention for persons convicted of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided, that the jails of Sussex County may be used for any such purpose, in which event the Town shall pay for the board of persons committed thereto for violations of ordinances of the Town which are not violations of any general law of the State.

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

(26) To regulate or prevent the use of guns, airguns, spring guns, pistols, sling shots, beanshooters, and any other devices for discharging missiles which might cause bodily harm or injury to property; and to regulate or prevent the use of fireworks, bombs, and detonating works of all kinds.

(27) To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding One Hundred Dollars (\$100.00) or thirty days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.

(28) To provide for the organization of a fire department and the control and government thereof; to establish fire limits and do all things necessary for the prevention or extinguishment of fires; and, in their discretion, to contribute, donate or give an amount or amounts, not to exceed in the total during any given fiscal year three per centum (3%) of the total taxes levied on real estate, unto any Volunteer fire company or Companies incorporated under the Laws of Delaware, or any Volunteer Fire Association or Associations maintaining and, operating fire fighting equipment and service to the Town; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Councilmen shall deem advisable.

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

(30) To levy and collect taxes for any and all municipal purposes upon all real estate within the Town, except lands belonging to the Town; provided that the amount to be raised from this source shall not exceed the sum of one million dollars (\$1,000,000.00).

(31) To levy and collect a personal 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 Ten Dollars (\$10.00) in any one year for each such person.

(32) To levy and collect taxes upon all telephone, telegraph, power poles, pipe lines, rail lines, or other constructions or erections of a like character erected within the limits of the 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 thereof set forth in Section 17 of this Charter, the Councilmen shall have authority to cause the same to be removed.

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

(34) To determine from which authorized source and in what proportions taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the municipal corporation and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

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

(36) To accept from any authorized agency of the State or Federal Government, or from persons, firms or corporations, grants, or contributions for the planning, construction, acquisition, lease, reconstruction, improvement, betterment, or extension or operation and maintenance of any sewerage or water system and enter into agreements with such agency respecting such loans and grants, as well as to enter into and perform a contract or contracts with any person, municipality, or agency of the State or Federal Government for the sale, purchase, treatment, purification, transmission, or distribution of water.

(37) To acquire, and/or to vacate the use of, lands, tenements, personalty, property, easements, rights-of-way, or other interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain, for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the municipal corporation by the Charter. Proceedings by way of condemnation in any such case shall be the same as prescribed hereafter in Section 24 of the Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 24 shall be changed and modified to cover any case contemplated hereby.

(38) To appropriate money to pay the debts, liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereto, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

(39) To provide for the payment of any tax, fine penalty, license, forfeiture, assessment, fee, charge or other amount due the Town by the performance of labor or service for the Town by any person owing the same.

(40) To inquire into and investigate the conduct of any office, officer, agent, or employee of the Town or any municipal affair and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.

(41) To make, adopt and establish all such ordinances, regulations, rules and by-laws, not contrary to the laws of this State and the United States, as the Councilmen may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property and of the public health and welfare of the Town and its inhabitants; provided, that any ordinance relating to the public health of the Town and its inhabitants, or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one mile from said limits.

(42) To establish, by ordinance duly adopted in accordance with this Charter, a pension plan or a health and welfare plan, or both, for the employees of the Town under such terms and conditions as the Councilmen, in their discretion, deem most appropriate, provided, however, that any annual appropriation which is made by the Councilmen under any such pension plan or any health and welfare plan, or both, shall not exceed a maximum of Fifteen percent (15%) of the total annual payroll of the Town, and provided, further, that the method of funding may, if deemed advisable by the Councilmen, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the Councilmen.

(43) To borrow money in anticipation of the issuance of bonds on the full faith and credit of the Town a sum or sums not exceeding One Hundred Thousand Dollars (\$100,000.00) in any one year when, in the opinion of the majority of the Councilmen, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of the Town duly authorized by a Resolution adopted by the Councilmen and signed by the President of the Town Council of Frankford

and attested by the Secretary of the Town Council of Frankford with the corporate seal affixed and no officer or councilman shall be liable for the payments of such notes because they are signed by them as officers of the Town and are authorized by the Resolution of the Councilmen of Frankford; PROVIDED, HOWEVER, that the total sum outstanding at any one time shall not exceed One Hundred Thousand Dollars (\$100,000.00); and PROVIDED FURTHER, that any sum of money so borrowed, as aforesaid, in any fiscal year shall be paid from the general fund of the Town and shall be completely repaid at any time but must be completely paid at the end of ten (10) fiscal years following the first fiscal year when said sum or sums were borrowed with interest thereon; AND PROVIDED FURTHER, that such ad valorem taxes shall be levied as are necessary to pay the principal of and interest on said bonds as is required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof.

(44) To exercise all other powers vested in towns and municipalities in the State of Delaware, generally, which powers are granted to such entities by the Delaware General Assembly, as well as such powers which may be granted to such entities by the General Assembly in the future, which powers are not denied to said entities by the Constitution or any Statute in effect.

USE OF TOWN MONEY

Section 19. The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interest of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In the general performance of its duties and particularly in the expenditure of moneys of the said Town, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council. In case of the absence or other incapacity of Councilmen, or in case of a vacancy or vacancies in Council, the remaining members, providing they constitute a majority of the entire Council, may conduct regular meetings and preside over hearings as specified herein and conduct all other necessary business, but no funds of the said Town shall be used for any purpose without the affirmative action of a majority of all members elected to Council.

BORROWING OF MONEY AND ISSUANCE OF BONDS

Section 20. (A) The Council of The Town of Frankford may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of the Town of Frankford or such other security or securities as the Councilmen shall elect for the payment of principal thereof and interest due thereon.

(B) All bond or other kinds or forms of certificate or certificates of indebtedness issued by the Councilmen of The Town pursuant to the provisions of this section shall be exempt from all State, county or municipal taxes.

(C) The power or authority to borrow money may be exercised by the Councilmen of The Town of Frankford to provide funds, for, or to provide for the payment of, any of the following objects and purposes: (1) refunding any or all outstanding bonds or other indebtedness of the Town at the maturity thereof or in accordance with any callable feature or provision contained therein; (2) meeting or defraying current operating expenses of the Town; (3) erecting, extending, enlarging, maintaining, and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements and rights-of-way which may be required therefore; (4) constructing, paving, laying-out, widening, extending, repairing and maintaining streets, lanes, alleys and ways and the paving, constructing, laying-out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing of any lands, easements or rights-of-way which may be

required therefor; (5) constructing, laying-out, widening, extending, and repairing sidewalks, crosswalks, or embankments, or any of them and the condemning or purchasing of any lands, easements or rights-of-way which may be required therefor; (6) defraying the costs to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter.

(D) The Councilmen shall adopt a resolution proposing unto the electors of the Town by resolution that an 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 Councilmen of The Town of Frankford and in their possession, and shall fix the time and place for a public hearing on said resolution.

(E) 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 Town of Frankford at least one week before the time fixed for the public hearing.

(F) After the public hearing, a second resolution may then be passed by the Councilmen of The Town of Frankford ordering a Special Election to be held not less than thirty days and no more than sixty days after said public hearing to borrow the said money for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the Special Election shall, ipso facto, be considered the determination of the Councilmen of The Town of Frankford to proceed in the matter in issue.

(G) The notice of the time and place of holding the said Special Election shall be printed in two issues of a newspaper having a general circulation in the Town of Frankford within thirty days prior to the date of the said Special Election.

(H) At the said Special Election, every owner or leaseholder, as defined in this Charter, of property, whether an individual, partnership or corporation, shall have one vote and every person who is a bona fide resident of the Town of Frankford, but who is not an owner or leaseholder, as defined in this Charter, of property within the corporate limits of the Town of Frankford and who would be entitled at the time of holding of the said Special Election to register and vote in the Annual Municipal Election if such Annual Municipal Election were held on the day of the Special Election shall have one vote whether or not such person be registered to vote in the Annual Municipal Election.

(I) Any Special Election held pursuant to the provisions of this section shall be conducted by voting machines which shall have the following designations:

[] For the proposed borrowing

[] Against the proposed borrowing

The voter shall be instructed to mark the box for which he casts his vote.

(J) In the event that an individual holds a power of attorney duly executed and acknowledged of another person or of a firm or corporation specifically authorizing the said individual to vote at the said Special Election, a duly authenticated copy of which has been filed in the Office of the Town Clerk of the Town of Frankford, such individual shall be entitled to cast the vote of said person, firm or corporation.

(K) The President of the Town Council shall appoint a Board of Special Election, whose members shall have the same qualifications as provided in this Charter in the case of the Board of Elections of an Annual Municipal Election of the Town of Frankford.

(L) The polling places shall be opened from eleven o'clock (11:00) in the morning, prevailing time, until seven o'clock (7:00) in the evening, prevailing time, on the date set for the Special Election. 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.

(M) Immediately upon the closing of the polling places, the Board of Special Election shall count the ballots 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 the number of void votes and shall deliver such certificate in duplicate, to the Councilmen of The Town of Frankford. The said certificate shall be filed with the papers of the Town Council.

(N) The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the interest rate, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or appurtenant matter pertaining thereto shall all be determined by the Town Council of The Town of Frankford after said Special Election.

(O) The faith and credit of the Town of Frankford shall be deemed to be pledged for the due payment of the bonds and the interest thereon issued under the provisions hereon when the same shall have been properly executed and delivered for value notwithstanding any other provision of this Charter.

(P) The bonds may be sold at either public or private sale. If it is determined to sell the said bonds at public sale, the bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in the newspaper having a general circulation in the Town of Frankford and otherwise if the Councilmen of the Town shall deem it advisable for at least fifteen days before offering the same for sale.

(Q) In no event shall the indebtedness of the Town of Frankford authorized by this section at any one time exceed in the aggregate twenty-five percent of the assessed valuation of all real property situate within the corporate limits of the Town of Frankford and subject to assessment for the purpose of levying the annual tax as provided in this Charter.

EXEMPTION OF PROPERTY FROM TAXATION

Section 21. The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real or personal property, or both, of any person, firm, association or corporation used in any manufacturing business within the limits of said Town and employing no less than six persons; and the real, or personal property, or both, of any person, firm, association or corporation used in the manufacture or distribution or both, of water, gas, electric current or other service or commodity deemed desirable or necessary for the best interest of the inhabitants of said Town, and the real or personal property, or both, held, owned, leased, or employed by any person, firm, association or corporation with whom Council may now or in the future have a contract for the furnishing to said Town and its inhabitants of electric current, light, power, heat, water or any or all of them over which Council has power or authority and from the payment of the same. No property shall be exempt from taxation aforesaid until such an ordinance is enacted or such a special resolution adopted and the period of such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years, and shall only be revokable upon the breach of a condition contained in such ordinance or resolution. The Town Council may by an ordinance or by a resolution, exempt from property taxation those qualified citizens who are exempt as established by law.

TOWN BUDGET

Section 22. (A) The fiscal year for the Town of Frankford shall be July 1 through the next June 30.

(B) Annually each year and not later than the last week in June the Town Clerk and the Treasurer may prepare a rough draft of a Town Budget. From this rough draft the Town Council may not later than July 31, of each year, prepare the Town Budget, containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

(C) The Budget may contain the following information:

1. A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.
3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.
4. An itemized statement of all other estimated expense to be incurred in the affairs of the Town.
5. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any Bond maturing during the year and the amount required for the 'Sinking Fund' or 'Sinking Funds'.
6. An estimate of the amount of money to be received from taxes, assessment, and all other anticipated income of the Town from any source or sources whatsoever.

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

REMOVAL OF OBSTRUCTIONS, NUISANCES, AND UNSANITARY CONDITIONS

Section 23. (A) In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, and unsanitary conditions, as those terms may be defined by the Councilmen, if the Councilmen either upon their own inspection or upon information obtained from the Town Clerk or Police Force, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated as the case may be, the Councilmen shall enact an ordinance or adopt a resolution, or both, to that effect and thereupon shall direct the Town Clerk to forward, to the person or persons continuing or causing such obstruction, nuisances, or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, by the mails of the United States, in a sealed wrapper addressed to his or their last and best known post office address, a notice to remove or abate the same as soon as may be possible. If such person or persons refuse or neglect, for the space of five (5) days after such notice is mailed, to remove or abate the same, the Councilmen may have a warrant issued in the name of the Town Council of the Town of Frankford. The warrant shall command him forthwith to remove or abate such obstruction, nuisance or unsanitary condition. The Town Clerk shall forthwith proceed to remove or abate the same and, to that end, he shall have full power and authority to enter into and upon any lands and premises in the Town. He shall likewise have the authority to take with him such assistants, implements, vehicles or other things as may be necessary and proper to do and perform all matters and things in connection with the removal or abatement of such obstruction, nuisance, or unsanitary condition.

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

(C) At such meeting, the Councilmen shall determine, from the return of the Town Clerk, the costs and expenses of all necessary work, labor, and proceeding in reference to the abatement or removal of such obstruction, nuisance, or unsanitary condition. The Councilmen shall issue or have issued a warrant, containing an itemized account of that information, together with the name and last and best known address of the person from whom the Councilmen shall determine the amount to be due and shall deliver such warrant to the Town Clerk. The warrant shall command him forthwith to collect the amount stated to be due thereon from the person or persons designated therein. The Town Clerk shall forward to such person or persons, in a sealed wrapper, a true and correct copy of the warrant by depositing the same in the United States mails

and addressed to such person's or persons' last and best known post office address. If such person or persons shall refuse or neglect to pay the same to the Town Clerk for the use of the Town within thirty (30) days from the date of the mailing of such true and exact copy of the warrant, the Town Clerk shall then be authorized and required to collect the same in any of the manners hereinbefore provided in Section 17 hereof.

STREETS

Section 24. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the said Town. The procedure in every case as aforesaid, shall be as follows: The Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street, or any part thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five (5) or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution said Council shall hear such residents of the Town or owners of the property affected as shall attend, and it shall at said meeting or at a subsequent day, as it shall deem proper, adopt a resolution by a majority vote, to proceed with, or to abandon as it shall deem for the best interest of the said Town, the opening of the street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or part thereof, as the case may be, as contemplated in its prior resolution. And in case the determination of the said Council shall be 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. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council aforesaid upon delivery of a Deed in fee simple in favor of the Town of Frankford, and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council aforesaid, he may, within five days after the award of the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary or President of Council. In order to prosecute said appeal such appellant shall within five days after the expiration of the five days allowed for the appeal as aforesaid, apply to the Judge of the Superior Court for the State of Delaware, resident in Sussex County, or in his absence at that time, to the Chief Justice of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant for any of which will be deprived as aforesaid, and thereupon the said Judge or Chief Justice, as the case may be, shall issue a commission under his hand directed to five impartial freeholders of Sussex County, commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their funds to the said Judge or Chief Justice, as the case may be, at a time appointed in said commission. The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy of the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the Secretary or the President of Council at least five days before the day of such meeting.

The freeholders named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said freeholders shall make return in writing of their proceedings in the premises to the said Judge or Chief Justice, as the case may be, who shall cause the said return to be

delivered to the said Secretary or President of Council and such return shall be final and conclusive. The said Judge or Chief Justice shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his credit in any Bank in the Town of Frankford to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge or Chief Justice aforesaid, if the damages shall be increased or if the Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town of any money in his hands belonging to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees of the freeholders shall be five dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, Council shall have the option of paying the damages assessed within the term aforesaid and proceed with the improvements, or upon the payment of the costs only, may abandon the proposed improvement.

Whenever the land comprehended or included in any street, or part thereof, is vacated or abandoned under this Section if owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

The word 'street' shall be deemed and held to comprehend and include sidewalks, lanes, and alleys for all the purposes of this Section.

PAVING, GUTTERING, CURBING

Section 25. The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part of or portion thereof, in said Town, with such material or materials and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place the Council will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of assessment of the costs thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the said Town, or in a newspaper published elsewhere in Sussex County, if there be none in said Town published. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and thereat shall hear the aforesaid owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

After such hearing, the Council, either at said meeting or at a subsequent meeting, shall decide whether or not to proceed with the improvements referred to in said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the costs of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or specified proportion of said costs shall be borne by said owners, then in such case the said owners shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the sidewalk to be paved or repaved, or in the gutter to be repaired or laid, or on the curb, to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, have been done and the costs thereof ascertained, the Council shall

ascertain the amount that the owner of each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such owner, or one of the co-owners, by mailing the same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same may be collected in any of the manners hereinbefore provided in Section 17 hereof.

CONTRACTS

Section 26. (A) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be awarded to the bidder submitting the lowest and best bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:

1. The aggregate amount involved is not more than Two Thousand Dollars (\$2,000.00);
2. The purchase or contract is for personal or professional services;
3. The purchase or contract is for any service rendered by a university, college or other educational institution;
4. The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof;
5. The purchase or contract is for property or services for which it is impracticable to obtain completion;
6. The public exigency as determined by the Town Councilmen will not permit the delay incident to advertising;
7. The materials to be purchased are to be used to complete a project under the supervision of the Town Clerk;
8. The purchase or contract is for property or services for which the Councilmen determine the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition;
9. A public emergency as determined by the Councilmen exists.

WATER SYSTEM

Section 27. The Town Council is hereby vested with full power and authority to provide for the Town of Frankford an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations, in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the user thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

SEWER SYSTEM

Section 28. The Town Council is 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 said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may at its option furnish sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is any available sewer, to be connected with the sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor, as provided in Section 23 of this Act.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 29. The Town Council of the Town of Frankford shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacturing of electric current for the use of the inhabitants of said Town and for lighting of streets, squares, lanes, alleys and public places and buildings of said Town and shall have full power and authority to construct, erect, maintain, improve, extend, equip and operate such transmission and distributing lines for said current as may be necessary to properly light said Town and to furnish proper connections for electric current to the properties of the inhabitants thereof who may desire the same. The Council shall have power to make contracts for the purchase of heat, light, sewer, water and electric current with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such heat, light, power, water or electric current had been generated or manufactured by the said Town as herein expressly provided for by this Act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may seem just and proper and shall enact such ordinances relating to electric current, its generation and distribution in said Town and the regulation of the connections thereof with the properties of individuals in said Town and its general management and control as to said Council shall from time to time seem most expedient. The Council may at its option transmit electric current from said Town to places and properties outside of the Town limits upon such terms, charges and conditions as it shall deem wise.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council to use the present and future streets, squares, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas, television services, or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein and for the purpose of transmitting light, heat, power, gas, television services, and water, or any or all of them through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town, any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of electric current, either at wholesale or retail to said Town, and to persons, firms and corporations residing therein, or adjacent thereto.

The Councilmen may, by condemnation proceedings, take private land and property, or the right to use private land and property, under, over, or on the surface

thereof, for the proper operation, manufacture or extension or distribution of gas or electric current as above provided. The proceedings by condemnation under this Act shall be the same as prescribed by Section 24 and shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

DRAINAGE

Section 30. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section. The Town Council may by an ordinance or by a resolution levy a tax upon all or a portion of the citizens for drainage, as set forth under Section 15 hereof.

PROCEDURE FOR REFERENDUM

Section 31. (A) Qualified voters of the Town of Frankford shall have the power to require reconsideration by the Town Council of any adopted Ordinance and to approve or reject it at an election as provided herein; provided, however, that such power of referendum shall not extend to the budget or capital program or any emergency ordinance or any ordinance relating to the appropriation of money or any ordinance relating to the levy of taxes.

(B) A Referendum Petition, signed by qualified voters of the Town of Frankford entitled to register and vote in the Annual Municipal Election if such Annual Municipal Election were held on the day that the Referendum Petition was signed by such qualified voter, whether or not such voter is a registered voter, containing signatures equal in number to at least forty percent (40%) of the total number of voters who voted in the Annual Municipal Election next preceding the execution of the Referendum Petition with the local address of the person so signing, or forty-five (45) resident and property owners, qualified as aforesaid, whichever is greater, shall be presented to the Town Council at the next regular meeting of the Town Council following adoption of the ordinance sought to be reconsidered. Each copy of such petition shall contain and have attached thereto throughout its circulation the full text of the ordinance sought to be reconsidered.

(C) Each copy of the petition shall have attached to it, when filed, an affidavit executed by the signer thereof stating that he personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, that each such person who signed it is qualified to sign the petition and that each signer had an opportunity before signing, to read the full text of the ordinance sought to be reconsidered.

(D) A Petition for Referendum shall be filed at the next regular meeting of the Town Council following adoption by the Town Council of the ordinance sought to be reconsidered or it shall not be the subject of a referendum. If there are less than twenty-eight (28) days from the date of the adoption of the Ordinance sought to be reconsidered until the next regular meeting of the Town Council of the Town of Frankford, the Petition for Referendum shall be presented at the first regular meeting following the expiration of the said twenty-eight (28) day period or the Ordinance sought to be reconsidered shall not be the subject of a referendum.

(E) Within twenty (20) days after the petition is filed with the Town Council at a regular meeting the Secretary 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 circulator of such petition by certified mail with return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended one (1) time if the circulator files

thereof, for the proper operation, manufacture or extension or distribution of gas or electric current as above provided. The proceedings by condemnation under this Act shall be the same as prescribed by Section 24 and shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

DRAINAGE

Section 30. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section. The Town Council may by an ordinance or by a resolution levy a tax upon all or a portion of the citizens for drainage, as set forth under Section 15 hereof.

PROCEDURE FOR REFERENDUM

Section 31. (A) Qualified voters of the Town of Frankford shall have the power to require reconsideration by the Town Council of any adopted Ordinance and to approve or reject it at an election as provided herein; provided, however, that such power of referendum shall not extend to the budget or capital program or any emergency ordinance or any ordinance relating to the appropriation of money or any ordinance relating to the levy of taxes.

(B) A Referendum Petition, signed by qualified voters of the Town of Frankford entitled to register and vote in the Annual Municipal Election if such Annual Municipal Election were held on the day that the Referendum Petition was signed by such qualified voter, whether or not such voter is a registered voter, containing signatures equal in number to at least forty percent (40%) of the total number of voters who voted in the Annual Municipal Election next preceding the execution of the Referendum Petition with the local address of the person so signing, or forty-five (45) resident and property owners, qualified as aforesaid, whichever is greater, shall be presented to the Town Council at the next regular meeting of the Town Council following adoption of the ordinance sought to be reconsidered. Each copy of such petition shall contain and have attached thereto throughout its circulation the full text of the ordinance sought to be reconsidered.

(C) Each copy of the petition shall have attached to it, when filed, an affidavit executed by the signer thereof stating that he personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, that each such person who signed it is qualified to sign the petition and that each signer had an opportunity before signing, to read the full text of the ordinance sought to be reconsidered.

(D) A Petition for Referendum shall be filed at the next regular meeting of the Town Council following adoption by the Town Council of the ordinance sought to be reconsidered or it shall not be the subject of a referendum. If there are less than twenty-eight (28) days from the date of the adoption of the Ordinance sought to be reconsidered until the next regular meeting of the Town Council of the Town of Frankford, the Petition for Referendum shall be presented at the first regular meeting following the expiration of the said twenty-eight (28) day period or the Ordinance sought to be reconsidered shall not be the subject of a referendum.

(E) Within twenty (20) days after the petition is filed with the Town Council at a regular meeting the Secretary 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 circulator of such petition by certified mail with return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended one (1) time if the circulator files

a Notice of Intention to Amend with the Secretary within two (2) days after receiving a copy of his certificate and files a Supplementary Petition upon additional papers within five (5) days after receiving the copy of such certificate. Such Supplementary Petition shall comply with the requirements of this Section concerning form, content, and the affidavit of the circulator. Within five (5) days after it is filed, the Secretary shall complete a certificate as to the sufficiency of the petition, as amended, and shall promptly send a copy of such certificate to the circulator by certified mail with return receipt requested, as in the case of the original petition. If the petition, or amended petition, is certified sufficient, or if the petition or amended petition is certified insufficient, and the circulator does not elect to amend or request a review of the sufficiency of the certificate by the Town Council of the Town of Frankford within the time required, the Secretary shall promptly present his certificate to the Town Council at the next regular meeting and the certificate shall then be a form of determination as to the sufficiency of the petition.

(F) If a petition has been certified to be insufficient and the circulator has not filed Notice of Intention to amend, or if an amended petition has been certified insufficient, the circulator may, within two (2) days after receiving the copy of such certificate file a request that it be reviewed by the Town Council. The Town Council shall review the certificate at the next regular meeting following the filing of such request, and approve or disapprove it, and the determination of the Town Council shall be a final determination as to the sufficiency of the petition.

(G) Any person or persons, jointly or severally, aggrieved by the decision of the Town Council may present to the Superior Court of the State of Delaware, a petition duly verified setting forth that such decision is invalid, in whole or in part, specifying the grounds of such invalidity. Such petition shall be presented to the Court within thirty (30) days following the determination by the Town Council as to the insufficiency of such petition. Upon presentation of the petition, the Court may allow a Writ of Certiorari direct to the Town Council of the Town of Frankford to review such decision of the Town Council and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner or his attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the Writ shall stay proceedings upon the decision or determination appealed from. The Court may reverse or affirm, wholly or partly, or may modify the determination brought up for review.

(H) Upon the filing of the Petition for a Referendum with the Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate upon the happening of any of the following events.

(1) There is a final determination of insufficiency of the Petition; or

(2) The Petition is withdrawn by the circulators thereof or sufficient copies thereof are withdrawn so that there are insufficient numbers of signatures as required by this Section; or

(3) The Councilmen repeal the ordinance; or

(4) Thirty (30) days have elapsed after a vote by the voters on the ordinance; or

(5) There is a final determination by the Superior Court.

(I) The Town Council shall reconsider the referred ordinance at the first regular meeting after the Petition for a Referendum has been finally determined to be sufficient. If the Town Council fails to repeal the referred ordinance, the referred ordinance shall be submitted to the voters of the Town of Frankford at an election.

(J) The vote of the residents and property owners of the Town of Frankford on a referred ordinance shall be held not less than thirty (30) days and no later than ninety (90) days from the date that the petition is determined to be sufficient. If the Annual Municipal Election is to be held within the period prescribed in this Section, such referendum shall be considered as part of that election. If the Annual Municipal Election is not to be held within the period prescribed in this section, the Town Council

of the Town of Frankford shall provide for a special election. If the Town Council fails to hold a referendum within the time specified in this section, the ordinance for which the petition was filed shall be deemed to be repealed at the expiration of ninety (90) days from the date that the petition was considered to be sufficient, and shall not be passed in the same form for a period of six (6) months from the effective date of repeal.

(K) At the said Special Election, every person, male or female, who shall have attained the age of eighteen (18) years, and who shall be a freeholder or leaseholder in the Town of Frankford for a period of six (6) months immediately preceding the date of such Special Election, and who shall be a resident of the State of Delaware and of the Town of Frankford shall have one (1) vote provided such person is registered on the corporate "Books of Registered Voters" of the Town of Frankford as prescribed in this Charter. Any person who shall register on the "Books of Registered Voters" shall be entitled to vote in the Special Election provided by this Section. A person may register at the Office of the Town Clerk during the regular office hours on any day in order to vote in the Special Election until the close of business on the second Friday prior to the date of said Special Election. Any person registered to vote in the Annual Municipal Election shall not be required to register in order to vote in the Special Election to be held pursuant to this Section. The "Books of Registered Voters" shall be conclusive evidence of the right of any person to vote at the Special Election.

(L) The notice of the time and place of holding the said Special Election shall be printed in at least two (2) issues of a newspaper having a general circulation in the Town of Frankford within thirty (30) days immediately preceding the date of the Special Election.

(M) The President of the Town Council shall appoint three (3) persons to act as a Board of Special Election, if a Special Election is required. The polling place shall be open from eleven o'clock (11:00) in the morning, prevailing time, until seven o'clock (7:00) in the evening, prevailing time, on the date set for the Special Election. Persons in the polling place at seven o'clock (7:00) in the evening, shall be entitled to vote even though such votes may be cast after seven o'clock (7:00) in the evening.

(N) Immediately after the closing of the polling place or places, the Board of Special Election, or the Board of Election if the referendum is held on the day of the Annual Municipal Election, as the case may be, shall count the ballots for and against the proposition as presented, and shall announce the results thereof. The Board of Special Election or the Board of Election, as the case may be, shall make a certificate under their hands of the number of votes cast for and against the proposed ordinance and the number of void votes, and shall deliver the same to the Town Council. The said certificate shall be filed with the papers of the Town Council of the Town of Frankford.

(O) The form of the ballot of the said Election, whether the same be considered at the Annual Municipal Election or at a Special Election shall be as follows:

- () For the Referred Ordinance
- () Against the Referred Ordinance

(Check your Preference)

Paper ballots may be used in any Special Election on a referral of an ordinance. The Town Council shall cause to be prepared and printed a sufficient number of ballots not less than five (5) days prior to the date of the Special Election. Voting machines shall be used if the referendum is held on the day of the Annual Municipal Election.

(P) If the majority of the residents and property owners voting on a referred ordinance vote against such ordinance, it shall be considered repealed upon the certification of the result of the election by the Board of Special Election in the case of a Special Election or upon the certification by the Board of Election in the case of such referendum being held on the day of the Annual Municipal Election. No ordinance which has been repealed as a result of a referendum shall be passed again in the same form by the Town Council of the Town of Frankford for a period of six (6) months from the date of the referendum.

COMPENDIUM

Section 32. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the power and functions of the Town, or relating to the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions; and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

It shall be the duty of the Councilman, at reasonable times, to compile the ordinances, codes, orders, and rules of the Council of the Town of Frankford. It shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, the Council shall enroll the same in the Minutes of the Council and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined. It shall furnish to the President of the Town Council of the Town of Frankford copies thereof as they are enacted; and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above-provided. By virtue hereof, all ordinances heretofore adopted by a majority vote of the Town Council of the town of Frankford, as the same was composed at the time of the enactment of these provisions into law, shall be given the full force and effect of law, notwithstanding any previous Charter provisions superceded hereby to the contrary.

HEALTH

Section 33. (A) The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the Town, shall extend to the area outside of the Town limits, and within one mile from said limits.

FIRE

(B) The council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a Volunteer Fire Company.

ZONING

(C) For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Council may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The powers to be exercised under and by virtue of this provision shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants.

The Council may create a Town Zoning commission for the development, improvement and beautification of the Town, and may prescribe its powers and duties.

BUILDING INSPECTION PERMITS

(D) The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphate, fertilizer or manures of any kind, he or they before erecting any such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such building will not endanger the other property of the Town, and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

The Council shall have full power to fix and determine the placing and replacing of poles or other structures within the Town limits for the carrying of telegraph, telephone, power or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the Town, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as to the relocation of such poles and structures, wires, and attachments, and may be exercised from time to time as occasion shall arise.

LICENSES

Section 34. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers, to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures and to make proper regulations and rules therefor.

TREES

Section 35. Trees being among the chief beauties of the Town, and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the Town, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ experts provided that they do not exceed the appropriation regulations made by the Council.

PENALTIES

Section 36. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations, thereof relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

FLOATING DEBT

Section 37.. Notwithstanding the limitations on the Town Council to borrow money and issue bonds or certificates of indebtedness on the faith and credit of the Town as

set forth in Section 20 hereof, including the requirements of resolutions, public hearings, public notices and a Special Election as conditions thereto, the Town Council shall have full power and authority, by a majority vote of all members thereof, to borrow upon the faith and credit of the Town of Frankford, the sum or sums of money, not exceeding a total aggregate amount of Fifteen Thousand Dollars (\$15,000.00) in any one fiscal year, when in the opinion of the majority of Council the operating needs of the Town require such indebtedness. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the Town of Frankford, duly authorized by resolutions of Council, and signed by the President, or by the acting President, of the Council and by the Secretary, either with or without the corporate seal of the Town, affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the Town of Frankford as aforesaid, in any fiscal year shall be paid out of the general funds of the Town, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal years following the first fiscal year which said money was borrowed with interest thereon.

LIMITATION OF ACTIONS

Section 38. No action, suit or proceeding shall be brought or maintained against the Town of Frankford for damages either compensatory or punitive, on account of any physical injury or injuries, death or injury to property by reason of the negligence of the Town Councilmen of the Town of Frankford or any of its departments, officers, agents, or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted within ninety days from the happening of such injury or the suffering of such damage, shall notify the Councilmen of the Town of Frankford in writing of the time, place, cause, character and extent of the injuries sustained so enrolled or damages suffered. Any suit brought against the Councilmen of the Town of Frankford shall be against them only in their capacity as representatives of the Town Government and not as individuals.

INVESTIGATIONS

Section 39. The Town Councilmen of the Town of Frankford shall have the power to inquire into and investigate the conduct of any office, officer or employee of the Town and to make investigations of all municipal affairs, and, for any such purpose or purposes, shall have the power to subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.

ANNEXATION

Section 40. The Town Council shall have the authority to annex any territory contiguous to the Town by complying with the procedure set forth herein.

(A) Descriptive Ordinance. The Town Council shall adopt an ordinance describing the area proposed for annexation of the Town. The ordinance shall list the name and address of each property owner in the area proposed for annexation, as shown on the records of the Board of Assessment in and for Sussex County. Prior to the adoption of such descriptive ordinance, the Town Council shall appoint a three (3) member committee headed by one Council member, plus two (2) resident property owners of the Town to investigate the advisability of such annexation of any certain territory contiguous to the limits and territory of the Town of Frankford, which committee shall have made their report thereof to Town Council within a period of two (2) months from the date of their appointment. The descriptive ordinance shall fix the date of the annexation referendum which shall not be less than thirty (30) nor more than ninety (90) days after the adoption of such descriptive ordinance.

(B) Mailing and Publication Required. Within ten (10) days after the adoption of the descriptive ordinance, the Town Secretary shall send a copy of said ordinance by certified mail to each person owning property in the area proposed for annexation as shown on the assessment records in and for Sussex County. The Town Secretary shall also cause a copy of the said annexation ordinance to be

published in two (2) newspapers of general circulation to the Town of Frankford on two (2) separate occasions, the last publication of which shall not be later than fifteen (15) days before the proposed date of the annexation referendum. A notice of such descriptive ordinance shall be posted in five (5) prominent public places within the corporate limits of the Town for a period of at least fifteen (15) days prior to the proposed date of the annexation referendum.

(C) Hours of Annexation Referendum. The polls of the annexation referendum shall be open at 11:00 a.m. and closed at 7:00 p.m.

(D) Qualifications to Vote. At the annexation referendum, every property owner, whether an individual, partnership, corporation, or association, whether in the Town or in the area proposed for annexation, shall have one vote. Every citizen either of the Town or the area proposed for annexation who is not a property owner shall have one vote. In the event that a person owns property in both the Town and the proposed area for annexation and resides in either area, he or she may vote only in the area where he or she resides. In the event that a person owns property both in the Town and in the area proposed for annexation, but resides in neither, he or she may vote only in the Town and not in the area proposed for annexation. The assessment books and records of Sussex County shall be conclusive evidence of the right of property owners to vote in the annexation referendum.

(E) Ballots. The Town Council shall cause to be prepared and have available a sufficient number of ballots not less than five (5) days prior to the date of the annexation referendum. The ballots shall be in the following form:

ANNEXATION BALLOT

For the proposed annexation _____.

Against the proposed annexation _____.

(F) Board of Special Elections. Immediately after the adoption of the descriptive ordinance as provided in subsection (a) of this Article, the Town Council shall, by majority vote, appoint three (3) persons to act as the Board of Special Elections. At least one member shall be a resident property owner of the Town and one person shall be a resident property owner of the area proposed for annexation. The Board created herein shall conduct the election, and shall decide by majority vote, all questions relating to voter eligibility, validity of ballots, and other matter under their jurisdiction and competence to decide with respect to the conducting of the annexation referendum.

(G) Election Report; Dissolving of Board. The Board shall prepare a report of its activities and transmit such report together with any records and documents to the Town Secretary within ten (10) days following the annexation referendum. The Board of Special Elections shall be dissolved within ninety (90) days after it has concluded its business.

(H) Referendum Expenses. The Town shall pay reasonable and necessary expenses to conduct any special annexation referendum. Such expenses shall include the ballots, ballot boxes, report forms, rental of polling space, and any other documented and reasonable expenses incurred by the Board of Special Elections in connection with said annexation referendum.

(I) Polling Places. There shall be only one (1) polling place located in the Town with separate polling areas for entitled voters from the Town and the proposed area for annexation.

(J) Election Results. Immediately upon the closing of the polling areas, the Board of Special Elections shall separately count the ballots for and against the proposed annexation cast by the entitled voters of the Town and the entitled voters of the proposed area for annexation and announce the results thereof. The annexation must be approved in each area individually by the majority of ballots

cast in each individual area before the area proposed for annexation can become annexed to the Town. The Special Board of Elections shall prepare a tally of the referendum results together with a certificate certifying the results of the vote and transmit them as soon as possible to the Town Secretary.

(K) Action by Town Council Required. Within five (5) days after receiving the certificate certifying the results of the annexation referendum the Town Secretary shall present such certificate to the Town Council at a Special Meeting, the minutes of which meeting shall appear recorded in the Minute Book of the Town Council. If the question was passed upon favorably pursuant to subsection (i) herein, the Town Council shall adopt an annexation ordinance, transmitting a true copy of same to the General Assembly, and Article I, Section 1.104, "Corporate Limits", of this Charter shall thereby be deemed amended so as to include the annexed territory within the Town corporate limits.

SURVIVAL OF POWERS AND VALIDATING SECTION

Section 41. All powers conferred upon or vested in the Town of Frankford or the Town Council of the Town of Frankford by any Act or Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the Town of Frankford and/or the Council of the Town of Frankford precisely as if each of said powers was expressly repeated in this Charter. All ordinances adopted by the Town Council of the Town of Frankford and in force at the time of the approval, acceptance, and going into effect of this Charter are continued in force until the same or any of them, shall be repealed, modified or altered by the Town Council of the Town of Frankford under the provisions of this Charter. All the acts and doings of the Town Council of the Town of Frankford or of any official of the Town of Frankford which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Town Council of the Town of Frankford, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

All taxes, assessments, license fees, penalties, fines, forfeitures due the Town Council of the Town of Frankford or the Town of Frankford shall be due the Town of Frankford or the Town Council of the town of Frankford, and all debts due from the Town or the Town Council shall remain unimpaired until paid by the Town of Frankford or the Town Council of the Town of Frankford. All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by the Town Council or the Town of Frankford. The Bonds given by or on account of any official of the Town of Frankford shall not be impaired or affected by the provisions of this Charter. All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed. If any part of this Charter shall be held to be unconstitutional, such holdings shall not be deemed to invalidate the remaining provisions of this Charter. The Charter shall be taken as and deemed to be a Public Act of the State of Delaware."

Approved July 11, 1980.

CHAPTER 402

FORMERLY

SENATE BILL NO. 640
AS AMENDED BY HOUSE AMENDMENTS NO. 1 AND 2

AN ACT TO AMEND CHAPTER 9 AND CHAPTER 11, TITLE 13, DELAWARE CODE, RELATING TO THE TRANSFER OF JURISDICTION OVER ADOPTION AND TERMINATION OF PARENTAL RIGHTS FROM THE SUPERIOR COURT TO THE FAMILY COURT AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 9, Title 13 of the Delaware Code by striking the words "Superior Court" as they appear therein and inserting in lieu thereof the words "Family Court."

Section 2. Amend Chapter 9, Title 13 of the Delaware Code by striking the word "Prothonotary" as it appears therein and inserting in lieu thereof the words "Clerk of Court."

Section 3. Amend Chapter 11, Title 13 of the Delaware Code by striking the words "Superior Court" as they appear therein and inserting in lieu thereof the words "Family Court."

Section 4. Amend Chapter 11, Title 13 of the Delaware Code by striking the word "Prothonotary" as it appears therein and inserting in lieu thereof the words "Clerk of Court."

Section 6. 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 7. This Act shall become effective sixty (60) days after its enactment. Actions commenced prior to the effective date of this Act shall be governed by the provisions of Chapters 9 and 11, Title 13 of the Delaware Code operative prior to such effective date, and those provisions shall remain in effect as to those actions as if this Act was not in effect.

Section 8. Amend Chapter 9, Title 13 of the Delaware Code by adding a new subsection (d) to Section 912 to read as follows:

"(d) If the Court orders any further social investigation or any supplement of the social report, any such investigation should be conducted, and any such supplement shall be prepared, by the said Department or the authorized agency party to the proceedings."

Section 9. Amend Chapter 11, Title 13 of the Delaware Code by adding a new sentence at the end of Section 1105, subsection (c) to read as follows:

"If the Court orders any further social investigation or any supplement of the social report, any such investigation should be conducted, and any such supplement shall be prepared, by the said Department or the authorized agency party to the proceedings."

Approved July 11, 1980.

CHAPTER 403

FORMERLY

SENATE BILL NO. 645

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE TO PERMIT MAIL-IN FINES FOR VIOLATIONS ON THE DELAWARE MEMORIAL BRIDGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4128, Chapter 41, Title 21, Delaware Code, by adding thereto a new subsection (f) to read as follows:

"(f) Any person arrested for violations of this Chapter shall have the right to appear before the committing Justice of the Peace on or before the date and time set for trial and pay the minimum fine for each such offense or to mail the minimum fine to the committing Justice of the Peace provided that such remittance is mailed at least 2 days before the date set for trial. Court costs shall not be assessed if the fine is paid pursuant to this subsection, any statute or court rule of this State notwithstanding. The court shall mail a receipt indicating the payment of a fine pursuant to this subsection if the person paying such fine makes a written request for a receipt and encloses a self-addressed envelop with postage affixed thereon."

Approved July 11, 1980.

CHAPTER 404

FORMERLY

SENATE BILL NO. 650

AN ACT TO AMEND DELAWARE CODE, TITLE 14 BY PROVIDING FOR A DELAWARE PUBLIC SCHOOL ENROLLEES' IMMUNIZATION PROGRAM AND EXEMPTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Delaware Code, Title 14, Chapter 1 by adding to that chapter a new §131 as follows:

"§131 Delaware Public School Enrollees' Immunization Program and Exemptions

The Board shall from time to time, with advice from the Division of Public Health, adopt and promulgate rules and regulations to establish an immunization program to protect pupils enrolled in public schools from certain diseases. Such rules and regulations shall include at least the following:

(a) The designation of a basic series of immunizations to be administered according to these rules;

(b) The requirement that all persons enrolling in the public schools at any age or level as authorized by the provisions of this Title shall have;

(1) been immunized according to the required program prior to the time of enrollment in the Delaware schools, or

(2) begun the series of immunizations not later than the time of enrollment to be completed within a reasonable time as prescribed by the Board in relation to the particular immunization involved,

(3) presented written documentation of any claim of prior immunization in the form of a statement from the immunizing physician or agency or such other form as may from time to time be approved by regulation of the Board.

(c) Provision that persons seeking to be enrollees of the public school who have not been immunized or do not meet the requirements for immunization within the time prescribed shall be denied further attendance in the public schools.

(d) Provision for written notification of the parent, or legal guardian of an enrollee, of a pending exclusion.

(e) Provision for exemption from any or all of the immunization program prescribed for a particular enrollee upon a written statement from a physician, i.e. Medical Doctor or Doctor of Osteopathy, stating that the enrollee should not receive the prescribed immunization or immunizations required in the basic series because of the reasonable certainty of a reaction detrimental to that person. A history of clinical illness of measles or rubella shall not be accepted as cause for exemption.

