

LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND THIRTY FIRST

GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

**On Tuesday, January 13, A.D.
1981**

SECOND SESSION COMMENCED AND HELD AT DOVER

**On Tuesday, January 12, A.D.
1982**

VOLUME LXIII

CHAPTER 1

FORMERLY

SENATE BILL NO. 46
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 58A, TITLE 29 OF THE DELAWARE CODE RELATING TO LAWS REGULATING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE TO PROVIDE FOR HANDLING OF MEDICAID FUNDS.

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

Section 1. Amend 29, Del. C. §5854 by redesignating paragraph (g) as paragraph (h) and substituting a new paragraph (g) as follows:

"(g) No (i) State employee who is directly responsible for the expenditure of funds under the state's plan for the administration of medicaid funds, or (ii) individual who formerly was such an employee, or (iii) (partner of such an employee or individual shall commit any act with respect to said State plan which would be prohibited by 18 U.S.C. §207 if committed with respect to any activity concerning the United States government."

Section 2. Amend 29 Del. C. §5855 by adding a new section to be designated as section (k):

"(k) No (i) state employee who is directly responsible for the expenditure of funds under the state plan for the administration of medicaid funds, or (ii) individual who formerly was such an employee, or (iii) partner of such an employee or individual, shall commit any act with respect to said State plan which would be prohibited by 18 U.S.C. §208 if committed with respect to activity concerning the United States government."

Approved February 11, 1981.

CHAPTER 2

FORMERLY

HOUSE BILL NO. 28
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 5 AND TITLE 6 OF THE DELAWARE CODE BY PROVIDING FOR THE ACQUISITION OF STOCK IN DELAWARE BANKS BY OUT-OF-STATE BANK HOLDING COMPANIES; BY PROVIDING FOR THE REGULATION OF BANK REVOLVING CREDIT AND CLOSED END CREDIT; BY PROVIDING RULES FOR THE TAXATION OF INCOME OF NON-UNITED STATES BRANCH OFFICES OF DELAWARE BANKS; BY ADOPTING NEW RATES FOR THE TAXATION OF NET INCOME OF BANKS IN EXCESS OF \$20 MILLION DOLLARS; BY ELIMINATING CEILINGS ON INTEREST RATES WHICH MAY BE CHARGED IN RESPECT OF SMALL LOANS, SECONDARY MORTGAGE LOANS, MOTOR VEHICLE LOANS AND RETAIL INSTALLMENT SALES; BY PROVIDING FOR REFUNDS OF PRECOMPUTED INTEREST CHARGES IN ACCORDANCE WITH THE ACTUARIAL METHOD; BY PROVIDING FOR THE ISSUANCE OF REGULATIONS BY THE BANK COMMISSIONER ESTABLISHING REASONABLE TIMES FOR THE OPENING OF A BRANCH OF A SAVINGS BANK; BY REGULATING THE MAKING OF LOANS DIRECTLY OR INDIRECTLY TO DIRECTORS AND EXECUTIVE OFFICERS OF BANKS; AND BY DELETING FROM THE CODE PREVIOUSLY REPEALED PROVISIONS RELATING TO THE COLLECTION, PAYMENT AND DISHONOR OF DEMAND ITEMS AND REVOCATION OF LETTERS OF CREDIT; AND TO AMEND TITLE 30 TO PROVIDE FOR THE TAXATION OF AFFILIATED FINANCE COMPANIES.

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

Section 1. This Act may be referred to as "The Financial Center Development Act".

Section 2. Amend Title 5, Delaware Code, by adding a new Chapter 8 as follows:

"CHAPTER 8. ACQUISITION OF STOCK IN BANKS LOCATED IN THE
STATE OF DELAWARE BY OUT-OF-STATE BANK HOLDING COMPANIES.

§801. Definitions

As used in this chapter:

(a) 'Bank' means a bank or trust company created under this title or a national banking association created under the National Bank Act, 12, U.S.C. §521, et seq., after the effective date of this chapter.

(b) 'Out-of-state bank holding company' means a bank holding company as defined in the Bank Holding Company Act of 1956, as amended (12 U.S.C. §1481 et seq.), with banking subsidiaries whose operations are principally conducted in a state other than Delaware. For the purposes of this chapter, the state in which the operations of a bank holding company's bank subsidiaries are principally conducted is that state in which the total deposits of all such banking subsidiaries are greatest.

(c) 'Commissioner' means the State Bank Commissioner of the State of Delaware.

(d) 'Divest' means to transfer all interest, legal or equitable, to a person or other entity in which the transferor has no interest, direct or indirect, or which has no interest, direct or indirect, in the transferor.