(f) Provision for exemption from the immunization program for an enrollee whose parents or legal guardian, because of individual religious beliefs, reject the concept of immunization. Such a request for exemption shall be supported by the affidavit herein set forth:

AFFIDAVIT OF RELIGIOUS BELIEF

STATE OF DELAWARE)

_____ COUNTY)

1. (I) (We) (am) (are) the parent(s) legal guardian(s) of _____
Name of Child
2. (I) (We) hereby (swear) (affirm) that (I) (we) subscribe to a belief in a relation to a Supreme Being involving duties superior to those arising from any human relation.
3. (I) (We) further (swear) (affirm) that our belief is sincere and meaningful and occupies a place in (my) (our) life parallel to that filled by the orthodox belief in God.
4. This belief is not a political, sociological or philosophical view of a merely personal moral code.
5. This belief causes (me) (us) to request an exemption from the mandatory school vaccination program for _____
Name of Child

Signature of Parent(s) or Legal Guardian(s)

SWORN TO AND SUBSCRIBED before me, a registered Notary Public, this ____ day of _____, 198____.

(Seal)
Notary Public

My commission expires:

(g) Provision that in the event that the Division of Public Health of the Department of Health and Social Services of the State of Delaware declares that there is throughout the State or in a particular definable region of the State an epidemic of a vaccine preventable disease, any child who is enrolled in a public school and who has been exempt from the immunization program for any of the causes authorized herein shall be temporarily excluded from attendance at the public school. Rules and

regulations of the State Board shall provide that in the event of such temporary exclusion, it will be the responsibility of the school and the parents or legal guardian of the enrollee to assist him or her in keeping up with his or her school work and that no academic penalty shall be suffered by the enrollee upon return to school if the student has maintained his or her relationship with the school through the assignments prescribed. An enrollee so temporarily excluded shall be authorized to return to school upon the lifting by the Division of Public Health of the epidemic declaration.

(h) Provision that in any situation where the parents or legal guardian of the enrollee states that he or she has been immunized, but that the record has been lost or destroyed by the provider of the immunizations, the following procedure may be carried out by that responsible person and shall be accepted by the local school district board of education or its designee in lieu of compliance with the immunization requirement:

(1) The responsible person, or the school nurse, shall sign a statement that the record of the enrollee's immunization has been lost, and

(2) The responsible person shall be responsible for the enrollee obtaining one dose of each of the vaccines prescribed in the basic series of immunization.

(i) Provision for an enrollee who has reached the statutory age of majority set by laws for the State of Delaware to be responsible for his or her immunization program and for execution of the request for religious exemption herein authorized.

(j) Provision that it shall be the responsibility of each Delaware public school district to administer, or prescribe a designee to administer, rules and regulations herein authorized and promulgated by the State Board of Education.

Appeals from the decision of the Board rendered pursuant to this section shall be to the Superior Court and shall be made in the same manner as is provided by the Superior Court Civil Rules for appeals from Commissions, Boards, and Agencies. Such appeal shall be on the record before the Board.

Approved July 11, 1980.

CHAPTER 405

FORMERLY

SENATE BILL NO. 654
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AUTHORIZE DISPOSITION OF THE ROSS POINT NO. 215 SCHOOL PROPERTY IN SUSSEX COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. By this Act the ownership of the Ross Point School No. 215, located in Sussex County, is transferred from the State Board of Education to the State Department of Administrative Services.

Section 2. The State Department of Administrative Services is authorized in accordance with the provisions of Delaware Code, Title 7, §4518 to lease or sell the building and/or land on which the building is located of the Ross Point School No. 215 for a nominal fee to the Ross Point Improvement Club.

Section 3. The easement granted by the State Board of Education to the State Department of Transportation, Division of Highways, for a right-of-way across the Ross Point No. 215 School property and the sight easement at the intersection of roads 448 and 62 shall remain in full force and effect as the provisions of this Act are executed.

Section 4. The costs of deed preparation and any survey shall be the responsibility and the obligation of the Ross Point Improvement Club.

Section 5. It shall revert to the Department of Administrative Services, State of Delaware, in the event of nonuse by the Ross Point Improvement Club for the purpose for which the property was transferred.

Approved July 11, 1980.

CHAPTER 406

FORMERLY

SENATE BILL NO. 675

AN ACT TO AMEND CHAPTER 6, TITLE 24, DELAWARE CODE RELATING TO COSMETOLOGISTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §619, Chapter 6, Title 24, Delaware Code, by adding thereto a new sentence to read as follows:

"Any cosmetology student having completed 1,000 hours in training shall be permitted to work in a beauty salon after school hours, but shall not be given school hours for such time."

Section 2. Amend §605(7), Chapter 6, Title 24, Delaware Code, by adding thereto a new paragraph (d) to read as follows:

"(d) All practicing instructors must hold a valid instructors license issued by the Delaware State Board of Cosmetology, regardless of where they are instructing."

Section 3. Amend §622, Chapter 6, Title 24, Delaware Code by adding thereto a new sentence to read as follows:

"Anyone whose license has expired for a period of four (4) years shall be required to take a current examination before renewing license. The Board shall administer both the practical and theory."

Section 4. Amend §614, Chapter 6, Title 24, Delaware code by adding thereto a new sentence to read as follows:

"The Board shall not dispense with examination of applicants of other states who may otherwise qualify under this Section if such state does not grant reciprocity to the State of Delaware license holders."

Section 5. Amend §605(4), Chapter 6, Title 24, Delaware Code, by adding thereto a new sentence to read as follows:

"Upon obtaining an operators license a person may apply immediately for a managers examination."

Section 6. Amend §605(6) of Chapter 6, Title 24, Delaware Code by adding thereto a new sentence to read as follows:

"Any student missing three or more consecutive months of training shall take the placement test before re-entering beauty school. The test shall be given by the school they choose to re-enter."

Section 7. Amend §605(4), Chapter 6, Title 24, Delaware Code by adding thereto a new sentence to read as follows:

"Any person holding a valid instructors license shall be allowed to own, manage and perform services in a beauty salon without the requirement for an additional license."

Section 8. Amend §602, Chapter 6, Title 24, Delaware Code by striking the period "," immediately following the word "State" in the seventh sentence of said section and inserting the following:

"; and further provided that any changes in the rules and regulations by the Board shall be sent to every school in the State within thirty (30) days of the change."

Section 9. Amend §605(b), Chapter 6, Title 24, Delaware Code, by adding thereto the following:

"An apprentice shall be required to take the State Board examination after completing 3,000 hours, and shall not be permitted to continue working an apprenticeship unless the examination is taken and passed. If the apprentice passes the practical and fails the theory the apprentice shall receive a permit to work until the next theory examination is administered, however, not to exceed 5 months."

Section 10. Amend §607(c), Chapter 6, Title 24, Delaware Code, by adding thereto a new sentence to read as follows:

"Students in beauty schools shall be allowed to perform services on patrons when the instructor feels they are fully prepared."

Section 11. Amend §605(a), Chapter 6, Title 24, Delaware Code, by inserting a period "." after the word "training" and striking the words "not to exceed more than 8 hours on any 1 day" and further adding a new sentence to read:

"School owners shall have the option of the amount of hours of training per day not to exceed 10 hours and shall be able to choose which days of the week they work provided the hours accumulated do not exceed 40 hours per week, nor less than a minimum of 35 hours per week."

Approved July 11, 1980.

CHAPTER 407
FORMERLY
SENATE BILL NO. 677

AN ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF OBLIGATIONS TO FINANCE COSTS OF VARIOUS PROJECTS, APPROPRIATING THE PROCEEDS TO SUCH USES BY VARIOUS AGENCIES OF THE STATE AND BY THE STATE BOARD OF EDUCATION, APPROPRIATING AMOUNTS IN THE BOND REVERSION ACCOUNT AND THE CAPITAL INVESTMENT FUND TO FINANCE COSTS OF VARIOUS PROJECTS, DEAUTHORIZING THE ISSUANCE OF OBLIGATIONS FOR VARIOUS PROJECTS, INCREASING THE AMOUNT OF SUCH OBLIGATIONS THAT MAY BE AUTHORIZED BY A REDUCTION IN THE AMOUNT OF STATE GUARANTEED BONDS THAT MAY BE AUTHORIZED BY THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY OR ITS SUCCESSOR AUTHORITY, MAKING PROVISIONS FOR THE ISSUANCE OF OBLIGATIONS AND THE APPLICATION OF SUCH PROCEEDS BY AMENDING CHAPTERS 74 AND 91, TITLE 29, DELAWARE CODE AS AMENDED, MAKING PROVISION FOR THE ESTABLISHMENT OF A RENEWABLE RESOURCES PROGRAM FROM THE PROCEEDS OF CERTAIN OBLIGATIONS BY AMENDING CHAPTER 94, TITLE 29, DELAWARE CODE, AND SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF THE PROCEEDS OF SUCH OBLIGATIONS.

BE 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. Authorization of Twenty Year Bonds. The State hereby authorizes the issuance of \$23,303,003 bonds to which the State will pledge its full faith and credit. Bonds authorized to be issued by this Section shall mature not later than twenty (20) years from their date of issuance. The proceeds of such bonds are hereby appropriated to the following Departments and Agencies and in the following amounts for the purposes set forth in the Fiscal Year 1981 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Budget Commission	\$ 121,993
Office of Management, Budget, and Planning	2,608,939
Delaware Energy Office	100,000
Department of State	7,967
Department of Administrative Services	75,000
Department of Health and Social Services	902,000
Department of Correction	3,650,000
Department of Natural Resources & Environmental Control	1,695,000
Department of Public Safety	11,000
Department of Community Affairs & Economic Development	800,000
Department of Transportation	6,671,265
State Fire Prevention Commission	100,000
Delaware National Guard	110,000
University of Delaware	2,950,000
Delaware State College	1,000,000
Delaware Technical and Community College	1,699,839
State Board of Education (as provided below)	<u>800,000</u>

	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Seaford Junior High School - Renovations	\$ 700,000	\$ 467,000	\$ 1,167,000
Seaford - Orthopedic Sch.	<u>100,000</u>	<u>—</u>	<u>100,000</u>
Subtotal	\$ 800,000	\$ 467,000	\$ 1,267,000

TOTAL

\$23,303,003

Section 2. Authorization of Ten Year Bonds. The State hereby authorizes the issuance of \$15,851,395 bonds to which the State will pledge its full faith and credit. Bonds authorized to be issued by this Section shall mature not later than ten (10) years from their date of issuance. The proceeds of such bonds are hereby appropriated to the following Departments and Agencies and in the following amounts for the purposes set forth in the Fiscal Year 1981 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Budget Commission	\$ 76,086
Office of Management, Budget, and Planning	100,000
Delaware Energy Office	700,000
Department of State	30,000
Department of Health and Social Services	951,410
Department of Correction	199,281
Department of Natural Resources & Environmental Control	145,708
Department of Public Safety	613,499
Department of Community Affairs & Economic Development	100,000
Department of Transportation	9,542,836
Department of Agriculture	32,900
Delaware National Guard	161,000
Delaware State College	100,000
Delaware Technical and Community College	590,000
State Board of Education (as provided below)	\$ <u>2,508,675</u>

	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Appoquinimink- Redding Middle School	\$ 33,675	\$ 133,000	\$ 332,000
Capital - Orthopedic Sch.	75,000	—	75,000
Minor Capital Improvements	1,700,000	1,001,359	2,701,359
School Bldg. Maintenance	<u>700,000</u>	<u>—</u>	<u>700,000</u>
Subtotal	\$ 2,508,675	\$ 1,134,359	\$ 3,808,359

TOTAL

\$15,851,395

Section 3. Repeal of Prior General Obligation Bond Authorizations. There is hereby repealed the authorization to issue bonds, the proceeds of which were appropriated to the following Departments and Agencies pursuant to the following laws for the following projects in the following amounts:

Department or Agency	Volume and Chapter	Project Account Code	Amount
Dept. of Administrative Services	60-271	30-04-001-76-89	\$ 75,000
Dept. of Health & Social Services	61-408	35-05-004-79-80	75,000
Dept. of Health & Social Services	62-146	35-11-002-50-13	10,000
Delaware National Guard	61-376	76-01-000-78-81	271,000
Del. Tech. & Comm. College	62-146	90-04-006-50-13	15,000
State Board of Education	62-146	95-01-002-50-92	22,148
TOTAL			\$ 468,148

Section 4. Repeal of Prior Guaranteed Bond Authorizations. In view of the authorization herein to issue \$5,000,000 obligations of the State to assist economic development in the State, to which obligations the State will pledge its full faith and credit, the principal amount of obligations authorized to be issued by the Delaware Economic Development Authority or any successor authority shall hereby be reduced by an equivalent amount as follows:

(a) Section 7004(d)(ii), Title 6, Delaware Code, is hereby amended by deleting the amount \$50,000,000 as it appears therein and substituting therefore the amount \$45,000,000.

(b) Nothing in this Act shall reduce the amount of bonds authorized to be issued by the Delaware Economic Development Authority or any successor authority, to which may be pledged the full faith and credit of the State below the amount of such bonds issued and unpaid on the effective date of this Act.

Section 5. Bond Authorization Limit. Amend Title 29, Section 7423, of the Delaware Code, by deleting the last sentence in its entirety, and inserting in lieu thereof, the following sentence:

"In determining the amount of such obligations that may be authorized, the General Assembly may increase the amount to be authorized in any fiscal year for appropriation to a department of the State or for appropriation to the State Board of Education, to Delaware Technical and Community College, to the University of Delaware or to Delaware State College by an amount equal to the aggregate principal amount of such obligations authorized to be issued by the State and the amount of obligations authorized to be issued by a public agency or authority of the State to which the full faith and credit of the State may be pledged, the authorization for which has been duly repealed or reduced by the General Assembly in such fiscal year, whether or not such authorization was adopted prior to the formation of such department or for the State Board of Education, Delaware Technical and Community College, the University of Delaware, or Delaware State College, respectively."

Section 6. Deposit of Money. Amend Title 29, Section 7414 of the Delaware Code by deleting the last sentence in its entirety and inserting in lieu thereof the following new paragraphs:

"Any casual deficiency not to exceed \$10,000,000 in the Capital Improvement Projects Fund created pursuant to Section 7414 of this Title may be met to the extent permitted by law from the State's other special funds. Any deficiency met in such manner shall create a deficiency period which shall constitute the next 120 consecutive days. During such period, deficiencies may be met from time-to-time in this manner from such special funds. At the end of such period, no deficiency may be met from such special funds for at least the ensuing 245 consecutive days.

Proceeds from the issuance and sale of revenue notes shall be deposited in the General Fund of the State."

Section 7. Advanced Planning Funds. Amend Title 29, Subchapter II, Section 9124 of the Delaware Code by designating the existing paragraph as (a) and by adding a new paragraph as follows:

"(b) In the event that a capital project, for which Advanced Planning Funds have been provided from the Fund is not included in a Capital Improvement Act within three years, the Budget Commission may declare the project inactive and request the State's Bond Issuing Officers to reimburse the Fund from the Bond Reversion Account, the provisions of Title 29, Section 7418 of the Delaware Code notwithstanding."

Section 8. Transfers from Reversion Accounts. The State Treasurer shall transfer amounts on deposit in the agency and school bond reversion accounts to the following Departments and Agencies in the following amounts for the purposes set forth in the Fiscal Year 1981 Capital Improvements Project Schedule attached hereto and made part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Office of Management, Budget, and Planning	\$ 91,061
Department of State	7,033
Department of Administrative Services	97,000
Department of Health and Social Services	11,590
Department of Correction	719
Department of Natural Resources & Environmental Control	37,292
Department of Public Safety	2,501
Department of Transportation	1,339,389
Department of Agriculture	12,100
Delaware National Guard	6,358
Delaware Technical and Community College	161
State Board of Education	165,325
TOTAL	\$ 1,776,529

Section 9. Appropriations for Minor Capital Improvements. The sum of \$1,700,000 appropriated by Section 2 of this Act to the State Board of Education for Minor Capital Improvements to school buildings, shall be paid by the State Board of Education to local districts in the following amounts:

<u>School District</u>	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Appoquinimink	\$ 31,200	\$ 20,800	\$ 52,000
NCCSD	827,120	551,413	1,378,533
New Castle County Vo-Tech	110,958	—	10,958
Caesar Rodney	45,000	30,000	75,000
Capital	83,949	55,966	139,915
Kent Vo-Tech	20,751	—	20,751
Lake Forest	22,588	15,058	37,646
Milford	48,012	32,008	80,020
Smyrna	42,500	28,333	70,833
Cape Henlopen	26,310	17,540	43,850
Delmar	15,300	10,200	25,500
Indian River	94,697	63,132	57,829
Laurel	28,720	19,146	47,866
Seaford	47,283	31,521	78,804
Sussex Vo-Tech	18,981	—	18,981
Woodbridge	25,750	17,166	42,916
NCCSD - Special Schools	47,267	—	47,267
Subtotal	\$ 1,536,386	\$ 892,283	\$ 2,428,669
Vocational Equipment	80,000	53,333	133,333
State Board of Education	83,614	55,743	139,357
TOTAL	\$ 1,700,000	\$ 1,001,359	\$ 2,701,359

Section 10. Delaware Transportation Authority Busses. The sum of Eight Hundred Thousand Dollars (\$800,000.00) appropriated to the Delaware Transportation Authority is to be used to provide the local matching funds needed for the Delaware Administration for Regional Transit (DART) to purchase between 25 and 30 public transportation busses under an Urban Mass Transportation Administration (UMTA) capital grant.

Section 11. Wilmington Transportation Terminal.

(a) The Delaware Transportation Authority may enter into contracts with the Wilmington Parking Authority for the construction of this facility as an integral part of a larger structure to serve other modes of transportation.

(b) The sum of Two Hundred Thousand Dollars (\$200,000.00) appropriated to the Delaware Transportation Authority is to be used to provide the local matching funds needed for the Authority to construct an intercity bus, taxi, and limousine transfer facility as an integral part of the proposed Wilmington Transportation Center, under an Urban Mass Transportation Administration (UMTA) capital grant.

Section 12. Long Life Heavy Equipment. The provisions of Section 5, Volume 62, Chapter 26 Delaware Laws (heretofore enacted as House Bill Number 314 of the 130th General Assembly) shall apply to the sum of Five Hundred Thousand Dollars (\$500,000.00) appropriated to the Department of Transportation for acquisition of long life heavy equipment.

Section 13. Department of Transportation Accounting Procedures. In order to maintain a new system of accounts which has been approved by the U.S. Department of Transportation and by the State's Department of Finance and Budget Office, the Secretary of the Department of Transportation is hereby authorized and directed to establish and maintain a new system of accounts for the capital funds herein, heretofore, and hereafter authorized and appropriated by capital authorization acts of the General Assembly.

In order to assist the Secretary in the orderly transition of accounting for previously funded capital projects, the Budget Director and the Secretary of Finance shall redesignate the following project account codes in the manner prescribed herein:

Project	Previous Account Code	New Account Code
Engineering & Contingency	55-01-000-76-91	55-05-000-57-00
Engineering & Contingency	55-01-000-77-91	55-05-000-57-00
Engineering & Contingency	55-01-000-78-91	55-05-000-57-00
DTA Corridor Program	55-05-000-50-10	55-05-000-66-00
DTA Noncorridor Program	55-05-000-50-11	55-05-000-66-00
Corridor Program 604	55-05-000-50-70	55-05-000-55-00
Engineering & Contingency 604	55-05-000-50-71	55-05-000-57-00
S/W Safety Project 604	55-05-000-50-72	55-05-000-63-00
S/W Bridges 604	55-05-000-50-73	55-05-000-65-00
Dirt Roads H604	55-05-000-50-74	55-05-000-62-00
Long Life Equipment 604	55-05-000-50-75	55-05-000-58-00
Augustine Bridge	55-05-000-50-81	55-05-000-55-00
Traffic Signals	55-05-000-50-85	55-05-000-61-00
Dirt Roads	55-05-000-50-88	55-05-000-62-00
Sub. Sts. Mis. Project New	55-05-000-50-90	55-05-000-56-00
Engineering and Contingency	55-05-000-50-91	55-05-000-57-00
Advance Planning & Engineering	55-05-000-50-92	55-05-000-60-00
Advance Right-of-Way	55-05-000-50-93	55-05-000-59-00
Sub. Sts. Mis. Project Comp.	55-05-000-50-96	55-05-000-56-00
Paving Rehab. 78/79 Work	55-05-000-50-97	55-05-000-64-00
Long Life Heavy Equipment	55-05-000-50-98	55-05-000-58-00
Other Projects Completion	55-05-000-50-99	55-05-000-57-00
Corridor Projects	55-05-000-73-80	55-05-000-55-00
Noncorridor Projects	55-05-000-73-81	55-05-000-55-00
Highway & Highway RR Safety Imp.	55-05-000-73-82	55-05-000-63-00
Topics Program	55-05-000-73-83	55-05-000-56-00
Bridge Rehabilitation R-R	55-05-000-73-86	55-05-000-65-00
Advance Right-of-Way Acquisition	55-05-000-73-93	55-05-000-59-00
Suburban Drainage Program	55-05-000-73-94	55-05-000-56-00
Seawall and Drainage SC	55-05-000-73-95	55-05-000-56-00
Corridor Program	55-05-000-74-80	55-05-000-55-00
Noncorridor Route Imp. Program	55-05-000-74-81	55-05-000-55-00
Highway & RR Ring Safety	55-05-000-74-82	55-05-000-63-00

<u>Project</u>	<u>Previous Account Code</u>	<u>New Account Code</u>
Topics Program	55-05-000-74-83	55-05-000-56-00
Small Bridge Replacement & Repair	55-05-000-74-86	55-05-000-65-00
Miscellaneous Projects	55-05-000-74-87	55-05-000-56-00
Suburban Sts. Reconstruction Pro.	55-05-000-74-90	55-05-000-56-00
Suburban Drainage Program	55-05-000-74-94	55-05-000-56-00
Corridor Projects	55-05-000-75-80	55-05-000-55-00
Noncorridor Projects	55-05-000-75-81	55-05-000-55-00
Advance Eng. & Planning Projects	55-05-000-75-92	55-05-000-60-00
Bicycle Paths	55-05-000-75-99	55-05-000-56-00
Corridor Projects	55-05-000-76-80	55-05-000-55-00
Noncorridor Projects	55-05-000-76-81	55-05-000-55-00
Intersection Improvements	55-05-000-76-84	55-05-000-56-00
Traffic Signal Improvements	55-05-000-76-85	55-05-000-61-00
Small Bridge Replacement	55-05-000-76-86	55-05-000-65-00
Miscellaneous Projects	55-05-000-76-87	55-05-000-56-00
Dirt Roads	55-05-000-76-88	55-05-000-62-00
Pave & Rehabilitate Secondary	55-05-000-76-89	55-05-000-64-00
Suburban Streets Improvements	55-05-000-76-90	55-05-000-56-00
Engineering and Contingency	55-05-000-76-91	55-05-000-57-00
Advance Right-of-Way Acquisition	55-05-000-76-92	55-05-000-59-00
Suburban Drainage	55-05-000-76-94	55-05-000-56-00
Corridor Projects	55-05-000-77-80	55-05-000-55-00
Noncorridor Projects	55-05-000-77-81	55-05-000-55-00
Intersection Improvements	55-05-000-77-84	55-05-000-56-00
Miscellaneous Projects	55-05-000-77-87	55-05-000-56-00
Dirt Road Program	55-05-000-77-88	55-05-000-62-00
Suburban Streets Improvements	55-05-000-77-90	55-05-000-56-00
Engineering & Contingency	55-05-000-77-91	55-05-000-57-00
Suburban Drainage	55-05-000-77-94	55-05-000-56-00
Corridor Projects	55-05-000-78-80	55-05-000-55-00
Noncorridor Projects	55-05-000-78-81	55-05-000-55-00
Traffic Signals	55-05-000-78-85	55-05-000-61-00
Miscellaneous Small Projects	55-05-000-78-87	55-05-000-56-00
Dirt Roads Statewide	55-05-000-78-88	55-05-000-62-00
Pave Rehabilitate	55-05-000-78-89	55-05-000-64-00
Suburban Streets Improvements	55-05-000-78-90	55-05-000-56-00
Engineering & Contingency	55-05-000-78-91	55-05-000-57-00
Drainage Program	55-05-000-78-94	55-05-000-56-00
Emergency Paving & Rehabilitation	55-05-000-79-70	55-05-000-64-00
Emergency Surface Treatment	55-05-000-79-71	55-05-000-64-00
Corridor Projects	55-05-000-79-80	55-05-000-55-00
Noncorridor Projects	55-05-000-79-81	55-05-000-55-00
Bridge Replacement	55-05-000-79-86	55-05-000-65-00
Paving & Rehabilitation	55-05-000-79-89	55-05-000-64-00
Suburban Street Program	55-05-000-79-90	55-05-000-56-00
Engineering and Contingency	55-05-000-79-91	55-05-000-57-00
Drainage Program	55-05-000-79-94	55-05-000-56-00
Long Life Equipment	55-05-000-79-98	55-05-000-58-00
Transit Improvement Program	55-06-000-74-97	55-06-000-67-00
Mass Transit	55-06-000-75-97	55-06-000-67-00
Transit Projects	55-06-000-76-97	55-06-000-67-00

Nothing in this Section shall be construed as authorizing the Secretary of Transportation to deauthorize, cancel, or in any way defer any previously authorized capital project, and the Secretary shall continue to make such timely reports to the Governor, General Assembly, and the Controller General on the status of all duly authorized projects as may be required.

Section 14. State Building Weatherization.

(a) The sum of Seven Hundred Thousand Dollars (\$700,000.00) appropriated to the Delaware Energy Office for weatherization shall be spent to help improve the energy efficiency of State schools, hospitals, and other public buildings.

(b) The funds appropriated herein shall, to the maximum extent practicable, be used as local match for federal grants heretofore and hereinafter awarded to the State for purposes consistent with the purposes of this Act.

(c) The funds appropriated herein shall be transferred by the Director of the Delaware Energy Office, with the concurrence of the Budget Director and the Controller General, to State agencies, the Department of Public Instruction and to the institutions of higher education in such a manner and in such amounts as the Director deems most effective in order to achieve the greatest overall savings of energy within the State. The Director shall be assisted in his review of applications for these funds by a Committee consisting of the Secretary of the Department of Administrative Services, the Secretary of the Department of Health and Social Services, the Superintendent of the Department of Public Instruction, the Director of the Office of Management, Budget, and Planning, and the Controller General, or their designated representatives.

(d) The Director of the Delaware Energy Office, with the consent of the Committee, may adopt such rules and regulations as he deems appropriate for the allocation and disbursement of these funds, but in no case shall he transfer such funds without a written analysis by the agency or institution of its energy conservation programs and procedures.

(e) Funds transferred to the Department of Public Instruction for use by local school districts shall be considered the State's sixty percent (60%) matching share of minor capital improvement funds pursuant to 14 Del. C. §1902(b) and shall be matched by the school districts with their forty percent (40%) local share. In order for local districts to maximize their eligibility for federal entitlements under this program, major and minor capital improvement funds heretofore, herein, or hereafter appropriated by the State, and matched by the local school districts, may be utilized to carry out the purposes of this Section. Vocational-technical and special schools shall be exempt from the provisions of this Subsection.

Section 15. Renewable Resources.

(a) The sum of One Hundred Thousand Dollars (\$100,000.00) appropriated to the Delaware Energy Office for Renewable Resources shall be governed by adding a new Section 9420 to Chapter 94, Title 29 of the Delaware Code to read as follows:

"9420. Renewable Resource Equipment and Technologies.

(a) The following words and phrases shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise:

(1) Active Solar Energy System - Collectors, storage and mechanical equipment, controls, pumps, etc. which convert and then transfer or store the direct rays of the sun into usable forms of energy for space conditioning, crop drying and domestic hot water.

(2) Passive Solar Energy System - A structure or portion of a structure designed to convert the direct rays of the sun into thermal or electrical energy, through a collection, storage, and distribution system that excludes the use of equipment with moving parts or electrical controls.

(3) Innovative Technological Applications or Equipment - Systems which produce or utilize renewable forms of energy into usable forms of thermal, electrical, or mechanical energy such as biomass conversion.

(4) Wind Energy System - Equipment which converts, transfers and/or stores energy from the wind into usable forms of thermal, electrical, or mechanical energy, but does not include vehicles which utilize wind energy propulsion.

(b) The owner of any residential, commercial, or agricultural installation, as defined by regulations adopted under this Chapter, may apply to the Delaware Energy Office for a financial grant to be used for partial reimbursement of costs incurred in the purchase and application of such designated renewable resource equipment and technologies as are set forth in subsection (c).

(c) The renewable resource equipment and technologies for which financial grants may be obtained are as follows:

- (1) Active solar space heating and cooling systems
- (2) Active solar grain drying systems
- (3) Active solar domestic hot water heaters
- (4) Passive solar space heating system
- (5) Wind energy systems
- (6) Such other innovative technological applications or equipment as the Director, in his discretion, may designate by regulation pursuant to subsection (e) of this Section.

(d) Financial grants to the owner of any eligible installation shall not exceed the following percentage of total project cost up to the maximum grant amount as set forth for the particular technology or equipment listed below:

<u>Technology</u>	<u>% of Cost</u>	<u>Maximum Grant Amount</u>
(1) Active solar space heating and cooling		
Residential	20	\$ 2,000.00
Commercial and Agricultural	20	\$ 3,000.00
(2) Solar application in agriculture other than space conditioning and hot water	20	\$ 1,000.00
(3) Solar domestic hot water		
Residential	20	\$ 600.00
Commercial and Agricultural	20	\$ 2,000.00
(4) Passive solar space heating		
Residential	15	\$ 1,500.00
Commercial and Agricultural	15	\$ 2,000.00
(5) Wind systems		
Residential	20	\$ 1,000.00
Commercial and Agricultural	20	\$ 2,000.00
(6) Other innovative technological applications, including biomass conversion		
Residential	20	\$ 2,000.00
Commercial and Agricultural	20	\$ 3,000.00

(e) Pursuant to his authority in 29 Delaware Code §9406(6), the Director may promulgate rules and regulations governing the grant application procedure, eligibility of installations, equipment or technologies for which grants are available, certification of equipment, and other matters deemed necessary or advisable for implementing this program. In designating the installations, equipment, or technologies eligible for such grants, the Director shall apply the following criteria to the maximum extent practicable and consistent with the goal of making renewable energy systems available to Delawareans.

- (1) The eligible systems shall meet energy efficiency, consumer protection and product quality performance standards established by reference to an independent testing laboratory, or be approved by a registered professional engineer, or conform to relevant state or federal law or guidelines, as approved by the Director.
- (2) The eligible systems shall make a sufficient contribution to the energy needs of the applicant such that the systems, to the maximum extent practicable and consistent with the goal of reducing the import of foreign fuels into this country, are effective in reducing the energy costs of the applicant.

The Director shall give public notice of proposed regulations or amendment thereof in two newspapers of Statewide circulation. Such notice shall include a brief description of the regulations and the time and place where copies of the proposed regulation may be obtained. The notice shall also provide a period of at least 15 days during which written comments may be submitted by the public. Any regulations adopted under this subsection shall be published in two newspapers of Statewide circulation at least 15 days prior to the time the regulation, or amendment thereof, becomes effective.

(f) The Director or his duly authorized representatives may inspect such records, books, receipts, reports, or other documents required to be filed or maintained by this statute or regulations adopted thereunder and may inspect any equipment or technology for which a grant application has been made prior to approval thereof."

(b) No grant in respect of the purchase of equipment or application of technology prior to the effective date of this Act shall be made.

Section 16. Communications Equipment.

(a) The sum of Six Hundred Thousand Dollars (\$600,000.00) appropriated to the Division of Communications of the Department of Public Safety shall be deposited in the Communications Revolving Fund as designated in Section 1606, Chapter 16, Title 17, Delaware Code, and shall be spent by the Communications Chief of the Division of Communications to establish a new and improved radio communications system for use by the Division of State Police.

(b) The Communications Chief shall further insure that any system(s) developed and implemented will be compatible with the overall communications needs of the State, and that such funds as are not necessary for the implementation of the system(s) for the Delaware State Police shall be used to establish improved communication system(s) for the Department of Correction.

(c) A separate accounting of expenditures made in compliance with this legislation shall be maintained by the Division of Communications and reported to the Budget Director and the Controller General as these two officials may direct.

Section 17. Lewes Marine Complex.

(a) The sum of Four Hundred and Fifty Thousand Dollars (\$450,000.00) appropriated to the University of Delaware for the Lewes Marine Complex shall be used for the construction of roadways, bridges, and all site utilities required to establish usable and easily accessible building sites adjacent to the University's existing campus at Lewes.

(b) The State funds appropriated herein shall be used to match federal funds which may become available from the Economic Development Administration (EDA) of the United States Department of Commerce. The University of Delaware may not encumber any of the State funds appropriated for this project without the approval of the Director of the Office of Management, Budget, and Planning and the Controller General. Should the federal funds referred to herein not be awarded within eighteen (18) months of the effective date of this Act, such State funds as remain unencumbered shall automatically revert to the Bond Reversion Account and such authorization to issue bonds as may remain shall be repealed.

Section 18. Delaware Technical and Community College Industrial Training Center.

(a) The sum of Seven Hundred Thousand Dollars (\$700,000.00) appropriated to Delaware Technical and Community College (Terry Campus) shall be used for the construction of an Industrial Training Center (together with the necessary site and access improvements) which shall serve as a training facility to meet the economic development needs of the State.

(b) The State funds appropriated herein shall be used to match federal funds which may become available from the Economic Development Administration (EDA) of the United States Department of Commerce. Delaware Technical and Community College may not encumber any of the State funds appropriated

for this project without the approval of the Director of the Office of Management, Budget, and Planning and the Controller General. Should the federal funds referred to herein not be awarded within eighteen (18) months of the effective date of this Act, such State funds as remain unencumbered shall automatically revert to the Bond Reversion Account and such authorization to issue bonds as may remain shall be repealed.

Section 19. Watershed and Tax Ditches.

(a) The sum of Two Hundred Thousand Dollars (\$200,000.00) appropriated to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control is to be used for an accelerated program of bridge and culvert replacement and construction of drainage projects in non-federally assisted watersheds in accordance with Section 4190, Chapter 41, Title 7, and Section 3905(b)(7), Chapter 39, Title 7, Delaware Code.

(b) Funds appropriated herein shall be divided equally between: (i) bridge and culvert replacements and (ii) new construction in non-federally assisted watersheds. The Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control, at its discretion, may allocate such funds among eligible projects and may waive any requirements for matching contributions from county or local governments as related to drainage ditches for which funds provided herein are to be used.

Section 20. Park Development.

(a) There is hereby appropriated and transferred the sum of Three Hundred Sixty Thousand Dollars (\$360,000.00) from the Capital Investment Fund, established pursuant to Chapter 62, Title 29, Delaware Code, to the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control for the purpose of making site, access, facilities, and other necessary improvements at the Cape Henlopen and Delaware Seashores State Parks. These funds shall be used, to the maximum extent practicable, to match any federal funds available for such developments and improvements.

(b) Any funds appropriated herein and remaining unexpended or unencumbered as of June 30, 1982 shall revert to the Capital Investment Fund.

Section 21. Brandywine Gateway.

(a) The sum of One Million Nine Hundred Thousand Dollars (\$1,900,000.00) appropriated to the Office of Management, Budget, and Planning shall be used to provide necessary site, access, and relocation improvements in conjunction with the development of the Brandywine Gateway area of the City of Wilmington.

(b) The Director of the Office of Management, Budget, and Planning is authorized to contract for such services and to transfer such funds to other State agencies and to the State Board of Education for use by the New Castle County Vocational-Technical School District as may become necessary for the State to fulfill its obligations under the terms and conditions of the Brandywine Gateway Development Agreement. In no case shall any portion of these funds be used to acquire the Fletcher Brown Vocational School site from the New Castle County School District, or its successor districts. Such funds as are necessary may be transferred to the State Board of Education for use by the New Castle County School District, or its successor districts, in the renovation or rehabilitation of school building(s) in conjunction with the relocation of educational and other programs currently located at the Fletcher Brown School.

(c) The State funds appropriated herein shall be used to the maximum extent practicable to match federal funds available for the development, renovation, reconstruction, or other improvement of streets, bridges, parks, or other areas within the Brandywine Gateway area dedicated to public access and use. Should Urban Development Action Grant (UDAG) funds not be awarded for the Brandywine Gateway area within eighteen (18) months of the effective date of this Act, such State funds as remain unencumbered shall revert to the Bond Reversion Account and such authorization to issue bonds as may remain shall be repealed.

Section 22. Architectural Barriers. The Director of the Office of Management, Budget, and Planning is authorized to require State departments and agencies, local school districts, and the institutions of higher education to prepare updated analyses of those remaining architectural barriers in buildings and other improvements under their jurisdiction which constitute serious impediments to free and easy access by handicapped individuals. The Director is authorized to transfer sufficient funds, not to exceed the One Hundred Thousand Dollars (\$100,000.00) appropriated herein to these departments, agencies, school districts, and other educational institutions in order for them to accomplish prompt removal of such barriers. In determining the departments, agencies, districts, and institutions to be so assisted, the Director shall consult with the Architectural Accessibility Board created pursuant to Chapter 73, Title 29 of the Delaware Code.

Section 23. Bond Verification. All bonds issued, or hereinbefore or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 24. Inconsistency. Insofar as the provisions of this Act are inconsistent with the provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be controlling.

Section 25. Severability. If any section, part, phrase, or provision of this Act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

Section 26. Effective Date. This Act shall become effective upon signature by the Governor of the State of Delaware.

Approved July 11, 1980.

FISCAL YEAR 1981 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

BUDGET COMMISSION

	New 1981 Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	Total
<u>Reimburse Advanced Planning Fund</u>				
Caesar Rodney School District	\$ 1,836*	\$ -0-	-0-	\$ 1,836
Cape Henlopen School District	2,871*	-0-	-0-	2,871
Indian River School District	17,537*	-0-	-0-	17,537
Capital School District	425*	-0-	-0-	425
New Castle County School District	17,422*	-0-	-0-	17,422
DHSS - HCI	22,745*	-0-	-0-	22,745
Subtotal Advanced Planning Fund	\$ 62,836*	\$ -0-	-0-	\$ 62,836
<u>Reimburse Advanced Land Acquisition Fund</u>				
Administrative Services	\$ 8,200*	\$ -0-	-0-	\$ 8,200
Administrative Services	5,050*	-0-	-0-	5,050
Administrative Services	35,000	-0-	-0-	35,000
Delaware State College	86,993	-0-	-0-	86,993
Subtotal Adv. Land Acq. Fund	\$ 135,243	\$ -0-	-0-	\$ 135,243
Subtotal	\$ 198,079	\$ -0-	-0-	\$ 198,079

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

	New 1981 Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	Total
OFFICE OF MANAGEMENT, BUDGET & PLANNING				
Wilmington Public Bldg. - Design & Ren.	\$ 708,939	\$ -0-	\$ 91,061	\$ 800,000
Brandywine Gateway-Site Devel. & Reloc.	-0-	1,900,000	-0-	1,900,000
Removal of Architectural Barriers	100,000*	-0-	-0-	100,000
Subtotal	\$ 808,939	\$ 1,900,000	\$ 91,061	\$ 2,800,000
DELAWARE ENERGY OFFICE				
Energy Improvements-State Bldgs.	\$ 700,000	\$ -0-	\$ -0-	\$ 700,000
Renewable Resources	100,000*	-0-	-0-	100,000
Subtotal	\$ 800,000*	\$ -0-	\$ -0-	\$ 800,000
DEPT. OF STATE				
Hall of Records - Safety Measures	\$ 7,967*	\$ -0-	\$ 7,033	\$ 15,000
Historic Markers	5,000*	-0-	-0-	5,000
Buena Vista - MCI	25,000*	-0-	-0-	25,000
Subtotal	\$ 37,967*	\$ -0-	\$ 7,033	\$ 45,000
DEPT. OF ADMINISTRATIVE SERVICES				
Margaret O'Neill Bldg. Completion	\$ -0-	\$ -0-	\$ 24,000	\$ 24,000
Capital Complex Lighting	-0-	-0-	28,000	28,000
Dover Supreme Court Alterations	-0-	75,000	25,000	100,000
Short Bldg. Repair Foundation	-0-	-0-	20,000	20,000
Subtotal	\$ -0-	\$ 75,000	\$ 97,000	\$ 172,000

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

	New 1981 Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	Total
DEPT. OF HEALTH & SOCIAL SERVICES				
EPBH - Main Bldg. Renovations	\$ 827,000	\$ -0-	\$ -0-	\$ 827,000
DSH - Main Building Renovations-Design	-0-	75,000	-0-	75,000
DSH - Minor Capital Improvements	86,000*	-0-	-0-	86,000
DSH - Kent/Sussex Bldgs. - Ventil. Imp.	208,000*	-0-	-0-	208,000
DSH - Roof Repair	220,000*	-0-	-0-	220,000
DSH - Building Repairs	50,000*	-0-	-0-	50,000
GBHC - Roof Repair	37,000*	-0-	-0-	37,000
TCPH - Minor Capital Improvements	3,410*	10,000*	11,590	25,000
HMR - Sewer Connections	100,000*	-0-	-0-	100,000
HMR - Pool Renovations	32,000*	-0-	-0-	32,000
HMR - Water Line Repairs	100,000*	-0-	-0-	100,000
HMR - Minor Capital Improvements	85,000*	-0-	-0-	85,000
HMR - Furniture	20,000*	-0-	-0-	20,000
Subtotal	\$ 1,768,410	\$ 85,000	\$ 11,590	\$ 1,865,000
DEPT. OF CORRECTION				
Multipurpose Criminal Justice Fac.	\$ 3,100,000	\$ -0-	\$ -0-	\$ 3,100,000
Maximum Security Building	550,000	-0-	-0-	550,000
Departmental Minor Capital Improv.	199,281*	-0-	719	200,000
Subtotal	\$ 3,849,281	\$ -0-	\$ 719	\$ 3,850,000

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

DEPT. OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

	<u>New 1981 Authorizations</u>	<u>Projects Funded From Deauthorizations</u>	<u>Projects Funded From Reversions</u>	<u>Total</u>
New Office & Laboratory Complex	\$ 800,000	\$ -0-	\$ -0-	\$ 800,000
Vessel Replacement	34,000*	-0-	-0-	34,000
Park Development	55,000	-0-	-0-	55,000
Bowers-Access Improvements	90,000	-0-	-0-	90,000
Payloader	59,000*	-0-	-0-	59,000
C&R Center - Safety and Security	5,000*	-0-	10,000	15,000
Fort Delaware - Vessel	47,708*	-0-	27,292	75,000
Watershed & Tax Ditches	200,000	-0-	-0-	200,000
Augustine Beach-Access Improvements	50,000	-0-	-0-	50,000
Land Acquisition - Faulkner Tract	70,000	-0-	-0-	70,000
Land Acquisition - Other	70,000	-0-	-0-	70,000
Dredging - Little River	300,000	-0-	-0-	300,000
Mud Mill Pond-Land Acq. & Spillway	60,000	-0-	-0-	60,000
Subtotal	\$ 1,840,708	\$ -0-	\$ 37,292	\$ 1,878,000

DEPT. OF PUBLIC SAFETY

Div of Comm. - Communications System	\$ 600,000*	\$ -0-	\$ -0-	\$ 600,000
D. S. P. - Environmental System	13,499*	-0-	2,501	16,000
D. S. P. - Heli Pad	4,000	-0-	-0-	4,000
D. S. P. - Airplane Hangar	7,000	-0-	-0-	7,000
Subtotal	\$ 624,499	\$ -0-	\$ 2,501	\$ 627,000

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

DEPARTMENT OF COMMUNITY AFFAIRS AND
ECONOMIC DEVELOPMENT

Port of Wilmington Crane & Equip. Contingency - Prior Claims	\$	-0-				
		-0-				
Subtotal	\$	-0-				

DEPT. OF TRANSPORTATION

Corridor/Noncorridor (55/00)	\$	3,571,265				
Suburban Sts, Drainage, Intersections, Miscellaneous (56/00)		3,480,000*				
Engineering & Contingencies (57/00)		3,559,836*				
Long Life Equipment (58/00)		500,000				
Advance Right-of-Way (59/00)		300,000				
Advance Planning (60/00)		1,000*				
Traffic Control Devices (61/00)		100,000*				
Dirt Roads (62/00)		1,000,000*				
Safety Program (63/00)		500,000*				
Pave and Rehabilitate Bridge Rehabilitation		1,000*				
& Replacement (65/00)		1,250,000				
DTA Corridor/Noncorridor (66/00)		1,000*				
DTA Capital (67/00)		800,000*				
Subtotal	\$	15,164,101	\$	1,050,000	\$	1,339,389

			Projects Funded From Deauthorizations	Projects Funded From Reversions	Total
	\$	800,000	\$	-0-	\$
		100,000*		-0-	
	\$	900,000	\$	-0-	\$
		450,000	\$	703,735	\$
		-0-		-0-	
		-0-		535,654	
		-0-		-0-	
		-0-		-0-	
		-0-		-0-	
		-0-		-0-	
		-0-		-0-	
		-0-		-0-	
		-0-		-0-	
		-0-		100,000	
		400,000		-0-	
		-0-		-0-	
		200,000		-0-	
	\$	1,050,000	\$	1,339,389	\$

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

	New 1981 Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	Total
DEPT. OF AGRICULTURE				
Annex - Pre-Eng. Metal Bldg. Dover Lab. - Minor Capital Improv.	\$ 25,000* 7,900*	\$ -0- -0-	\$ -0- 12,100	\$ 25,000 20,000
Subtotal	\$ 32,900	\$ -0-	\$ 12,100	\$ 45,000
STATE FIRE PREVENTION COMMISSION				
Office - Classroom Completion	\$ 100,000	\$ -0-	\$ -0-	\$ 100,000
Subtotal	\$ 100,000	\$ -0-	\$ -0-	\$ 100,000
DELAWARE NATIONAL GUARD				
Comb.Support & Organiz.Maint.Shop #5 Minor Capital Improvements	\$ -0- -0-	\$ 110,000 161,000*	\$ -0- 6,358	\$ 110,000 167,358
Subtotal	\$ -0-	\$ 271,000	\$ 6,358	\$ 277,358
UNIVERSITY OF DELAWARE				
Lewes Marine Complex/Acc. & Site Imp. Engineering Building - Phase I	\$ -0- 2,500,000	\$ 450,000 -0-	\$ -0- -0-	\$ 450,000 2,500,000
Subtotal	\$ 2,500,000	\$ 450,000	\$ -0-	\$ 2,950,000

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

	New 1981 Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	Total
DELAWARE STATE COLLEGE				
Minor Capital Improvements	\$ 100,000*	\$ -0-	\$ -0-	\$ 100,000
Gymnasium Renovations & Additions	<u>1,000,000</u>	<u>-0-</u>	<u>-0-</u>	<u>1,000,000</u>
Subtotal	\$ 1,100,000	\$ -0-	\$ -0-	\$ 1,100,000
DELAWARE TECHNICAL AND COMMUNITY COLLEGE				
Terry Campus - Equipment	\$ -0-	\$ 15,000*	\$ -0-	\$ 15,000
Terry Campus-Industrial Training Ctr.	-0-	700,000	-0-	700,000
Southern Campus - Roof Repairs	500,000*	-0-	-0-	500,000
Southern Campus - Library	999,839	-0-	161	1,000,000
Wilmington Campus - Bldg. Alteration	<u>75,000*</u>	<u>-0-</u>	<u>-0-</u>	<u>75,000</u>
Subtotal	\$ 1,574,839	\$ 715,000	\$ 161	\$ 2,290,000
STATE BOARD OF EDUCATION				
Appoquinimink - Redding Middle School	\$ 33,675*	\$ -0-	\$ 165,325	199,000
Capital - Orthopedic School	75,000*	-0-	-0-	75,000
Seaford - Orthopedic School	100,000	-0-	-0-	100,000
Seaford Junior High School - Renov.	700,000	-0-	-0-	700,000
School Bldg. Maintenance - 1981	700,000*	-0-	-0-	700,000
Minor Capital Improvements	<u>1,677,852*</u>	<u>22,148*</u>	<u>-0-</u>	<u>1,700,000</u>
Subtotal	\$ 3,286,527	\$ 22,148	\$ 165,325	\$ 3,474,000
TOTAL	<u>\$ 33,686,250</u>	<u>\$5,468,148</u>	<u>\$ 1,770,529</u>	<u>\$ 40,924,927</u>

*Minor Capital Improvement Bonds Not To Exceed 10-Years in Maturity

CHAPTER 408

FORMERLY

SENATE BILL NO. 680

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID.

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 are hereby appropriated to the following grants-in-aid in the amounts listed:

<u>Accounting Code</u>	<u>Organization/Description</u>	<u>Amount</u>
(10-07-000)	<u>Delaware Criminal Justice Planning Commission</u>	
	Program Grants, Local Police Coordination	\$ 25,000
	Aid to Local Law Enforcement	248,000
(12-05-001)	<u>State Treasurer - Administration</u>	
	Municipal Street Aid	2,000,000
(20-06-001)	<u>Div. of Hist. & Cultural Affairs - Administration</u>	
	Historical Society of Delaware	24,150
	Naamans Kill Questors	850
(35-01-001)	<u>Dept. of Health & Social Services - Secretary</u>	
	Adolescent Program	300,000
	Blackman's Development Center, Inc.	20,000
(35-06-008)	<u>Div. of Mental Health - Substance Abuse</u>	
	Crittenton Home - Education Program	25,000
	1212 Program	10,000
	Limen House	13,000
(35-07-002)	<u>Division of Social Services - Programs</u>	
	Adult Educable Mentally Retarded	44,000
(35-12-001)	<u>State Service Centers</u>	
	South Wilmington Medical Center	40,000
	Claymont Community Center	124,000
	Edgemoor Educational & Recrea. Community Center	97,000

<u>Accounting Code</u>	<u>Organization/Description</u>	<u>Amount</u>
(35-14-001)	<u>Division of Aging</u>	
	<u>Senior Centers</u>	
	Absolom Jones Senior Center	\$ 50,000
	Bi-County Adult Center	38,000
	Brandywine Senior Center	32,000
	Bridgeville Senior Center	33,000
	Canby Park - Fraim Senior Center	79,000
	Cape Henlopen Social Center	27,000
	Church of Our Savior Senior Center	51,000
	Frederica Senior Center	31,000
	Greater Elsmere Senior Center	65,000
	Harrington Senior Center	27,100
	Howard Weston Senior Center	119,000
	Indian River Senior Center	14,000
	Jewish Community Center	28,000
	Jimmy Jenkins Senior Center	38,000
	Julia Tallman Golden Age Center	44,000
	Laurel Senior Center	47,000
	Mid-County Senior Center	55,000
	M.O.T. Senior Center	35,000
	Modern Maturity Center	78,000
	Nanticoke Senior Center	70,000
	New Castle Senior Center	11,000
	Newark Senior Center	62,000
	Peoples Settlement-Senior Citizens Program	34,000
	St. Anthony's Senior Center	56,000
	St. Hedwig's Senior Center	120,000
	St. Patrick's Senior Center	78,000
	St. Peter's Adult Center	54,000
	St. Thomas Senior Center	75,000
	Sellers Senior Center	20,000
	Smyrna-Clayton Senior Center	20,000
	West Center City Senior Activity Center	54,000
	Wilmington Senior Center	106,200
	<u>Miscellaneous</u>	
	De La Warr Senior Center - Site Committee	37,000
	Meals on Wheels - Lewes and Rehoboth	13,000
	Recreational Oppor. for Nursing Home Residence	14,000
	Sussex County Home Services	13,000
(40-05-002)	<u>Div. of Fish & Wildlife - Wildlife</u>	
	Delaware SPCA	186,000
	Kent County Dog Control	22,000
(50-01-003)	<u>Office of Secretary - Economic Opportunity</u>	
	Opportunities Industrialization Center	192,000
(50-08-001)	<u>Div. of Economic Development - Industrial Development & Management</u>	
	Miss Delaware Pageant	3,000
(50-10-001)	<u>Division of Libraries</u>	
	Public Library Grants	75,000
(65-04-000)	<u>Div. of Production & Promotion</u>	
	Peninsula Horticultural Society	800
	Crop Improvement Association	800
	TOTAL - Section 1.	\$ <u>5,404,900</u>

Section 2. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

<u>Item/Description</u>	<u>Amount</u>
Aid-in-Dover, Inc. (Eight-O-One)	\$ 22,000
Arthritis Foundation	2,000
Beechwood Individualized Parent/Child Program	18,000
Big Brothers/Big Sisters Association of Northern Delaware, Inc.	23,000
Bowers Beach Maritime Museum	5,000
Child, Inc.	30,000
Children's Bureau, Inc.	25,000
Children's Home, Inc.	22,000
Children's Repertory Theatre	12,000
Committee for 350th Anniversary of the Dutch Zwaanendael of Lewes	25,000
Contact Wilmington	10,000
Delaware Assn. of Chiefs of Police - Camp Barnes	10,000
Delaware Citizens Committee, Inc.	75,000
Delaware Disadvantaged Foundation	50,000
Delaware Guidance Services for Children & Youth, Inc.	70,000
Delaware Safety Council, Inc.	33,000
Delaware State Fair, Inc.	25,000
Diamond State Youth, Inc.	57,000
Eastlawn Area Human Services	25,000
Ex-Convicts, Inc.	3,000
Geriatric Services of Delaware, Inc.	33,000
Grand Opera House, Inc.	100,000
Greater Elsmere Recreation & Education Center	75,000
Harvest Years Senior Center, Inc.	17,000
Home of Divine Providence	10,000
Institute for Development of Human Resources	22,000
Jobs for Delaware Graduates	250,000
Kent County Rape Crisis Center	2,200
Latin American Community Center	12,000
Mary Campbell Center	75,000
Mary Mother of Hope House	12,000
Mary Mother of Hope House - Emmanuel Dining Room	10,400
New Castle Separation Day	7,000
Northeast Area Partners, Inc.	25,000
Open Door, Inc.	25,000
People's Place II	33,000
Project Information East Side-Complaint & Referral Service	76,000
Rape Crisis Center of Wilmington	10,000
Richardson Park Community Action Programs, Inc.	7,000
Rosehill Community Center	80,000
Salvation Army - Emergency Housing	25,000
St. Ann's Neighborhood Service	60,000
St. Anthony's Community Center	83,000
Sussex Central Youth Center	14,000
Sussex County Community Action - Nutrition Program	28,000
Turnabout Counseling Center	85,000
Turning Point Ranch for Boys	33,000
Union Baptist Community Services, Inc.	20,000
United Cerebral Palsy of Delaware, Inc., Camp Lenape	19,500
Vision Program	25,000
WHYY, Inc.	125,000
West Center City Community Center Senior Citizens Physical Fitness Program	5,000
Whatecoat Social Service Agency	20,000
West End Neighborhood House	18,000
YMCA - Dover/Kent County - Mini-Bike	20,000
Youth Guidance Program	11,000
TOTAL - Section 2	\$ 2,015,100

Section 3. (a) Funds are hereby appropriated to the following grants-in-aid in the amounts listed and 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:

American Legion, Department of Delaware	\$	15,840
Veterans of Foreign Wars, Department of Delaware		15,840
Disabled American Veterans, Department of Delaware		13,200

(b) Funds are hereby appropriated to the following grants-in-aid in the amounts listed for operations expenses:

Veterans of Foreign Wars, Department of Delaware	\$	3,850
American Legion, Department of Delaware		3,850
Disabled American Veterans, Department of Delaware		3,850
Jewish War Veterans of the U.S., Department of Delaware		2,200
Delaware Veterans of World War I		1,650
Paralyzed Veterans of America, Department of Delaware		3,300

(c) Expenses for Memorial Day programs incurred by local Posts in Sussex, Kent and New Castle Counties shall be reimbursed out of operation expenses appropriated in subsection (b) of this Section on vouchers properly submitted to and approved by their representative veterans' organizations.

(d) The sum of \$3,300 is hereby appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Boys' State.

(e) The sum of \$3,300 is hereby appropriated to the American Legion Auxilliary, Department of Delaware, for the bearing of expenses incident to the holding of Girls' State.

(f) The sum of \$1,320 is hereby appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Trooper Youth Week in conjunction with the Delaware State Police.

(g) The funds appropriated by this Section 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.

TOTAL - Section 3	\$	<u>71,500</u>
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Section 4. (a) There is appropriated to the listed fire companies the following sums to be used for the prevention and extinguishment of fires throughout the State and for the maintenance of apparatus and equipment:

<u>New Castle County</u>		
Aetna Hose, Hook and Ladder Co.	Newark	\$ 4,400
Belevedere Volunteer Fire Company	Belevedere	4,400
Brandywine Hundred Fire Co. No. 1	Bellefonte	4,400
Christiana Fire Co.	Christiana	4,400
Claymont Fire Co.	Claymont	4,400
Cranston Heights Fire Co.	Cranston Heights	4,400
Delaware City Fire Co.	Delaware City	4,400
Elsmere Fire Co.	Elsmere	4,400
Five Points Fire Co. No. 1	Richardson Park	4,400
Goodwill Fire Co. No. 1	New Castle	4,400
Hockessin Fire Co.	Hockessin	4,400
Holloway Terrace Fire Co.	Holloway Terrace	4,400
Mill Creek Fire Co.	Marshallton	4,400
Minquedale Fire Co.	Minquedale	4,400
Minquas Fire Co. No. 1	Newport	4,400
Odessa Fire Co., Inc.	Odessa	4,400
Port Penn Volunteer Fire Co., Inc.	Port Penn	4,400

Talleyville Fire Co., Inc.	Talleyville	4,400
Townsend Fire Co., Inc.	Townsend	4,400
Volunteer Hose Co., Inc.	Middletown	4,400
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	4,400

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers	4,400
Camden-Wyoming Fire Co.	Camden	4,400
Carlisle Fire Co.	Milford	4,400
Cheswold Volunteer Fire Co.	Cheswold	4,400
Citizens' Hose Co. No. 1, Inc.	Smyrna	4,400
Clayton Fire Co.	Clayton	4,400
Robbins Hose Co. (Dover Fire Dept.)	Dover	4,400
Farmington Volunteer Fire Co.	Farmington	4,400
Felton Community Fire Co.	Felton	4,400
Frederica Volunteer Fire Co.	Frederica	4,400
Harrington Fire Co.	Harrington	4,400
Hartly Volunteer Fire Co.	Hartly	4,400
Houston Volunteer Fire Co.	Houston	4,400
Leipsie Volunteer Fire Co.	Leipsie	4,400
Little Creek Volunteer Fire Co.	Little Creek	4,400
Magnolia Volunteer Fire Co.	Magnolia	4,400
Marydel Volunteer Fire Co., Inc.	Marydel	4,400
South Bowers Fire Co.	South Bowers	4,400

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	\$ 4,400
Blades Volunteer Fire Co., Inc.	Blades	4,400
Bridgeville Volunteer Fire Co.	Bridgeville	4,400
Dagsboro Volunteer Fire Co.	Dagsboro	4,400
Delmar Fire Department	Delmar	4,400
Ellendale Volunteer Fire Co.	Ellendale	4,400
Frankford Volunteer Fire Co.	Frankford	4,400
Georgetown Fire Co., Inc.	Georgetown	4,400
Greenwood Volunteer Fire Co.	Greenwood	4,400
Gumboro Volunteer Fire Co., Inc.	Gumboro	4,400
Indian River Volunteer Fire Co.	Indian River	4,400
Laurel Fire Department, Inc.	Laurel	4,400
Lewes Fire Department, Inc.	Lewes	4,400
Millsboro Fire Co.	Millsboro	4,400
Milton Volunteer Fire Co.	Milton	4,400
Millville Volunteer Fire Co.	Millville	4,400
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	4,400
Roxanna Volunteer Fire Co.	Roxanna	4,400
Seaford Volunteer Fire Dept., Inc.	Seaford	4,400
Selbyville Volunteer Fire Co., Inc.	Selbyville	4,400
Slaughter Beach Memorial Fire Co.	Slaughter Beach	4,400

TOTAL \$264,000

(b) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder Co.	Newark	1,375
Blades Volunteer Fire Co., Inc.	Blades	1,375
Bridgeville Volunteer Fire Co.	Bridgeville	1,375
Bowers Volunteer Fire Co., Inc.	Bowers	1,375
Brandywine Hundred Fire Co., No. 1	Bennefonte	1,375
Camden-Wyoming Fire Co.	Camden	1,375
Carlisle Fire Co.	Milford	1,375
Cheswold Volunteer Fire Co.	Cheswold	1,375
Christiana Fire Co.	Christiana	1,375
Claymont Fire Co.	Claymont	1,375
Cranston Heights Fire Co.	Cranston Heights	1,375

Dagsboro Volunteer Fire Co.	Dagsboro	1,375
Delaware City Fire Co.	Delaware City	1,375
Delmar Fire Department	Delmar	1,375
Ellendale Volunteer Fire Co.	Ellendale	1,375
Elsmere Fire Co.	Elsmere	1,375
Felton Community Fire Co.	Felton	1,375
Five Points Fire Co. No. 1	Richardson Park	1,375
Frankford Volunteer Fire Co. No. 1	Frankford	1,375
Goodwill Fire Co. No. 1	New Castle	1,375
Gumboro Volunteer Fire Co., Inc.	Gumboro	1,375
Harrington Fire Co.	Harrington	1,375
Hartly Volunteer Fire Co., Inc.	Hartly	1,375
Holloway Terrace Fire Co.	Holloway Terrace	1,375
Hockessin Fire Co.	Hockessin	1,375
Laurel Fire Department, Inc.	Laurel	1,375
Leipsic Volunteer Fire Co.	Leipsic	1,375
Lewes Fire Department, Inc.	Lewes	1,375
Magnolia Volunteer Fire Co.	Magnolia	1,375
Mill Creek Fire Co.	Marshallton	1,375
Millville Volunteer Fire Co., Inc.	Millville	1,375
Milton Volunteer Fire Co.	Milton	1,375
Minquadales Fire Co.	Minquadales	1,375
Minqual Fire Co. No. 1	Newport	1,375
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,375
Seaford Volunteer Fire Co., Inc.	Seaford	1,375
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,375
Talleyville Fire Co., Inc.	Talleyville	1,375
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,375
	TOTAL	\$ 53,625

(c) There is appropriated to the listed fire companies 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	\$ 1,375
Bethany Beach Volunteer Fire Co.	Bethany Beach	1,375
Blades Volunteer Fire Co.	Blades	1,375
Bowers Volunteer Fire Co., Inc.	Bowers	1,375
Brandywine Hundred Fire Co. No. 1	Bellefonte	1,375
Bridgeville Volunteer Fire Co.	Bridgeville	1,375
Camden-Wyoming Fire Co.	Camden	1,375
Carlisle Fire Co.	Milford	1,375
Cheswold Volunteer Fire Co.	Cheswold	1,375
Christiana Fire Co.	Christiana	1,375
Citizens' Hose Co. No. 1, Inc.	Smyrna	1,375
Claymont Fire Co.	Claymont	1,375
Clayton Fire Co.	Clayton	1,375
Cranston Heights Fire Co.	Cranston Heights	1,375
Dagsboro Volunteer Fire Co.	Dagsboro	1,375
Delaware City Fire Co.	Delaware City	1,375
Delmar Fire Department	Delmar	1,375
Robbins Hose Co. (Dover Fire Dept.)	Dover	1,375
Elsmere Fire Co.	Elsmere	1,375
Farmington Volunteer Fire Co.	Farmington	1,375
Felton Community Fire Co.	Felton	1,375
Five Points Fire Co. No. 1	Richardson Park	1,375
Frederica Volunteer Fire Co.	Frederica	1,375
Georgetown Fire Co.	Georgetown	1,375
Greenwood Fire Co. No. 1	Greenwood	1,375
Goodwill Fire Co. No. 1	New Castle	1,375
Harrington Fire Co.	Harrington	1,375
Hartly Volunteer Fire Co., Inc.	Hartly	1,375
Hockessin Fire Co.	Hockessin	1,375
Holloway Terrace Fire Co.	Holloway Terrace	1,375
Indian River Volunteer Fire Co.	Indian River	1,375

Laurel Fire Dept., Inc.	Laurel	1,375
Leipsic Volunteer Fire Co.	Leipsic	1,375
Lewes Fire Department, Inc.	Lewes	1,375
Little Creek Volunteer Fire Co.	Little Creek	1,375
Magnolia Volunteer Fire Co.	Magnolia	1,375
Marydel Volunteer Fire Co.	Marydel	1,375
Mill Creek Fire Co.	Marshallton	1,375
Millsboro Fire Co.	Millsboro	1,375
Millville Volunteer Fire Co., Inc.	Millville	1,375
Milton Volunteer Fire Co.	Milton	1,375
Minquadales Fire Co.	Minquadales	1,375
Minquas Fire Co. No. 1	Newport	1,375
Odessa Fire Co., Inc.	Odessa	1,375
Port Penn Volunteer Fire Co., Inc.	Port Penn	1,375
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,375
Roxanna Volunteer Fire Co.	Roxanna	1,375
Seaford Volunteer Fire Department, Inc.	Seaford	1,375
Selbyville Fire Co., Inc.	Selbyville	1,375
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,375
South Bowers Fire Co.	South Bowers	1,375
Ellendale Volunteer Fire Co.	Ellendale	1,375
Houston Volunteer Fire Co.	Houston	1,375
Talleyville Fire Co., Inc.	Talleyville	1,375
Townsend Fire Co., Inc.	Townsend	1,375
Volunteer Hose Co., Inc.	Middletown	1,375
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,375
	TOTAL	\$ 78,375

(d) There is appropriated to the listed fire companies 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 highrise fires throughout Delaware:

New Castle County

Aetna Hose, Hook and Ladder Co.	Newark	\$ 2,200
Brandywine Hundred Fire Co., No. 1	Bellefonte	2,200
Christiana Fire Co.	Christiana	2,200
Claymont Fire Co.	Claymont	2,200
Elsmere Fire Co.	Elsmere	2,200
Five Points Fire Co. No. 1	Richardson Park	2,200
Goodwill Fire Co. No. 1	New Castle	2,200
Mill Creek Fire Co.	Marshallton	2,200
Talleyville Fire Co., Inc.	Talleyville	2,200
Volunteer Hose Co., Inc.	Middletown	2,200
Wilmington Manor Volunteer Fire Co.	Wilmington Manor	2,200

Kent County

Carlisle Fire Co.	Milford	2,200
Citizens' Hose Co., No. 1, Inc.	Smyrna	2,200
Robbins Hose Co., (Dover Fire Dept.)	Dover	2,200

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	2,200
Lewes Fire Department, Inc.	Lewes	2,200
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	2,200
Seaford Volunteer Fire Co., Inc.	Seaford	2,200
	TOTAL	\$ 39,600

(e) There is appropriated to the Mayor and Council of Wilmington the following sums to be used for:

(i) 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.	\$	52,800
(ii) The maintenance of aerial or platform trucks and for the training of personnel in the techniques of extinguishing highrise fires throughout the City of Wilmington.	\$	<u>6,600</u>
TOTAL	\$	<u>59,400</u>

(f) There is appropriated to the listed organizations the following sums to be used for the operation and maintenance of ambulances in the public service:

Mid-Sussex Rescue Squad, Inc. Millsboro, Delaware	\$	1,375
American Legion, Sussex Post #8 Georgetown, Delaware		1,375
American Legion, Kent Post #14 Smyrna, Delaware		1,375
Selbyville American Post #39, Inc. Selbyville, Delaware		1,375
Sussex Memorial Post #7422, V.F.W. Millsboro, Delaware		<u>1,375</u>
TOTAL	\$	<u>6,875</u>
TOTAL - Section 4	\$	<u>501,875</u>

Section 5. The sum of \$248,000 appropriated in Section 1 of this Act to Delaware Criminal Justice Planning Commission for Aid to Local Law Enforcement, provides funds available for matching funds from the Federal Government. This appropriation shall not revert on June 30, 1981, but shall continue to be available on a matching basis for the life of each program grant, or three fiscal years, whichever occurs sooner. Any unexpended General Funds upon termination of the program grant shall revert to the General Fund.

Section 6. The appropriation in Section 2 of this Act to Delaware Safety Council, Inc., shall be used for the operation of the Council in educating the public as to safety.

Section 7. The appropriation in Section 2 of this Act to Delaware State Fair, Inc., shall 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 8. The appropriation in Section 2 of this Act to the Delaware Association of Chiefs of Police shall be used for the purpose of maintaining and operating Camp Barnes for the recreation of deserving youths from throughout the State.

Section 9. The provisions of Section 6508, Title 29, Delaware Code, to the contrary notwithstanding, all persons, firms, or corporations who receive an appropriation under this Act shall file an annual report, within ninety (90) days after the close of the fiscal year of the receiving agency, covering the operation for the preceding fiscal year.

Section 10. The sums appropriated to the various Senior Centers in Section 1 of this Act shall be made available to the Division of Aging in order to meet the State's matching requirement for federal funds appropriated under the Older Americans Act of 1965, as amended. Those senior centers receiving funds under the Older Americans Act of 1965, as amended, shall present to the Division of Aging a proposal for expenditure of State funds. The proposal submitted to the Division of Aging shall be prepared in accordance with the guidelines established for the administration of programs under the Older Americans Act. Each center receiving the appropriation shall provide a statement of expenditures from this appropriation on a quarterly basis to the Division of Aging, the Budget Director, and the Controller General for the State of Delaware. The funds appropriated by this Act shall be paid promptly by the State Treasurer to each senior center without regard to compliance with the aforementioned reporting requirements.

Section 11. Section 1 of this Act provides for an appropriation under the Wildlife Section of the Department of Natural Resources and Environmental Control to:

Delaware S.P.C.A.

\$186,000

The allocations of Dog Wardens by the Delaware S.P.C.A. shall consist of the following: City of Wilmington - 2; New Castle County - 5; Kent County - 2; and Sussex County - 3. The scheduling of Dog Wardens so as to provide services to the public shall include the early morning hours, early evening hours, Saturdays, and Sundays, and shall not be limited to emergency services.

Section 12. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Except as provided in Section 5 of this Act, any funds remaining unexpended or unencumbered as of June 30, 1981, shall revert to the General Fund of the State of Delaware.

Section 13. Section 1 of this Act appropriates \$37,000 to the De La Warr Senior Center Site Committee. It is the intent of this Act that the Site Committee shall use this appropriation for recreational and other equipment.

Section 14. (a) None of the funds appropriated in Section 1 of this Act shall be expended for salary, wages, or other compensation of any kind to elected or appointed officials newly employed after July 1, 1980.

(b) No funds appropriated in Section 1 of this Act shall be expended by any agency or organization for the purpose of paying salary, wages, or compensation of any kind to more than one member of the same family newly employed by such agency or organization after July 1, 1980; provided, however, that this prohibition shall not apply to any agency or organization which has adopted a formal Merit System or recognized system of personnel administration.

(c) No funds appropriated in Section 1 of this Act shall be expended by any agency or organization for the purpose of paying salary, wages, or compensation of any kind to more than one member of the same family employed by such agency or organization prior to July 1, 1980; provided, however, that this prohibition shall not apply to any agency or organization which has adopted a formal Merit System or recognized system of personnel administration, or which has received clearance by the Controller General.

Section 15. No funds appropriated in Section 1 of this Act shall be expended in a political campaign or for partisan political purposes.

Section 16. The Controller General may from time to time conduct performance audits of any non-state agency for which funds are appropriated in Section 1 of this Act; provided, however, that such audit is requested by a majority of the members of the House or Senate Grant-in-Aid Committees.

Section 17. It is the sense of the General Assembly that all agencies and organizations funded in this Act, except senior centers, community centers, volunteer fire companies, veterans organizations, and creations of the Delaware Code, have two years from the effective date of this Act to find and obtain sources of funding other than the State of Delaware.

Section 18. Section 2 of this Act makes an appropriation of \$75,000 to the Greater Elsmere Recreation and Education Center. Of the total sum appropriated, \$15,000 shall be used to purchase a van to transport youth to recreational activities, and \$1,500 shall be allocated to the Elsmere Community Athletic Association.

Section 19. Section 2 of this Act appropriates \$5,000 to the Bowers Beach Maritime Museum. It is the intent of this Act that \$2,500 of this amount shall be used by the Town of Bowers Beach for repairs to the Town of Bowers Beach dock.

Section 20. Section 2 of this Act appropriates \$25,000 to the Northeast Area Partners, Inc. The State Treasurer shall not release any funds to Northeast Area Partners, Inc. until the annual reports required by Section 9 of this Act have been received by the State Treasurer for FY 1978, FY 1979 and FY 1980.

Approved July 11, 1980.

NOTE: The Governor line item vetoed \$226,000 for Recreation Funds Local Government, therefore deduct that amount from the total to reflect a true balance.

CHAPTER 409

FORMERLY

HOUSE BILL NO. 708
AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 41, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO THE RESPONSIBILITIES OF CERTAIN PUBLIC SCHOOL EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4112, Chapter 41, Part I, Title 14 of the Delaware Code by striking the title to said section, and substituting in lieu thereof the following:

"§4112. Discipline Powers and Responsibilities of Superintendents"

Section 2. Amend §4112, Chapter 41, Part I, Title 14 of the Delaware Code by re-designating all of the present section as new subsection (a), which new subsection shall be entitled as follows:

"(a) Parent conferences."

Section 3. Amend §4112, Chapter 41, Part I, Title 14 of the Delaware Code by adding thereto a new subsection, which new subsection shall read as follows:

"(b) Student violence; mandatory complaints."

In any instance where a school employee reports to the superintendent any Assault or Offensive touching, (as prohibited in Title 11, Del. C. Sections 601, 611-613) against such employee by a pupil, the superintendent or his designee, after verifying the identity of the pupil involved and the probable cause to believe that a criminal charge is appropriate, without unreasonable delay after the incident being reported, shall file such appropriate charge against such pupil. The superintendent or his designee shall also file a report of such incident with the State Department of Public Instruction. The obligations of the superintendent as set forth in this subsection are mandatory, and are not discretionary.

Section 2. Nothing in this Act shall be so construed as a limitation upon any other remedies currently available to the superintendent or school employee."

Approved July 11, 1980.

CHAPTER 410

FORMERLY

HOUSE BILL NO. 765

AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO ELECTIONS AND CERTAIN ENUMERATED POWERS OF THE 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. Amend Section 6, of Chapter 302, Volume 49, Laws of Delaware, by adding thereto a new paragraph to read as follows:

"In the event of a tie vote, a runoff election between the candidates so tied shall be held within twenty-eight (28) days after the annual election at which the tie vote occurred and notice of such runoff election shall be posted at the Town Hall within three (3) days after the annual election."

Section 2. Amend Section 8 of Chapter 302, Volume 49, Laws of Delaware, by striking the words "the persons entitled to vote at such election and then present shall appoint, by Viva Voce Vote," as the same appears in the first sentence of said Section 8 and inserting in lieu thereof the following words:

"a quorum or greater number of the Town Council shall appoint".

Section 3. Amend Section 10, of Chapter 302, Volume 49, Laws of Delaware, by striking the last sentence beginning with the words "In case of a tie" and ending with the words "be elected" as they appear in the first paragraph of said Section 10 and inserting in lieu thereof the following:

"In case a tie vote is declared by the Election Board a runoff election between the candidates so tied shall be held."

Section 4. Amend Section 26, of Chapter 302, Volume 49, Laws of Delaware, by striking the first paragraph of said Section 26 in its entirety commencing with the words "By ordinance" and ending with the words "street beggars" and inserting in lieu thereof a new paragraph to read as follows:

"By ordinance, rules, regulations, resolutions, and by-laws or amendments to the same, THE TOWN OF FENWICK ISLAND, DELAWARE, for the good government and welfare of the Town, shall have the following powers (which shall not be deemed to be exclusive): to prohibit and prevent vice, drunkenness and immorality; to preserve peace and good order; to prohibit adult book stores or other commercial establishments, including but not limited to motels and hotels, offering for sale or viewing pornographic films, literature, material, or devices; to prohibit massage parlors or like establishments; to prohibit, restrain and suppress disorderly houses, gambling houses, houses of ill-fame; to prohibit, restrain and suppress all instruments and devices for gaming; to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money and to license the same; to prohibit and prevent any racing in any street, highway, alley or strand; to authorize the stopping and detention of any person who shall be guilty of any

immoderate riding or driving of any motor vehicle or other vehicle upon any street, alley, highway, or beach strand; to regulate, control or prohibit the parking of vehicles upon the streets of the Town; to regulate or prohibit the riding or driving of any horse or other animal, motor vehicle or other vehicle upon any beach strand; to establish and regulate one or more pounds, and to prohibit, regulate or restrict all animals, birds, and fowl within the Town limits including the beach strand, other than wild animals, birds, or fowl natural to the environment and except that no person or persons shall hold in captivity, keep or maintain such wild animals, birds or fowl, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding and sale; to authorize the destruction of dogs running at large and to impose taxes on the owner of dogs; to prohibit, regulate and remove slaughter houses, swine pens, privies and water closets; and to prohibit and restrain drunkards, vagrants, mendicants, street beggars and solicitors."

Approved July 11, 1980.

CHAPTER 411

FORMERLY

HOUSE BILL NO. 789

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 31, TITLE 14 OF THE DELAWARE CODE, TO LOWER THE MINIMUM AGE OF A HANDICAPPED PERSON REQUIRING SPECIAL EDUCATIONAL SERVICES TO THREE AND MAKING AN APPROPRIATION THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3101, Chapter 31, Title 14 of the Delaware Code by striking subparagraph (4) in its entirety and substituting in lieu thereof the following:

(4) 'Handicapped person' means a person in the chronological age group 4 through 20 years inclusive, and a severely *mentally* handicapped, trainable mentally handicapped, orthopedically handicapped or autistic person in the chronological age group 3 through 20 years inclusive, and any person as otherwise provided for in this Title, who because of mental, physical, emotional or learning disability problems as defined by the State Board of Education, requires special educational services in order to develop his or her capabilities.

Section 2. The sum of \$180,470 is hereby appropriated to the Department of Public Instruction for the sole purpose of carrying out the provisions of this bill during the fiscal year starting July 1, 1980.

Section 3. The appropriation shall be paid by the State Treasurer out of the General Fund from monies not otherwise appropriated.

Section 4. Any part of this appropriation remaining unspent or unencumbered on June 30, 1981, shall revert to the General Fund.

Approved July 11, 1980.

CHAPTER 412

FORMERLY

HOUSE BILL NO. 1018
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2
AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7, DELAWARE CODE, BY ADDING CHAPTER 63, RELATING TO THE REGULATION OF HAZARDOUS WASTE; PROVIDING FOR THE IMPOSITION OF DUTIES ON THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; PRESCRIBING PENALTIES AND FURTHER PROVIDING FOR ENFORCEMENT OF THE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6002, Chapter 60, Title 7, Delaware Code, by striking subsection (8) in its entirety.

Section 2. Amend §6002, Chapter 60, Title 7, Delaware Code, by striking subsection (21) in its entirety and substituting in lieu thereof the following:

"(21) 'Solid Waste' means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 60 of Title 7, Delaware Code, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended."

Section 3. Amend Title 7, Delaware Code, by inserting a new Chapter 63 to be entitled "The Hazardous Waste Management Act of 1980", to read as follows:

"CHAPTER 63. HAZARDOUS WASTE MANAGEMENT

Subchapter I. Hazardous Waste

§6301. Findings and Purpose

(a) The General Assembly finds that:

(1) Continuing technological progress, increases in the amounts of manufacture, and the abatement of air and water pollution have resulted in ever-increasing quantities of hazardous wastes;

(2) The public health and safety and the environment are threatened where hazardous wastes are not managed in an environmentally sound manner;

(3) The knowledge and technology necessary to alleviate adverse health, environmental and aesthetic impacts resulting from current hazardous waste management and disposal practices are believed to be generally available at costs within the financial capability of those who generate such wastes, but that such knowledge and technology are not widely used.

(4) The problem of managing hazardous wastes has become a matter of statewide concern.

(b) Therefore, it is hereby declared that the purposes of this Act are:

(1) To protect the public health and safety, the health of organisms and the environment from the effects of the improper, inadequate, or unsound management of hazardous wastes;

(2) To establish a program of regulation over the storage, transportation, treatment, and disposal of hazardous wastes; and

(3) To assure the safe and adequate management of hazardous wastes within this State.

§6302. Definitions

The following words and phrases shall have the meaning ascribed to them in this Chapter unless the context clearly indicates otherwise:

(1) 'Activity' means construction, operation, or use of any facility, site, property or device.

(2) 'Department' means the Department of Natural Resources and Environmental Control of the State of Delaware.

(3) 'Commission' means the Commission on the Transportation of Hazardous Materials.

(4) 'Disposal' means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land, water or into the air so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwaters.

(5) 'Division' means the Division of Environmental Control.

(6) 'Generation' means the act or process of producing hazardous waste materials.

(7) 'Hazardous Wastes' means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(8) 'Hazardous Waste Management' means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

(9) 'Manifest' means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transport.

(10) 'Person' means any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, commission, political subdivision, or duly established legal entity.

(11) 'Secretary' means the Secretary of the Department of Natural Resources and Environmental Control, or his duly authorized designee.

(12) 'Solid Waste' means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 60 of Title 7, Delaware Code, as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

(13) 'Storage' means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous wastes.

(14) 'Transport' means the movement of wastes from the point of generation to the point of storage, treatment or disposal.

(15) 'Treatment' means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste, so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable to recovery, amenable to storage, or reduced in volume.

(16) 'Treatment Facility' means a location at which waste is subjected to treatment and may include a facility upon premises where hazardous waste has been generated.

§6303. Hazardous Waste Management Plans

(a) The Department is authorized to study and investigate the problems of hazardous waste control and management in Delaware, and shall develop and publish after public hearing, a statewide hazardous waste management plan, which shall include, but not be limited to:

(1) A description of the sources of hazardous waste generation within the State, including the types and quantities of such wastes, and the location of hazardous waste generators, disposal facilities and storage sites;

(2) A description of current hazardous waste management practices and costs, including treatment and disposal, within the State;

(3) An informational reporting system of hazardous waste quantities generated and disposed of in the State;

(4) Criteria for the siting of hazardous waste disposal facilities;

(5) Information on methods of reuse, recycling and reduction of hazardous wastes, including the feasibility of establishing facilities, institutions, or requirements for the purpose of encouraging the reuse, recycling, reduction, and utilization of hazardous wastes for useful purposes.

(b) In carrying out any studies or investigations under this Section, the Department shall seek the cooperation and advice of the Delaware Solid Waste Authority.

§6304. General Provisions; Prohibitions; Records

(a) No person shall generate, store, transport, treat, or dispose of hazardous wastes in this State without reporting such activity to the Department as required by this Act and regulations promulgated hereunder.

(b) No person shall generate, store, treat, transport, or dispose of hazardous wastes within this State except in compliance with this Act and regulations hereunder.

(c) Information obtained by the Department under §6305(a)(10) or pursuant to any other provisions of this Act shall be available to the public as provided in Chapter 100 of Title 29, unless the Department certifies such information to be proprietary. The Department may make such certification where any person shows to the satisfaction of the Department that the information, or parts thereof, if made public, would divulge methods, processes, or activities entitled to protection as trade secrets. Nothing in this subsection shall be construed as limiting the disclosure of information by the Department to any officer, employee, or authorized representative of the State or Federal Government concerned with effecting this Act or the Resources Conservation and Recovery Act of 1976, P.L. 94-580, as amended from time to time. Prior to disclosure of proprietary information to an authorized representative who is not an officer or employee of the State or Federal Government, the person providing the proprietary information may require the representative to sign an agreement prohibiting disclosure of such information to anyone not authorized by this Act or the terms of the agreement. Such agreement shall not preclude disclosure by the representative to any State or Federal government officer or employee concerned with effecting this Act or P.L. 94-580, as amended.

(d) It shall be unlawful for any person to destroy, alter or conceal any records maintained and in existence as of the effective date of this Act with respect to any generation, treatment, disposal, storage or transportation of hazardous waste during or subsequent to any such operation. This requirement applies equally to facilities and sites closed prior to the effective date of this Act. The Secretary shall prescribe by regulation terms and conditions upon which records shall be kept, including the period of retention.

(e) The Secretary shall issue such orders as may be necessary to carry out his duties under this Act.

(f) Except with respect to its powers as set forth in the Hazardous Materials Transportation Act, 29 Delaware Code, §8225 through §8232, the Commission shall serve in an advisory capacity to the Secretary and may consider all matters relating to the implementation of this Act and regulations promulgated thereunder.

§6305. Regulations

(a) The Secretary shall, after notice and public hearing, promulgate, and revise as appropriate:

(1) Regulations, consistent with those promulgated by the U. S. Environmental Protection Agency under §3001(b) of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, for identifying the characteristics of hazardous waste, and based on use of these criteria maintain and update a list of hazardous wastes which shall be subject to this Act;

(2) Regulations for the storage, treatment, and disposal of hazardous waste; including regulations regarding contingency plans for effective action to minimize unanticipated damage from the treatment, storage or disposal of such hazardous waste and regulations prescribing conditions and time periods upon which generators may accumulate hazardous wastes on-site without a permit.

(3) Regulations setting forth requirements for permit applications and specifying the terms and conditions, including duration, under which the Department shall issue, modify, review, suspend, revoke, or deny such permits as may be required by this Act.

(4) Regulations establishing standards and procedures for the safe operation and maintenance of hazardous waste treatment, storage and disposal facilities or sites, including requirements for closing, long-term care and termination of treatment, storage and disposal facilities or sites. The Secretary may, where appropriate, establish separate standards for new and existing sites. Requirements may be adopted under this subsection applicable to facilities and sites closed prior to the effective date of this Act, which

requirements shall be applicable to former and present owners and operators, as may be deemed appropriate.

(5) Regulations specifying those hazardous wastes which are not compatible, and which may not be stored or disposed of together without appropriate prior treatment to make them compatible.

(6) Regulations establishing procedures and requirements for the reporting of the generation, storage, transportation, treatment, or disposal of hazardous wastes;

(7) Regulations establishing standards and procedures for the training of personnel engaged in treatment, storage or disposal activities at hazardous waste sites or facilities.