(e) 'Located in this State' means, with respect to state-chartered banks, banks created under the law of this State and, with respect to national banking associations, banks whose organization certificate identifies an address in this State as the place at which its discount and deposit operations are to be carried out.

(f) 'Subsidiary' means, with respect to an out-of-state bank holding company, (1) any company 25% or more of whose voting shares is directly or indirectly owned or controlled by such bank holding company, or is held by it with power to vote; or (2) any company the election of a majority of whose directors is controlled in any manner by such bank holding company.

§802. Purpose

This chapter deals with conditions under which out-of-state bank holding companies or subsidiaries thereof may acquire and hold shares of voting stock in banks located in this State; it shall not be construed to limit the powers granted to any bank in this State to conduct its business.

\$803. Acquisitions

Except as provided in §1842 of Title 12 of the United States Code and as provided herein, no out-of-state bank holding company or any subsidiary thereof may acquire or hold, directly or indirectly, more than 5% of any voting shares of, interest in, or all or substantially all of the assets of any bank located in this State. Notwithstanding the foregoing, an out-of-state bank holding company or any subsidiary thereof may acquire and hold all or substantially all of the voting shares of a single bank located in this State when and for so long as the following conditions are satisfied:

(a) The bank whose stock is to be acquired is a newly established bank that has or will have when chartered no more than a single office located in this State open to the public for the conduct of banking business;

(b) The bank whose stock is to be acquired has or will have on the date of commencement of banking business in this State a minimum capital stock and paid-in surplus of 10 million dollars and will have within one year of the date of its commencement of banking business in this State a minimum capital stock and paid-in surplus of 25 million dollars;

(c) The bank whose stock is to be acquired employs on the date of commencement of its banking business in this State or will employ within one year of such date not less than 100 persons in this State in its business;

(d) The bank whose stock is to be acquired is operated in a manner and at a location that is not likely to attract customers from the general public in this State to the substantial detriment of existing banking institutions located in this State; provided that such bank may be operated in a manner likely to attract and retain customers with whom that bank, the out-of-state holding company or such holding company's bank or non-banking subsidiaries have or have had business relations; and

(e) Such acquisition has received the prior approval of the Commissioner.

\$804. Approval by the Commissioner

(a) Any out-of-state bank holding company or subsidiary thereof proposing an acquisition pursuant to §803 of this chapter shall file an application with the Commissioner for approval to make such acquisition. Such application shall contain such information as the Commissioner may by regulation require, and shall specifically acknowledge applicant's agreement to be bound by the conditions set forth in §803 of this chapter. In addition, such application shall designate a resident of this State as applicant's agent for the service of any paper, notice or legal process upon applicant in connection with matters arising out of this chapter and shall be accompanied by a filing fee in the amount of five thousand dollars for the use of the State.

(b) In determining whether to approve an acquisition by an out-of-state bank holding company or any subsidiary thereof of any voting stock of a bank located in this State, the Commissioner shall consider:

(1) The financial and managerial resources of the out-of-state bank holding company or its subsidiary;

(2) The future prospects of the out-of-state bank holding company and the bank whose assets or shares it will acquire or its subsidiary;

(3) The financial history of the out-of-state bank holding company or its subsidiary;

(4) Whether such acquisition or holding may result in undue concentration of resources or substantial lessening of competition in this State; and

(5) The convenience and needs of the public of this State.

\$805. Required Reports

An out-of-state bank holding company that directly or indirectly through any subsidiary, acquires voting stock of a bank pursuant to this chapter shall file with the Commissioner copies of all regular and periodic reports which such bank holding company is required to file under §§13 or 15(d) of the Securities and Exchange Act of 1934, as amended, but excluding any portions not available to the public.

\$806. Rules, Regulations and Orders

The Commissioner may adopt rules and regulations and issue Orders under this chapter for the following purposes:

(a) To prescribe information or forms required in connection with an application pursuant to §804(a);

(b) To establish procedures in connection with approvals pursuant to §804(b) and the filing of required reports pursuant to §805;

(c) To issue orders under §807 and establish procedures governing such issuances.

§807. Divestiture

(a) Upon his determination that any out-of-state bank holding company or subsidiary thereof is holding stock in a bank located in this State in violation of the conditions set forth in §803 or of its agreement pursuant to §804(a) of this chapter the Commissioner may order such out-of-state holding company or subsidiary thereof to take steps to remedy such violation by a date certain.