(8) Regulations establishing procedures and requirements for the use of a manifest during the transport of hazardous wastes.

(9) Regulations which may provide for a reasonable schedule of fees for payment to the Department by hazardous waste generators, transporters, and owners of treatment, storage or disposal facilities or sites to defray the cost of administering this act. Any fees collected under this subsection shall be appropriated to the department for purposes of administering this act. Such regulations shall not provide for any annual fee in excess of \$2,500 or in the case of small business concerns, any annual fee in excess of \$100.

(10) Regulations which prescribe:

(A) The establishment and maintenance of such records, including period of retention;

(B) The making of such reports;

(C) The taking of such samples and the performing of such tests or analyses;

(D) The installing, calibrating, using and maintaining of such monitoring equipment or methods; and

(E) The providing of such other information as may be necessary to achieve the purposes of this Act.

(11) Regulations setting forth criteria regarding the level of financial responsibility required for permit issuance under §6307(h)(1) and criteria pertaining to appropriate measures for preventing damage to public health, safety and the environment under §6307(h)(2).

(b) In complying with this Section, the Secretary may consider the variations within the State in geology, population density, and such other facts as may be relevant to the management of hazardous wastes.

(c) The Secretary, in consultation with the Commission and after notice and public hearings, shall issue regulations for the transportation, containerization, and labeling of hazardous wastes. Such regulations shall be consistent with and no more stringent than applicable rules or regulations issued by the United States Environmental Protection Agency and Department of Transportation, and consistent with and no more stringent than any other regulations issued pursuant to this Act and the Hazardous Materials Transportation Act of 1980, 29 Delaware Code, §8225, et seq.

§6306. Generation and Transportation of Hazardous Waste

(a) Within ninety (90) days of the effective date of regulations promulgated under this Act setting forth criteria for identifying the characteristics of hazardous wastes and listing hazardous wastes, any person generating or

transporting hazardous waste within this State shall submit to the Department a description of the source of the hazardous wastes, including the types and quantities thereof, and the location of the generating facility, as well as the storage and disposal sites.

(b) Any person generating hazardous waste shall comply with all requirements, as set forth in regulations under this Act, respecting accurate identification through labelling practices of any containers used for the storage, transport or disposal of such hazardous wastes.

(c) Any person generating or transporting hazardous waste shall, in accordance with duly promulgated regulations use a manifest system to assure that all hazardous waste generated is designated for treatment, storage or disposal in facilities (other than facilities on the premises where the waste is generated) for which a permit has been issued pursuant to this Act or pursuant to the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended).

(d) Any person generating any solid waste shall be responsible for any testing necessary to determine whether any material generated by them is a hazardous waste according to Department approved testing procedures.

(e) The provisions of this Act and regulations applicable to transporters of hazardous waste shall apply equally to those persons transporting hazardous wastes generated by others and to those transporting hazardous wastes they have generated themselves, or combinations thereof, as well as to persons transporting hazardous waste into, through, or out of the State.

§6307. Hazardous Waste Treatment, Disposal and Storage Facilities and Sites

(a) Within ninety (90) days of the effective date of regulations promulgated under this Act setting forth criteria for identifying the characteristics of hazardous wastes and listing hazardous wastes, any person operating, substantially altering, or constructing a hazardous waste treatment, storage, or disposal facility or site shall report such activity to the Department, together with a description of the facility, the types and quantities of any solid and hazardous wastes treated, stored or disposed of; the location of the facility; the storage or disposal capacity of the facility; and the source of the wastes treated, stored or disposed of.

(b) Beginning one hundred eighty (180) days after the effective date of regulations adopted for this purpose, no person shall construct, substantially alter, or operate any hazardous waste treatment, storage or disposal facility or site, nor shall any person store, treat or dispose of any hazardous waste without first obtaining a permit from the Secretary for such facility, site, or activity, except that generators may accumulate hazardous wastes on-site without a permit for such periods and upon such conditions as the Secretary may by regulation prescribe.

(c) Any person desiring to obtain a permit required under this Section shall submit an application therefor in such form and accompanied by such plans, specifications, and other information as required by applicable statute or regulation, including the requirements of subsection (h) of this Section.

(d) Permits issued under this Section shall be issued under such terms and conditions as the Secretary may prescribe by regulations promulgated under the authority of §6305 of this Act.

(e) Operating permits shall be issued for a period of time as prescribed by regulations and may be revoked by the Secretary for failure to comply with the requirements of this Act and regulations thereunder.

(f) Any permit issued under this Section may be revoked by the Secretary at any time when the permittee fails to comply with the terms and conditions of the permit, provided, that no permit shall be revoked until the Secretary has provided the permittee with the opportunity for an adequate hearing, and with written notice of the intent of the Secretary to revoke the permit and the reasons for such revocation. Any appeal from an order of the Secretary revoking any permit shall not operate to stay the revocation.

(g) Any person who:

(1) owns or operates a facility required to have a permit under this Section which facility is in existence on the effective date of regulations under §6305(a) of this Act,

(2) has complied with the requirements of §6307(a), and

(3) has made an application for a permit under this Section shall be treated as having been issued such permit until such time as final administrative disposition of such application is made, unless the Secretary or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application.

(h) No permit shall be issued to operate any hazardous waste treatment, storage or disposal facility or site except as provided in §6307(g) unless that facility or site submits to the Department the following:

(1) Evidence of financial responsibility in such form and amount as the Department may determine, pursuant to duly promulgated regulations, to be necessary to insure that, upon abandonment, cessation, or interruption of the operation of the facility or site, all appropriate measures are taken to prevent present and future damage to the public health and safety and to the environment;

(2) Evidence that the personnel engaged in the treatment, disposal or storage of hazardous wastes have met such qualifications as to training as the Department may prescribe pursuant to §6305(a)(7) of this Act.

(i) Any person acquiring rights of ownership, possession or operation in a facility or site granted a permit under this Section for the disposal, storage or treatment of hazardous waste at any time after the site or facility has been granted a permit or has begun to accept such waste shall, in addition to the original permittee, be subject to all requirements of the permit approved for the site or the facility, including the requirements of subsection (j) herein. Upon acquisition of the rights, and application to the Department, the Department shall issue a new permit if the previous permittee is no longer connected with the operation of the site or facility and if the proposed permittee meets all requirements of the applicable statutes and regulations.

(j) The owner or operator of a permitted facility or site must conduct such maintenance, monitoring and surveillance, upon closure, abandonment, cessation or interruption of the operation of the facility or site, as the Secretary deems necessary to protect the public health and to prevent or control air, land, water or groundwater pollution.

§6308. Imminent Hazard

Notwithstanding any other provision of this Chapter, the Secretary, upon receipt of information that the storage, transportation, treatment, or disposal of any hazardous waste may present an imminent and substantial hazard to the health of persons or to the environment, may take such action as he determines to be necessary to protect the health of such persons or the environment. The action the Secretary may take includes, but is not limited to:

(1) Issuing an order directing the operator of the treatment, storage, or disposal facility or site, or the custodian of such hazardous waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes such hazard. Such action may include, with respect to a facility or site, permanent or temporary cessation of operation;

(2) Issuing an order directing the persons who previously owned or operated a treatment, storage or disposal facility or site which constitutes such hazard and who are determined by the Secretary to be responsible for activities causing the hazard, to take such steps as are necessary to prevent or eliminate the hazard.

(3) Enforcement action pursuant to §6309 of this Act.

§6309. Enforcement

(a)(1) Whenever on the basis of any information the Secretary determines that any person is in violation of any requirement of this Act, any condition or limitation in a permit or variance issued thereunder, or any rule or regulation, the Secretary shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Secretary's notification, the Secretary may issue an order requiring compliance within a specified time period.

(2) If such violator fails to take corrective action within the time specified in the order, he shall be liable for a civil penalty of not more than \$25,000 for each day of continued noncompliance and the Secretary may suspend or revoke any permit issued to the violator.

(3) Any order or any suspension or revocation of a permit shall become final unless, no later than thirty days after the order or notice of the suspension or revocation is served, the person or persons named therein request a public hearing. Upon such request the Secretary shall conduct a public hearing in accordance with §6312 herein. In connection with any proceeding under this subsection the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

(4) Any order issued under this Section shall state with reasonable specificity the nature of the violation and specify a time for compliance and assess a penalty, if any, which the Secretary determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

(b) In lieu of the compliance order procedure in subsection (a) above, any person who violates a provision of this Chapter, any condition or limitation in a permit issued pursuant to this Chapter, any variance condition or limitation, any rule or regulation, or any order of the Secretary shall be liable for a civil penalty of not less than \$1,000 nor more than \$25,000 for each day of violation. The Superior Court shall have jurisdiction of offenses under this subsection.

(c) If the violation is continuing or if there is a substantial likelihood that it will reoccur, or if the Department receives information that the generation, storage, transportation, treatment, or disposal of a hazardous waste presents an imminent and substantial hazard to public health or to the environment, the Secretary may, in addition to or in lieu of any other remedy provided in this Chapter, seek a temporary restraining order or a preliminary or permanent injunction in the Court of Chancery.

(d) In any action brought under subsection (c) of this Section, in addition to any equitable relief granted by the Court of Chancery, the Court may, in the exercise of its ancillary jurisdiction, impose a civil penalty as provided for in subsection (b).

(e) In any civil action brought in the Court of Chancery pursuant to this Section in which a temporary restraining order, a preliminary injunction, or a permanent injunction is sought, upon a showing by the Secretary that a person has engaged in the acts or practices to be enjoined or restrained, a permanent or preliminary injunction, restraining order, or other order may be granted.

(f) Any person who intentionally or knowingly violates a provision of this Chapter, any condition or limitation in a permit issued pursuant to this Chapter, any variance condition or limitation, any rule or regulation, or any order of the Secretary shall in addition to or in lieu of any other remedy set forth herein, be punishable by a fine of not less than \$2,500 nor more than \$25,000 for each day of such violation, or shall be subject to imprisonment not to exceed one year, or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or by both. The Superior Court shall have jurisdiction of offenses under this subsection.

(g) Any person knowingly makes any false statement, representation, or certification in any application, record, report, plan, manifest, label or other document filed or required to be maintained under this Act, or under any permit, 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 \$500 nor more than \$25,000 or by imprisonment for not more than one (1) year or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or by both. The Superior Court shall have jurisdiction of offenses under this subsection.

(h) Each day of violation as specified in any action pursuant to the above subsections shall constitute a separate violation.

Subchapter II. Miscellaneous Provisions

§6310. Inspections; Right of Entry

(a) For the purpose of developing or enforcing any regulation, permit, or other requirement authorized by this Act, any duly authorized employee of the Department may, upon presentation of appropriate credentials at any reasonable time:

(1) Enter any place or conveyance where hazardous wastes are generated, stored, transported, treated, or disposed of;

(2) Inspect and obtain samples from any person or any such wastes and samples of any containers or labeling for such wastes, and prior to leaving the premises, give to the owner, operator, or agent in charge a receipt describing the sample obtained, and if requested, a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(3) Inspect and copy any records, reports, information, or test results relating to the purposes of this Act.

(b) Upon any refusal of entry, inspection, sampling or copying pursuant to this Section, a duly authorized employee of the Department may apply for and obtain a warrant to allow such entry, inspection, sampling or copying in the manner established by the rules and law of criminal procedure.

(c) No duly authorized employee of the Department who enters upon premises, vehicles or equipment for purposes set forth in (a) above shall have a cause of action against the owner, operator, or occupier thereof for any injuries or damages sustained by such person while on the premises, vehicles or equipment unless such injuries or damages were intentional on the part of the owner, operator, or occupier or were caused by the willful or wanton disregard of the rights of others.

§6311. Service of Process on Owners or Operators who are Nonresidents or Corporations not Incorporated in Delaware

(a) Any nonresident person who, either in person or through others, owns or operates a facility or conducts an activity subject to this Act or any nonresident who, either in person or through others, owns or operates a facility or conducts an activity outside the State, which while located outside the State causes or contributes to the discharge or disposal of hazardous wastes or substances into or upon the lands, air, surface water or groundwaters of the State shall be deemed thereby to have submitted himself to the jurisdiction of the courts of this State and to have appointed and constituted the Secretary of State of this State or his designee as his agent for the acceptance of legal process in any action under this Chapter. The force, validity and effect of service of process under this subsection as well as the procedure for effectuating said service shall be governed in all respects by §3112 of Title 10, Delaware Code.

(b) Any corporation, not incorporated in this State, which itself or through others owns or operates a facility or conducts an activity subject to this Act or any such corporation which itself or through others owns or operates a facility or conducts an activity outside the State, which while located outside the State causes or contributes to the discharge or disposal of hazardous wastes or substances into or upon the lands, air, surface water or groundwater of the State, shall be deemed thereby to have sufficient contacts with this State to have submitted itself to the jurisdiction of the courts of this State. The force, validity and effect of service of process under this subsection as well as the procedure for effectuating said service shall be governed in all respects by §3111 of Title 10, Delaware Code.

§6312. Public Hearings

Public hearings shall be held on any permit application, draft permit, permit modification, regulation, variance request, permit revocation, or appeal to the Environmental Appeals Board in accordance with the provisions of Chapter 60 of Title 7, Delaware Code, §§6004 and 6008.

§6313. Appeals

(a) Any person whose interest is substantially affected by any action of the Secretary may appeal to the Environmental Appeals Board in accordance with the provisions of Chapter 60 of Title 7, Delaware Code, §6008.

(b) Any person a party to an appeal before the Board substantially affected by a decision of the Board may appeal to the Superior Court in accordance with the provisions of 7 Delaware Code, §6009.

§6314. Variances and Temporary Emergency Variances

Variances and Temporary Emergency Variances may be granted by the Secretary from any regulation or permit condition adopted pursuant to this Chapter in accordance with the provisions of 7 Delaware Code, §§6011 and 6012.

§6315. Interference with Department Personnel

No person shall obstruct, hinder, delay or interfere with, by force or otherwise, the performance by Department personnel of any duty under this Chapter, or any regulation, order, permit or decision promulgated or issued thereunder.

§6316. Federal Aid; Other Funds

The Department may cooperate with and receive monies from the Federal Government, and any state or local government, or other appropriate source in carrying out its duties under this Act.

§6317. Interstate Cooperation

The General Assembly encourages cooperative activities by the Department and the Commission with other states, interstate or regional organizations, and the Federal Government for the improved management of hazardous wastes; for improved, and so far as practicable, uniform state laws relating to the management of hazardous wastes; and compacts between this and other states for the improved management of hazardous wastes."

Section 5. No Hazardous Waste Treatment Facility shall be granted a permit for a period of 6 months from the effective date of this Act or until such time as the Department or Commission has promulgated rules and regulations relating to the Storage, Treatment, Transportation or Disposal of Hazardous Wastes or any Hazardous Waste Treatment Facility, whichever comes first.

Section 6. This Act shall become effective on the date of its enactment.

Approved July 11, 1980.

CHAPTER 413

FORMERLY

HOUSE BILL NO. 1022

AN ACT TO AMEND CHAPTER 16 OF TITLE 24 OF THE DELAWARE CODE BY PROVIDING FOR THE LICENSING OF MESSAGE ESTABLISHMENTS, ADULT BOOKSTORES AND OTHER ADULT ENTERTAINMENT ESTABLISHMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 16, Title 24 of the Delaware Code by striking the word "Message Establishments and Adult Book Stores" as the same appear in the catch line and substitute in lieu thereof "Adult Entertainment Establishments".

Section 2. Amend Section 1601, Title 24 of the Delaware Code by striking the words "adult book stores and massage establishments" as the same appear in the second sentence of the first paragraph and substitute in lieu thereof the words "adult entertainment establishments".

Section 3. Amend Section 1602, Title 24 of the Delaware Code by striking subsection (2) in its entirety and substituting in lieu thereof the following:

"(2) 'Adult Entertainment Establishment' shall mean any commercial establishment, business or service, or portion thereof, which offers sexually oriented material, devices, paraphernalia or specific sexual activities, services, performances, or any combination thereof, or in any other form, whether printed, filmed, recorded or live. The term 'Adult Entertainment Establishment' shall include but not be limited to such activities as:

(a) 'Adult Book Stores' shall mean any corporation, partnership, or business of any kind which has as part of its stock books, magazines, or other periodicals and which offers, sells, provides or rents for a fee:

(1) any sexually oriented material, and which business restricts or purports to restrict admission to adults, within the meaning of this chapter, or to any class of adults; or

(2) any sexually oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or

(3) any sexually oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or

(4) any sexually oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region, or buttocks of children who are of or appear to be under the age of 18.

(b) 'Conversation Parlors', 'Relaxation Studios', 'Health Salons', or 'Call Services' which shall mean any commercial business, enterprise, or service which offers or which holds itself out as offering conversations or relaxation or any other services whereby any employee, attendant or patron is involved in specific sexual activities or representations thereof.

(c) 'Adult Shows' or "Adult Peep Shows' which shall include all adult shows, exhibitions, performances, or presentations which contain acts or depictions of specific sexual activities.

(d) 'Adult Motion Picture Theatres' which shall mean an enclosed building used for presenting film presentations which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities for observation by patrons therein.

(e) 'Massage Establishments' which shall mean any business or enterprise which offers, sells or provides, or which holds itself out as offering, selling or providing, massages which include bathing, physical massage, rubbing, kneading, anointing, stroking, manipulating or other tactile stimulation of the human body, by either male or female employees or attendants, by hand or by any electrical or mechanical device, on or off the premises. This term shall not include the business or occupation of a chiropractor, chiropodist, podiatrist, barber, nurse, optometrist, cosmetologist, dentist, physician, physical therapist or operator of a funeral establishment, who is certified, registered or licensed pursuant to this title, or a hospital which is licensed pursuant to Title 16 or athletic coach or trainer."

Section 4. Amend Section 1602, Title 24 of the Delaware Code by striking subsection (5) in its entirety and substituting in lieu thereof the following:

"(5) 'Commission' shall mean the Commission on Adult Entertainment Establishments."

Further amend Section 1602 of Chapter 16 of Title 24 of the Delaware Code by striking subsection (17) of said Section and substituting in lieu thereof the following:

"(17) 'Specific sexual activities' shall be defined as including the following sexual activities and/or the exhibition of the following anatomical areas:

- (1) human genitals in the state of sexual stimulation or arousal; or
- (2) acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or
- (3) the fondling or erotic touching of human genitals, pubic region, buttocks or the female breasts; or
- (4) less and completely opaquely covered:
 - (a) human genitals, pubic region,
 - (b) buttocks,
 - (c) female breasts below the top of the areola, or
 - (d) human male genitals in a discernable turgid state, even if completely and opaquely covered."

Section 5. Amend Section 1603, Title 24 of the Delaware Code by striking the words "Commission on Massage Establishments and Adult Book Store" as the same appear in the catch line and in subsection (a) of Section 1603 and substituting in lieu thereof in each instance the words "Commission on Adult Entertainment Establishments".

Section 6. Amend Section 1604 (a) of Title 24 of the Delaware Code by striking the words "massage establishments and adult book stores" and substituting in lieu thereof the words "adult entertainment establishments".

Section 7. Amend Section 1605(a) Title 24 of the Delaware Code by striking the words "massage establishments, massagists, and adult book stores" and substituting in lieu thereof the words "adult entertainment establishments and massagists".

Section 8. Amend Section 1606(a), Title 24 of the Delaware Code by striking the words "a massage establishment, adult book store" and substituting in lieu thereof the words "an adult entertainment establishment".

Section 9. Amend Section 1606(c), Title 24 of the Delaware Code by striking the words "a massage establishment or an adult book store" and substitute in lieu thereof the words "an adult entertainment establishment".

Section 10. Amend subsection (e) of Section 1606, Title 24 of the Delaware Code by striking the words "a massage establishment or adult book store" and substitute in lieu thereof the words "an adult entertainment establishment".

Section 11. Amend Section 1607, Title 24 of the Delaware Code by striking subsection (a), (b), and (c) in their entirety and substituting in lieu thereof the following:

"(a) No license for the operation of an adult entertainment establishment under this Chapter shall be issued unless the applicant thereof shall have paid an annual license fee of one hundred (\$100) dollars plus a fee of twenty-five (\$25) dollars for each separate branch or business location.

(b) No license to engage in the occupation of massagist shall be issued under this Chapter unless the applicant shall have paid an annual license fee of twenty-five (\$25) dollars.

(c) Nothing in this Chapter, however, shall be construed to effect or impair in any manner the requirements of Title 30 of the Delaware Code."

Section 12. Amend Section 1609(b), Title 24 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) Every license for the operation of an adult entertainment establishment shall describe the nature of the business or enterprise as 'massage establishment', 'adult bookstore', or as otherwise appropriate within the meaning of Section 1602(2), and the location of the premises at which such business is authorized. Where the licensee is a corporation, the license shall state the name and address of said corporation's registered agent in this State, and the name of its registered agent at such address."

Section 13. Amend Section 1610 (a), Title 24 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(a) No license issued under this Chapter shall authorize the licensee to engage in or carry on the business of operating an adult entertainment establishment in any place other than the premises set forth in said license. In addition, each applicant or licensee seeking a license or renewal must affirmatively establish within their application that the location or proposed location of the place of business is in compliance with all applicable laws and ordinances. If a licensee changes his location of his place of business during the period for which the license was issued, the license shall be amended by making application in accordance with the provisions of this Act in making a new application, to authorize business at the new location, provided that said business is otherwise permitted at the new location by applicable law and ordinance.

Section 14. Amend Section 1611(a), Title 24 of the Delaware Code by striking the words "a massage establishment or an adult book store" and substituting in lieu thereof the words "an adult entertainment establishment".

Section 15. Amend Section 1613, Title 24 of the Delaware Code by striking the words "Massage Establishment and Adult Book Store" as the same appear in the catch line and subsection (a) of said Section and substitute in lieu thereof the words "an Adult Entertainment Establishment".

Section 16. Amend Section 1613(b), Title 24 of the Delaware Code by striking the said subsection and substituting in lieu thereof the following:

"(b) Every Application for license for the operation of an adult entertainment establishment shall state the full name(s) of the applicant appearing pursuant to Section 1615 of this Act, including nicknames(s) or alias(es), residential address(es), place(s) of employment, including address(es) and phone number(s), social security number, date of birth, driver's license number, and a photograph of the applicant taken within thirty days of the application, Federal Employers Identification Number, and an address of the premises for which the application for license is made. Each application shall further provide the full name(s), including nickname(s) and alias(es), residential address(es), place of employment(s) including address(es) and phone number(s), date of birth, social security number and a recent photograph taken within thirty days of providing this information to the Commission, of those persons employed by the adult entertainment establishment, and to specifically identify who is to be responsible for the day to day management of the adult entertainment establishment."

Section 17. Amend Section 1613(e), Title 24 of the Delaware Code by striking the words "adult book store" and substituting in lieu thereof the words "adult entertainment establishment".

Section 18. Amend Section 1616(a), Title 24 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(a) The Commission after a hearing shall issue a license for the operation of an adult entertainment establishment for every applicant who shall have satisfactorily completed and filed an Application for license as required by this Chapter and shall have paid the required fee."

Section 19. Amend Section 1617(a), Title 24 of the Delaware Code by striking the words "adult book store" and substituting in lieu thereof the word "adult entertainment establishments other than a Massage Establishment".

Section 20. Amend subsections (a) and (b) of Section 1619, Title 24 of the Delaware Code by striking said subsections in their entirety and substituting in lieu thereof the following:

"(a) The Commission shall not suspend or revoke any license under this Act except after a hearing where the licensee has been given at least twenty days notice in writing, specifying the reason or reasons for such suspension or revocation and a date of the hearing.

(b) Any hearing pursuant to this Section or Section 1616 shall be at such time and place as the Commission shall prescribe, but no later than twenty days after the Commission is in receipt of a completed application or twenty days after a licensee has received notice of a proposed suspension or revocation action. Failure of the person or persons to appear after receiving notice shall constitute a waiver of the right to appear in such hearing."

Section 21. Amend Section 1621(b), Title 24 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) Every adult entertainment establishment which is licensed under this Chapter shall maintain on the premises a record which shall state the name and address of every person, distributor, wholesaler or publisher from whom said establishment has received any sexually oriented material, and the date such material was received, for purposes of sale, exhibition or dissemination on the premises after the effective date of this chapter."

Section 22. Amend Section 1623, Title 24 of the Delaware Code by striking the words "a massage establishment or adult book store" and substitute in lieu thereof the words "an adult entertainment establishment".

Section 23. These amendments to the Act shall become effective thirty (30) days after this Act becomes law.

CHAPTER 414

FORMERLY

HOUSE BILL NO. 1062

AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DEVELOP AND CARRY OUT A STATE PRETREATMENT PROGRAM FOR PUBLICLY OWNED TREATMENT WORKS AND INDUSTRIAL USERS OF SUCH TREATMENT WORKS IN ACCORDANCE WITH FEDERAL LAWS AND REGULATIONS, AND TO APPROPRIATE FUNDS FOR SUCH PURPOSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6011, Chapter 60, Title 7, Delaware Code, by adding new subsection (g) as follows:

"(g) Notwithstanding other provisions of this section, the Secretary is not authorized to approve requests for fundamentally different factor variances from categorical pretreatment standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to §307(b) or §307(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1317(b), 1317(c). The Secretary is authorized to accept and review such variance requests, and, upon review, deny such request or recommend that the Administrator of the United States Environmental Protection Agency approve such a variance request."

Section 2. Amend §6012(a), Chapter 60, Title 7, Delaware Code, by adding the underlined matter:

"(a) Notwithstanding the provisions of §6011 of this Title, other than §6011(g), 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 60 days."

Section 3. Amend §6002, Chapter 60, Title 7, Delaware Code, by adding the following subsections:

"(27) 'Categorical Pretreatment Standard' means a pretreatment standard which applies to industrial users in a specific industrial subcategory.

(28) 'Discharge' or 'Indirect discharge' means the discharge or the introduction of pollutants from any nondomestic source into a POTW.

(29) 'Industrial user' means a source of indirect discharge. The term 'industrial user' shall include, but not be limited to the original source of the indirect discharge as well as the owners or operators of any intervening connections, other than those owned or operated by the receiving POTW, which convey the indirect discharge to the POTW.

(30) 'POTW pretreatment program' means a program administered by a POTW for the purpose of enforcing pretreatment standards in accordance with the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251 et seq. and regulations promulgated thereunder.

(31) 'Pretreatment standard' means any pollutant discharge limit promulgated by the Administrator of the United States Environmental Protection Agency in accordance with section 307(b) and (c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1317(b), (c), or by the Secretary, which applies to industrial users.

(32) 'Publicly owned treatment works' or 'POTW' means either: a treatment works which is owned by a city, town, county, district or other public body created by or pursuant to the laws of the State of Delaware; or any such public body which has jurisdiction over the discharges to such treatment works.

(33) 'Treatment works' means 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."

Section 4. Amend Chapter 60, Title 7, Delaware Code, by adding §6033 as follows:

"§6033. Pretreatment

(a) The Secretary shall develop, implement and enforce, and may amend, modify and repeal, a state pretreatment program in compliance with the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251 et seq. and regulations promulgated thereunder. In addition to any other authority which the Secretary may exercise for this purpose under this chapter or other chapters of this code, the Secretary may:

(1) Require any POTW to develop, submit for approval to the Secretary, administer and enforce a POTW pretreatment program;

(2) Review, approve and deny requests for approval of POTW pretreatment programs submitted by a POTW to the Secretary;

(3) Require any POTW, whether or not such POTW is required to develop and enforce a POTW pretreatment program, to develop, submit for approval to the Secretary, and enforce specific limits on or prohibitions against discharges of pollutants by industrial users of such POTW to prevent interference with such POTW;

(4) Incorporate conditions into new or existing permits issued to POTW's, such as but not limited to, compliance schedules, modification clauses, the elements of an approved pretreatment program, and specific limits on or prohibitions against discharges by industrial users into such POTW;

(5) Review, approve and deny requests from POTW's required to develop POTW programs to modify categorical pretreatment standards to reflect removals achieved by such POTW;

(6) Require any POTW or industrial user to submit reports, monitor activities, and maintain records to assure compliance with this section and regulations hereunder;

(7) Require compliance by industrial users with pretreatment standards, and discharge limits and prohibitions;

(8) Adopt, amend, modify or repeal rules or regulations to effectuate this section and comply with federal laws and regulations respecting pretreatment. Such rules and regulations shall be adopted, after public hearing, in accordance with §6010 of this chapter, provided, however, that the Secretary may incorporate into state regulations without a public hearing a

categorical pretreatment standard which has previously been promulgated by regulation by the Administrator of the United States Environmental Protection Agency. Prior to incorporating any such categorical pretreatment standard without a public hearing, the Secretary shall comply with §§ 6415, 6416 and 6418 of Title 29.

(b) The Secretary may seek any relief authorized by this chapter against any industrial user even if a POTW has acted or will act to seek such relief."

Approved July 11, 1980.

CHAPTER 415

FORMERLY

HOUSE BILL NO. 1066
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 56, TITLE 29, DELAWARE CODE, RELATING TO THE
STATE JUDICIARY PENSION PLAN.

WHEREAS, it is the intent of this legislation to establish a revised judicial pension plan which reflects the design of the State Employees' Pension Plan, while recognizing the special nature of judicial employment such as:

- a. the need to recruit capable and experienced legal talent from the practicing bar; and
- b. the higher average entry age and retirement age; and
- c. the specific term of office undertaken in mid-career; and

WHEREAS, it is the further intent of this legislation to provide sitting judges with the right to elect continued participation in the current plan or participation in the revised plan; and

WHEREAS, it is the further intent of this legislation to fund the State Judicial Pension Plan on an actuarial basis beginning in fiscal year 1980.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Chapter 56, Title 29, Delaware Code is amended by adding a new Section 5600 which shall read as follows:

"§5600. Definitions

As used in this chapter:

(a) "Member" shall mean an individual who accepts the provisions of this Chapter while a member of the State Judiciary.

(b) "State Judiciary" means the judges mentioned in Article IV, §2, of the Constitution of Delaware, and any other judge of a court of records who:

1. Is appointed by the Governor and confirmed by the Senate for a term of 12 years; and

2. Receives his entire remuneration as judge in the form of a salary paid by the State; and

3. Is by law during this tenure of office either prohibited from practicing law, or else prohibited from engaging in any other gainful occupation.

(c) "Final average compensation" shall mean the member's average annual compensation during his or her highest paid 5 consecutive years for service as a judge, or the average annual compensation during the period of his or her service as a judge if such period is less than 5 years.

(d) "Board" shall mean the Board of Pension Trustees established by Section 8308 of Chapter 83, Title 29, Delaware Code.

(e) The clause "for which he or she is eligible under the Federal Social Security Act" shall mean the old age insurance benefit or the disability insurance benefit for which an individual is or will be eligible by virtue of age and his or her wage credits under the Federal Social Security Act, based on his or her final average compensation and the provisions of the Federal Social Security Act in effect when the individual ceased to be a judge and computed in accordance with rules and regulations approved by the Board, regardless of any other factors such as, without limitation, whether the judge has made application for Social Security benefits or is subsequently employed.

(f) The "closed plan" shall mean the eligibility and benefit pensions of this Chapter in effect on June 30, 1980."

Section 2. Subsection 5601 (a), Chapter 56, Title 29, Delaware Code is amended by striking said subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) which shall read as follows:

"(a) The State Judiciary Retirement Fund shall be established and maintained by the Board. The State Treasurer shall act as the Board's agent in care of the assets of the Fund. Each member who elects or who has elected the provisions of this Chapter; and

(i) who was first appointed to the State judiciary prior to July 1, 1980 and is a member covered by the closed plan, shall contribute \$500 to the Fund each year for the first 25 years of service; or

(ii) who is a member covered by the revised plan, shall contribute to the Fund each year for the first 24 years of service an amount equal to 3% of his or her total compensation in excess of \$6,000 up to the Social Security wage base, and 5% of total compensation in excess of the Social Security wage base. Such contributions shall be prorated on a monthly basis."

Section 3. Section 5601, Chapter 56, Title 29, Delaware Code is amended by adding a new subsection (c) which shall read as follows:

"(c) The benefit provisions of this chapter shall be divided into two plans, the closed plan and the revised plan. Members of the State judiciary first appointed before July 1, 1980 who do not elect, as provided in Section 5605, to accept the provisions of the revised plan shall be members covered by the closed plan even through reappointments to the State judiciary. All other members of the State judiciary who accept the provisions of this Chapter, as provided in Section 5605 of this Chapter, shall be members covered by the revised plan."

Section 4. Chapter 56, Title 29, Delaware Code is amended by adding a new Section 5612 which shall read as follows:

"\$5612. Revised plan; eligibility

(a) A member covered by the revised plan shall become eligible to receive a pension who has:

(1) Completed 12 years of service as a judge, and has attained age 62, or

(2) Completed 24 years of service as a judge.

(b) A member covered by the revised plan who has completed 12 years of service as a judge shall have a vested right to a pension. Such right shall be forfeited upon his or her application for a refund of his or her accumulated contributions."

Section 5. Chapter 56, Title 29, Delaware Code is amended by adding a new Section 5613 which shall read as follows:

"§5613. Revised plan; pension amount

Subject to the provisions of subsection (b) of this section:

(a) The amount of the annual pension or disability pension payable to a member under the revised plan shall be the sum of: 1/24 of final average compensation multiplied by years of service as a judge up to 12 years inclusive, plus 1/48 of final average compensation multiplied by years of service as a judge from 13 to 24 years inclusive; such sum to be reduced by: 1/24 of the old age insurance benefit for which he or she is eligible under the Federal Social Security Act at age 62, or the disability insurance benefit for which he or she is eligible, multiplied by years of service as a judge not to exceed 24 years. Disability pensions will be computed on the basis of actual service as a judge or 12 years of service as a judge, whichever is greater.

(b) For a member first appointed before July 1, 1980 who accepts the provisions of the revised plan, as provided in Section 5605, the pension payable under the revised plan shall be the greater of the pension computed in accordance with subsection (a) of this Section or 3% of final average compensation multiplied by years of service as a judge subject to a minimum pension of 50% of final average compensation and a maximum of 75% of final average compensation."

Section 6. Chapter 56, Title 29, Delaware Code is amended by adding a new Section 5614 which shall read as follows:

"§5614. Survivor's pension

(a) Upon the death during service of a member covered by the revised plan, a monthly survivor's pension shall be payable to his or her eligible survivor or survivors equal to one-half of the pension for which the judge would have been eligible if he or she had been 62 years of age, and computed on the basis of actual service to the date of death or 12 years, whichever is greater.

(b) Upon the death of a member covered by the revised plan and receiving a service or disability pension at the time of his or her death, a monthly survivor's pension shall be payable to his or her eligible survivor or survivors equal to one-half of such service or disability pension.

(c) For the purpose of this section, the priority of eligible survivors of a member covered by the revised plan shall be as follows, provided that a member may change the priority of eligible survivors specified herein by designating his or her priority of eligible survivors on a form prescribed by the Board at the time of the member's death:

(1) the widow or widower, provided such person had been married to the deceased member for at least one year before the date of death, or

(2) if there is no eligible widow or eligible widower, a child (or with the survivor's pension divided among them in equal shares, all such children if there are more than one), provided the child is unmarried and either:

(i) has not attained age 18,

(ii) has attained age 18 but not age 22 and is attending school on a full-time basis, or

(iii) has attained age 18 and is permanently disabled as the result of a disability which began before he attained age 18, or

(3) if there is no eligible widow, eligible widower, or eligible child, a dependent parent (or, with the survivor's pension divided between them in equal shares, both such parents if there are two.).

(d) The amount payable to a widow or widower who has not attained age fifty at the time the survivor's pension begins shall be actuarially reduced, in accordance with actuarial tables approved by the Board, for each month the survivor is under age fifty at such time, provided, however, that the actuarial reduction for any such widow or widower shall not apply for the period during which such widow or widower has in his or her care a son or daughter who is unmarried and either: (i) has not attained age eighteen, (ii) has attained age eighteen but not age twenty-two and is attending school on a full-time basis, or (iii) has attained age eighteen and is permanently disabled as the result of a disability which began before he attained age eighteen.

(e) A parent shall be deemed to have been dependent on the deceased member, if such individual was receiving at least one-half of his or her support from the deceased member at the time of death.

(f) A survivor's pension shall begin with the month following the month in which the member dies. If payable to a widow, widower or parent, it shall cease with the month in which the survivor dies. If payable to a child, it shall cease with the month in which the child dies or fails to meet the conditions of eligibility in paragraph (c) (3)."

Section 7. Subsection 5602 (a), Chapter 56, Title 29, Delaware Code is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (a) which shall read as follows:

"(a) Each member covered by the closed plan shall, upon his involuntary retirement from the State judiciary after serving at least 12 years as a judge, including all years of judicial service in Delaware of the retiring judge both prior and subsequent to his becoming a member of the State judiciary and both prior and subsequent to his filing a declaration of acceptance of the provisions of this chapter in accordance with §5605 of this title, receive an annual pension from the State, payable to him in equal monthly installments, commencing when he has attained the age of 65 years, or commencing upon involuntary retirement in case he has reached the age of 65 years prior to such retirement, and continuing during the remainder of his lifetime."

Section 8. Subsection 5602(b), Chapter 56, Title 29, Delaware Code is amended by striking the clause "Each member of the state judiciary who shall accept the provisions of this chapter" and inserting in lieu thereof a new clause which shall read as follows:

"Each member covered by the closed plan"

Section 9. Subsection 5602(d), Chapter 56, Title 29, Delaware Code is amended by striking the clause "(d) Whenever any member of the State judiciary" and inserting in lieu thereof a new clause which shall read as follows:

"(d) Whenever a member covered by the closed plan"

Section 10. Subsection 5602(f), Chapter 56, Title 29, Delaware Code is amended by striking said subsection in its entirety and inserting in lieu thereof a new subsection (f) which shall read as follows:

"(f) Notwithstanding the provisions of section 5607 of this title or any other provisions of this chapter, if a member of the State judiciary covered by the closed plan has served at least one 12 year term and before reaching age 65 either voluntarily retires or resigns and accepts an appointment to the Federal judiciary, he may elect, within 90 days after such retirement or such resignation and acceptance, in a writing filed with the Secretary of State, to designate his wife as the person who shall receive the benefits provided under this chapter. Said member shall, until the expiration of 24 years from the date he first became a member of the State judiciary or until his death, whichever is sooner, be required to pay monthly to the Fund the amount said member would have been required to pay as a covered member of the State judiciary in the position then held. An election shall constitute a waiver of any right to a refund of contributions. Upon the death of a member of the State judiciary electing benefits under this subsection, the surviving widow shall be entitled to receive an annual pension as long as she lives and remains unmarried, and the amount of such pension shall be the same as a pension paid to a widow of a deceased member of the State judiciary who died after having retired on pension."

Section 11. Section 5603, Chapter 56, Title 29, Delaware Code is amended by adding a new clause at the beginning of the section which shall read as follows:

"For members covered by the closed plan:"

Section 12. Subsection 5605(a), Chapter 56, Title 29, Delaware Code is amended by adding a new sentence at the end of said subsection which shall read as follows:

"A declaration of acceptance by a member first appointed on or after July 1, 1980, shall cover such member under the revised plan."

Section 13. Subsection 5605(b), Chapter 56, Title 29, Delaware Code is amended by relettering the existing subsection (b) to subsection (c) and adding a new subsection (b) which shall read as follows:

"(b) A member first appointed before July 1, 1980 may elect to be covered by the provisions of the revised plan by filing a declaration of acceptance in the office of the Secretary of State before July 1, 1981 and shall be covered by the revised plan effective July 1, 1981."

Section 14. Section 5605, Chapter 56, Title 29, Delaware Code is amended by adding a new subsection (d) which shall read as follows:

"(d) Any declaration filed pursuant to the provisions of this section shall be irrevocable."

Section 15. Section 5606, Chapter 56, Title 29, Delaware Code is amended by striking said section in its entirety and inserting in lieu thereof a new section which shall read as follows:

"§5606. Application for Benefits

(a) A service pension, disability pension, survivor's pension, death benefit, or withdrawal benefit shall be paid only upon the filing of an application in a form prescribed by the Board. A monthly benefit shall not be payable for any month earlier than the second month preceding the date on which the application for such benefit is filed.

(b) The Board may require any member or eligible survivor to furnish such information as may be required for the determination of benefits under this chapter, or to authorize the Board to procure such information including, but not limited to, information regarding benefits pursuant to the Federal Social Security Act. The Board may withhold payment of any pension under this chapter whenever the determination of such pension is dependent upon such information and the member or eligible survivor does not cooperate in the furnishing or procuring thereof.

(c) Upon receipt of any form pursuant to subsection (a) of this section, the Board shall consider the retirement and if they find that benefits are due under this chapter they shall notify the State Treasurer who shall make payments of benefits under this chapter out of the State Judiciary Retirement Fund or out of funds transferred for the purpose from the General Fund, as provided in Section 5601 of this Title."

Section 16. Section 5608, Chapter 56, Title 29, Delaware Code is amended by striking said section in its entirety and inserting in lieu thereof a new section which shall read as follows:

"§5608. Death Benefit; Withdrawal Benefit

(a) Upon the death of a member, or if a survivor's pension is payable upon such death, when such pension ceases to be payable, there shall be paid to the designated beneficiary or, in the absence of a designated beneficiary, to the estate of the member, a lump sum equal to the excess, if any, of the accumulated member contributions over the aggregate of all pension payments made. Such contributions shall exclude interest for members covered by the closed plan, and include interest for members covered by the revised plan.

(b) Upon the withdrawal from service of a member who is not eligible for a service or disability pension, his or her accumulated contributions without interest if covered by the closed plan, or with interest if covered by the revised plan, shall be paid to him or her."

Section 17. Subsection 5611(a), Chapter 56, Title 29, Delaware Code is amended by striking the first sentence of said subsection and inserting in lieu thereof a new sentence which shall read as follows:

"(a) On and after July 1, 1972, no pension provided under the provisions of the closed plan which has been in effect for three years shall be subject to adjustment."

Section 18. Chapter 56, Title 29, Delaware Code is amended by adding a new section 5615 which shall read as follows:

"§5615. Revised Plan; Post-retirement Adjustments

Benefits provided under the provisions of the revised plan shall be adjusted in the same manner as benefits provided under the provisions of Chapter 55, Title 29, Delaware Code."

Section 19. Chapter 56, Title 29, Delaware Code is amended by adding a new Section 5616 which shall read as follows:

"§5616(a) The actuary shall prepare an actuarial valuation of the assets and liabilities of the Fund as of December 31, 1980, and at least once every two years thereafter. On the basis of reasonable actuarial assumptions and tables approved by the Board the actuary shall determine the normal cost required to meet the actuarial cost of current service and the unfunded accrued liability.

(b) The State's appropriation to the Fund for the fiscal year ending June 30, 1982 and for each fiscal year thereafter, shall be the percentage of covered payroll approved by the Board on the basis of the most recent actuarial valuation, and shall equal the sum of the normal cost plus the payment required to amortize the unfunded accrued liability over 40 years from July 1, 1981. The amortization payment shall be an amount computed as a level percentage of the prospective total covered payroll over the remainder of the amortization period, with such prospective total covered payroll to be determined on the basis of a growth rate of 4% per year, compounded annually."

Approved July 11, 1980.

CHAPTER 416

FORMERLY

HOUSE BILL NO. 1070

AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND PART IX, TITLE 16 OF THE DELAWARE CODE BY ADDING A NEW CHAPTER 94 RELATING TO THE HANDICAPPED BY ESTABLISHING A STATE ADVISORY COUNCIL FOR THE COORDINATION OF SERVICES TO THE HANDICAPPED.

WHEREAS, Delawareans, by private and public funding, have increasingly demonstrated their concern for the needs and aspirations of citizens in this State who are handicapped by establishing a variety of plans, programs, services, and advisory councils to meet their needs; and

WHEREAS, the need grows more apparent each day for the development of a system to better coordinate these plans, programs, services, and councils; and

WHEREAS, it is extremely difficult to maintain a common or shared information data base for Delaware citizens concerning current numbers of handicapped individuals, and their special needs, as well as the location, provision and availability of services and programs to meet those needs.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part IX, Title 16 of the Delaware Code by adding thereto a new chapter, designated as Chapter 94, which new Chapter shall read as follows:

"CHAPTER 94. STATE ADVISORY COUNCIL FOR THE COORDINATION OF SERVICES TO THE HANDICAPPED

§9401. Definitions

As used in this Chapter:

(1) 'Handicapped' means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

§9402. State Advisory Council for the Coordination of Services to the Handicapped

A. Membership; Term of Office.

There is hereby created a State Advisory Council for the Coordination of Services to the Handicapped. This Council shall consist of nineteen (19) members as follows:

- (1) The Secretary of the Department of Health and Social Services;
- (2) The Secretary of the Department of Labor;
- (3) The State Superintendent of Public Instruction;
- (4) The Director of the Office of Management, Budget and Planning;

(5) The following Councils and Committees shall elect one of their members each year to serve as a member of this Council:

- a. The Governor's Advisory Council for Exceptional Citizens;
- b. Developmental Disabilities Planning Council;
- c. Governor's Committee on Employment of the Handicapped;
- d. Council on the Blind;
- e. Council on Mental Retardation;
- f. Council on Mental Health;
- g. Architectural Accessibility Board;
- h. Council on Transportation;
- i. Council on the Aging.

(6) Six (6) consumer and/or handicapped persons appointed by the Council Chairperson. A minimum of three persons so appointed by the Council Chairperson shall be handicapped persons.

In selecting these delegates, preference should be given to the consumer and/or handicapped, and any vacancy among the members referred to in subparagraph (5) should be filled by the respective Council/Committee within one month of the vacancy.

Any member who misses either three (3) consecutive meetings or four (4) out of any twelve (12) consecutive meetings shall be presumed to have resigned from the Council.

Members of the Council may appoint designees to represent them.

B. Chairperson of the Council.

The Council itself shall elect its own chairperson within three (3) months of the initial meeting, and each following year thereafter.

C. Meetings of the Council.

(1) The Council shall determine its own meeting schedule, but there shall be not less than four (4) meetings each calendar year, open to the public, and held in an accessible place.

(2) Ten (10) members of the Council shall constitute a quorum, which shall be necessary to vote on any issue.

\$9403. Duties of the Council

This Council shall have the following duties and responsibilities:

(1) Promote coordination between all State programs, services, and plans established for the handicapped and between State programs and private agencies and organizations which provide services to the handicapped.

(2) Review, on a continuing basis, all State policies, plans, programs and activities concerning handicapped individuals which are conducted, or assisted in whole or part, by State departments, agencies or funds in order to determine whether such policies, programs, plans, and activities effectively meet the needs of the handicapped.

(3) Make recommendations to the Governor, the General Assembly, and all State departments and agencies respecting ways to improve the administration of services for handicapped individuals, and for facilitating the implementation of new or expanded programs.

(4) Provide the Governor, the General Assembly, all interested agencies and the general public with review and comments on all State legislative proposals affecting the handicapped.

(5) Coordinate effective, economical, and timely implementation of all Federal legislation and regulations, such as the Section 504 Regulations, related to the handicapped.

(6) Serve as a central State Clearinghouse for information and data regarding:

- a. The current numbers of handicapped individuals and their needs;
- b. the location, provisions, and availability of services and programs for handicapped individuals;
- c. any other relevant information and data about the handicapped which the Council deems appropriate.

(7) Prepare and submit to the Governor and the General Assembly, an annual report of the activities of the Council and a status report on services and programs for the handicapped.

(8) Monitor the implementation of the final recommendations of the Governor's Task Force for the Implementation of the White House Conference on Handicapped Individuals."

Section 2. Professional Staff and Service to the Council

(a) The Office of Management, Budget and Planning shall provide the Council with necessary staff services.

(b) The Office of Management, Budget and Planning shall be equipped with a telecommunications device for the deaf and a state toll-free telephone line with a non-business hour answering service to meet the needs of members of the Council and the general public.

(c) The Office of Management, Budget and Planning shall provide interpreter services at all meetings of the Council and whenever such services are otherwise needed to carry out the duties of the Council.

Section 3. This Act shall become effective July 1, 1980.

Approved July 11, 1980.

CHAPTER 417

FORMERLY

HOUSE BILL NO. 1073

AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO PHYSICIANS LICENSED BY THE STATE OF DELAWARE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1702, Subchapter I, Chapter 17, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section 1702 to read as follows:

"§1702. License Requirements for Practice of Medicine

No person shall practice medicine in this State without having first obtained from the Board of Medical Practice a certificate to practice medicine and a current active registration therefor as provided in this Chapter."

Section 2. Amend §1722, Subchapter III, Chapter 17, Title 24, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new section 1722 to read as follows:

"§1722. Certificate to Practice; Resignation; Annual Renewal of Registration; Fees Therefor

(a) The Secretary of the Board shall issue to each applicant who shall have successfully passed the examination a notice to that effect. Upon payment of the full examination fee by such applicant to the Board, the Board shall forthwith issue to such applicant a certificate stating that such applicant is authorized to practice medicine in this State (hereinafter referred to as 'certificate to practice medicine') and a current registration form (hereinafter referred to as 'registration'), said registration to be designated as active or inactive. An inactive registration shall be issued only to an applicant who has failed to demonstrate to the Board's satisfaction that the applicant has formalized plans to actively practice medicine in this State in the near future. Active registrations shall be issued to all other successful applicants who have paid the full examination fee.

(b) The Board shall keep a current register of all persons authorized to practice medicine in this State and of all certificates issued by it under this section. All persons to whom the Board has issued certificates to practice medicine shall inform the Board of any change of business address.

(c) Each person to whom a certificate to practice medicine in this State has been granted shall be issued a current registration at intervals established pursuant to Section 8803(10) of Title 29 upon payment to the Board of the biennial renewal fee established by the Board. Said current registration is to be designated as active or inactive. Any person to whom the Board has issued a certificate to practice medicine and to whom an active registration has been issued, who has not actively practiced medicine in the State of Delaware for a continuous period of two or more years shall be issued an inactive registration.

No person to whom an inactive registration has been issued shall be eligible to actively practice medicine in the State of Delaware until the Board has issued to him an active registration. Physicians to whom an inactive registration to practice medicine has been issued and who desire to actively practice medicine in the State of Delaware shall complete an application for an active registration as specified by the Board. A special reapplication fee shall be established by the Board of Medical Practice and charged to any person who holds an inactive registration and who has requested to be issued an active registration. Such fee shall be separate and apart from the usual renewal fee for registration. The Board shall review said application to determine whether such person remains fit and qualified to practice medicine in the State of Delaware. A person to whom an inactive registration has been issued and who has requested the Board to issue him an active registration may be required to appear personally before the Board or designated members of the Board to answer any questions regarding his fitness and qualifications to practice medicine in the State of Delaware. Persons who have been issued an inactive registration and who have requested to be issued an active registration may be required to inform the Board of their continuing education, type of practice, previous and present location to practice, hospital affiliation, medical and osteopathic society memberships, impairment of physical or mental health, malpractice claims pending or settled, criminal convictions, drug and alcohol abuse, or any other information the Board may feel is necessary to evaluate the fitness and qualifications of those persons to actively practice medicine in the State of Delaware.

If, upon reviewing the application of a person who has requested to be issued an active registration, the Board determines that there is reason to believe that such person has engaged in unprofessional conduct as that term is defined in Section 1731(b) of this Chapter or is unable to practice medicine or surgery with reasonable skill and safety by reason of those infirmities listed in Section 1731(c) of this Chapter, the Board shall not issue an active certificate to practice medicine to such person until such time as the Board has conducted a hearing pursuant to the provisions of Section 1734 of this Chapter. If, as a result of that hearing, the Board determines that such person has engaged in unprofessional conduct, as that term is defined in Section 1731(b) of this Chapter or is unable to practice medicine and surgery with reasonable skill and safety because of infirmities listed in Section 1731(c) of this Chapter, the Board shall refuse to issue an active registration to such person and/or may revoke or suspend such person's certificate to practice medicine or otherwise discipline such person pursuant to Section 1735 of this Chapter.

Section 3. Amend §1714, Subchapter III, Chapter 17, Title 24, Delaware Code by striking the words "current certificate to practice medicine" as the same appears in the first sentence of said section and inserting in lieu thereof the words "current registration" and further striking the words "current temporary certificate to practice medicine" as they appear in the second sentence and inserting in lieu thereof the words "current registration".

Approved July 11, 1980.

CHAPTER 418

FORMERLY

HOUSE BILL NO. 1092
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE, RELATING TO
NOTIFICATION OF RATE CHANGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 121, Chapter 1, Title 5, Delaware Code, by adding the
following subsection (e) thereto:

"(e) At such time as the discount rate charged by the Federal Reserve Bank in
the Federal Reserve District encompassing the State of Delaware is changed, the
Commissioner shall notify all financial institutions as to the effect on the various
rates within the Delaware Code and the effective date thereof. The effective date
for those rates expressed in §2108, §2907 and §3121, Title 5, Delaware Code, and
§4315, Title 6, Delaware Code, shall be fourteen calendar days subsequent to the
effective date of the change in the discount rate."

Approved July 11, 1980.

CHAPTER 419

FORMERLY

HOUSE BILL NO. 1099

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER II, CHAPTER I, TITLE 26 OF THE DELAWARE CODE TO EXCLUDE FROM THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION PUBLIC UTILITIES CREATED PURSUANT TO THE RURAL ELECTRIFICATION ACT OF 1936 AS AMENDED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. That Section 202, Subchapter II, Chapter I, Title 26, be amended by adding a new paragraph (c) to read as follows:

"(c) The Commission shall have no jurisdiction, supervision or regulation over any public utility or over the rates, property, property rights, equipment, facilities or franchises or over the borrowing of funds or the transferring, sale, assignment, pledging or mortgaging of property, or the issuance of notes, bonds or other obligations of any public utility created, operated or regulated pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901-950(b)) as amended."

Section 2. The effective date of this Act shall be January 1, 1981.

Approved July 11, 1980.

CHAPTER 420

FORMERLY

HOUSE BILL NO. 1115

AN ACT TO AMEND CHAPTER 9 AND 11, TITLE 13, DELAWARE CODE RELATING TO ADOPTION AND TERMINATION OF PARENTAL RIGHTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 901(1), Title 13, Delaware Code by adding the following phrase after the words "six months," and before the words "has not":

"or to any newborn infant who, for a period of 90 days,"

Section 2. Amend Section 901, Title 13, Delaware Code by adding a new subsection (6) to read as follows:

"(6) 'Newborn infant' means any child who is less than six months old."

Section 3. Amend Section 924, Title 13, Delaware Code by inserting the word "court" after the word "All" and before the word "records" and adding two additional sentences after the first sentence as follows:

"Nothing in this section shall be construed in such a way as to restrict the Department of Health and Social Services, Division of Social Services, or an authorized agency from releasing non-identifying information in its records to any of the parties to the adoption. Identifying information, such as names and addresses, shall not be released by the Division of Social Services or an authorized agency except by order of the Court."

Section 4. Amend Section 929, Title 13, Delaware Code by adding after the first sentence an additional sentence as follows:

"Where there appears to be a conflict between the best interest of the parent(s) and the child, the best interest of the child shall prevail."

Section 5. Amend Section 1101, Title 13, Delaware Code by adding the following phrase "or to any newborn infant who, for a period of 90 days," after the words "six months" and before the words "has not".

Section 6. Amend Section 1101, Title 13, Delaware Code by adding the following definition:

"(6) 'Newborn infant' means any child who is less than six months old."

Section 7. Amend Section 1103, Title 13, Delaware Code by redesignating subsection (2) as subsection (3), by redesignating subsection (3) as subsection (4), by redesignating subsection (5) as subsection (2) and by striking the present subsection (4) entirely and inserting in lieu thereof a new subsection (5) to read as follows:

"(5) The parent or parents of any child, or any person holding parental rights over such child are not able, or have failed, to plan adequately for the child's physical needs or his mental and emotional health and development and:

a. In the case of a child in the care of an authorized agency:

1. The child has been in the care of an authorized agency for one year, or there is a history of previous placement or placements of this child, or a history of neglect, abuse, or lack of care of other children by this parent, and

2. The conditions which led to the child's placement still persist, and there appears to be little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future.

b. In the case of a child in the home of a stepparent or blood relative:

1. The child has resided in the home of the stepparent or blood relative for a period of at least one year, and

2. The Court finds the non-custodial parent or parents incapable of exercising parental responsibilities, and that there appears to be little likelihood such parent or parents will be able to exercise such parental responsibilities in the foreseeable future."

Section 8. Amend Section 1104(5), Title 13, Delaware Code by striking the words "is not fit to continue to exercise parental rights" as they appear therein and substituting in lieu thereof the words "is otherwise subject to having his parental rights terminated for the grounds set forth in Section 1103(5) of this Title."

Section 9. Amend Section 1104(6), Title 13, Delaware Code by striking the words "who are not fitted to continue to exercise parental rights" as they appear therein and substituting in lieu thereof the words "who are otherwise subject to having their parental rights terminated for the grounds set forth in Section 1103(5) of this Title."

Section 10. Amend Section 1111, Title 13, Delaware Code by inserting the word "court" in the heading after the word "of" and before the word "records" and also inserting the word "court" in the first sentence after the word "All" and before the word "records" and by adding two sentences after the first paragraph as follows:

"Nothing in this section shall be construed in such a way as to restrict the Department of Health and Social Services, Division of Social Services, or an authorized agency from releasing non-identifying information in its records to any of the parties to the termination. Identifying information, such as names and addresses, shall not be released by the Division of Social Services or an authorized agency except by order of the Court."

Section 11. Amend Section 1113, Title 13, Delaware Code by adding after the first sentence an additional sentence as follows:

"Where there appears to be a conflict between the best interest of the parent(s) and the child, the best interest of the child shall prevail."

Approved July 11, 1980.

CHAPTER 421

FORMERLY

HOUSE BILL NO. 1128

AN ACT TO ASSIST THE CAPE HENLOPEN SENIOR CENTER TO MEET ONE-TIME RELOCATION EXPENSES BY MAKING AN APPROPRIATION THEREFOR.

WHEREAS, the Cape Henlopen Senior Center has been helping the State carry out mandated social services for 13 years; and

WHEREAS, the building presently housing the Senior Center is privately owned and the owner has different plans for the building; and

WHEREAS, the number of clients served by the Center has risen dramatically since 1966 when the membership was 600 members and in 1980 it is 1300 members; and

WHEREAS, the Cape Henlopen Senior Center serves a broad geographical area, serving residents of Rehoboth, Lewes, Angola and other surrounding areas; and

WHEREAS, the Senior Center is a multi-purpose center administering several new projects which warrant increased space for Senior Center activities; and

WHEREAS, the budget of the Center is not adequate to meet the one-time transitional expenses for moving into a new facility.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. The sum of \$49,200 is hereby appropriated to the Cape Henlopen Senior Center, Inc. Board of Directors to be used to help the Center meet relocation costs.

Section 2. This is a supplementary appropriation and the funds herein appropriated shall be paid from the General Fund by the State Treasurer from monies not otherwise appropriated.

Section 3. The funds herein appropriated remaining unexpended or unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Approved July 11, 1980.

CHAPTER 422

FORMERLY

HOUSE BILL NO. 1142
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO GIFTED OR
TALENTED UNIT FUNDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1716B, Title 14, Delaware Code, by striking the
second sentence in subsection (g) in its entirety.

Section 2. The provisions of this Act shall be effective July 1, 1980.

Approved July 11, 1980.

CHAPTER 423

FORMERLY

HOUSE BILL NO. 1175
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND

SENATE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 2

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, 1981; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 950 OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1 of House Bill No. 950 of the 130th General Assembly of the State of Delaware, being an Act entitled "An Act making appropriations for the expense of the State Government for the fiscal year ending June 30, 1981; specifying certain procedures, conditions and limitations for the expenditure of such funds; and amending certain pertinent statutory provisions", by striking certain figures in their entirety as they appear and substituting certain figures in lieu thereof; by adding new line items and figures; and by striking certain line items and figures in their entirety, with reference to the lines and pages on which the same appear in House Bill No. 950, as hereinafter prescribed:

Page	Line	Organization/Item	From	To	Increase (Decrease)
2	2	<u>(01-00-000)</u> <u>LEGISLATIVE</u>			
2	31	<u>(01-05-001)</u> <u>Commission on</u> <u>Interstate Cooperation</u>			
2	36	Council of State Governments	\$ 24.8	\$ 27.0	\$ 2.2
4	1	<u>(02-00-000)</u> <u>JUDICIAL</u>			
4	30	<u>(02-03-001)</u> <u>Superior Court</u>			
4	31	Salaries	2,003.9 (114)	2,008.9 (114)	5.0
4	34	Contractual Services	164.1	159.1	(5.0)
5	9	<u>(02-08-001)</u> <u>Family Court of Delaware</u>			
5	10	(14.4) Salaries	3,358.3 (215)	3,378.3 (218)	20.0
5	11	Other Employment Costs	822.2	826.5	4.3
5	13	Contractual Services	326.8	311.8	(15.0)
5	15	Capital Outlay	51.1	93.1	42.0
6	1	<u>(02-13-001)</u> <u>Justice of the Peace Court</u>			
6	2	(2) Salaries	2,294.1 (179)	2,314.9 (182)	20.8
6	3	Other Employment Costs	534.6	539.0	4.4

6	9	<u>(02-17-000)</u>	<u>Administrative Office of the Courts</u>			
6	10	<u>(02-17-001)</u>	<u>Office of the Director</u>			
6	16	Capital Outlay		41.7	11.7	(30.0)
6	17	Data Processing		130.0	86.5	(43.5)
7	1	<u>(10-00-000)</u>	<u>EXECUTIVE</u>			
7	14	<u>(10-02-000)</u>	<u>Office of the Budget</u>			
7	15	<u>(10-02-001)</u>	<u>Budget Office</u>			
7	27	<u>(10-02-002)</u>	<u>Budget Office - Contingencies</u>			
7	28	Other Items				
7	32	Contingency - Salary & Employment Costs		2,219.8	969.8	(1,250.0)
7	33	Contingency - Energy		6,700.0	5,861.2	(838.8)
7	New	Contingency - Supplemental		-0-	1,000.0	1,000.0
8	1	<u>(10-03-001)</u>	<u>Office of Management, Budget, and Planning</u>			
8	2					
8	3	(15) Salaries		314.7 (16)	360.3 (19)	45.6
8	4	Other Employment Costs		72.2	81.5	9.3
8	5	Travel		1.8	2.3	.5
8	6	Contractual Services		27.3	34.9	7.6
8	7	Supplies and Materials		7.6	9.5	1.9
8	8	Capital Outlay		1.0	3.9	2.9
8	25	<u>(10-05-001)</u>	<u>Delaware Energy Office</u>			
8	26	(19.4) Salaries		47.4 (1.6)	61.6 (2.6)	14.2
8	27	Other Employment Costs		5.1	8.1	3.0
8	38	<u>(10-07-001)</u>	<u>Delaware Criminal Justice Planning Commission</u>			
8	39	(4.6) Salaries		59.0 (7.9)	236.1 (15.2)	177.1
8	40	Other Employment Costs		14.3	50.0	35.7
8	41	Travel		1.3	5.9	4.6
8	42	Contractual Services		5.1	29.0	23.9
8	43	Supplies and Materials		1.5	6.5	5.0
8	44	Capital Outlay		1.0	4.0	3.0
9	1	<u>(12-00-000)</u>	<u>OTHER ELECTIVE OFFICES</u>			
9	11	<u>(12-02-001)</u>	<u>Auditor of Accounts</u>			
9	12	(21) Salaries		585.5 (32)	593.3 (33)	7.8
9	13	Other Employment Costs		134.8	136.4	1.6
9	34	<u>(12-05-000)</u>	<u>State Treasurer</u>			
9	35	<u>(12-05-001)</u>	<u>Administration</u>			
9	48	Farmers Bank Commission		20.0	95.0	75.0

10	21	(12-05-004)	<u>Refunds & Grants</u>			
10	22	Other Items				
10	23	Revenue Refunds		39,000.0	42,500.0	3,500.0
11	1	(15-00-000)	<u>LEGAL</u>			
11	2	(15-01-000)	<u>Department of Justice</u>			
11	3	(15-01-001)	<u>Office of Attorney General</u>			
11	4	(11.0) Salaries		1,928.8 (106.5)	1,981.4 (109.0)	52.6
11	5	Other Employment Costs		440.5	451.1	10.6
11	12	(15-02-001)	<u>Public Defender</u>			
11	13	(7) Salaries		896.5 (50)	1,003.8 (56)	107.3
11	14	Other Employment Costs		210.9	232.7	21.8
11	16	Contractual Services		271.6	266.6	(5.0)
12	1	(20-00-000)	<u>DEPARTMENT OF STATE</u>			
12	21	(20-06-000)	<u>Division of Historical & Cultural Affairs</u>			
12	22	(20-06-001)	<u>Office of Administration</u>			
13	40	(20-06-014)	<u>Office of Arts Council</u>			
To						
13	40	(20-06-016)	<u>Office of Arts Council</u>			
14	1	(25-00-000)	<u>DEPARTMENT OF FINANCE</u>			
14	11	(25-05-001)	<u>Division of Accounting</u>			
14	New	Contingency - Special Items		-0-	100.0	100.0
15	1	(30-00-000)	<u>DEPARTMENT OF ADMINISTRATIVE SERVICES</u>			
15	2	(30-01-001)	<u>Office of the Secretary</u>			
15	3	Salaries		130.4 (8)	130.4 (9)	—
15	8	Data Processing		389.6	433.1	43.5
15	37	(30-05-000)	<u>Division of Maintenance and Communications</u>			
16	40	(30-05-007)	<u>Custodial Services</u>			
16	41	Salaries		414.4 (44)	414.4 (43)	—
17	19	(30-07-000)	<u>Division of Central Data Processing</u>			
17	20	(30-07-001)	<u>Management, Budget, and Planning</u>			
17	21	Salaries (12)		250.5	251.8	1.3*
17	22	Other Employment Costs		60.0	60.2	.2*

*Memo Budget

18	12	<u>Allocation of Central Data Processing Services</u>		<u>General Funds</u>		<u>Other Funds</u>	
				<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
18	15	02	Judicial	130.0	86.5	50.0	50.0
18	21	30	Administrative Services	419.6	464.6	—	—
18	34	(30-08-000)	<u>Business and Occupational Regulation</u>				
18	35	(30-08-001)	<u>Occupational Licensing</u>				
18	36	(1.0)	Salaries		188.6 (12.6)	188.6 (13.0)	—
20	1	(35-00-000)	<u>DEPARTMENT OF HEALTH AND SOCIAL SERVICES</u>				
21	23	(35-05-000)	<u>Division of Public Health</u>				
21	24	(35-05-002)	<u>Community Health</u>				
21	28		Contractual Services		666.5	723.0	56.5
22	14	(35-06-000)	<u>Division of Mental Health</u>				
23	12	(35-06-005)	<u>Southern New Castle County Community Mental Health Center</u>				
23	14	(9.0)	Salaries		575.1 (37.0)	575.1 (37.0)	—
24	1	(35-07-001)	<u>Division of Social Services</u>				
24	5		Contractual Services		1,195.8	1,237.8	42.0
24	8		Other Items		41,883.3	40,960.3	(923.0)
24	New		Title XIX - State Institutions		-0-	1,600.0	1,600.0
23	34	(35-06-008)	<u>Bureau of Substance Abuse</u>				
23	38		Contractual Services		614.8	644.8	30.0
26	1	(38-00-000)	<u>DEPARTMENT OF CORRECTION</u>				
26	2	(38-01-000)	<u>Office of the Commissioner</u>				
26	3	(38-01-001)	<u>Management Support Services</u>				
26	4		Salaries		1,171.7 (88)	1,176.9 (88)	5.2
26	5		Other Employment Costs		275.1	275.8	.7
26	40	(38-08-000)	<u>Bureau of Adult Corrections</u>				
26	41	(38-08-001)	<u>Office of the Bureau Chief</u>				
26	47		Capital Outlay		11.9	31.9	20.0
27	39	(38-08-010)	<u>Kent Correctional Center</u>				
27	40		Salaries		368.3 (26)	380.3 (27)	12.0
27	41		Other Employment Costs		82.1	84.7	2.6

30	1	<u>(40-00-000)</u>	<u>DEPARTMENT OF</u>			
30	2		<u>NATURAL RESOURCES AND</u>			
			<u>ENVIRONMENTAL CONTROL</u>			
30	3	<u>(40-01-001)</u>	<u>Department Management</u>			
30	4	(13.0) Salaries		335.5 (21)	335.5 (21)	—
30	14	<u>(40-05-000)</u>	<u>Division of Fish and Wildlife</u>			
30	15	<u>(40-05-001)</u>	<u>Management and Support</u>			
30	16	(6.9) Salaries		38.2 (2.5)	38.2 (2.5)	—
30	33	<u>(40-05-003)</u>	<u>Fisheries</u>			
30	34	(6.5) Salaries		380.8 (27.5)	396.2 (29.5)	15.4
30	35	Other Employment Costs		95.4	98.6	3.2
30	37	Contractual Services		74.9	76.3	1.4
30	38	Supplies and Materials		52.4	56.4	4.0
31	1	<u>(40-06-000)</u>	<u>Division of Parks and Recreation</u>			
31	2	<u>(40-06-001)</u>	<u>Management and Support</u>			
31	3	(19.0) Salaries		121.3 (6.0)	121.3 (6.0)	—
31	12	<u>(40-06-002)</u>	<u>Operations and Maintenance</u>			
31	13	(31.4) Salaries		615.7 (46.0)	615.7 (46.0)	—
32	1	<u>(40-08-000)</u>	<u>Division of Environmental Control</u>			
32	2	<u>(40-08-001)</u>	<u>Management and Support</u>			
32	3	(19.9) Salaries		282.1 (15.5)	282.1 (15.5)	—
32	6	Contractual Services		84.3	78.7	14.4
32	9	<u>(40-08-002)</u>	<u>Air Resources</u>			
32	10	(14.0) Salaries		188.7 (11.0)	188.7 (11.0)	—
32	16	<u>(40-08-004)</u>	<u>Water Pollution Control</u>			
32	17	(32) Salaries		348.2 (19)	378.3 (22)	30.1
32	18	Other Employment Costs		83.5	89.9	6.4
32	19	Travel		1.4	2.9	1.5
32	20	Contractual Services		25.2	26.2	1.0
32	21	Supplies and Materials		23.7	29.4	5.7

33	1	(45-00-000)	<u>DEPARTMENT OF PUBLIC SAFETY</u>			
33	20	(45-04-001)	<u>Division of Motor Fuel Tax</u>			
33	21	Salaries		200.6 (14)	210.1 (15)	9.5
33	22	Other Employment Costs		49.0	50.9	1.9
33	24	Contractual Services		42.5	47.3	4.8
33	25	Supplies and Materials		23.9	28.3	4.4
33	29	(45-06-000)	<u>Division of State Police</u>			
33	30	(45-06-001)	<u>Field Service Unit</u>			
33	31	(19) Salaries		7,485.4 (382)	7,470.2 (382)	(15.2)
33	34	Contractual Services				
33	36	Other Contractual Services		316.6	326.6	10.0
33	43	(45-06-002)	<u>Field Support Unit</u>			
33	44	(1) Salaries		1,323.2 (81)	1,323.2 (81)	—
33	47	Contractual Services				
34	1	(45-06-003)	<u>Administrative Services</u>			
34	4	Pensions - State Police		2,834.6	2,914.6	80.0
34	6	Contractual Services				
34	8	Other Contractual Services		132.2	180.2	48.0
34	14	(45-06-004)	<u>Administrative Support</u>			
34	18	Contractual Services				
36	1	(50-00-000)	<u>DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT</u>			
36	2					
36	3	(50-01-000)	<u>Office of the Secretary</u>			
36	4	(50-01-001)	<u>Administration</u>			
36	5	(.2) Salaries		135.9 (8.9)	164.9 (9.9)	29.0
36	6	Other Employment Costs		33.7	39.9	6.2
36	8	Contractual Services		10.1	10.5	.4
36	9	Supplies and Materials		4.6	5.0	.4
36	10	Other Items		.7	25.7	25.0
36	37	(50-06-001)	<u>Office of Human Relations</u>			
36	38	(6.0) Salaries		132.5 (9.0)	168.0 (11.0)	35.5
36	39	Other Employment Costs		33.3	40.4	7.1
36	40	Travel		10.4	11.4	1.0
36	41	Contractual Services		18.3	20.8	2.5
36	42	Supplies and Materials		4.0	4.5	.5
36	New	Capital Outlay		-0-	8.8	8.8
37	1	(50-08-000)	<u>Division of Economic Development</u>			
37	2	(50-08-001)	<u>Industrial Development and Management</u>			
37	9	Other Items		110.0	130.4	20.4

39	1	<u>(55-00-000)</u>	<u>DEPARTMENT OF TRANSPORTATION</u>			
39	2	<u>(55-01-001)</u>	<u>Office of Secretary</u>			
39	3	Salaries		56.6 (2)	56.6 (2)	—
39	18	<u>(55-04-000)</u>	<u>Division of Highways</u>			
39	19	<u>(55-04-001)</u>	<u>Office of the Director</u>			
39	20	(16.5) Salaries		500.0 (29.5)	515.2 (30.5)	15.2
39	21	Other Employment Costs		127.3	130.5	3.2
39	29	<u>(55-04-100)</u>	<u>Bureau of Design</u>			
39	30	(59.0) Salaries		132.1 (9)	146.9 (10)	14.8
39	31	Other Employment Costs		31.6	34.7	3.1
39	33	<u>(55-04-200)</u>	<u>Bureau of Right of Way</u>			
39	34	(27.0) Salaries		105.9 (8.0)	105.9 (8.0)	—
39	39	<u>(55-04-300)</u>	<u>Bureau of Materials and Research</u>			
39	40	(59.5) Salaries		198.7 (11.5)	198.7 (11.5)	—
40	5	<u>(55-04-500)</u>	<u>Bureau of Traffic</u>			
40	6	(4.0) Salaries		1,239.2 (85)	1,224.4 (84)	(14.8)
40	7	Other Employment Costs		293.3	290.2	(3.1)
40	21	<u>(55-04-900)</u>	<u>Bureau of Planning</u>			
40	22	(28.0) Salaries		368.7 (20)	353.5 (19)	(15.2)
40	23	Other Employment Costs		106.0	102.8	(3.2)
41	1	<u>(55-06-001)</u>	<u>Delaware Transportation Authority</u>			
41	New	DAST		-0-	10.0	10.0
42	1	<u>(60-00-000)</u>	<u>DEPARTMENT OF LABOR</u>			
42	2	<u>(60-01-001)</u>	<u>Office of Secretary</u>			
42	New	Unemployment Insurance Study		-0-	30.0	30.0
42	16	<u>(60-07-000)</u>	<u>Division of Industrial Affairs</u>			
42	25	<u>(60-07-002)</u>	<u>Industrial Safety and Health</u>			
42	31	Capital Outlay		20.7	12.5	(8.2)

45	1	<u>(70-00-000)</u>	<u>DEPARTMENT OF ELECTIONS</u>			
45	12	<u>(70-02-001)</u>	<u>New Castle County</u> <u>Department of Elections</u>			
45	13	Salaries	251.9 (11)	266.9 (11)	15.0	
45	14	Other Employment Costs	42.1	40.0	(2.1)	
45	16	Contractual Services	350.5	353.0	2.5	
46	1	<u>(75-00-000)</u>	<u>FIRE PREVENTION</u> <u>COMMISSION</u>			
46	12	<u>(75-02-001)</u>	<u>State Fire School</u>			
46	New	Contingency - Paramedic Services	-0-	75.0	75.0	
47	1	<u>(76-00-000)</u>	<u>DELAWARE NATIONAL GUARD</u>			
47	2	<u>(76-01-001)</u>	<u>Delaware National Guard</u>			
47	New	Educational Financial Assistance	-0-	25.0	25.0	
49	1	<u>(90-00-000)</u>	<u>HIGHER EDUCATION</u>			
49	2	<u>(90-01-001)</u>	<u>University of Delaware</u>			
49	3	Operations	25,656.9	26,156.9	500.0	
49	New	Soil Testing Service	-0-	26.0	26.0	
49	17	<u>(90-01-002)</u>	<u>Delaware Geological Survey</u>			
49	18	Salaries	236.2 (9.5)	240.0 (9.5)	3.8	
50	1	<u>(90-03-000)</u>	<u>Delaware State College</u>			
50	2	<u>(90-03-001)</u>	<u>Executive Services</u>			
50	3	(1.1) Salaries	190.3 (12.8)	198.3 (13.0)	8.0	
50	4	Other Employment Costs	50.9	52.8	1.9	
50	11	<u>(90-03-002)</u>	<u>Academic Affairs</u>			
50	12	(29.2) Salaries	3,435.4 (171.9)	3,442.0 (172.9)	6.6	
50	13	Other Employment Costs	809.1	810.6	1.5	
50	20	<u>(90-03-003)</u>	<u>Student Affairs</u>			
50	21	(33.9) Salaries	328.0 (18.0)	403.1 (21.2)	75.1	
50	22	Other Employment Costs	88.0	105.6	17.6	
50	29	<u>(90-03-004)</u>	<u>Business & Fiscal Affairs</u>			
50	30	(13.0) Salaries	1,461.1 (113.2)	1,488.5 (114.8)	27.4	
50	31	Other Employment Costs	376.3	382.7	6.4	

51	1	(90-04-000)	<u>Delaware Technical</u>			
51	2		<u>and Community College</u>			
52	1	(90-04-006)	<u>Terry Campus</u>			
52	2	(19) Salaries		1,546.6	1,576.6	30.0
				(75)	(75)	
52	5	Contractual Services		312.7	372.7	60.0
53	1	(95-00-000)	<u>PUBLIC EDUCATION</u>			
53	2	(95-01-000)	<u>State Board of Education and</u>			
53	3		<u>State Board for Vocational Education</u>			
53	14	(95-01-002)	<u>Administrative Services</u>			
53	15	(11.0) Salaries		344.9	363.8	18.9
				(18.0)	(20.0)	
53	16	Other Employment Costs		81.7	85.8	4.1
53	41	(95-01-005)	<u>Educational Contingency</u>			
54	1	(95-01-006)	<u>Pass Through/K-12 Programs</u>			
54	14	Division III - Equalization		6,332.9	7,171.7	838.8
54	21	Summer School - Occupational and				
54	22	Vocational Education		388.7	420.7	32.0
54	35	(95-01-008)	<u>Pupil Transportation</u>			
54	37	School Pupil Transportation		19,468.8	20,631.6	1,162.8
73	1	(95-51-000)	<u>Margaret S. Sterck</u>			
73	26	Residence - Other Costs		10.5	64.5	54.0
73	27	Consultant Services		64.5	10.5	(54.0)
75	1	(95-53-000)	<u>John G. Leach</u>			
75	6	Teachers		355.2	300.8	(54.4)
				(27)	(22)	
75	9	Aides and Attendants		183.3	152.2	(31.1)
				(27)	(22)	
75	11	Other Employment Costs		150.6	134.1	(16.5)
75	13	Division II		(27)	(22)	
75	14	Energy Costs		42.7	34.8	(7.9)
75	15	Other Costs		37.4	30.5	(6.9)

Section 2. Amend Section 1 of House Bill No. 950 of the 130th General Assembly of the State of Delaware by recomputing all sub-totals and totals and renumbering paragraphs and sections affected by this Act.

Section 3. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 95 to read as follows:

"Section 95. Funds provided in Section 1 of this Act may be expended for purposes in which agencies have specifically entered into agreement with the Federal Government for the reimbursement of such expenses. Provided, however, that the Federal Government specifically requires such reimbursement procedures and that the agency has specific authorization in accordance with the provisions of Chapter 76, Title 29, Delaware Code, Federal Aid Coordination, to enter into such programs; and, provided, further, that such reimbursements be accounted for in conformance with the State accounting manual and that such reimbursements be used to fulfill the intent and purposes of Section 1 of the Act."

Section 4. Amend Section 9(b) of House Bill No. 950 of the 130th General Assembly by inserting after the word "Assembly" and before the comma (,) as they appear on line 25, page 81 of said bill, the following words:

"upon request"

Section 5.(a) Amend Section 10 (a) of House Bill No. 950 of the 130th General Assembly by striking the following lines in their entirety as they appear and substituting in lieu thereof the following new lines, with reference to the lines and pages on which the same appear in House Bill No. 950:

<u>Page</u>	<u>Line</u>	<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
82	14	(10-07-000)	Executive Director - Delaware	31.0	
82	15		Criminal Justice Planning		
82	16		Commission		
83	16	(30-07-001)	Director - Central Data	40.0	
83	17		Processing (Memo Budget)		
84	3	(38-01-001)	Commissioner - Correction	42.7	
84	14	(45-06-003)	Superintendent - State Police	35.2	
84	15	(45-06-003)	Assistant Superintendent - State Police	32.2	
84	20	(50-01-001)	Secretary - Community Affairs	39.6	5.4
84	21		and Economic Development		

(b) Amend Section 10 (b) of House Bill 950 of the 130th General Assembly of the State of Delaware by inserting the words "Except for the line item salaries of the Secretary-Community Affairs and Economic Development and the Secretary-Natural Resources and Environmental Control," after the "(b)" and before the word "In" on line 37, page 38 of said bill.

Section 6. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 96 to read as follows:

"Section 96. Amend Section 7004(d)(i)(B), Chapter 70, Title 6, Delaware Code, by changing the semicolon (;) after the words 'Guaranteed Bonds' to a comma (,) and by adding the following phrase after the word 'and' as that word appears at the end of Section 7004(d)(i)(B): 'No part of the Assisted Persons' contribution to the Cost of a proposed Project may be supplied, in whole or in part, by funds appropriated by an Act of the General Assembly of the State of Delaware; and"

Section 7. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 97 to read as follows:

"Section 97. The provisions of this Act to the contrary notwithstanding, any section, chapter or title of the Delaware Code and any Laws of Delaware providing for the application of "Sunset" shall be operative for those agencies, commissions or boards affected during the fiscal year commencing July 1, 1980."

Section 8. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 98 to read as follows:

"Section 98. Amend Section 6903, Title 29, Delaware Code, by striking the figure '\$2,000' as the same appears in subsection (b) and subsection (c) of said Section and substituting '\$5,000' in lieu thereof and by striking the figure '\$5,000' in lieu thereof and by striking the figure '\$5,000' as the same appears in subsection (d) of said Section and substituting '\$10,000' in lieu thereof."

Section 9. Upon the enactment of this Act into law, the Office of Controller General shall promptly proceed to engross this Act within the Act which this Act amends, and shall provide said engrossed copy to the Office of Research Director for the purpose of reproduction and distribution as required. The engrossed document shall be known as the "FY 1981 Budget Act." It is the intent of the General Assembly that the authorization of such engrossing as a management document will better serve the agencies of State government and the public."

Section 10. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 99 to read as follows:

"Section 99. For the fiscal year ending June 30, 1981, the remaining balance of the Office of Research Director (01-08-001) from fiscal year 1980 appropriation for Contingency - Desegregation Committee shall be a continuing appropriation and shall not be subject to reversion until June 30, 1981."

Section 11. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 100 to read as follows:

"Section 100. Section 1 of this Act appropriates \$42.0 to the Administrative Office of the Courts (02-17-001) for the purpose of Juror Parking Fees. In the event that House Bill No. 1058 of the 130th General Assembly is not enacted into Law, the appropriation is hereby deauthorized and the funds shall promptly revert to the General Fund of the State of Delaware."

Section 12. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by striking Section 26 in its entirety and substituting in lieu thereof a new Section 26 to read as follows:

"Section 26. Funds appropriated to the Budget Office - Contingencies (10-02-002) in Section 1 of this Act for Contingency - Energy, shall be distributed by the State Budget Director, when no other funds are available, to agencies on an as needed basis, when, in the opinion of the State Budget Director, an agency has exercised prudent energy conservation measures in accordance with the Governor's Energy Conservation Program.

Funds distributed from this Contingency Fund to the University of Delaware shall be ascertained by the State Budget Director and the Controller General. Funds distributed to the University of Delaware shall not exceed one-sixth (1/6) of the total funds from this Contingency Line appropriated by this Act.

The energy needs of all other State agencies shall first be satisfied before any funds are expended to meet the needs of the University of Delaware."

Section 13. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 101 to read as follows:

"Section 101. The Office of Management, Budget, and Planning is authorized to establish and maintain a special fund for the purposes of improving Statewide, Departmental, and Divisional indirect cost recoveries from programs financed in whole or in part with federal funds. The Director of OMBP, with the approval of the Controller General, may enter into such contracts and employ such people or services as he deems necessary to increase the amounts of and monitor the receipt of indirect cost recoveries to the State of Delaware. Federal reimbursements deposited in such special funds, and not required to carry out the purposes described in this section, shall be transferred to the General Fund. The Director will make periodic reports of progress toward increased indirect cost reimbursements to the Delaware State Clearinghouse Committee at such times as the Chairman may determine."

Section 14. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new Section to be designated as Section 102 to read as follows:

"Section 102. For the Fiscal Year ending June 30, 1981, the remaining balance from Fiscal Year 1980 appropriation to the Department of Finance, Division of Accounting for Accounting System Development shall be a continuing appropriation and shall be transferred to the Office of the Budget, Management Improvement Program, and shall not be subject to reversion until June 30, 1981."

Section 15. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by striking Section 37 in its entirety and substituting in lieu thereof a new Section 37 to read as follows:

"Section 37. Section 1 of this Act authorizes positions and provides an appropriation to the Delaware Criminal Justice Planning Commission (10-07-001) for operations and grants and subsidies. Of the authorized positions, the appropriation provides four-months' funding for three positions. Authorization for these three positions will terminate on October 31, 1980."

Section 17. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 104 to read as follows:

"Section 104. Section 1 of this Act provides an appropriation of \$47.9 to the Office of Management, Budget and Planning (10-03-001) for the purpose of funding the Council for the Coordination of Services for the Handicapped. In the event that House Bill No. 1070 of the 130th General Assembly is not enacted into law, the appropriation is hereby deauthorized and the funds shall promptly revert to the General Fund of the State of Delaware."

Section 18. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 105 to read as follows:

"Section 105. The appropriation for salaries in Section 1 of this Act to (10-03-001), Office of Management, Budget and Planning, provides for the up-grading of the secretarial position to the Director."