(b) The Commissioner shall have the authority to order an out-of-state bank holding company or subsidiary thereof to divest any shares of a bank that it has acquired under the provisions of this chapter upon his determination that such holding company or subsidiary continues to own shares of stock of a bank located in this State in violation of the conditions contained in §803 or of its agreement pursuant to §804(a) of this chapter after the date fixed for compliance by any Order issued under subparagraph (a) of this §807.

(c) An out-of-state bank holding company or subsidiary thereof shall divest any shares of a bank that it has acquired under the provisions of this chapter within two years of the date an Order issued under subparagraph (b) of this §807 becomes final and subject to no further judicial review; provided that the Commissioner may extend such two-year period for a further period or periods upon his determination that such an extension would not be detrimental to the public interest.

(d) The Court of Chancery of the State of Delaware will have exclusive original jurisdiction of any judicial review of an Order issued under subsection (b) of this section, any other provision of law notwithstanding. Such review may be sought by the out-of-state bank holding company or subsidiary thereof that is the subject of such divestiture order at any time within one year of the date of such Order. Review of a divestiture order shall be *de novo* and such order will be specifically enforced by the Court of Chancery upon a final determination that at the time of its issuance, the divestiture order was valid in all respects. An Order issued under subsection (a) of this section shall not be subject to judicial review.

§808. Severability

If any provision of this chapter is held invalid, such invalidity shall not affect any other provisions or applications of this chapter which can be given effect without the invalid provision, except that if any two provisions of §803 are for any reason held invalid as conditions of the statutory grant contemplated by this chapter and unenforceable as terms of an agreement under §804(a) of this chapter, in final orders subject to no further judicial review, entered by Courts of competent jurisdiction of this State or of the United States, no out-of-state bank holding company or any subsidiary thereof may thereafter acquire shares of a bank located in this State pursuant to this chapter."

Section 3. Amend Title 5, Delaware Code, by redesignating the existing Chapter 9 as Subchapter I of Chapter 9 entitled "General Provisions".

Section 4. Amend Title 5, Delaware Code, by adding to Chapter 9 a new Subchapter II as follows:

"Subchapter II. Bank Revolving Credit

§941. Definitions

As used in this subchapter:

(a) 'Bank' means any bank or bank and trust company organized under this Code or any other law or laws of this State and any such depository institution organized under the authority of the United States and having its principal place of business in this State.

(b) 'Borrower' means any corporation, partnership, association, government or governmental subdivision or agency, trust, individual or other entity.

(c) 'Individual borrower' means a borrower who is a natural person borrowing for personal, household or family purposes.

(d) 'Revolving credit plan' or 'plan' means a plan contemplating the extension of credit under an account governed by an agreement between a bank and a borrower pursuant to which;

(1) The bank permits the borrower and, if the agreement governing the plan so provides, persons acting on behalf of or with authorization from the borrower, from time to time to make purchases and/or to obtain loans by use of a credit device;

(2) The amounts of such purchases and loans are charged to the borrower's account under the revolving credit plan;

(3) The borrower is required to pay the bank the amounts of all purchases and loans charged to such borrower's account under the plan but has the privilege of paying such amounts outstanding from time to time in full or in installments; and

(4) Interest may be charged and collected by the bank from time to time on the outstanding unpaid indebtedness under such plan.

(e) 'Purchases' mean payments for property of whatever nature, real or personal, tangible or intangible, and payments for services, licenses, taxes, official fees, fines, private or governmental obligations, or any other thing of value.

(f) 'Loans' mean cash advances or loans to be paid to or for the account of the borrower.

(g) 'Credit device' means any card, check, identification code or other means of identification contemplated by the agreement governing the plan.

(h) 'Outstanding unpaid indebtedness' means on any day an amount not in excess of the total amount of purchases and loans charged to the borrower's account under the plan which is outstanding and unpaid at the end of the day, after adding the aggregate amount of any new purchases and loans charged to the account as of that day and deducting the aggregate amount of any payments and credits applied to that indebtedness as of that day and, if the agreement governing the plan so provides, may include the amount of any interest and additional charges, including late or delinquency charges, which have accrued in the account and which are unpaid at the end of the day.

\$942. Extension of Credit under Revolving Credit Plan

Any bank may, subject to any limitations on lending authority contained in its charter or otherwise imposed by law and subject to the other provisions of this subchapter, offer and extend credit under a revolving credit plan to a borrower and in connection therewith may charge and collect the interest and other charges permitted by this subchapter and may take such security as collateral in connection therewith as may be acceptable to the bank. Without limitation of the foregoing, credit may be extended under a revolving credit plan by a bank's acquisition of obligations arising out of the honoring by a merchant, a bank or other financial institution (whether chartered or organized under the laws of this or any other state, the District of Columbia, the United States or any district, territory or possession of the United States, or any foreign country), or a government or governmental subdivision or agency of a credit device made available to a borrower under a plan, whether directly or indirectly by means of telephone, point of sale terminal, automated teller machine or other electronic or similar device or through the mails.