Section 19. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 106 to read as follows:

"Section 106. Amend Section 7, Chapter 182, Volume 62, Laws of Delaware, by adding after the word "program." and before the word "Furthermore", as they appear in said Section 7, an additional sentence to read as follows:

'Of the total monies not expended or encumbered on June 30, 1980, and transferred to the Delaware Energy Office, three hundred thousand dollars (\$300,000) shall be used for the purpose of providing a State match for low income assistance."

Section 20. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 107 to read as follows:

"Section 107. Amend Section 2 of Senate Bill No. 387, as amended by Senate Amendment No. 1, of the 130th General Assembly of the State of Delaware, by striking the word "July" in its entirety as it appears in said Section 2, and substituting in lieu thereof the word "October"."

Section 21. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 108 to read as follows:

"Section 108. Section 1 of this Act authorizes special fund positions for the Auditor of Accounts (12-02-001) for fiscal year 1981. Of these special funded positions, the Auditor of Accounts is authorized to make application for and obtain a CETA person for one Clerk Typist I position."

Section 22. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 109 to read as follows:

"Section 109. The authorization of positions and appropriation in Section 1 of this Act for the Office of Attorney General (15-01-001) provides for the continuation of the position of Title Specialist III and the deletion of the position of Title Specialist I for the fiscal year ending June 30, 1981."

Section 23. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 110 to read as follows:

"Section 110. Section 1 of this Act authorizes positions and appropriates salaries for the Public Defender (15-02-001). Of these positions, one (1) position of Legal Secretary shall be upgraded to Investigator."

Section 24. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 111 to read as follows:

"Section 111. Section 1 of this Act provides an appropriation of \$45.8 to the Delaware Heritage Commission. The expenditure of these funds by the Commission shall be subject to the State's accounting manual as modified by the Budget Director. Further, the General Funds shall be subject to audit, if in the judgment of the State Auditor he deems such audit is necessary."

Section 25. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 112 to read as follows:

"Section 112. Revenue refund appropriations and disbursements shall be reported as subtractions from general fund revenue and subtractions from general fund appropriations and disbursements on all financial statements issued by the Secretary of Finance. Revenue, appropriation and disbursement estimates for FY 1981 and FY 1982 by the Delaware Economic and Financial Advisory Council shall follow this procedure."

Section 26. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 113 to read as follows:

"Section 113. The Secretary of Finance shall enforce the provisions of Title 29, Chapter 65, Section 6521."

Section 27. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 114 to read as follows:

"Section 114. Section 1 of this Act provides an appropriation of \$100.0 to the Department of Finance, Division of Accounting (25-05-001) for Contingency - Special Items. Special Items are defined as extradition expenses, Superior Court sitting as the Board of Election Canvass and such other claims formerly presented to the Department of Finance as automatic appropriations."

Section 28. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 115 to read as follows:

"Section 115. The appropriation for salaries in Section 1 of this Act to the Department of Administrative Services, Division of Maintenance and Communications, Telephone Services (30-05-003), provides for three (3) positions of State Operator II. Of these positions, one (1) position shall be located in each county."

Section 29. Amend Section 65 of House Bill No. 950 of the 130th General Assembly by striking the figures "20%" and "25%" in their entirety as they appear on lines 22 and 26, respectively, page 108 of said bill and substituting in lieu thereof the figures "25%" and "20%", respectively.

Section 30. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 116 to read as follows:

"Section 116. Section 1 of this Act provides for an appropriation of \$56.5 to the Department of Health and Social Services, Division of Public Health (35-05-002) for the Cancer Registry Program. In the event that House Bill No. 980 of the 130th General Assembly is not enacted into law, the appropriation is hereby deauthorized and the funds shall promptly revert to the General Fund of the State of Delaware."

Section 31. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 117 to read as follows:

"Section 117. The appropriation for Other Items in Section 1 of this Act to the Department of Health and Social Services, Division of Social Services (35-07-001), provides for an increase in allowance for Child Foster Care: eight percent (8%) increase in allowance for private placements, and eight percent (8%) increase in allowance for placements in institutions. The percentage increase authorized for fiscal year ending June 30, 1981, shall be applicable to the allowances in effect on June 30, 1980."

Section 32. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 118 to read as follows:

"Section 118. Section 1 of this Act provides an appropriation of \$31.9 to Department of Correction, Office of the Bureau Chief (38-08-001), for Capital Outlay. Of this appropriation, \$20.0 may be used for the purchase of office equipment, the bidding laws and procedures of the State of Delaware to the contrary notwithstanding."

Section 33. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 119 to read as follows:

"Section 119. Section 1 of this Act provides an appropriation to the Department of Natural Resources and Environmental Control, Water Pollution Control (40-08-004), to implement a State Pretreatment Program. In the event that House Bill No. 1062, as amended, of the 130th General Assembly is not enacted into law, the appropriation is hereby deauthorized and the funds shall promptly revert to the General Fund of the State of Delaware."

Section 34. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 120 to read as follows:

"Section 120. Section 1 of this Act provides an appropriation for Salaries to the Division of State Police (45-06-000) and included within the salaried figures are authorizations for payment of overtime performed. Of the overtime, \$20.0 shall be earmarked, as required, for patrols in the Dewey Beach Area."

Section 35. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new Section to be designated as Section 121 to read as follows:

"Section 121. The four positions herein transferred in Section 1 of this Act from Office of Minority Business Enterprise to the Division of Economic Development (50-08-005) shall be assigned to positions in the classified service by the State Personnel Director with appropriate title and pay grade assigned thereto. The

persons holding those positions herein transferred shall not be required to take an examination, and such positions shall not be subject to those provisions of §5904, Title 29, Delaware Code, that would treat them as new State employees just entering the classified service."

Section 36. Amend Section 79 of House Bill No. 950 of the 130th General Assembly by striking the figure "1984" in its entirety as it appears on line 10, page 112 of said bill and substituting in lieu thereof the figure "1982."

Section 37. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 122 to read as follows:

"Section 122. Section 1 of this Act provides an appropriation of \$25.0 to the Why Not Delaware Commission. The expenditure of these funds by the Commission shall be subject to the State's accounting manual as modified by the Budget Director. Further, the General Funds shall be subject to audit, if in the judgment of the State Auditor he deems such audit is necessary."

Section 38. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 123 to read as follows:

"Section 123. Section 1 of this Act authorizes Delaware Transportation Authority (55-06-000) to expend \$10.0 for the purpose of transporting the handicapped and the elderly."

Section 39. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 124 to read as follows:

"Section 124. Of the total appropriation for Contractual Services in Section 1 of this Act to the Division of Highways, Bureau of Traffic (55-04-700), the following allocations are made for the listed projects:

	Project	Amount
(a)	Traffic Control Device - Clayton Elementary School Crossing	\$ 3.5
(b)	Traffic light at Milford, Industrial Park	23.0
(c)	Feasibility Study: FLYOVERS	25.0
(d)	Traffic Control Device - W. Reilly Brown School	15.9
(e)	Traffic Light at Pearson's Corner	30.0
(f)	Traffic Light at Rt. 13 Kentwood Estates"	

Section 40. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 125 to read as follows:

"Section 125. Section 1 of this Act in (75-02-001) Fire Prevention Commission, State Fire School, includes \$75.0 in a line item entitled 'Contingency - Paramedic Services'. These funds are to be utilized for Paramedic/CRT Training to implement the training necessary for the expansion of New Castle County paramedic services."

Section 41. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 126 to read as follows:

"Section 126. For the fiscal year ending June 30, 1981, the remaining balance of \$25.0 from fiscal year 1980 appropriation to the State Fire School (75-02-000) for Contingency - Paramedic Services, shall be a continuing appropriation and shall not be subject to reversion until June 30, 1981. Of this remaining balance, \$12.5 is allotted for training programs and/or equipment that will provide better coordination of all emergency service agencies and organizations in Sussex County and \$12.5 is allotted for training programs and/or equipment that will provide better coordination of all emergency service agencies and organizations in Kent County."

Section 42. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 127 to read as follows:

"Section 127. Section 1 of this Act provides an appropriation of \$25.0 to the Delaware National Guard (76-01-001) for education support. In the event that House Bill No. 621, as amended, of the 130th General Assembly is not enacted into law, the appropriation is hereby deauthorized and the funds shall promptly revert to the General Fund of the State of Delaware."

Section 43. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 128 to read as follows:

"Section 128. The \$38.0 appropriated to the College of Urban Affairs and Public Policy, University of Delaware, is intended to provide outreach consultation and technical assistance to Wilmington and New Castle County community and institutional groups interested in establishing economic and community development programs."

Section 44. Amend Section 87 (a) of House Bill No. 950 of the 130th General Assembly by striking the period (.) in its entirety as it appears on line 12, page 114 of said bill and substituting in lieu thereof the following words:

", except psychological evaluation shall be made at least every three (3) years."

Section 45. Amend Section 88 (c) of House Bill No. 950 of the 130th General Assembly by striking the figure "\$17,020.6" in its entirety as it appears on line 7, page 115 of said bill and substituting in lieu thereof the figure "\$18,183.4".

Section 46. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 129 to read as follows:

"Section 129. Amend Section 1716B, Chapter 17, Title 14, Delaware Code, by striking Section 1716B (g) in its entirety as it appears in said section and substituting in lieu thereof a new Section 1716B (g) to read as follows:

"Section 1716B (g) Any school district wishing to use funds under any of the options set forth in this section shall make application to the State Board of Education for that use."

Section 47. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section to be designated as Section 130 to read as follows:

"Section 130. Section 1 of this Act provides an appropriation of \$420.7 to the State Board of Education, Pass Through/K-12 Programs (95-01-006) for Summer School - Occupational and Vocational Education. Of that amount \$96.3 shall be allocated to programs in school districts in Kent County and \$98.7 shall be allocated to programs in school districts in Sussex County."

Section 48. (a) Amend House Bill 950 of the 130th General Assembly of the State of Delaware by adding thereto a new section, designated as Section 131, which new section shall read as follows:

"Section 131. Amend §1306, Chapter 13, Title 14 of the Delaware Code by striking the table in subsection (a) and inserting in lieu thereof the following table:

Number of State Units of Pupils in the School District

Less Than 71	71-149	150-249	250-499	500 Plus
6780	9040	11300	13560	15820

(b) Amend §1307, Chapter 13, Title 14 of the Delaware Code by striking the table in subparagraph (1) and substituting in lieu thereof the following:

Years of Administrative Experience	Number of Teachers						
	15-19	20-29	30-39	40-59	60-69	70-89	90 Plus
0	452	904	1356	1808	2260	2712	3164
1	904	1356	1808	2260	2712	3164	3616
2	1356	1808	2260	2712	3164	3616	4068
3	1808	2260	2712	3164	3616	4068	4520
4	2260	2712	3164	3616	4068	4520	4972

(c) Amend §1307, Chapter 13, Title 14 of the Delaware Code by striking the table in subparagraph (3) and substituting in lieu thereof the following:

Years of Administrative Experience	Elementary		Secondary	
0	301		452	
1	603		904	
2	904		1356	
3	1205		1808	
4	1507		2260	

(d) Amend §1321, Chapter 13, Title 14 of the Delaware Code by striking the table in subsection (c) and substituting in lieu thereof the following:

School Districts

Years of Administrative Experience	Teachers, Specialists	Administrative Supervisor	Assistants	Director	Assistant Superintendent
0	To be paid	1356	1808	2260	4520
1	as provided	1808	2260	3390	5650
2	for in Sect.	2260	2712	4520	6780
3	1305 of this	2712	3164	5650	7910
4	Chapter	3164	3616	6780	9040

(e) Amend §1321, Chapter 13, Title 14 of the Delaware Code by striking the first sentence of subparagraph (4) of subsection (e) and inserting in lieu thereof the following:

"Supervisors for a period of eleven (11) months during fiscal year 1982 and twelve (12) months during fiscal year 1983 and thereafter, at the rate of one (1) for each full 150 State units of pupils."

(f) The provisions of Section 131 shall become effective July 1, 1981. Funds to implement this section shall be appropriated to the State Board of Education in Fiscal 1982 for redistribution to the local school districts with the restriction that no employee shall receive more than \$1200 increase as a result of the implementation of this section.

Section 49. Amend House Bill No. 950 of the 130th General Assembly of the State of Delaware by striking Section 22 in its entirety.

Approved July 11, 1980.

CHAPTER 424

FORMERLY

HOUSE BILL NO. 1176

AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES FOR THE PURPOSE OF AN EMERGENCY CONCERNING MEDICAID FUNDS FOR STATE INSTITUTIONS.

WHEREAS, the cost of health care is increasing at an astronomical rate; and,

WHEREAS, the need for funds to match federal funding is deemed critical; and

WHEREAS, patients in State institutions have the urgent need for medical care; and

WHEREAS, it is essential to maximize the availability of federal funds; and

WHEREAS, an emergency situation exists when the patients in State institutions cannot receive medical care.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all the members elected to each House thereof concurring therein):

Section 1. The General Assembly hereby finds that an emergency exists in the appropriation of funds for Medicaid for State institutions.

Section 2. The amount of nine million four hundred thousand dollars (\$9,400,000) is hereby appropriated to the Department of Health and Social Services, Division of Social Services for the purpose of Medicaid for State Institutions.

Section 3. This Act is a supplementary appropriation and the monies herein 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. The funds herein appropriated which remain unencumbered on June 30, 1981 shall revert to the General Fund of the State of Delaware.

Approved July 11, 1980.

CHAPTER 425
FORMERLY
HOUSE BILL NO. 926

AN ACT TO HELP THE CLAYMONT COMMUNITY CENTER MEET ONE-TIME RELOCATION EXPENSES BY MAKING AN APPROPRIATION THEREFOR.

WHEREAS, the Claymont Community Center has been helping the state carry out mandated social services for five years; and

WHEREAS, the community of Claymont donated the original building to house the Center; and

WHEREAS, the number of clients served by the center has risen dramatically from 1,647 in 1977 to 7,834 in 1979, an increase of 470% which the original building can no longer handle; and

WHEREAS, the Claymont Community Center serves a broad geographical area, with 15% of its contacts currently coming from Wilmington, with more pending; and

WHEREAS, administering new projects like the fuel oil subsidy program have placed an even heavier burden on existing facilities; and

WHEREAS, the center has rented a substantial portion of the now empty Claymont Middle School to obtain needed space; and

WHEREAS, this increased space also will provide for Senior Center activities, additional Public Health Services, alcohol counseling, a food shelf and thrift shop, and sports facilities for youth athletics; and

WHEREAS, the budget of the center is not adequate to meet the one-time transitional expenses for moving into the new facility.

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 \$32,800 is appropriated to the Claymont Community Council, Inc., to be used to help the Claymont Community Center meet relocation costs.

Section 2. Funds appropriated herein shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Funds herein appropriated and remaining unexpended or unencumbered on June 30, 1980, shall revert to the General Fund of the State of Delaware.

Approved July 12, 1980.

CHAPTER 426

FORMERLY

HOUSE JOINT RESOLUTION NO. 11

DIRECTING THE STATE BOARD OF EDUCATION TO REVIEW DIVISION II APPROPRIATIONS TO ASSURE THAT FUNDS APPROPRIATED FOR VOCATIONAL-INDUSTRIAL ARTS PROGRAMS ARE IN FACT BEING ALLOCATED TO SUCH PROGRAMS BY EACH SCHOOL DISTRICT AND REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

WHEREAS, Sections 1703 and 1706, Title 14 of the Delaware Code were amended by 57 Laws of Del., Ch. 348, to assure, in part, that funds allocated to school districts for Vocational-Industrial Arts Programs were to be used for the development and enlargement of those programs; and

WHEREAS, in passing the said legislation, the General Assembly specifically stated that it was "the intent of the Legislature to offer an incentive to all the school districts in the State to expand their vocational occupational offerings so that a higher percentage of high school pupils will be work oriented and trained to become productive citizens"; and

WHEREAS, there is reason to believe that the appropriation based on the formula contained in Sections 1703 and 1706 aforesaid for vocational-industrial arts programs is not being applied by the districts to such programs in spite of the clear legislative directive aforesaid;

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the State Board of Education is hereby directed to investigate the allocation and use of vocational occupational funds appropriated to the school districts of the State of Delaware pursuant to Sections 1703 and 1706 of Title 14 of the Delaware Code and to report to each House of the General Assembly on or before June 1, 1979, the amount of said appropriation to each district, how much of said appropriation was used for vocational occupational programs and, if less than the full appropriation was used for vocational educational programs, the manner in which said appropriation was used; and

BE IT FURTHER RESOLVED that the State Board of Education shall in its report include all rules and regulations adopted pursuant to the directive of Section 1706, Title 14 of the Delaware Code and to fully and completely report on the methods and procedures used by the State Board of Education to review and enforce the proper allocation of funds to vocational occupational programs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives forward an appropriately backed copy of this Resolution to the State Board of Education.

Approved April 17, 1979.

CHAPTER 427

FORMERLY

HOUSE JOINT RESOLUTION NO. 19

ESTABLISHING PRINCIPLES GOVERNING ALL PENSION PLANS COVERING STATE EMPLOYEES.

WHEREAS, it is imperative that all pension plans covering state employees be operated on a fiscally sound and prudent basis; and

WHEREAS, it is recognized that certain fundamental principles should apply to all pension plans covering State employees.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the following principles shall apply to any new pension plans covering any State employees:

(a) All such plans shall be funded on an actuarially sound basis as determined by the State Board of Pension Trustees with the concurrence of an independent enrolled actuary. Each such plan shall be valued by an enrolled actuary no less frequently than every two years. The report of the actuary shall be made available to the General Assembly, the Governor, the Board of Pension Trustees, plan participants and the general public.

(b) Benefits under all such plans should be fully vested after ten years of State employment, and all State employment shall be considered in determining eligibility for vested benefits.

(c) All State employees should be guaranteed a return of their contributions to any such Plan. Such return may be either in the form of benefits under the respective plan or in the form of a refund of the employee's contributions, plus interest, on that contribution at a rate determined by the Board of Pension Trustees.

(d) Where employees acquire Social Security benefit as a result of State service, State pension benefits and Social Security benefits should be integrated.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent without delay to the Board of Pension Trustees.

Approved June 26, 1979.

CHAPTER 428

FORMERLY

HOUSE JOINT RESOLUTION NO. 20

DIRECTING THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO STUDY THE WAYS IN WHICH THE STATE OF DELAWARE MAY ENCOURAGE AND PROMOTE THE ESTABLISHMENT OF GENERAL STOCK OWNERSHIP PLANS AND EMPLOYEE STOCK OWNERSHIP PLANS.

WHEREAS, the 130th General Assembly of the State of Delaware recognizes the declaration of the Joint Economic Committee of the Congress of the United States that broadening the ownership of capital should be a twin pillar of economic policy, along with achieving full employment; and

WHEREAS, the General Assembly recognizes the important contribution that Employee Stock Ownership Plans (ESOPs) and General Stock Ownership Plans (GSOPs), as defined in the United States Internal Revenue Code, make toward the broadening of capital ownership; and

WHEREAS, the General Assembly recognizes that increased use of ESOPs and GSOPs can substantially increase the income and financial security of the citizens of Delaware, assure them greater control of their economic futures, improve productivity, improve labor management relations, contribute to the national effort to combat inflation, strengthen the free enterprise system, and put Delaware in the forefront of contemporary economic trends; and

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the Department of Community Affairs and Economic Development undertake a study of ways in which the State of Delaware may encourage and promote the establishment of GSOPs and ESOPs in Delaware. This study should include and evaluate methods for the encouragement and promotion of such plans that may be undertaken under present law, as well as recommending legislation that will accomplish this purpose. The Secretary of the Department of Community Affairs and Economic Development, and those under his supervision, are directed to cooperate fully in the preparation of this study. The study should include, but not be limited to, methods in which State employee pension funds, the Public Service Commission, State inheritance laws, and various development assistance programs administered by the Department of Community Affairs and Economic Development may contribute to the establishment of GSOPs and ESOPs and the broadening of capital ownership among Delaware citizens. The Department should solicit the suggestions and participation of interested persons in the preparation of the study; and

BE IT FURTHER RESOLVED that this study shall be completed and presented to the General Assembly on or before January 15, 1980; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Secretary of the Department of Community Affairs and Economic Development, 630 State College Road, Dover, DE 19901.

Approved July 5, 1979.

CHAPTER 429

FORMERLY

HOUSE JOINT RESOLUTION NO. 34

DESIGNATING MONDAY, MAY 26, 1980, AS MEMORIAL DAY AND DECLARING IT A
LEGAL HOLIDAY IN THE STATE OF DELAWARE FOR THE YEAR 1980.

WHEREAS, under Delaware Code, Title 1, §501, Memorial Day is to be celebrated
annually on May 30th; and

WHEREAS, May 30, 1980, falls on Friday; and

WHEREAS, under Federal law, Memorial Day 1980 will be observed on Monday, May
26; and

WHEREAS, the observance of Memorial Day 1980 on two different days creates a
condition of confusion and inconvenience for a vast majority of the citizens of this State.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 130th
General Assembly of the State of Delaware, with the approval of the Governor, that
Monday, May 26, 1980, shall be a legal holiday in lieu of Friday, May 30, 1980, in the State
of Delaware and designated Memorial Day, any provisions of Title 1, Delaware Code, to
the contrary notwithstanding.

Approved May 7, 1980.

CHAPTER 430

FORMERLY

HOUSE JOINT RESOLUTION NO. 36

APPROPRIATING \$48,000 TO THE WORKMEN'S COMPENSATION COMMISSION FOR EXPENSES INCURRED IN DEVELOPING ITS FINAL REPORT TO THE GOVERNOR AND TO THE GENERAL ASSEMBLY.

WHEREAS, the 130th General Assembly through passage of Senate Joint Resolution No. 18 reestablished a Workmen's Compensation Commission to study Workmen's Compensation Insurance in the State of Delaware and elsewhere for the purpose of making the recommendation to the General Assembly as to a suggested total revision of Delaware's Workmen's Compensation Law; and

WHEREAS, the commission has completed its final report and recommendations to the Governor and to the General Assembly; and

WHEREAS, the commission in the completion of its report has incurred expenses exceeding the monies appropriated by Senate Joint Resolution No. 18.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that there is hereby appropriated to the said commission the sum of forty-eight thousand dollars (\$48,000) for the purpose of paying temporary staff, expert consultants, and other expenses incurred in the furtherance of its task.

BE IT FURTHER RESOLVED that this is a supplemental 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.

BE IT FURTHER RESOLVED that the funds herein appropriated remaining unexpended or unencumbered on June 30, 1980 shall revert to the General Fund of the State of Delaware.

Approved June 26, 1980.

CHAPTER 431

FORMERLY

HOUSE JOINT RESOLUTION NO. 40

HOUSE JOINT RESOLUTION DIRECTING THAT THE EXECUTIVE BRANCH, WITH THE COOPERATION AND ASSISTANCE OF THE JUDICIAL AND LEGISLATIVE BRANCHES, PROCEED FORTHWITH TO IMPLEMENT PROGRAMMATIC BUDGETING PROCEDURES, COMMENCING WITH FISCAL YEAR 1982 AND TO MAKE APPROPRIATE CHANGES IN THE ACCOUNTING PRACTICES TO ACCOMPLISH THIS OBJECTIVE.

WHEREAS, the State of Delaware has adopted zero-based budgeting, and the Delaware Code has been amended accordingly to reflect the requirements; and

WHEREAS, all State agencies/departments, except public school districts, utilized zero-based budgeting techniques in the preparation of fiscal year 1981 operating budget; and

WHEREAS, zero-based budgeting lends itself to allocating total funds and/or resources at each activity or service level within each budget unit; and

WHEREAS, legislation was introduced in the 129th General Assembly and re-introduced in the 130th General Assembly relating to the adoption of total funds appropriation; and

WHEREAS, the "Governor's Recommended Budget for fiscal year 1981 and Financial Report for fiscal years 1979 and 1980", issued by the Executive Branch reports budgetary information in zero-based budget format, as well as total funds for each budget unit; and

WHEREAS, the budgetary information submitted by State agencies/departments in zero based budget format for fiscal year 1981 did not provide adequate programmatic budgetary information and/or detail; and

WHEREAS, the Joint Finance Committee of the General Assembly has expressed the need for more program analysis and related information that would aid in the evaluation of the agency's performance; and

WHEREAS, in order to provide such programmatic information and/or detail, it is necessary to make appropriate changes in the State's accounting and computer program systems and procedures; and

WHEREAS, the Executive Branch is responsible under the Delaware Code for the initiation of requests from all State agencies/departments for the fiscal year's operating budget, as well as the preparation of the Budget Appropriation Bill to be submitted to the General Assembly; and

WHEREAS, the Executive branch must have the cooperation and support of the Judicial and Legislative Branches of Government to accomplish the implementation of programmatic budgeting using zero-based budgeting techniques.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that :

(1) The Executive Branch of Government shall proceed forthwith in the implementation of programmatic budgeting, using zero-based budgeting techniques, in the fiscal year 1982 operating budget, beginning with a division in the Department of Health and Social Services and another cabinet department selected by the Budget Director. Other departments/agencies will be phased into programmatic budgeting in subsequent fiscal years' operating budget cycles.

(2) The Executive Branch shall undertake promptly a feasibility study of making appropriate changes in the accounting and computer program systems to accommodate the implementation of programmatic budgeting. Findings and conclusions of such feasibility study, including costs of implementation and benefits to the State, shall be reported to the members of the 131st General Assembly on or before March 15, 1981. The Judicial and Legislative Branches of Government shall cooperate and assist the Executive Branch in making the feasibility study and, upon request by the Executive Branch, representatives having the professional skills will participate in the feasibility study.

BE IT FURTHER RESOLVED that a copy of this Joint Resolution be sent without delay to the Governor, the Chief Justice, the President Pro Tempore, the Speaker of the House of Representatives, the Lieutenant Governor, the Insurance Commissioner, the Treasurer, the Auditor and the Attorney General of the State of Delaware.

Approved July 11, 1980.

CHAPTER 432

FORMERLY

SENATE CONCURRENT RESOLUTION NO. 20

ESTABLISHING A STATE POLICE PENSION REFORM COMMITTEE.

WHEREAS, members of the State Police of the State of Delaware are, by reason of their office, entitled to participate in a pension plan offering benefits which are among the most substantial offered by any State; and

WHEREAS, the State Police Retirement Fund created by Chapter 83, Title 11, Delaware Code, is beset by an unfunded past service liability which, unless addressed by the General Assembly, will increase in major proportion with each fiscal year; and

WHEREAS, as a result of recent legislation, members of the State Police Pension Plan must contribute to the State Police Retirement Fund at a rate higher than the rate of contribution of any other State employees; and

WHEREAS, in the absence of meaningful reform, members of the State Police are being deprived of serving the State of Delaware at a time when their proficiency is at its peak; and

WHEREAS, in the absence of meaningful reform the current pension plan for the members of the State Police contradicts the policy of the State of Delaware that its pension funds be maintained on an actuarially sound basis, consistent with available resources; and

WHEREAS, it is the belief of the General Assembly that it is possible to achieve agreement on meaningful reform of the State Police Pension Plan if the General Assembly and the State Police negotiate promptly and in good faith to that end.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that there is hereby created a Committee to be known as the State Police Pension Reform Committee, with responsibility for recommending to each House of the General Assembly and to the Governor actuarially provident reforms in the nature of benefits payable to members of the State Police from the State Police Retirement Fund, and in the level and manner of contributions thereto by members of the State Police.

BE IT FURTHER RESOLVED that the State Police Pension Reform Committee shall consist of nine (9) members, two (2) of whom shall be appointed by the President Pro Tempore from the membership of the Senate; two (2) of whom shall be appointed by the Speaker from the membership of the House of Representatives; two (2) of whom shall be appointed by the Superintendent of the State Police from the membership of the State Police, and three (3) of whom shall be appointed by the Governor. Among those appointed by the Governor shall be a member of the Board of Pension Trustees, and the Chairperson of said Board who shall also serve as Chairperson of the Committee.

BE IT FURTHER RESOLVED that the State Police Pension Reform Committee shall submit, in the form of draft legislation, its recommendations for reform of the State Police pension plan not later than June 20, 1979, to the Speaker of the House, the President Pro Tempore of the Senate, the Superintendent of the State Police, and the Governor. Each such recommendation shall be accompanied by a written narrative explaining the basis therefor, and a statement of the actuarial implications thereof.

BE IT FURTHER RESOLVED that the Board of Pension Trustees shall provide such actuarial and other technical and administrative assistance to the Committee as the Committee may from time to time request.

NOTE: Passed by the General Assembly May 2, 1979. Not formally delivered to the Governor.

CHAPTER 433

FORMERLY

SENATE CONCURRENT RESOLUTION NO. 35

EXTENDING THE EXISTENCE AND MANDATE OF THE STATE POLICE PENSION REFORM COMMITTEE.

WHEREAS, a State Police Pension Reform Committee was established pursuant to Senate Concurrent Resolution No. 20 of this 130th General Assembly; and

WHEREAS, said Committee has identified and agreed upon certain fundamental principles which will guide the Committee in its work; and

WHEREAS, upon investigation, the complexity of the issues central to meaningful pension reform requires more time than contemplated in Senate Concurrent Resolution No. 20;

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 130th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the State Police Pension Reform Committee be continued in existence until June 30, 1980; and

BE IT FURTHER RESOLVED that the State Police Pension Reform Committee shall submit, in the form of draft legislation, its recommendations for reform of the State Police Pension Plan not later than February 1, 1980, to the Speaker of the House, the President Pro Tempore of the Senate, the Superintendent of the State Police, and the Governor. Each such recommendation shall be accompanied by a written narrative explaining the basis therefor and a statement of the actuarial implications thereof.

NOTE: Passed by the General Assembly June 12, 1979. Not formally delivered to the Governor.

CHAPTER 434

FORMERLY

SENATE CONCURRENT RESOLUTION NO. 53

EXTENDING THE EXISTENCE AND MANDATE OF THE STATE POLICE PENSION
REFORM COMMITTEE.

WHEREAS, a State Police Pension Reform Committee was established pursuant to Senate Concurrent Resolution No. 20 of this 130th General Assembly; and

WHEREAS, said Committee has identified and agreed upon certain fundamental principles which will guide the Committee in its work; and

WHEREAS, said committee was granted an extension by Senate Concurrent Resolution No. 35 to February 1, 1980; and

WHEREAS, said Committee finds that February 1, 1980 will be insufficient time for the committee to thoroughly complete its study.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 130th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the State Police Pension Reform Committee be continued in existence until May 1, 1980; and

BE IT FURTHER RESOLVED that the State Police Pension Committee shall submit, in the form of draft legislation, its recommendations for reform of the State Police Pension Plan not later than May 1, 1980, to the Speaker of the House, the President Pro Tempore of the Senate, the Superintendent of the State Police, and the Governor. Each such recommendation shall be accompanied by a written narrative explaining the basis therefor and a statement of the actuarial implications thereof.

NOTE: Passed by the General Assembly January 29, 1980. Not formally delivered to the Governor.

CHAPTER 435

FORMERLY

SENATE CONCURRENT RESOLUTION NO. 66

PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO DEVELOP A PLAN FOR THE HOUSING OF SEVERELY HANDICAPPED CITIZENS.

WHEREAS, through the years the State of Delaware has prepared plans to provide assistance for the handicapped and the seriously handicapped; and

WHEREAS, this humanitarian effort speaks well for the public and private interests involved; and

WHEREAS, there remain many opportunities to assist our handicapped citizens who through no fault of their own are required to live semi-lives which can be improved if we apply some of the talent and wealth of our people to their problems; and

WHEREAS, there continue to come to our attention cases of severely handicapped persons who do not receive adequate care because we do not hear about them until some familiar catastrophe has publicized their circumstances; and

WHEREAS, it is the responsibility of the State to assist such persons before a crisis renders them helpless.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 130th General Assembly of the State of Delaware, the House of Representatives concurring, provides by this resolution for the appointment of a committee of nine persons who shall make an intensive study of the problem of severely handicapped persons and shall develop a plan, subject to legislative approval, for a state project to assist the severely handicapped.

BE IT FURTHER RESOLVED that of the nine persons appointed to the committee three shall be named by the Governor, three by the President Pro Tem of the Senate and three by the Speaker of the House; and that those named as above shall represent in each instance one of the three counties of the State and that no more than two named by each of the appointive powers shall be of the same major political party.

BE IT FURTHER RESOLVED that the committee shall meet and select its own chairman.

BE IT FURTHER RESOLVED that the committee shall have the assistance of any department or agency of the State which receives an appropriation from the General Assembly.

BE IT FURTHER RESOLVED that the committee will welcome the assistance of any private agency having knowledge of and experience with the problems involved in caring for the severely handicapped.

BE IT FURTHER RESOLVED that the committee shall consider means whereby the State can assist families by providing a friendly setting for the severely handicapped where they can spend a part of their days.

BE IT FURTHER RESOLVED that such handicapped care sites be located, if feasible, in each county and supported by funds from families and the state.

BE IT FURTHER RESOLVED that the committee report back to the General Assembly not later than 12 months after approval of this resolution by both branches of the General Assembly.

Note: Passed by the General Assembly on March 20, 1980. Not formally delivered to the Governor.

CHAPTER 436

FORMERLY

SENATE JOINT RESOLUTION NO. 6

ESTABLISHING THE REVISED OFFICIAL ESTIMATE OF GENERAL FUND REVENUES
FOR THE FISCAL YEAR ENDING JUNE 30, 1979.

WHEREAS, the Governor and the General Assembly are committed to constrain the level of State spending within available revenues for Fiscal Year 1979; and

WHEREAS, this requires a determination of the impact of revenue and appropriation bills on the General Fund; and

WHEREAS, such determination would be facilitated by an agreement upon and the adoption of official estimates of Fiscal Year 1979 revenues based upon the most current information; and

WHEREAS, the Governor and General Assembly, after receipt of and independent evaluations of information and advice, and in order to act responsibly upon appropriation and revenue bills for the balance of Fiscal Year 1979, deem it necessary and desirable to reach a mutual accord in establishing the official revenue estimate for Fiscal Year 1979.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1979, as hereby revised, including federal revenue sharing and countercyclical aid receipts, is established at \$542.7 million.

Approved February 6, 1979.

CHAPTER 437

FORMERLY

SENATE JOINT RESOLUTION NO. 9
AS AMENDED BY SENATE AMENDMENT NO. 1

DIRECTING THE MICHIE COMPANY OF CHARLOTTESVILLE, VIRGINIA, TO INCLUDE CERTAIN ORGANIC ACTS AND HISTORICAL DOCUMENTS OF THIS STATE IN THE NEXT CUMULATIVE SUPPLEMENT AND ALL FUTURE EDITIONS OF THE DELAWARE CODE ANNOTATED.

WHEREAS, the preservation of the History of the State of Delaware and the wide publication of the Organic Acts and Historical Documents of this State is the proper function of the General Assembly; and

WHEREAS, only a few of the original manuscript documents of these Organic Acts and Historical Documents are preserved in the Archives of the State of Delaware, while other original manuscripts are only to be found in the Archives of the States of Pennsylvania and New York, or the Archives of the Kingdom of Great Britain; and

WHEREAS, Volume One of the Delaware Code Annotated, 1974 edition, is entitled "U. S. Constitution and Organic Acts, Delaware Constitutions, Indexes" and includes only certain Organic Acts, such as the Magna Charta, the Declaration of Independence, the Articles of Confederation, the Declaration of Rights and Fundamental Rules of the Delaware State of 1776, together with the Constitution of the United States of America, and the Delaware Constitutions of 1776, 1792, 1831 and 1907, as amended, while omitting certain other Organic Acts of the State of Delaware as hereinafter mentioned; and

WHEREAS, the Land Grants of King Charles II, King of England, to his brother James, Duke of York, dated 1782, are still used to determine real property ownership in this State of Delaware as was recently done at Fenwick Island, together with other territorial boundaries of the State of Delaware with the States of Maryland, Pennsylvania and New Jersey; and

WHEREAS, certain fundamental rights, privileges, liberties and immunities of the people contained in the various Charters and Concessions to the Province of Pennsylvania and the Territories thereof called New Castle, Kent and Sussex Counties on the Delaware River, have been preserved out of the General Powers of Government in the succeeding Constitutions of this State; and

WHEREAS, Delaware Law is in general the Common Law of England as it existed in 1776 except insofar as it has been modified or altered by subsequent Acts of the General Assembly of this State; and

WHEREAS, none of these Organic Acts and Historical Documents of the State of Delaware are to be found in any current publication of easy access to the citizens within this State.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the Michie Company of Charlottesville, Virginia, the official publisher of the Delaware Code Annotated, be directed to include in the next Cumulative Supplement of Volume One and all future editions of the Delaware Code, the following Organic Acts and Historical Documents of the State of Delaware:

Document "A" - The United Netherlands Land Grant on the South River
(1646)

Document "B" - A Grant of Land to the North of Fort Casamier (New Castle, Delaware) [1656] [Historical Note: The Grant of Petrus Stuyvesant is contained herein as it allows the positive identification of the South River to be one and the same as the Delaware River by reference to Fort Casamier which is presently located by an historical marker on Route 9 on the north side of the Town of New Castle. (TAJr)]

Document "C" - The Land Grant to James Duke of York by Charles II, King, comprising lands from Maine to New Jersey [12 March 1664]

Document "D" - The Appointment of Richard Nicholls as Deputy Governor of the same lands described in Document "C" (2 April 1664) [Historical Note: A second Grant, dated 29 June 1674, to James Duke of York by Charles II, King, was made describing the identical lands contained in Document "C". Except for dating and the second document being attested to by Pigott, while the first was attested to by Howard, they are essentially the same. As with the First Land Grant, James Duke of York issued an appointment of his deputy and a Major Edmund Andros is appointed by date of 1 July 1674. Neither of these documents is called for reprinting here as they do not add materially to the preservation of the Organic Acts and Historical Documents of the State of Delaware and are basically repetitious. (TAJr)]

Document "E" - The Commission of Sir Robert Carr to subjugate all persons on the Delaware Bay to the King (Charles II). Signed by Richard Nicholls [3 September 1664]

Document "F" - Instruction to Sir Robert Carr for the subjugation of the persons on the Delaware Bay and as to how he should deal with the son of Lord Baltimore of Maryland [undated]

Document "G" - Articles of Agreement between Sir Robert Carr, on behalf of the King (Charles II), and the Burgomasters on behalf of the Dutch and the Swedes on the Delaware River and Bay [1 October 1664]

being the same documents as published in a limited edition of 1,000 copies by authority of the General Assembly of the State of Delaware, expressed in a Joint Resolution, approved March 16, A.D. 1899, and which was subsequently printed and entitled "Original Land Titles in Delaware, Commonly Known as the Duke of York Record," a copy of the same to be found in the Rare Book Collection of the University of Delaware Library - Call No. F167.D31.

Document "H" - The Patent of Charles II to Duke of York (endorsed) "A perpetuity Grant to his Royall Highness James Duke of York New Castle and 12 Miles 22 March 35 Cares 2d 1682"

Document "I" - Lease for Ten Thousand Years, the Duke of York to William Penn (endorsed) "The Bargain and Sales of New castle and the Circle of Twelve Miles for 10,000 years for 5 shillings pr. year" [24 August 1682]

Document "J" - Deed of Feoffment, Duke of York to William Penn, for the twelve-mile circle (endorsed) "The Grant of Newcastle and Twelve Miles Circle" [24 August 1682]

Document "K" - "The Bargain and Sale of the South Tract for 10,000 years with a Covenant for Wm. Penn to Account for a Moyety of the Profitts" [24 August 1682]

being the same documents, the originals of which are in the State Archives at Dover, and which appear not to be available in any book or printing of general or of current circulation, and which documents were used as defendant's exhibits in the case of The State of New Jersey vs. The State of Delaware in the United States Supreme Court (1929-1935).

Document "L" - Charter of the Province of Pennsylvania [1681]

Document "M" - Concessions to the Province of Pennsylvania [1681]

Document "N" - Frame of Government of Pennsylvania [1682]

Document "O" - Frame of Government of Pennsylvania [1683]

Document "P" - Frame of Government of Pennsylvania [1696]

being the same documents as published on pages 1511 through 1536, Part II, Second Edition of "The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States," as compiled under Order of the United States Senate by Ben: Perley Poore, Clerk of Printing Records, and dated Washington: Government Printing Office 1878 - Library of Congress Call No. JK 18 1878.

Document "Q" - Charter of the Territories on the Delaware [1701]
[Historical Note: The Province of Pennsylvania and the Territories, which were the lower three counties of New Castle, Kent and Sussex on the Delaware, were each granted separate and almost identical charters on the 28th day of October, 1701. Up to this time what is now Delaware had been represented in the General Assembly of the Province & Territories at Chester (also known as Upland). Pennsylvania's Charter provided for a General Assembly to meet in Philadelphia, while Delaware's Charter provided for its General Assembly to meet at New Castle. However, William Penn still remained Proprietor and Governor, and the only real change was a separate legislative body. And this is the way it remained until Independence in 1776. (TAJr)]

being the same document as published on pages 270 through 273, Part I, Second Edition of "The Federal and States Constitutions, Colonial Charters, and other Organic Laws of the United States," as compiled under Order of the United States Senate by Ben: Perley Poore, Clerk of Printing Records and dated Washington: Government Printing Office 1878 - Library of Congress Call No. JK 18 1878.

Document "R" - Charter to Sir Walter Raleigh (1584)

Document "S" - The First Charter of Virginia (1606)

Document "T" - The Second Charter of Virginia (1609)

Document "U" - The Third Charter of Virginia (1611-12)

Document "V" - Ordinances for Virginia (July 24 - Aug. 3, 1621)

Document "W" - The Charter of the Dutch West Indies Company (1621)

Document "X" - The Charter of Maryland (1632)

Document "Y" - The Second Land Grant to James Duke of York by Charles II, King, comprising lands from Maine to New Jersey (29 June 1674)

Document "Z" - The appointment of Major Edmund Andros as Deputy Governour of the same lands described in Document "Y" (1 July 1674) being the same documents that are published and described,

directly or indirectly, as Organic Laws of Delaware, in Document No. 357 of the United States House of Representatives, 59th Congress, 2nd Session, June 30, 1906 and edited by Francis Newton Thorpe, Ph. D., LL. D., as The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States, Territories, and Colonies, now and heretofore forming The United States of America: Government Printing Office 1909 - Library of Congress Call No. LC9 - 353 - 71."

Approved June 27, 1980

CHAPTER 438

FORMERLY

SENATE JOINT RESOLUTION NO. 11

DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE AND NAME ALL THAT PORTION OF U.S. 40 COMMENCING FROM THE MARYLAND LINE NEAR NEWARK, DELAWARE TO THE STATE ROAD INTERSECTION AT U.S. 13 AS THE PULASKI HIGHWAY IN HONOR OF THE 200TH ANNIVERSARY OF CASIMIR PULASKI WHO GAVE HIS LIFE IN THE AMERICAN REVOLUTION; AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

WHEREAS, Casimir Pulaski, a Polish soldier joined George Washington's forces and distinguished himself in the Battle of the Brandywine; and

WHEREAS, as an award for his bravery and distinguished soldering the United States Congress appointed Casimir Pulaski as a Brigadier General in charge of Calvary; and

WHEREAS, General Pulaski later participated in the siege of Savannah where he was wounded on October 9, 1779 and died two (2) days later; and

WHEREAS, General Pulaski dedicated his life to the American cause in the American Revolution; and

WHEREAS, the State of Maryland honored General Pulaski by dedicating that portion of Route 40 within the State of Maryland as the Pulaski Highway; and

WHEREAS, it is only proper and fitting for the State of Delaware to likewise pay tribute to the great General on the 200th Anniversary of his heroic death by dedicating and naming the remaining portion of Route 40 within Delaware as the Pulaski Highway.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the Department of Transportation is hereby directed to designate and name that portion of Route 40, within Delaware, commencing from the Maryland line near Newark, Delaware to the State Road intersection at U.S. 13 as the Pulaski Highway in honor of General Casimir Pulaski on his 200th Anniversary who dedicated his life to the American cause.

BE IT FURTHER RESOLVED that the sum of One Hundred Fifty Dollars (\$150.00) is hereby appropriated to the Department of Transportation for the purpose of erecting suitable markers to designate the Pulaski Highway as aforesaid, such markers to be placed at such locations as may be deemed suitable in the discretion of the said Department.

BE IT FURTHER RESOLVED that this is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from monies not otherwise appropriated. Any funds remaining unexpended or unencumbered as of June 30, 1979, shall revert to the General Fund.

Approved May 24, 1979.

CHAPTER 439

FORMERLY

SENATE JOINT RESOLUTION NO. 12

ESTABLISHING THE REVISED OFFICIAL ESTIMATE OF GENERAL FUND REVENUES
FOR THE FISCAL YEAR ENDING JUNE 30, 1979.

WHEREAS, the Governor and the General Assembly are committed to constrain the level of State spending within available revenues for Fiscal Year 1979; and

WHEREAS, this requires a determination of the impact of revenue and appropriation bills on the General Fund; and

WHEREAS, such determination would be facilitated by an agreement upon and the adoption of official estimates of Fiscal Year 1979 revenues based upon the most current information; and

WHEREAS, the Governor and General Assembly, after receipt of an independent evaluation of information and advice, and in order to act responsibly upon appropriation and revenue bills for the balance of Fiscal Year 1979, deem it necessary and desirable to reach a mutual accord in establishing the official revenue estimate for Fiscal Year 1979.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1979, as hereby revised, including federal revenue sharing and countercyclical aid receipts, is established at \$556.6 million.

Approved April 10, 1979.

CHAPTER 440

FORMERLY

SENATE JOINT RESOLUTION NO. 14

REQUESTING THE GOVERNOR TO SECURE AN ADVISORY OF OPINION FROM THE SUPREME COURT CONCERNING THE CONSTITUTIONALITY OF SENATE CONCURRENT RESOLUTION NO. 47 ENACTED BY THE 126TH GENERAL ASSEMBLY.

WHEREAS, the Chairman of the Judiciary Committee believes Senate Concurrent Resolution No. 47 of the 126th General Assembly was improperly before the State Senate on March 22, 1972; and

WHEREAS, the State Senate acted on and approved said resolution concerning the so-called Equal Rights Amendment nearly two hours before such action was authorized by the United States Senate; and

WHEREAS, there is therefore question as to whether or not the Resolution was properly before the State Senate on March 22, 1972, and, in the event it was not properly before the Senate on this date there is the further question of the propriety of the House of Representatives amending said Resolution at a later date; and

WHEREAS, the Governor has the statutory authority to request advisory opinions of the State Supreme Court concerning the constitutionality of any law enacted by the General Assembly.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly, with the approval of the Governor, that the Governor use the statutory authority vested in him to request an advisory opinion from the Supreme Court of the State of Delaware as to the constitutionality of Senate Concurrent Resolution No. 47 enacted by the 126th General Assembly.

Approved May 26, 1979.

CHAPTER 441

FORMERLY

SENATE JOINT RESOLUTION NO. 18

REESTABLISHING A WORKMEN'S COMPENSATION COMMISSION TO STUDY WORKMEN'S COMPENSATION INSURANCE IN THE STATE OF DELAWARE AND ELSEWHERE FOR THE PURPOSE OF MAKING RECOMMENDATIONS TO THE GENERAL ASSEMBLY AS TO A SUGGESTED TOTAL REVISION OF DELAWARE'S WORKMEN'S COMPENSATION LAW AND IMPROVEMENT IN THE ADMINISTRATION OF SAID LAW, AND PROVIDING A SUPPLEMENTAL APPROPRIATION THEREFOR.

WHEREAS, the 129th General Assembly, through passage of Senate Joint Resolution 44, established a Workmen's Compensation Commission to study the status of workmen's compensation insurance in the State of Delaware for the purpose of making recommendations to the General Assembly as to a suggested total revision of said Law; and

WHEREAS, that Commission has issued its final report in which it made suggestions as to possible improvement of the present Workmen's Compensation Law and administration of same, but also concluded that any comprehensive review and revision of the present Workmen's Compensation Law and system was beyond the capability of any volunteer Commission, working without staff or expert assistance; and

WHEREAS, said Commission strongly recommended that either itself or a successor group be reestablished to fully analyze the Delaware Workmen's Compensation Law and system, provided that any successor group must be funded so that there is adequate staff and the ability to obtain professional assistance; and

WHEREAS, there remain outstanding the circumstances delineated in Senate Joint Resolution 44, namely, a confusing Workmen's Compensation Law which has been amended on a piecemeal basis, and the need for the State to review and amend said Law as part of the State's efforts to improve its business climate for economic development.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, as attested by his signature appended hereto, that the Delaware Workmen's Compensation Commission is reestablished under the conditions specified herein.

BE IT FURTHER RESOLVED that the Commission shall consist of nine (9) members, seven of whom shall be appointed by the Governor, one (1) to be appointed by the President of the Senate, and one (1) to be appointed by the Speaker of the House of Representatives. Of the seven (7) members appointed by the Governor, two (2) shall be representatives of labor, residing and working in the State of Delaware, one (1) shall be a representative of business interests in the State of Delaware, two (2) shall be representatives of the insurance industry in Delaware, and the two (2) remaining members shall be members of the public unaffiliated with any of the groups represented above. No public officer, official, or employee charged with administration of any aspect of the workmen's compensation system or the approval of rates or rating classifications used in the State of Delaware may be appointed or serve as a member of said Commission.

BE IT FURTHER RESOLVED that the Governor shall also name a Chairman of the Commission who shall be one of the nine (9) members appointed to the Commission. A majority of the Commission members then in office shall constitute a quorum for the transaction of any business or the exercise of any power or function of the Commission. An affirmative vote of the majority of the quorum present at a duly called and noticed meeting shall be required to exercise any power or function of the Commission. Each member shall be entitled to one (1) vote on all matters which come before the Commission. The Commission may delegate to one or more of its members such duties as it deems proper.

BE IT FURTHER RESOLVED that the Commission is hereby charged with the responsibility of developing a long-term comprehensive revision of Delaware's Workmen's Compensation Law and suggested improvements in the administration of such Law in this State, for the purpose of providing prompt and equitable compensation to those injured and covered by that Law, while doing so at the most reasonable cost and in the most reasonable manner possible.

BE IT FURTHER RESOLVED that the Commission shall return its final report and recommendations to the Governor and to the General Assembly on or before March 1, 1980.

BE IT FURTHER RESOLVED that there is hereby appropriated to said Commission the sum of Fifty Thousand Dollars (\$50,000) for the purpose of hiring temporary staff and retaining expert consultants in the furtherance of its tasks.

BE IT FURTHER RESOLVED that this is a supplemental 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.

BE IT FURTHER RESOLVED that the funds herein appropriated remaining unexpended or unencumbered on June 30, 1980 shall revert to the General Fund of the State of Delaware.

Approved July 3, 1979.

CHAPTER 442

FORMERLY

SENATE JOINT RESOLUTION NO. 23

REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1979.

WHEREAS, the Governor and the General Assembly are committed to constrain the level of State spending within available revenues for Fiscal Year 1979; and

WHEREAS, this requires a determination of the impact of revenue and appropriation bills on the General Fund; and

WHEREAS, such determination would be facilitated by an agreement upon the adoption of official estimates of Fiscal Year 1979 revenues based upon the most current information; and

WHEREAS, the Governor and General Assembly, after receipt of and independent evaluations of information and advice, and in order to act responsibly upon appropriation and revenue bills for the balance of Fiscal Year 1979, deem it necessary and desirable to reach a mutual accord in establishing the official revenue estimate for Fiscal Year 1979.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1979, as hereby revised, including federal revenue sharing and countercyclical aid receipts, is established at \$563.2 million.

Approved July 3, 1979.

CHAPTER 443

FORMERLY

SENATE JOINT RESOLUTION NO. 24

ESTABLISHING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1980, AND UNENCUMBERED FUNDS ON JUNE 30, 1979.

WHEREAS, the Governor and the General Assembly are committed to constrain the level of State spending within available revenues for Fiscal Year 1980; and

WHEREAS, such determination would be facilitated by an agreement upon and the adoption of official estimates of Fiscal Year 1980 revenues based upon the most current information; and

WHEREAS, the Governor and General Assembly, after receipt of and independent evaluations of information and advice, and in order to act responsibly upon appropriation an revenue bills for Fiscal Year 1980, deem it necessary and desirable to reach a mutual accord in establishing the official revenue estimate for Fiscal Year 1980.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1980, as hereby revised, including federal revenue sharing receipts, is established at \$584.1 million, and estimated unencumbered funds on June 30, 1979 is established at \$24.3 million.

Approved July 3, 1979.

CHAPTER 444

FORMERLY

SENATE JOINT RESOLUTION NO. 32

IN REFERENCE TO SENATE JOINT RESOLUTION NO. 18 RELATING TO THE WORKMEN'S COMPENSATION COMMISSION ESTABLISHED TO STUDY WORKMEN'S COMPENSATION LAWS, BY EXTENDING THE COMMISSION'S REPORTING DATE FROM MARCH 1, 1980 TO JUNE 1, 1980, AND BY AUTHORIZING THE COMMISSION TO USE FUNDS APPROPRIATED TO IT FOR REASONABLE AND NECESSARY EXPENSES OF THE COMMISSION AND ITS MEMBERS.

WHEREAS, Senate Joint Resolution No. 18 establishing a Commission to study Workmen's Compensation laws has a reporting date of March 1, 1980; and

WHEREAS, the Commission has requested more time to complete its task; and

WHEREAS, Senate Joint Resolution No. 18 appropriated funds to the Commission, but the resolution failed to authorize the spending of funds for reasonable and necessary expenses of the Commission and its members.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the reporting date of the Commission to study Workmen's Compensation law established in Senate Joint Resolution No. 18 of the 130th General Assembly is hereby extended from March 1, 1980 to June 1, 1980.

BE IT FURTHER RESOLVED that the Commission is hereby authorized to spend funds appropriated to it by Senate Joint Resolution No. 18 for the purpose of reasonable and necessary expenses of the Commission and its members, in addition to purposes previously set forth in Senate Joint Resolution No. 18, and that such expenses shall be submitted for approval as provided by Title 29, Delaware Code, and any rules and regulations promulgated thereunder.

Approved February 12, 1980.

CHAPTER 445

FORMERLY

SENATE JOINT RESOLUTION NO. 50

REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1980.

WHEREAS, the Governor and the General Assembly are committed to constrain the level of State spending within available revenues for Fiscal Year 1980; and

WHEREAS, such determination would be facilitated by an agreement upon the adoption of official estimates of Fiscal Year 1980 revenues based upon the most current information; and

WHEREAS, the Governor and General Assembly, after receipt of and independent evaluations of information and advice, and in order to act responsibly upon appropriation and revenue bills for Fiscal Year 1980, deem it necessary and desirable to reach a mutual accord in establishing the official revenue estimate for Fiscal Year 1980.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1980, including federal revenue sharing receipts, is established at \$599.6 million, and estimated unencumbered funds on June 30, 1979, is \$29.4 million.

Approved June 19, 1980.

CHAPTER 446

FORMERLY

SENATE JOINT RESOLUTION NO. 51

ESTABLISHING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 1981.

WHEREAS, the Governor and the General Assembly are committed to constrain the level of State spending within available funds for Fiscal Year 1981; and

WHEREAS, such determination would be facilitated by an agreement upon the adoption of official estimates of Fiscal Year 1981 revenues based upon the most current information; and

WHEREAS, the Governor and General Assembly, after receipt of and independent evaluations of information and advice, and in order to act responsibly upon appropriation and revenue bills for Fiscal Year 1981, deem it necessary and desirable to reach a mutual accord in establishing the official revenue estimate for Fiscal Year 1981;

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimate of General Fund Revenues for Fiscal Year 1981, including federal revenue sharing, is established as follows:

\$639.6	Million, based upon the most recent estimate of revenues by the Delaware Economic and Financial Advisory Committee; plus
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5.4	Million, revenue resulting from increased Medicaid reimbursements due to proposed changes in entitlement contained in the proposed Fiscal Year 1981 Budget.
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<u>\$645.0</u>	Million, Total General Fund Estimated Revenue.
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BE IT FURTHER RESOLVED that the estimate of unencumbered funds on June 30, 1980 is established at \$15.6 million.

Approved June 19, 1980.

CHAPTER 447

FORMERLY

SENATE JOINT RESOLUTION NO. 54

ESTABLISHING THE OFFICIAL ESTIMATE OF UNENCUMBERED FUNDS FOR THE
FISCAL YEAR ENDING JUNE 30, 1981.

BE IT RESOLVED by the Senate and the House of Representatives of the 130th General Assembly of the State of Delaware, with the approval of the Governor, that the estimate of unencumbered funds on June 30, 1980 is establishing at \$16.6 million.

Approved July 8, 1980.

CHAPTER 448
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SIXTY NINE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ESTABLISHMENT OF PROGRAM ADVISORY COMMITTEE FOR
MULTI-PURPOSE CRIMINAL JUSTICE FACILITY

WHEREAS, a multi-purpose criminal justice facility (hereinafter called "Justice Center") is being designed to receive, process and house, inter alia, those persons detained awaiting trial; and

WHEREAS, this Justice Center is proposed to include a central arraignment concept with most post-arrest processing functions for persons charged with offenses in New Castle County; and

WHEREAS, the proper and efficient performance of these functions does now and will hereafter require the expertise and cooperation of many criminal justice and service agencies that currently perform these functions, in some instances independently of one another; and

WHEREAS, benefits anticipated from both the central arraignment concept and the joinder of other pre-trial and diagnostic services need not be delayed until the Justice Center is constructed, and must, in any event, be planned concurrently with the design of the Justice Center.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. Establishment: There is hereby established a Program Advisory Committee for the Multi-purpose Criminal Justice Facility in Northern New Castle County.

2. Membership:

- (a) Executive Director of the DCJPC, who shall serve as Chairperson;
- (b) Mayor, City of Wilmington;
- (c) City Solicitor, City of Wilmington;
- (d) Police Chief, City of Wilmington;
- (e) Chief Judge, Wilmington Municipal Court;
- (f) Public Safety Director, New Castle County;
- (g) Superintendent of the Delaware State Police;
- (h) Chief Magistrate, New Castle County;
- (i) Chief Judge, Court of Common Pleas;
- (j) The State Attorney General;
- (k) The State Public Defender;
- (l) Commissioner of Correction;
- (m) Chief, Bureau of Adult Correction;
- (n) Special Assistant to the Governor on Corrections;
- (o) Chairman, Bar Association Corrections Committee;

- (p) Executive Director, Delaware Council on Crime and Justice;
- (q) Director, Office of Management, Budget and Planning;
- (r) Director, Division of Health and Social Services;
- (s) Chief, Bureau of Substance Abuse;
- (t) Chairman, Senate Judiciary Committee;
- (u) Chairman, Architect Selection Advisory Committee;
- (v) Such other individuals who are qualified by training or experience to assist in the programmatic design of the Justice Facility as the Governor may from time to time designate in writing.

Each person appointed to serve on the Committee ex officio may select a permanent designee to serve in his or her stead.

3. Duties:

- (a) Review relevant previous reports and plans;
- (b) Review other pertinent available data and information, including such plans and specifications as are prepared by the Architect and Construction Manager, to assure proper coordination of the program with the design and space characteristics of the Justice Center.
- (c) Consider existing statutes and Court rules as they pertain to the Central arraignment concept and:
 - 1. Recommend to the Chief Justice any necessary changes in court rules;
 - 2. Recommend necessary legislation to the Governor and the 130th General Assembly.
- (d) Refine the proposed plans and procedures to insure decisions are made at the earliest possible point pertaining to charges pre-trial release; nolle prosequi; assignment of counsel; eligibility for diversionary or community-based alternatives; and other steps likely to reduce the number of persons in pre-trial detention or the length of time in detention, consistent with public safety;
- (e) Recommend to other criminal justice agencies administrative changes as appropriate to efficiently implement the central arraignment concept;
- (f) Prepare and publish, at the earliest practicable time, a program narrative for all intake and judicial functions of the Justice Center;
- (g) Consider the implementation as early as June, 1979 of the Justice Center concept, in whole or in part, at a temporary site until the construction of the Facility is complete;
- (h) Explore alternative funding sources for early implementation of the central arraignment concept, particularly LEAA funding under the Phase II Pre-trial Detention and Jail Overcrowding Program.

4. Staffing: The staff of DCJPC shall be assigned as required to staff the Committee. Employees of other state and local agencies may be requested by the Chairperson to assist as necessary.

5. Effective Date and Duration: This Executive Order shall be effective January 8, 1979 and shall continue in existence for one year.

Approved this 8th day of January, 1979.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 449
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES, CHAIRPERSONS OF COUNCILS/COMMISSIONS RELATED TO THE HANDICAPPED

RE: ESTABLISHMENT OF GOVERNOR'S TASK FORCE FOR THE IMPLEMENTATION OF THE WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

WHEREAS, the White House Conference on Handicapped Individuals in which a delegation of distinguished Delawareans participated, has made significant recommendations to improve the capacity of persons with disabilities to live with full satisfaction in our society; and

WHEREAS, these recommendations have recently been forwarded to the States in the form of an Implementation Plan; and

WHEREAS, this Implementation Plan needs to be officially distributed to appropriate Departments, Agencies, Councils and Commissions of the State of Delaware to mark the importance of its development; and

WHEREAS, there is a need to fix responsibility among these specific Departments, Agencies, Councils and Commissions for reviewing the recommendations for State action contained in this Implementation Plan, for evaluating Delaware's progress to date in meeting these recommendations, and for translating them, into administrative changes or legislative recommendations; and

WHEREAS, there is no existing mechanism broad enough to coordinate the State's activities in implementing this Plan;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. Commendation: The members of Delaware's delegation to the White House Conference on Handicapped Individuals are hereby commended for their good and diligent service.
2. Plan Distribution: The Implementation Plan of the White House Conference on Handicapped Individuals is hereby officially received by me today from the Delaware delegates to that Conference and ordered to be forwarded to all appropriate Departments, Agencies, Councils and Commissions.
3. Assigning Responsibility: Responsibility among specific State Departments, Agencies, Councils and Commissions for reviewing the recommendations for State action contained in this Implementation Plan, for evaluating Delaware's progress to date in meeting these recommendations, and for translating them into administration changes and legislative recommendations shall be assigned by the Office of Management, Budget and Planning in cooperation with the relevant Departments, Agencies, Councils and Commissions.

4. Reporting Dates: A preliminary report of each Department's, Agency's, Council's, or Commission's assessment of the recommended State actions assigned to it shall be prepared for review by the Task Force for the Implementation of the White House Conference on Handicapped Individuals by March 30, 1979.

5. Establishment of Task Force: There is hereby established a Governor's Task Force for the Implementation of the White House Conference on Handicapped Individuals.

A. Membership

1. Appointed members: There shall be sixteen members of the committee appointed by the Governor. Of this membership, at least one-half shall be composed of people who are handicapped. The remainder shall be composed of persons who are parents or guardians of a handicapped individual, who provide services to the handicapped, or who have long-standing involvement in programs for the handicapped. From this number, the Governor will designate one member to be Chairperson and another to be Vice Chairperson of the Committee.
2. Ex-Officio Members: The Secretaries of Health and Social Services and of Labor, the Superintendent of Public Instruction, or their delegates, and a representative of the Office of the Governor and of the Office of Management, Budget and Planning shall be ex-officio members with full rights and privileges.
3. Technical Assistance: Such other individuals within and without State government who are qualified by training or experience may be asked by the Chairperson of the Committee to provide information and advice.

B. Duties:

1. Study and evaluate the reports prepared by the various State Departments, Agencies, Councils and Commissions in response to this order.
2. Recommend to the Governor (and all State Departments, Agencies, Councils and Commissions) a plan for implementing the recommended State actions contained in the Implementation Plan of the White House Conference on Handicapped Individuals. This plan shall contain suggested priorities and deadlines for accomplishment of necessary tasks.
3. Aid in the increased flow of information and cooperation from all organizations and individuals whose assistance is deemed essential in meeting the goals and missions of the Implementation Plan of the White House Conference on Handicapped Individuals.
4. Carry out such other tasks as the Governor from time to time may deem necessary and appropriate.

C. Staffing: Initial staffing will be provided by the Office of Management, Budget and Planning. Employees of other State Agencies, Councils or Commissions may be requested by the Chairperson to assist as necessary.

6. Effective Date and Duration: This Executive Order shall be effective February 20, 1979, and shall continue in effect for a period of one year.

Approved this 5th day of March, 1979.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 450
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-ONE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ENERGY CONSERVATION

WHEREAS, it is the Policy of the State of Delaware to practice energy conservation in the administration of its facilities; and

WHEREAS, the State and the Nation are continuously faced with an insecure energy supply situation which could result in energy shortages; and

WHEREAS, such shortages could have an adverse impact upon the health, welfare, and economy of the citizens of the State; and

WHEREAS, it is in the interest of the citizens that the State properly manage its energy resources; and

WHEREAS, it is the responsibility of government to provide leadership in practice as well as principle.

NOW, THEREFORE, I PIERRE S. Du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Effective this date and until terminated by notice from this office, all State Agencies, Departments and offices are:

- a. to operate heating systems with temperatures not to exceed 65 degrees during normal working hours. Temperatures shall also not exceed 55 degrees in those facilities during unoccupied times including the non-business hours of 5 P.M. to 7:30 A.M. on workdays, weekends and holidays. Wherever possible doors to unused rooms should be closed and heat controls for those areas set to the minimum temperature of 55 degrees;
- b. to operate air conditioning no more than is necessary to maintain a temperature of 80 degrees between the hours of 8 A.M. and 5 P.M. during normal working days. During non-working hours, weekends and holidays the air conditioning temperature should be no less than is required to maintain the integrity and operation of the system;
- c. health care facilities, such as hospitals and homes for the aged and infirmed, are exempt from this restriction if such temperatures threaten life, health, or safety; however, it should be applied, where heating and cooling systems permit, in administrative areas of such facilities;

2. Effective this date and until terminated by notice from this office, all State Agencies, Departments and Offices shall:

- a. provide that all State vehicles shall strictly adhere to the posted speed limits, especially the 55 MPH highway limit;
 - b. encourage and utilize carpooling, making every effort to effectively schedule within-State activities to minimize excessive travel and to conserve motor gasoline;
3. Effective this date and until terminated by notice from this office, all State Departments, Agencies, and Office shall:
- a. immediately implement a program designed at reducing the lighting levels a minimum of ten percent (10%); and
 - b. eliminate any non-essential outdoor lighting taking into consideration safety and protection of individuals as well as State facilities;
4. All State employees and citizens and businesses of the State are encouraged to practice similar energy conservation measures;
5. The Delaware Energy Office and the Department of Administrative Services shall be responsible for the implementation and enforcement of this Order.

Any exceptions other than those relating to health facilities must be approved in writing by the Director of the Delaware Energy Office and the Secretary of the Department of Administrative Services.

This Executive Order supersedes Executive Orders Numbered Three, Fifteen and Seventy-One.

Approved this 11th day of April, 1979.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

GLENN C KENTON
Secretary of State

CHAPTER 451
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-TWO

TO: HEADS OF STATE DEPARTMENTS AND AGENCIES

RE: AMENDMENT OF EXECUTIVE ORDER NUMBER FOUR, AS AMENDED BY
EXECUTIVE ORDER NUMBER FORTY-SIX - JUDICIAL NOMINATING
COMMISSION

WHEREAS, Executive Order Number Four, as amended by Executive Order Number Forty Six, established the Judicial Nominating Commission; and

WHEREAS, the Judicial Nominating Commission is charged with aiding the Governor in the exercise of his authority to appoint judges of the various courts of the State by submitting to him the names of persons qualified to serve as judges; and

WHEREAS, House Bill 95 of the 130th General Assembly amended Section 9202 of Title 10, Delaware Code, (Vol. 62, Ch. 52, Laws of Delaware) to provide for a Chief Magistrate to serve as administrative head of the Justice of the Peace court system throughout the State; and

WHEREAS, Section 9202 of Title 10, Delaware Code provides that the Governor is to appoint the Chief Magistrate, with the advice and consent of a majority of all senators elected to the Senate; and

WHEREAS, in order to assure that the individual chosen to serve as Chief Magistrate is highly qualified, it is desirable that the Judicial Nominating Commission assist the Governor by making recommendations of qualified individuals; and

WHEREAS, it is appropriate to amend Executive Orders Four and Forty-six so to provide.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that Executive Order Number Four, dated February 24, 1977, as amended by Executive Order Number Forty-six, shall be and the same is hereby further amended as follows:

1. Amend the first paragraph of the Preamble by inserting immediately after the clause "Judges of the Municipal Court of Wilmington" the phrase "and the Chief Magistrate of the Justice of the Peace Courts of the State".
2. Amend Section 1 by striking the "and" which appears before the phrase "the Municipal Court of the City of Wilmington" and adding immediately after such phrase the language ", and the Chief Magistrate of the Justice of the Peace Courts".

Executive Order Number Four as amended by Executive Order Number Forty-six and this Executive Order shall continue in effect until amended, superseded or terminated by subsequent Executive Order.

Approved this 6th day of August, 1979.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 452
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-FOUR

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: AFFIRMATIVE ACTION IN STATE EMPLOYMENT

WHEREAS, State law prohibits discrimination in State employment based on race, religion, color, national origin, sex or age; and

WHEREAS, as Governor of the State of Delaware, I am committed to the effective implementation of these provisions of law and to eradicating promptly and effectively any vestiges of past discriminatory practices based on race, religion, color, national origin, sex or age which remain in State employment; and

WHEREAS, by Executive Orders Number Forty and Fifty-six, I established an Affirmative Action Task Force to assess employment opportunities for minorities, women and the aged in State government and to recommend programs and practices to assure equal employment opportunities in all Departments and agencies of the Executive Branch; and

WHEREAS, the Task Force has concluded that minorities and women do not now enjoy equal opportunities in hiring, promotion and pay within State government; that significant variations exist within the various Departments and agencies of the State in the number of minorities and women employed; that in some instances Merit System rules and existing job qualifications and classifications perpetuate past discriminatory employment practices; and that historically the Secretaries of the various Departments and heads of agencies have failed to take sufficient action to eliminate problems of underrepresentation of minorities, women, the aged and the handicapped in their respective Departments and agencies; and

WHEREAS, the Task Force, in its report of July 6, 1979, made certain recommendations for dealing with these problems, including promulgation of a statewide Affirmative Action Plan; requiring certain action by Cabinet Secretaries, agency heads and other State offices and officials; revision of the Merit System rules and regulations; and changes in the classified service; and

WHEREAS, as head of the Executive Branch of government it is appropriate for me to direct, by Executive Order, that certain action be taken within the Executive Branch of government to assure equal employment opportunity in State government and the eradication of past discriminatory practices;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

I. POLICY

1. The policy of the State of Delaware, as established by State law and Executive Orders, assuring equal opportunity in State employment and prohibiting discrimination in State employment on the basis of race, religion, color, national origin, sex or age is hereby affirmed.

2. It is also the firm policy of this Administration to assure that there be full opportunity for participation and advancement in State employment for handicapped citizens.

3. Further, it is hereby declared to be the policy of this Administration to effectively and promptly eliminate any continuing pattern of past discriminatory practices in State employment.

II. PROMULGATION OF AFFIRMATIVE ACTION PLANS

1. Each Department and agency within the Executive Branch of government shall, by January 1, 1980, develop an Affirmative Action Plan or Plans which shall cover each employee of the Department or agency.

2. Such Plan or Plans shall include, but not be limited to, the following provisions:

a. A specific statement of goals and objectives designed to assure equal employment opportunities in hiring and promotion and to eliminate any discrimination in State employment based on race, religion, color, national origin, sex or age.

b. A specific statement of goals and objectives designed to remedy any problem of underrepresentation of minorities and women which may exist in the Department or agency. Solely for the purpose of establishing such goals and objectives and measuring progress toward such goals, the Plan or Plans shall specify target numbers of minorities and women to be hired and shall include a timetable, or specific dates, for meeting the goals. Such numbers shall reasonably reflect the representation of women and minorities in the relevant statewide labor market.

(c) A description of methods proposed for meeting the goals and objectives, including:

(i) specific proposals for recruiting underrepresented minorities, women and the handicapped for employment in the Department or agency to the extent they are underrepresented in respect to the relevant statewide labor market;

(ii) specific proposals for assuring that hiring practices are conducted in a manner consistent with the objectives of this Executive Order;

(iii) specific proposals for assuring that all promotional opportunities are offered in a manner consistent with the objectives of this Executive Order;

(iv) specific proposals for staff participation in training programs on interview techniques and acceptable hiring practices;

(v) specific proposals for employee participation in career enhancement programs and seminars.

d. A designation of the officer or officers within the Department or agency responsible for carrying out the various proposals.

c. A description of a mechanism or complaint procedure to permit and encourage employees to discuss any problems resulting from alleged bias, discrimination, lack of equal employment opportunity or any similar matters with appropriate division or departmental supervisory personnel. The procedure shall provide for the lodging of employee complaints and for a response to be made within a specified reasonable period of time. The employee shall be advised of his or her right to file a formal complaint with the State Human Relations Commission and shall receive such assistance as may be requested from the employee's Department Affirmative Action Officer.

3. Each proposed Affirmative Action Plan shall be filed with the State Affirmative Action Coordinator no later than January 1, 1980.

4. The Department or agency shall retain a record of all applicants showing race, color, age, sex and handicapped status of applicants in order to provide a means of comparison of rejection rates among applicants. The information required shall be prescribed by the State Human Relations Commission and, to the extent practicable, shall be in a form consistent with the terminology and categories utilized in federal EEO standard form 4.

5. The Department or agency shall request each terminating employee to participate in an exit interview in order to determine the reasons for employee turnover and to give each employee a chance to explain his or her reasons for leaving state service and shall retain records of such interviews.

6. Every six months each Department and agency shall furnish to the State Human Relations Commission such statistical and other information concerning the Department or agency's affirmative action status and progress as the Commission shall reasonably require, using, to the extent practicable, standard federal EEO forms.

7. Each Department or agency shall furnish a summary of its Affirmative Action Plan to each employee and shall make available a copy of the full Plan to any employee upon request.

III. DUTIES AND RESPONSIBILITIES OF THE STATE HUMAN RELATIONS COMMISSION

1. The State Human Relations Commission is designated as the agency to monitor and evaluate compliance with the Affirmative Action Plan or Plans. The Office of Human Relations under the administrative supervision of the Secretary of the Department of Community Affairs and Economic Development shall provide staff support to the Commission.

2. The Commission shall review the status and progress of affirmative action in each Department or agency. The Commission shall specify to the Departments and agencies the statistical information concerning affirmative action which is required to be furnished to the Commission.

3. The Commission shall furnish a written annual report to the Governor on the progress being made in affirmative action in State government and recommend any additional action which, in the Commission's judgment, should be undertaken. Such report shall be available to the public.

IV. APPOINTMENT AND DUTIES OF STATE AFFIRMATIVE ACTION COORDINATOR

1. The Secretary of the Department of Community Affairs and Economic Development shall appoint a State Affirmative Action Coordinator. The Office of Human Relations, under the administrative supervision of the Secretary of the Department of Community Affairs and Economic Development, shall provide staff assistance to the Coordinator.

2. The State Affirmative Action Coordinator shall report to the State Human Relations Commission on a regular basis on the progress being made in affirmative action in State government and recommend to the Commission such additional action which should be undertaken. In addition, the Coordinator shall:

- a. Serve as liaison between the State Human Relations Commission and the various Departments and agencies for affirmative action efforts.
- b. Provide such assistance to the various Departments and agencies as may be needed in developing and implementing an Affirmative Action Plan or Plans.
- c. Establish procedures for the submission, review and approval of Affirmative Action Plans by the Departments and agencies.
- d. Review, evaluate and approve Affirmative Action Plans submitted by the Departments and agencies.
- e. Assist the State Human Relations Commission in the monitoring of affirmative action progress and with the other duties of the Commission as set out in Paragraph III.

V. DUTIES AND RESPONSIBILITIES OF DEPARTMENT SECRETARIES AND AGENCY HEADS

The Secretary of each cabinet Department and the head of each Executive agency shall have the following duties and responsibilities:

1. By December 1, 1979, hold a meeting or series of meetings with all employees of the Department or agency to discuss affirmative action and the State's commitment thereto; the Department or agency's responsibilities under State law and this Executive Order; and ways in which employees may assist with the implementation of this Executive Order. The Department or agency's affirmative action commitment and progress shall also be discussed at staff meetings.
2. By October 15, 1979, designate an Affirmative Action Officer or Officers for the Department or agency who shall be responsible for the duties and obligations set out in Paragraph VI and who shall have direct access to the Department Secretary or agency head with respect to matters relating to this Executive Order.
3. By January 1, 1980, develop and file with the State Human Relations Commission an Affirmative Action Plan or Plans which shall cover each employee of the Department or agency and which shall conform to the requirements set out in Paragraph II.
4. Oversee the implementation of the Department or agency's Affirmative Action Plan to make certain it is implemented promptly and effectively and to transmit to the State Human Relations Commission quarterly reports on the status of affirmative action and equal employment opportunity within the Department.
5. Include affirmative action efforts as a factor for consideration in the performance evaluation of administrators within the Department or agency and alert all administrators that such efforts will be so evaluated.
6. Work with the Affirmative Action Officer in the performance of his or her responsibilities.
7. Take any other action, wherever possible, to eliminate problems of underrepresentation and discrimination within their Departments or agencies.

VI. DUTIES AND RESPONSIBILITIES OF AFFIRMATIVE ACTION OFFICERS OF THE VARIOUS DEPARTMENTS AND AGENCIES

The Affirmative Action Officer or Officers appointed by the Secretary or agency head shall have the following duties and responsibilities:

1. Work with the Department Secretary or agency head and the Affirmative Action Coordinator to develop and implement an Affirmative Action Plan for the Department or agency.
2. Make certain that a summary of the Affirmative Action Plan is distributed to all employees of the Department and that all employees are familiar with its terms and requirements.
3. Work with the Department Secretary or agency head to prepare reports, on a quarterly basis, on the status of affirmative action and equal opportunity efforts within the Department.
4. Work with the Department Secretary or agency head, the Office of State Personnel, and Department or agency personnel officers to review the qualifications for all positions within the Department or agency to make certain that such requirements are reasonably related to job performance and do not constitute artificial barriers to hiring or promotion.
5. Work with the Secretary or agency head, the State Office of Personnel, and Department personnel officer or officers to review the qualifications of all departmental employees to assure that women, minorities, and the handicapped are given equal opportunity for hiring, promotion, transfer and advancement.
6. Serve as liaison between the Department or agency and organizations, groups and persons concerned with employment opportunities of minorities, women and the handicapped.
7. Work with the Office of State Personnel to provide employee career counseling to assist employees in identifying advancement opportunities or skills enhancement which would qualify the employee for opportunity for career advancement.
8. Assist the Department Secretary or agency head in the discharge of the duties and responsibilities set out in Paragraph V.
9. Provide technical assistance to administrators within the Department or agency an effective means of carrying out the requirements of this Order and the Department or agency's Affirmative Action Plan.
10. Act as the Department or agency's Affirmative Action Complaints Officer to be sure affirmative action complaints are heard, investigated and answered.

VII. DUTIES AND RESPONSIBILITIES OF THE STATE PERSONNEL COMMISSION

The State Personnel Commission is hereby authorized and directed as follows:

1. By January 1, 1980, to review the present Merit System rules and revise such rules as necessary in order to eliminate any perpetuation of past discriminatory practices. Specifically, the commission shall review the classification and selection procedures under the Merit System Rules to assure the removal of any barriers to the hiring and promotion of minorities, women and the handicapped; shall recommend whether or not the Merit System should be modified to permit the competitive entry of employees at all grade levels from outside the classified service; and shall recommend whether a pool of qualified applicants from underrepresented groups shall be developed.
2. To submit to the Governor, by February 1, 1980, a report detailing any changes which may have been made in the Merit System Rules and any proposed legislation to amend the present Merit System statutes which the Commission may recommend.

3. During calendar year 1980, to increase the number of training sessions for managers dealing with equal employment opportunity and affirmative action.

4. To study the advisability of instituting bridge or training positions within the State classified service and to file a report with the Governor no later than April 1, 1980, concerning its findings and recommendations.

VIII. DUTIES AND RESPONSIBILITIES OF THE OFFICE OF STATE PERSONNEL

The Office of State Personnel is hereby authorized and directed as follows:

1. To post a public notice, in conspicuous locations or bulletin boards of all cabinet departments, major offices, divisions or agencies which shall affirm the State's commitment to affirmative action and equal opportunity and advise all State employees and applicants for State employment that any complaints of discrimination should be promptly reported to the State Human Relations Commission.

2. To provide on the application form for State employment a statement of the State's commitment to affirmative action and equal employment and advise how complaints of discrimination are to be reported.

3. To work with the Department and agency personnel officers to vigorously recruit minorities, women and the handicapped in all categories of State employment.

4. To work with the Affirmative Action Officers and personnel officers of the various Departments and agencies to review job classifications and qualifications within the Department or agency, and the qualifications of the employees of the Department or agency with a view toward both eliminating any artificial barriers to hiring and promotion, and targeting appropriate employee development seminars.

IX. APPLICABILITY OF EXECUTIVE ORDER

This Order shall apply to all Cabinet Departments and Executive agencies of the State. However, the Legislative and Judicial branches and independent Commissions and agencies are encouraged to adopt this order or to promulgate forthwith Affirmative Action Plans applicable to their respective employee and agencies.

IN WITNESS WHEREOF I have
hereunto set my Hand and Seal
this 25th day of September, 1979.

(GREAT SEAL)

PIERRE S. du PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 453
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-FIVE

TO: Heads of All State Departments and Agencies

RE: Abolition of the Governor's Lottery Advisory Commission

WHEREAS, on October 16, 1974, the Honorable Sherman W. Tribbitt, then Governor of the State of Delaware, issued Executive Order Number Fifty-Eight, thereby creating the Governor's Lottery Advisory Commission ("The Commission"); and

WHEREAS, pursuant to said Executive Order Number Fifty-Eight, the Commission was charged with the responsibility of overseeing the initiation and implementation of the Delaware Lottery; and

WHEREAS, the Commission has discharged its responsibility with distinction; and

WHEREAS, the other duties to be performed by the Commission, being reportorial in nature, are not longer necessary;

NOW, THEREFORE, I, PIERRE S du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Governor's Lottery Advisory Commission is hereby abolished.
2. The members of the Commission, both past and present, are hereby commended for their valuable service in overseeing the initiation and implementation of the Delaware Lottery.

Approved this 23rd day of October, 1979.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 454
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-SIX

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ABOLITION OF THE EFFECTIVE TRANSITION COMMISSION

WHEREAS, the Effective Transition Commission was established by my Executive Order Number 59, issued on August 22, 1978, and charged with responsibility for assisting in "the harmonious and peaceful implementation of the plan for desegregation" of the schools of New Castle County, said desegregation having been ordered by the United States District Court for the District of Delaware; and

WHEREAS, the members of the Effective Transition Commission responded to the need for leadership with strength and compassion; and

WHEREAS, the Court-ordered desegregation plan has been implemented in the absence of widespread disorder; and

WHEREAS, the Effective Transition Commission, having ably discharged its responsibilities, need exist no longer;

NOW, THEREFORE, I PIERRE S. du PONT, IV, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Effective Transition Commission is hereby abolished.
2. On behalf of all Delawareans, the members of the Effective Transition Commission are commended for their outstanding community service.
3. Special commendation is bestowed upon Mr. Robert H. McBride, Chairman of the Effective Transition Commission, for his able and energetic leadership.

Approved this 8th day of November, 1979.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:
GLENN C. KENTON
Secretary of State

CHAPTER 455
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-SEVEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: RE-ORGANIZATION OF SAC (STATISTICAL ANALYSIS CENTER)

WHEREAS, changes in the organizational structure of the Statistical Analysis Center "SAC" will bring about a desired separation of information system design and statistical work; and

WHEREAS, the system functions of the Comprehensive Data Systems Program are now assigned to the Division of Central Data Processing of the Department of Administrative Services to continue the development of the systems design and implementation;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and direct as follows:

1. That The Statistical Analysis Center is hereby administratively assigned to the Delaware Criminal Justice Planning Commission as a unit of that agency and is subject to all rules, regulations and policies of the Delaware Criminal Justice Planning Commission and oversight of the Statistical Analysis Center shall be the responsibility of the Supervisory Board of the Delaware Criminal Justice Planning Commission or any committee of the Board established or assigned for this purpose; and

2. That the Statistical Analysis Center staff members are hereby placed under the authority of the Executive Director of the Delaware Criminal Justice Planning Commission in the same manner or method as other Delaware Criminal Justice Planning Commission staff members.

Approved this 13th day of November, 1979.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:

O. EVANS DENNEY
Assistant Secretary of State

CHAPTER 456
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-EIGHT

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: CONTINUATION AND MODIFICATION OF THE CRIMINAL LAW UNIFORM ENFORCEMENT SYSTEM ("CLUES") BOARD OF MANAGERS AS THE DELAWARE JUSTICE INFORMATION SYSTEM BOARD OF MANAGER ("DELJIS")

WHEREAS, law enforcement and the administration of justice are of general interest to the citizens of Delaware and the State and local governments; and

WHEREAS, comprehensive data and information systems are required in the pursuit of more effective and efficient law enforcement and administration of justice; and

WHEREAS, the Governor of the State of Delaware has agreed to participate with the Law Enforcement Assistance Administration of the United States Department of Justice in the development of the Comprehensive Data Systems Program; and

WHEREAS, the aforementioned agreement, as well as law enforcement and the administration of justice in the State of Delaware, requires an administrative and policy organization to plan, execute and control comprehensive data systems; and

WHEREAS, modification are required to previous Executive Orders pertaining to the CLUES administrative and policy organization;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and direct as follows:

1. Executive Order No. 71, issued on April 1, 1975 by the Honorable Sherman W. Tribbitt, former Governor of the State of Delaware, and subsequent amendments thereto, are hereby repealed.

2. The CLUES Board of Managers is hereby reconstituted as the DELJIS Board of Managers ("the Board").

3. The Board shall establish policy for the development, implementation and operation of comprehensive data systems in support of the agencies and courts of the criminal justice system of the State of Delaware. Said data systems shall include, but not be limited to, criminal history record information with respect to individuals who are arrested, or against whom formal criminal charges are preferred within this State, or, to the extent permitted by law, against whom proceedings relating to the adjudication of a juvenile as delinquent are instituted.

4. That the Board shall be composed of fourteen members,

a. Eight of whom shall be voting members as follows:

(1) one member of the Delaware State Police, to be designated by the Superintendent of the Delaware State Police;

(2) one member of a county or municipal police department, to be designated by the Delaware Police Chiefs' Council;

(3) two members to be designated by the Commissioner of the Department of Correction, one of whom shall represent the Bureau of Adult Corrections and one, the Bureau of Juvenile Corrections;

(4) two members to be designated by the Chief Justice of the Supreme Court, one of whom shall represent the Family Court and one, all other courts of this State;

(5) one member-at-large to be designated by the Governor; and

(6) one member to be designated by the Attorney General.

(b) In addition, there shall be six non-voting members:

(1) two members of the General Assembly, one Senator to be designated by the President Pro Tempore of the Senate, and one Representative to be designated by the Speaker of the House of Representatives;

(2) one member of the Delaware State Bureau of Identification, to be designated by the Superintendent of the Delaware State Police;

(3) one member of the State Division of Central Data Processing, to be designated by the Director of that Division;

(4) one member of the Delaware Criminal Justice Planning Commission, to be designated by the Director of that agency; and

(5) one member of the Office of Management, Budget and Planning, to be designated by the Director of that office.

(c) Each Board member shall serve at the pleasure of, and for the term prescribed by the officer or individual by whom such member was appointed.

5. The Board shall be provided with adequate staff support by the agencies represented on the Board to assure that applicable provisions of this order are effectively carried out in a manner not inconsistent with State law.

6. The Board shall determine its own rules and procedures for the administration and policy of comprehensive data systems coordination, development, implementation, operation, management, as well as related data analysis and quality control, said rules and procedures being not inconsistent with Federal and/or State law.

Approved this 13th day of November 1975.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:

O. EVANS DENNEY
Assistant Secretary of State

CHAPTER 457
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-NINE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ABOLITION OF DELAWARE STATE ALCOHOLISM ADVISORY COUNCIL

WHEREAS, by Executive Order Number Sixty-six, dated January 25, 1975, former Governor Sherman W. Tribbitt, created the Delaware State Alcoholism Advisory Council; and

WHEREAS, the purpose of such Council is to assist and advise the Director of Alcoholism Services, Division of Mental Health, Department of Health and Social Services; and

WHEREAS, House Bill No. 428 of the 130th General Assembly (Volume 62, Laws of Delaware, Chapter 175) established by statute an Advisory Council on Alcoholism charged with advising the Bureau of Alcoholism and Drug Abuse, Division of Mental Health, Department of Health and Social Services; and

WHEREAS, in light of the legislative establishment of an Advisory Council on Alcoholism, it is unnecessary that such Council be chartered by said Executive Order Sixty-six;

NOW, THEREFORE, I PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

The Delaware State Alcoholism Advisory Council, established by Executive Order Number Sixty-six of Governor Sherman W. Tribbitt, is hereby abolished effective November 28, 1979.

IN WITNESS WHEREOF, I,
PIERRE S. du PONT, IV, Governor
of the State of Delaware, have
hereunto set my Hand and caused
the great Seal of said State to be
hereunto affixed at Dover this
27th day of November, in the year
of our Lord, one thousand nine
hundred seventy-nine, and of the
independence of the United States
of America, the two hundred and
fourth.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 458
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: CONTINUATION OF PROGRAM ADVISORY COMMITTEE FOR
MULTI-PURPOSE CRIMINAL JUSTICE FACILITY

WHEREAS, Executive Order Number 69, issued January 8, 1979, established a Program Advisory Committee for the Multi-Purpose Criminal Justice Facility in northern New Castle County, commonly known as Gander Hill; and

WHEREAS, Executive Order Number 69 expires, by its own terms, on January 7, 1980; and

WHEREAS, there does, and will continue to be, a need for the Program Advisory Committee after January 7, 1980;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

The terms and provisions of Executive Order Number 69 shall continue to be effective until January 7, 1981.

Approved this 27th day of December, 1979.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:
GLENN C. KENTON
Secretary of State

CHAPTER 459
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-ONE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: AMENDMENT TO EXECUTIVE ORDER NUMBER SEVENTY-FOUR REGARDING
AFFIRMATIVE ACTION IN STATE EMPLOYMENT.

WHEREAS, on September 25, 1979, I signed Executive Order Number Seventy-Four dealing with Affirmative Action in State Employment; and

WHEREAS, Executive Order Number Seventy-Four required all Departments and agencies of the State to file Affirmative Action Plans by January 1, 1980; and

WHEREAS, it is desirable that Affirmative Action Plans run concurrent with the fiscal year of the State so that agencies' budget requests and administrative procedures may be correlated with their affirmative action goals; and

WHEREAS, it should be made clear that the agencies and departments are required to file Affirmative Action Plans on a yearly basis; and

WHEREAS, the time for filing the initial plans should be extended in order to assure that the data on which such plans are based is adequate and accurate;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that Executive Order Number Seventy-Four, dated September 25, 1979, shall be and the same hereby is amended as follows:

1. Amend Paragraph 1 of Part II by striking the paragraph in its entirety and substituting the following:

"1. Each Department and agency within the Executive Branch of Government shall by March 1 of each year, beginning March 1, 1980, develop an Affirmative Action Plan or Plans which shall cover each employee of the Department or agency and which shall be effective for the next succeeding fiscal year."

2. Amend Paragraph 3 of Part II by striking the date "January 1, 1980" and substituting the date "March 1 of each year".

3. Amend Paragraph 3 of Part V by striking the date "January 1, 1980" and substituting the date "March 1 of each year".

Approved this 31st day of January, 1980.

(GREAT SEAL)

PIERRE S. du PONT
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 460
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-TWO

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ESTABLISHMENT OF THE PERSONNEL EXPENSE CONTROL COMMITTEE

WHEREAS, the State Auditor of Accounts has recently concluded a Special Audit of travel expenses of the Executive Department and Legislative Branch, pursuant to Senate Resolutions 35 as amended, and 37 as amended; and

WHEREAS, the State Auditor has concluded that current Delaware laws and regulations governing the expenditure of and the accountability for travel and other employment related expenses, are inadequate and in some cases impractical; and

WHEREAS, the State Auditor found that the State is far behind private business and other States in terms of establishing effective policies, guidelines, and regulations to properly control and account for travel and other employment related expenses; and

WHEREAS, the State Auditor has recommended a series of steps to correct expeditiously the deficiencies in existing controls over travel and other employment related expenses to bring them more in line with those of the private sector and those of other States; and

WHEREAS, the State Auditor concluded that his most significant finding was the absence of a clear, concise and comprehensive policy in respect of travel and other employment related expenses, with a corresponding lack of sufficient internal accounting and management control procedures;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. There is hereby established the Personnel Expense Control Committee to consist of nine (9) members, who shall be as follows:

Secretary of the Department of Finance
Budget Director
Controller General
Administrative Officer of the Courts
Attorney General
State Treasurer
Chairman of the Executive Committee of the State Senate
Chairman of the Ethics and House Administration Committee of the State House of Representatives
State Auditor of Accounts, who shall serve as Chairman of the Committee

2. The Committee is charged with the following responsibilities and duties:

a. To develop, within ninety (90) days, comprehensive and practical guidelines and procedures relating to travel and other employment related expenses by all branches of State government. In developing such guidelines and procedures, the Committee is urged to seek the benefit of the experience of private industry in respect of these matters.

b. To propose such legislation or administrative rules and regulations as the Committee shall deem necessary to the implementation of such guidelines and procedures. In addition to such proposed legislation or administrative rules and regulations concerning the implementation of its recommended guidelines, the Committee shall propose appropriate sanctions for violations or abuses thereof.

3. The terms and provisions of this Executive Order shall continue to be effective until May 30, 1980.

Approved This 8th day of February, 1980.

(Great Seal)

PIERRE S. DU PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 461
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-THREE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: TASK FORCE FOR THE IMPLEMENTATION OF THE WHITE HOUSE
CONFERENCE ON HANDICAPPED INDIVIDUALS.

WHEREAS, Executive Order Number Seventy established a Task Force to assist with the implementation of the recommendations of the White House Conference on Handicapped Individuals; and

WHEREAS, the Task Force has submitted a preliminary report which sets forth eleven recommendations which the Task Force believes should receive priority in Delaware; and

WHEREAS, the Task Force needs additional time to develop specific suggestions for implementing these priority items in Delaware; and

WHEREAS, Executive Order Number Seventy, by its terms expired on February 20, 1980;

NOW THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

Executive Order Number Seventy, dated March 5, 1979, shall remain in force and effect until June 1, 1980 and the Task Force for the Implementation of the White House Conference on Handicapped Individuals, established thereunder, is hereby continued as presently constituted.

IN WITNESS WHEREOF, I have
hereunto set my Hand and Seal
this 11th day of March, 1980.

(Great Seal)

PIERRE S. DU PONT, IV
Governor

Attest:

O. EVANS DENNEY
Acting Secretary of State

CHAPTER 462
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-FOUR

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: ESTABLISHMENT OF THE GOVERNOR'S ADVISORY COMMITTEE ON
FARMLAND PRESERVATION

WHEREAS, the Agricultural Industry is among those industries most significant to the economic welfare of the State of Delaware; and

WHEREAS, during the past quarter of a century the number of acres of Delaware land devoted to farming has dwindled from approximately 814,000 acres to 630,000 acres; and

WHEREAS, the continued loss of farmland, in Delaware and elsewhere, threatens our national economic and social interests; and

WHEREAS, a course of action designed to slow the loss of farmland should be settled upon only after those segments of the community most significantly affected have had the opportunity to study the problem and make proposals.

NOW, THEREFORE, I PIERRE S. du PONT, IV, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Establishment

The Governor's Advisory Committee on Farmland Preservation (the "Committee") is hereby established.

2. Membership

Members of the Committee shall be appointed by the Governor as follows:

- a. one representative of the Association for Preservation of Farmland,
- b. one representative of the Delaware Farm Bureau,
- c. one representative of the Delaware State Grange,
- d. one representative of the Delaware Council of Farm Organizations,
- e. one representative from the Agricultural Extension Service of the University of Delaware,
- f. the Chairpersons of the Committees on Agriculture of the Delaware State Senate and the House of Representatives,
- g. one representative of the Real Estate Industry,
- h. one representative of the "Agri-business" Industry,
- i. the Secretary of the Department of Agriculture, ex officio,
- j. the Director of the Office of Management, Budget and Planning, ex officio,
- k. Four public members.

3. Chairman

The Chairman of the Committee shall be selected from its members by the Governor.

4. Duties

The Committee is hereby charged with the following duties and responsibilities:

- a. To gather such facts as it shall deem necessary in order to document the magnitude of the loss of farmland and to make reasonable projections of anticipated losses;
- b. To identify those farmland areas in Delaware where the potential for the loss of farmland is particularly acute;
- c. To identify the causes for the loss of farmland;
- d. To develop a statement estimating Delaware's need to preserve farmland and to quantify that need to the extent that available data makes such an estimate reasonably possible;
- e. To examine federal, state and local statutes or administrative rules and regulations affecting the loss of farmland;
- f. To propose legislation or administrative action designed to reduce the loss of Delaware's farmland and to estimate the fiscal impact, if any, of such proposals.

5. Committee Support

Such staff and facilities support as is deemed reasonably necessary and available by the Director of the Office of Management, Budget and Planning shall be provided to the Committee by the Office of Management, Budget and Planning in cooperation with the Department of Agriculture and other affected state agencies. In addition, the Director of the Office of Management, Budget and Planning shall advise the Committee whether, and to what extent, federal assistance may be available.

6. Committee Report

The Committee shall make its recommendations and proposals to the Governor no later than January 1, 1981.

7. Expiration

The provisions of this Executive Order shall expire on March 1, 1981.

Approved This 12th day of March, 1980.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

O. EVANS DENNEY
Acting Secretary of State

CHAPTER 463
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-FIVE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ESTABLISHMENT OF THE UNEMPLOYMENT COMPENSATION REVIEW
COMMITTEE

WHEREAS, a financially sound State Unemployment Insurance Program is conducive to a good business climate and to the protection and welfare of the State's labor force; and

WHEREAS, the adequacy of unemployment benefits, the fairness of taxes and the state of the economy are interrelated factors affecting the financial viability of the State Unemployment Insurance Program; and

WHEREAS, major and basic economic changes such as inflation have occurred since the last study of the State's Unemployment Insurance Program; and

WHEREAS, the Federal Government has taken action to recover the \$47 million dollars borrowed by Delaware to pay unemployment benefits; and

WHEREAS, efforts to generate sufficient revenue to pay benefits, repay the loan and establish a reserve have been inadequate; and

WHEREAS, it being evident that a comprehensive study of Delaware's Unemployment Compensation Program is necessary in order to properly resolve current difficulties.

NOW THEREFORE, I, PIERRE S. du PONT, IV, Governor of the State of Delaware, by the power invested in me in that behalf, do order as follows:

1. There is hereby established the Unemployment Compensation Review Committee (the "Committee").

2. The Committee shall have the following members:

- the respective Chairman of the Labor and Industrial Relations Committee of the State Senate and the Labor and Commerce Committee of the State House of Representatives, and
- the Secretary of Finance, and
- the Secretary of Labor or his designate, and
- two persons representing the interests of the Labor community to be appointed by the Governor, and
- two persons representing the interests of business employers to be appointed by the Governor.

3. The organizational meeting of the Committee shall be held at a time and place designated by the Chairman of the Labor and Commerce Committee of the House of Representatives, and at such meeting a Chairman of the Committee shall be elected by the Committee members.

4. The Committee shall review the State's unemployment Insurance Program, (the "Program"), such review to include:

- a. the statutory and regulatory provisions concerning the incidence and amount of benefits paid under the Program;
- b. existing provisions for generating revenue to the Program;
- c. federal requirements, both statutory and regulatory, affecting the Program and in particular current federal legislation concerning the repayment, by Delaware, of federal loans made to fund the payment of benefits;
- d. such other matters concerning the Program as the Committee shall deem necessary.

5. The Committee shall complete its review and report its findings and recommendations to the Governor and the Legislature no later than December 1, 1980.

6. The Committee's findings and recommendations shall include such legislation and administrative rules and regulations as it shall deem necessary to resolve the Program's current difficulties.

Approved This 12th day of March, 1980.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

O. EVANS DENNEY
Acting Secretary of State

CHAPTER 464
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-SIX

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: GOVERNOR'S YOUTH COUNCIL

WHEREAS, Executive Order 29 of Governor Russell W. Peterson, dated July 14, 1970, established the Governor's Youth Council to, inter alia, fully involve young people in the orderly process of government; and

WHEREAS, Executive Order 25 of my administration established a Council which remained active from August 1977 to 1979; and

WHEREAS, it has become necessary to reorganize the Council into a more manageable unit that can deal more effectively with youth concerns; and

WHEREAS, it is vital that the Governor and State officials be well informed about the opinions, concerns, and recommendations of Delaware youth.

NOW THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. The Governor's Youth Council (the "Council") is hereby re-established to be comprised of 8 students representing both secondary and postsecondary institutions and 7 adult youth program planners from various levels of government.
2. The members shall be appointed by the Governor and shall serve at his pleasure.
3. A chairperson shall be selected by the membership of the Council at a meeting in May of each year. The chairperson shall make periodic reports to the Governor concerning the Council's activities.
4. All other offices shall be determined and filled by the Council according to its by-laws.
5. The objectives and duties of the Council shall include, but not be limited to the following:
 - (a) To provide programming opportunities for diverse student populations in the State, including civic projects, educational programs, and visits with state and local officials.
 - (b) To prepare a manual of the existing youth service delivery system in the State and make recommendations with respect to its dissemination and utilization.
 - (c) To review the youth unemployment situation in Delaware with business leaders and existing public agencies and submit an analysis of the problems with recommendations for remedy.

(d) To review and develop legislation that may impact upon youth and make recommendations regarding same.

(e) To review various funding sources which may provide services at the state level for Delaware youth.

6. This executive order supersedes Executive Order 29 of the Peterson Administration and Executive Order 25 of the du Pont Administration.

IN WITNESS WHEREOF, I have
hereunto set my Hand and Seal
this 11th day of April
1980.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

Glenn C. Kenton
Secretary of State

CHAPTER 465
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-SEVEN

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: GOVERNOR'S COUNCIL ON PHYSICAL FITNESS

WHEREAS, better health and physical fitness of the people of Delaware is a desirable goal; and

WHEREAS, there is a need to provide emphasis on good health among citizens of all ages throughout the State of Delaware; and

WHEREAS, there is a need to coordinate the many and various efforts concerning physical fitness in the State and a need to motivate people to be aware of the benefits of physical fitness; and

WHEREAS, meeting the exercise needs of the American people is the first priority of the President's Council on Physical Fitness and Sports, and the Governors' councils of other states.

NOW THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

Section 1. A Governor's Council on Physical Fitness is established. Said Council shall encourage Delaware citizens to participate more actively in health and fitness activities that will help them live healthier, happier and more productive lives.

Section 2. The Governor's Council on Physical Fitness shall have the following responsibilities:

a. To supplement and complement the efforts of the President's Council on Physical Fitness and Sports as these efforts relate to the people of Delaware;

b. To sponsor appropriate fitness and education programs to inform the people of Delaware about personal health and fitness and encourage self-responsibility;

c. To advise the Governor and State officials on health and physical fitness matters within the State.

Section 3. The Governor's Council on Physical Fitness shall consist of not more than 20 members, each of whom shall be appointed by and serve at the pleasure of the Governor, and one of whom shall be designated by the Governor as its Chairperson. Members of the Governor's Council on Physical Fitness shall reflect the geographic regions of the State and include citizens with a personal or professional interest in physical fitness.

Section 4. This Executive Order shall continue in effect until amended, superseded, or terminated by subsequent Executive Order.

Approved This 22nd day of April, 1980.

(GREAT SEAL)

PIERRE S. du PONT, IV
Governor

Attest:
Glenn C. Kenton
Secretary of State

CHAPTER 466
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-EIGHT

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: COUNCIL ON DEAF EQUALITY

WHEREAS, the Council on Deaf Equality, known as CODE, was informally established in 1978 to increase the knowledge, awareness, and appreciation of the rights of hearing impaired citizens of the State of Delaware; and

WHEREAS, the Council on Deaf Equality, which consists of representatives of various state agencies which work with the hearing impaired, as well as hearing impaired citizens and parents of hearing impaired individuals and representatives of the public at large, are making a valuable contribution in dealing with the needs and concerns of hearing impaired people in the State; and

WHEREAS, it is appropriate that the Council on Deaf Equality be officially recognized and formally constituted;

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

ESTABLISHMENT:

1. The Council on Deaf Equality (CODE) is hereby established.

PURPOSE:

2. The purposes of CODE are as follows:
 - a. To increase the knowledge, awareness, and appreciation of the rights of hearing impaired citizens in the State of Delaware;
 - b. To work for improving the quality and increasing the capacity of services to hearing impaired people in Delaware;
 - c. To promote coordination between State agencies, programs, and services for the hearing impaired.

MEMBERSHIP:

3. CODE shall consist of seventeen (17) members, as follows:
 - a. Nine (9) members who are representatives of the following division, agencies, and commissions of state government and who shall be appointed by the division or agency head or commission chairperson:

- (1) Division of Aging, Department of Health and Social Services;
- (2) Division of Mental Health, Department of Health and Social Services;
- (3) Division of Public Health (Speech/Hearing), Department of Health and Social Services;
- (4) Division of Social Services, Department of Health and Social Services;
- (5) Division of Employment Services, Department of Labor;
- (6) Division of Vocational Rehabilitation, Department of Labor;
- (7) Division of Exceptional Children, Department of Public Instruction;
- (8) Division of Vocational Education, Department of Public Instruction;
- (9) Postsecondary Education Commission;
- (b) The Administrator of the Sterck School for the Hearing Impaired or his designate;
- (c) A representative of the Sterck School Parent-Teacher Association, as appointed by the President of the Association;
- (d) A representative of the Delaware Register of Interpreters for the Deaf (DELRID) as appointed by the President of DELRID;
- (e) Five (5) members elected by the twelve (12) members specified in Paragraph 3(a) - (d), above, as follows:
 - (1) Three hearing impaired individuals;
 - (2) The parent of a hearing impaired child;
 - (3) One member of the general public.

TERMS OF MEMBERS; VACANCIES:

4. Each member shall serve for a one-year term but may be reappointed or re-elected for any number of subsequent terms. The agency or division head, commission chairperson or association president shall appoint a replacement to fill any vacancy which may occur in the membership positions listed in Paragraph 3 (a), (c), and (d) and the membership may elect a new member to fill any vacancy in a membership position listed in Paragraph 3 (e). Members may send a duly authorized alternate to attend a meeting when the member is unable to attend, but the regular member shall still be considered absent. Any member who misses three (3) meetings of CODE, shall be presumed to have resigned from CODE.

CHAIRPERSON AND OFFICERS:

5. The membership of CODE shall select its own chairperson, who shall serve a one-year term and is eligible for selection to any member of subsequent terms. CODE may also select such other officers as it deems appropriate.

MEETINGS:

6. CODE shall hold such meetings as the members shall determine, but shall meet at least three (3) times each year. Ten members of CODE, or their duly authorized alternates, shall constitute a quorum. A majority vote of members present and voting shall be required for any action. Duly authorized alternates may vote as members. All meetings of CODE shall be open to all interested persons who wish to attend; however, such persons shall not be entitled to vote.

POWERS:

7. CODE shall have powers necessary to adopt by-laws and rules for the organization of the Council and the conduct of business; to establish committees; and to specify the duties of officers.

IN WITNESS WHEREOF, I PIERRE S. du PONT, IV, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of the State of Delaware to be hereunto affixed at Dover this 18th day of June, in the year of our Lord, one thousand nine hundred and eighty, and of the Independence of the United States of America, the two hundred and fourth.

(GREAT SEAL)

PIERRE S. du PONT, IV
Governor

Attest:

Glenn C. Kenton
Secretary of State

CHAPTER 467
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER EIGHTY-NINE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ESTABLISHMENT OF THE DELAWARE COUNCIL ON POLICE STANDARDS
AND GOALS

WHEREAS, the Intergovernmental Task Force recommended that a central coordinating council for police services should be established to recommend to the various governmental units methods of limiting "duplication, overlap, waste, and unnecessarily high levels of expenditures on police services and methods to improve efficiency and quality of service"; and

WHEREAS, there is a need for a viable mechanism to monitor growth in police services, encourage cooperative agreements for services and provide better information to the decision makers of the individual jurisdictions involved in the delivery of police services; and

WHEREAS, there is a need for a group to consider both State and national recommendations and reports concerning police standards and goals.

NOW, THEREFORE, I PIERRE S. du PONT, IV, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

Section 1. The Delaware Council on Police Standards and Goals, hereinafter known as The Council, is hereby created within the Executive Branch.

Section 2. The Council shall consist of nineteen members as follows:

(a) A chairman appointed by the Governor;

(b) The Superintendent of the State Police, the Chief of Police of the City of Wilmington, the Chief of Police of the New Castle County Police, the Chairman of the Delaware Police Chiefs' Council, and the following or their designees: the Attorney General, the President of the League of Local Governments, the New Castle County Executive, the President of the Kent County Levy Court, the President of the Sussex County Council and the Mayor of Wilmington.

(c) One member of the Supervisory Board of the Delaware Criminal Justice Planning Commission (DCJPC) to be named by the Executive Committee of the DCJPC.

(d) One mayor of a Delaware municipality to be named by the Delaware League of Local Governments.

(e) One other police chief not enumerated under (b) above, to be named by the membership of the Delaware Chiefs' Council.

(f) Three members to be appointed by the Governor.

(g) One State Representative to be named by the Speaker of the State House of Representatives and one State Senator to be named by the President Pro Tem of the State Senate.

Section 3. Members appointed by the Governor shall serve at the pleasure of the Governor. The terms of these members who serve by virtue of the office they hold shall be concurrent with service in the office from which they derived Council duties.

Section 4. A member of the Council is not entitled to a salary for duties performed as a member of the Council. Each member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official Council duties.

Section 5. The Council shall meet at least four (4) times each year at such other times as it deems necessary. Nine members shall constitute a quorum.

Section 6. The Council shall:

(a) Advise and assist the Governor in developing and implementing uniform police standards, goals, policies and procedures for improving the coordination, administration and effectiveness of police agencies within Delaware. The Council, in carrying out the provision of this act, should review previous recommendations, including but not limited to the following reports and documents:

(1) The final report of the Intergovernmental Task Force (ITF) as directed by Executive Order Number Twenty-Three. The Council shall review this report with a view toward controlling the duplication and overlap of providing police services and shall make appropriate recommendations to the various governmental units in Delaware.

(2) The National Advisory Commission on Criminal Justice Standards and Goals Report on Police.

(3) Criminal Justice Standards and Goals (Police) for Delaware as proposed by the Delaware Standards and Goals Project.

(4) The 1971 Goals adopted by the Delaware Police Chiefs' Council.

(b) Cooperate with the Police Use of Force National Advisory Board in the development of deadly force standards.

(c) Develop accreditation and ongoing review and employment qualifications, performance standards, and minimum compensation criteria in Delaware and cooperate with the Law Enforcement Assistance Administration (LEAA) in national accreditation efforts.

(d) Cooperate with the Delaware Criminal Justice Planning Commission in preparing a state comprehensive law enforcement plan on behalf of the Governor. Such plan, to be periodically updated, shall be based on an analysis of the State's law enforcement needs and problems.

(e) Cooperate with the Council on Police Training on the development and implementation of minimum educational and training requirements for police officers of the State.

(f) Recommend legislation to the Governor and the General Assembly in the law enforcement field.

(g) Perform other duties as may be necessary to carry out the purpose of this Order, which include:

(1) Gathering uniform data on standardized forms including the cost of police services by all governmental units.

(2) Providing, to the extent feasible, such cost information to the relevant governmental units, accompanied by the recommendation of the Council on appropriate levels of expenditures, for the purpose of controlling unnecessary duplication of services while assuring appropriate levels of service.

(3) Suggesting alternative methods for jurisdictional deployment to include mergers, regional consolidation, contract services and mutual aid agreements, especially among police forces operating in the same geographic area.

Section 8. Any recommendations submitted to the Governor or the Legislature shall simultaneously be submitted to the DCJPC which may review and comment. The DCJPC shall not be construed to have prior approval or veto authority.

Approved This 24th day of July 1980.

(GREAT SEAL)

PIERRE S. du PONT, IV
Governor

Attest:

Glenn C. Kenton
Secretary of State

CHAPTER 468

STATE OF DELAWARE

TOWN OF ELSMERE, DELAWARE

PROCLAMATION: ELSMERE HOME RULE CHARTER

WHEREAS, the Council of the Town of Elsmere, a municipal corporation of the State of Delaware, by Resolution dated April 1, 1980, resolved that Proposed Amendments to the Charter of the Town of Elsmere be submitted to the qualified voters of the Town of Elsmere for their approval by referendum at the election to be held on May 10, 1980.

WHEREAS, the Council of the Town of Elsmere has canvassed the vote on the Proposed Amendments to the Charter and has certified the results to the Mayor of the Town of Elsmere;

NOW, THEREFORE, I, John L. Mitchell, Sr., Mayor of the Town of Elsmere, do hereby proclaim that the result of the referendum on May 10, 1980, was as follows:

Division #1 - Amendment to Section 34

262 votes for 247 votes against

Division #2 - Amendment to Section 31

274 votes for 230 votes against

Division #3 - Amendment to Section 28

295 votes for 205 votes against

Division #4 - Amendments to Section 4

307 votes for 189 voters against

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this 12th day of May, A. D. 1980.

John L. Mitchell, Sr.
Mayor

Section 4. DISTRICTS

The City of Elsmere shall be divided into six districts as follows:

DISTRICT 1: BEGINNING at a point of intersection of the center line of New Road with the Center line of DuPont Road; thence southeasterly along the center line of DuPont Road to its intersection with Little Mill Creek and the southerly boundary line of the City of Elsmere; thence along the southerly, easterly and northerly boundary lines of the City of Elsmere to its intersection with the center line of Gray Avenue; thence southwesterly along the center line of Gray Avenue to its intersection with the center line of Pardee Avenue; thence northwesterly along the center line of Pardee Avenue to its intersection with the center line of Cleveland Avenue; thence southwesterly along the center line of Cleveland Avenue to its intersection with the center line of DuPont Road; thence southwesterly along the center line of DuPont Road to its intersection with New Road and the point and place of BEGINNING.

DISTRICT 2: BEGINNING at the point of intersection of the center line of New Road with the center line of DuPont Road; thence southeasterly along the center line of DuPont Road to its intersection with Little Mill Creek; thence southwesterly along Little Mill Creek and the southerly boundary line of the City of Elsmere to its intersection with the extension of the center line of Belmont Avenue; thence northerly along the center line of Belmont Avenue to its intersection with the center line of Maple Avenue West; thence northeasterly along the center line of Maple Avenue West to its intersection with the extension of Birch Avenue; thence northwesterly along the center line of Birch Avenue and its extensions to its intersection with the center line of New Road; thence northeasterly along the center line of New Road to its intersection with the center line of DuPont Road and the point and place of BEGINNING.

DISTRICT 3: BEGINNING at the point of intersection of the center line of New Road with the extension of the center line of Birch Avenue; thence southeasterly along the center line of Birch Avenue and its extensions to its intersection with the center line of Maple Avenue West; thence southwesterly along the center line of Maple Avenue West to its intersection with the center line of Belmont Avenue; thence southerly along the center line of Belmont Avenue and its extension to its intersection with Little Mill Creek; thence southwesterly and northwesterly along Little Mill Creek and the southerly boundary line of the City of Elsmere to its intersection with the center line of the Right of Way of the Baltimore and Ohio Railroad; thence northeasterly along the center line of the Right of Way of the Baltimore and Ohio Railroad to its intersection with the extension of the center line of Bungalow Avenue; thence northeasterly along the center line of Bungalow Avenue and its extension to its intersection with the center line of Sycamore Avenue; thence northeasterly along the center line of Sycamore Avenue to its intersection with Tamarack Avenue; thence northwesterly along the center line of Tamarack Avenue to its intersection with the center line of Robert Kirkwood Highway; thence northeasterly along the center line of Robert Kirkwood Highway and the center line of New Road to its intersection with the extension of the center line of Birch Avenue and the point and place of BEGINNING.

DISTRICT 4: BEGINNING at the point of intersection of the center line of Robert Kirkwood Highway and the center line of Tamarack Avenue extended; thence southeasterly along the center line of Tamarack Avenue to its intersection with the center line of Sycamore Avenue; thence southwesterly along the center line of Sycamore Avenue to its intersection with the center line of Bungalow Avenue; thence southeasterly along the center line of Bungalow Avenue and its extension to its intersection with the center line of the Right of Way of the Baltimore and Ohio Railroad; thence southwesterly along the center line of the Right of Way of the Baltimore and Ohio Railroad to its intersection with Little Mill Creek; thence northwesterly along Little Mill Creek and the Southwesterly boundary line of the City of Elsmere to its intersection with the center line of Chestnut Run (West Branch); thence northeasterly along the center line of Chestnut Run (West Branch) to its intersection with the center line of Maple Avenue; thence southeasterly along the center line of Maple Avenue to its intersection with the center line of Sycamore Avenue; thence northeasterly along the center line of Sycamore Avenue, approximately 320 feet to its intersection with the center line of an alley; thence northeasterly along the said alley to its intersection with the center line of Cypress Avenue; thence northeasterly along the center line of Cypress Avenue approximately 40 feet to its intersection with the extension of the center line of Beech Avenue; thence northeasterly along the center line of Beech Avenue and its extension to its intersection with the center line of Robert Kirkwood Highway; thence along the center line of Robert Kirkwood Highway to its intersection with the extension of the center line of Tamarack Avenue and the point and place of BEGINNING.

DISTRICT 5: BEGINNING at the point of intersection of the center line of Robert Kirkwood Highway with the center line of Beech Avenue Extended; thence southwesterly

along the center line of Beech Avenue and its extension to its intersection with the center line of Cypress Avenue; thence southwesterly along the center line of Cypress Avenue approximately 40 feet to its intersection with the center line of an alley; thence southwesterly along the center line of the alley to its intersection with the center line of Sycamore Avenue; thence southwesterly along the center line of Sycamore Avenue to its intersection with Maple Avenue; thence northwesterly along the center line of Maple Avenue to its intersection with the center line of Chestnut Run (West Branch) and the northwesterly boundary line of the City of Elsmere; thence northeasterly along the northerly boundary line of the City of Elsmere by its various courses to a point opposite the point of intersection of Olga Road and Sanders Road; thence leaving said boundary line southeasterly to the point of intersection of Olga Road and Sanders Road; thence southerly along the center line of Sanders Road to its intersection with the center line of Robert Kirkwood Highway; thence southwesterly along the center line of Robert Kirkwood Highway to a point of intersection with the center line of Beech Avenue Extended and the point and place of the BEGINNING.

DISTRICT 6: BEGINNING at the point of intersection of the center line of New Road and the center line of DuPont Road; thence southwesterly along the center line of New Road to its intersection with the center line of Sanders Road; thence northerly along the center line of Sanders Road to its intersection with Olga Road; thence northwesterly to a corner in the northerly boundary line of the City of Elsmere; thence northeasterly along the northerly boundary line of the City of Elsmere by its various courses and crossing the Philadelphia and Reading Railroad and DuPont Road to its intersection with the center line of Gray Avenue; thence southwesterly along the center line of Gray Avenue to its intersection with the center line of Pardee Avenue; thence northwesterly along the center line of Pardee Avenue to its intersection with the center line of Cleveland Avenue; thence southwesterly along the center line of Cleveland Avenue to its intersection with the center line of DuPont Road; thence southerly along the center line of DuPont Road to its intersection with the center of New Road and the point and place of BEGINNING.

Section 28. FISCAL YEAR

The fiscal year of the Town of Elsmere shall begin on the first day of October of each year and shall end on the last day of September. Such fiscal year shall also constitute the budget and accounting year, except as otherwise provided herein.

Section 31. POWER TO RAISE REVENUE

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; provided that the amount so collected shall not exceed one and one half percent (1 1/2%) of the assessed value of real estate within the Town in any one fiscal year clear of all delinquencies and expenses of collection. The Council shall have the right to grant and refuse and to charge fees for licenses or permits for traveling shows and other business of any description within the limits of the Town. The Council shall also have the power to collect franchise fees and to impose sewer rentals on sanitary sewers. The Council must have at least 5 of 6 votes to raise or lower taxes.

The Council may, in its discretion, exempt from Town taxation any manufacturing plant employing fifty or more employees hereafter established within the Town of Elsmere or brought within the boundaries of the Town by virtue of any annexation for a period of ten years from the time said plant is established or brought within the boundaries of the Town of Elsmere.

The Council may, by ordinance, exempt from Town taxation any and all persons over the age of sixty-five (65) years subject to limitations on income as by such ordinance will be provided.

The Council shall have the power by ordinance to allow for discounts for early payment of taxes, to impose reasonable penalties, interest and forfeitures for tax delinquencies and to review and determine proper and appropriate properties to be exempt from taxation.

The Council shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

Section 34. BORROWING, FOR CURRENT EXPENSES

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed. Provided, however, that the amount of such indebtedness shall not at any time exceed the sum of Seventy-Five Thousand Dollars (\$75,000.00).

To exercise the power aforesaid the Council shall adopt a resolution to that effect. 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 have a maturity of nine months or less, and shall not be considered as part of the bonded debt of the Town when limitations under the indebtedness as set forth elsewhere in this Charter, are computed.

CHAPTER 469

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION: STATE OF EMERGENCY

WHEREAS, there exists a widespread gasoline shortage in this country which has not been resolved on a national level; and

WHEREAS, there exists a gasoline shortage in this State despite the fact that Delaware motorists have admirably conserved fuel and retailers have made valiant efforts to stretch the short supplies; and

WHEREAS, the truckers strike has prevented deliveries of gasoline thereby making the situation worse; and

WHEREAS, surrounding states have instituted an odd-even rationing system which might tempt out-of-state motorists to buy gasoline in Delaware thereby draining Delaware's already low supply of gasoline; and

WHEREAS, the long lines which currently form at open gas stations create a hazard to other motorists, tax the resources of law enforcement agencies, and disturb surrounding retailers and property owners; and

WHEREAS, the health, safety and welfare of the citizens of this State are threatened by reason of the acute shortage of useable energy resources and the disruption in fuel supplies.

NOW, THEREFORE, I PIERRE S. du PONT, IV, by the authority vested in me as the Governor of the State of Delaware under the Delaware Constitution and the provisions of Chapter 31, Title 20, Delaware Code, do hereby proclaim that an Energy Crisis Emergency exists throughout the State of Delaware. By virtue of this proclamation, I do hereby further authorize and direct as follows:

Gasoline may be purchased or sold only in accordance with the following at all stations not on the Turnpike:

All gasoline purchases made for vehicles having 4 cylinders shall be in an amount not less than \$5.00;

All gasoline purchases made for vehicles having 6 cylinders or more shall be in an amount not less than \$7.00;

Motorcycles and mopeds are exempt from the minimum purchase requirement.

Not more than two gallons of gasoline may at any time be sold or purchased for delivery into a container, other than the fuel tank of a vehicle, to be transported away from the premises of the retail seller. Nothing in this paragraph shall be construed to authorize the sale of gasoline in any container not satisfying applicable safety requirements.

Gasoline may be purchased or sold at Turnpike stations in accordance with following:

On even-numbered days of the month, gasoline may be sold to and purchased by the operator or occupant of a vehicle having a number (license) plate the last numeral of which is even. For purposes hereof, the numeral zero (0) shall be deemed even;

On odd-numbered days of the month, gasoline may be sold to and purchased by the operator or occupant of a vehicle having a number (license) plate the last numeral of which is odd;

A vehicle having a number (license) plate with no numerals shall be deemed to have a number (license) plate the last numeral of which is odd;

A "free day" is a day when odd and even sales and purchases are permissible. The 31st day of January, March, May, July, August, October, December and the 19th day of February (leap year) are designated as "free days."

The foregoing shall commence at 12:01 A.M. June 21, 1979.

The Energy Crisis Emergency herein proclaimed shall remain in effect until terminated by further proclamation of the Governor.

(GREAT SEAL)

IN WITNESS WHEREOF, I have
hereunto set my Hand and Seal
this 20th day of June, 1979 at
4:40 p.m..

PIERRE S. du PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

CHAPTER 470

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION: STATE OF EMERGENCY

WHEREAS, the Governor of the State of Delaware, by Proclamation dated June 20, 1979, did proclaim the existence of a State of Emergency by reason of the severe and widespread gasoline shortage afflicting Delaware; and

WHEREAS, by the terms of the aforementioned Proclamation, the Governor established certain conservation measures for the purpose of complimenting the voluntary conservation efforts of Delaware motorists to the end that the allocation and dispensing of gasoline would be as fair, equitable and efficient as possible under the circumstances; and

WHEREAS, the continuing short fall in the availability of gasoline for retail sale in Delaware, combined with more stringent conservation measures imposed by the Governors of those States which surround Delaware, now require the imposition of additional conservation measures in Delaware in order to protect the health, safety and welfare of the citizens of this State.

NOW, THEREFORE, I PIERRE S. du PONT, IV, by the authority vested in me as the Governor of the State of Delaware under the Delaware Constitution, and the provisions of Chapter 31, Title 20, Delaware Code, do hereby proclaim that the State of Emergency by reason of the acute shortage of useable motor fuel continues to exist in and throughout the State of Delaware. By the same authority and in these circumstances, I do hereby authorize and direct as follows:

1. The Proclamation of June 20, 1979, is hereby ratified and republished except as otherwise expressly modified or rescinded herein, and shall remain in full force and effect.

2. Commencing at 12:01 A.M. on Friday, June 29, 1979, the "odd-even" gasoline allocation plan heretofore in effect for retail outlets on the Delaware Turnpike is hereby extended and made applicable to all outlets throughout the State of Delaware. Said plan provides as follows:

Gasoline may be purchased or sold only in accordance with the following procedures:

a. On even-numbered days of the month, gasoline may be sold to and purchased by the operator or occupant of a vehicle having a number (license) plate the last numeral of which is even. For purposes hereof, the numeral zero (0) shall be deemed even;

b. On odd-numbered days of the month, gasoline may be sold to and purchased by the operator or occupant of a vehicle having a number (license) plate the last numeral of which is odd;

c. A vehicle having a number (license) plate with no numerals shall be deemed to have a number (license) plate the last numeral of which is odd;

d. A "free day" is a day when odd and even sales and purchases are permissible. The 31st day of January, March, May, July, August, October, December and the 29th day of February (leap year) are designated as "free days".

3. Upon application to the main office or any field office of the Delaware Energy Office, and on such forms and in accordance with such procedures as that Office may direct for the filing of such applications, the following types of vehicles shall be entitled to an exemption from the foregoing plan:

- e. Police, fire, ambulance or other emergency vehicles;
- f. Commercial trucks;
- g. Tractors, tractor trailer combinations or truck trailer combinations;
- h. Buses, taxis and other commercial carriers;
- i. Farm machinery;
- j. Self-propelled caterpillar or other crawler-type equipment used on a construction site;
- k. Such other types or classes of vehicles as the Delaware Energy Office, in its discretion, may elect to exclude where to do so is necessary to avoid:
 - 1. A severe, immediate and continuing threat to the health, safety of one or more persons; or
 - 2. Rendering impossible the actual performance of any trade, occupation or profession of one or more persons or class of persons.

4. Any exemption permitted under paragraph 3 hereof, or otherwise authorized by law, shall be evidenced by the issuance of a "special permit" as prepared by the Delaware Energy Office. The operator of the vehicle to which said permit applies must display the special permit before the exemption may be utilized.

5. In order to further promote the efficient and equitable retail distribution of gasoline within the State, all operators of retail outlets shall display, within prominent view of the motoring public, the following flags:

- a. a red flag where the outlet is out of gasoline, but open for other business;
- b. a yellow flag where the outlet is limiting sales to special permit holders and emergency services only;
- c. a green flag where gasoline sales are being made to the general public in accordance with the plan herein proclaimed.

Service station operators may display different flags at different times of the day at their discretion; provided, that service station owners are encouraged but not required to display the green flag during commuting hours.

6. The minimum purchase requirements of \$5.00 of gasoline for all vehicles having less than 6 cylinders, and of \$7.00 of gasoline for all vehicles having 6 cylinders or more as mandated by the Proclamation dated June 20, 1979, are hereby amended as follows:

- a. motorcycles and mopeds are exempt therefrom;
- b. any vehicle having a tank with a capacity of 8 gallons or less shall also be exempt.

7. The State of Emergency by reason of the energy crisis herein proclaimed and ratified shall remain in effect until terminated by further proclamation of the Governor.

IN WITNESS WHEREOF, I have
hereunto set my Hand and Seal
this 28th day of June, 1979
at 11:55 A.M.

(GREAT SEAL)

PIERRE S. du PONT, IV
Governor

Attest:
GLENN C. KENTON
Secretary of State

**END
OF
VOLUME**