\$943. Interest

A bank may charge and collect interest under a revolving credit plan on outstanding unpaid indebtedness in the borrower's account under the plan at such daily, weekly, monthly, annual or other periodic percentage rate or rates as the agreement governing the plan provides or as established in the manner provided in the agreement governing the plan. If the applicable periodic percentage rate under the agreement governing the plan is other than daily, interest may be calculated on an amount not in excess of the average of outstanding unpaid indebtedness for the applicable billing period, determined by dividing the total of the amounts of outstanding unpaid indebtedness for each day in the applicable billing period by the number of days in the billing period. If the applicable periodic percentage rate under the agreement governing the plan is monthly, a billing period shall be deemed to be a month or monthly if the last day of each billing period is on the same day of each month or does not vary by more than four days therefrom.

\$944. Variable Rates

If the agreement governing the revolving credit plan so provides, the periodic percentage rate or rates of interest under such plan may vary in accordance with a schedule or formula. Such periodic percentage rate or rates may vary from time to time as the rate determined in accordance with such schedule or formula varies and such periodic percentage rate or rates, as so varied, may be made applicable to all outstanding unpaid indebtedness under the plan on or after the effective date of such variation including any such indebtedness arising out of purchases made or loans obtained prior to such variation in the periodic percentage rate or rates.

§945. Additional Charges

In addition to or in lieu of interest at a periodic percentage rate or rates as provided in §§943 and 944 of this subchapter, a bank may, if the agreement governing the revolving credit plan so provides, charge and collect one or more of the following:

(1) A daily, weekly, monthly, annual or other periodic charge in such amount or amounts as the agreement may provide for the privileges made available to the borrower under the plan;

(2) A transaction charge or charges in such amount or amounts as the agreement may provide for each separate purchase or loan under the plan; and

(3) A minimum charge for each daily, weekly, monthly, annual or other scheduled billing period under the plan during any portion of which there is an outstanding unpaid indebtedness under the plan.

§946. Purchases and Loans - Differing Terms

A bank may, if the agreement governing a revolving credit plan so provides, impose different terms (including, without limitation, the terms governing the periodic percentage rate or rates used to calculate interest, the method of computing the outstanding unpaid indebtedness to which such rate or rates are applied, the amounts of other charges and the applicable installment repayment schedule) in respect of indebtedness arising out of purchases and indebtedness arising out of loans made under the plan.

§947. Overdraft Accounts

If credit under a revolving credit plan is offered and extended in connection with a demand deposit account or other transaction account maintained by the borrower with the bank pursuant to an agreement or arrangement whereby the bank agrees to honor checks, drafts or other debits to such account, which if paid would create or increase a negative balance in such account, by making extensions of credit to such borrower under such revolving credit plan, any charges customarily imposed by the bank under the terms governing such demand deposit or other transaction account in the absence of any associated revolving credit plan (including, without limitation, check charges, monthly maintenance charges, checkbook charges, charges for checks drawn on funds in excess of an available line of credit and other similar charges) may continue to be imposed on such account without specific reference thereto or incorporation thereof by reference in the agreement governing the revolving credit plan and the amount of any such charge, to the extent the balance in such demand deposit or other transaction account is insufficient to pay such a charge, may be charged to the borrower's account under the plan as a loan thereunder and may be included in outstanding unpaid indebtedness in accordance with the terms of the agreement governing such revolving credit plan.

§948. Omitted installments.

A bank may at any time and from time to time unilaterally extend to a borrower under a revolving credit plan the option of omitting monthly installments.

§949. Insurance.

(a) A bank may request but not require an individual borrower to be insured in respect of a revolving credit plan under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that an individual borrower's outstanding unpaid indebtedness under the plan is secured by an interest in real or personal property, a bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

(b) In the case of a borrower borrowing under a revolving credit plan for other than personal, household or family purposes, a bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that the borrower's outstanding unpaid indebtedness under the plan is secured by an interest in real or personal property, the bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

(c) The offer and placement of insurance under this section shall be subject in all respects to the applicable provisions of Title 18 of this Code.

§950. Delinquent installments.

If the agreement governing a revolving credit plan so provides, a bank may, in the case of a

non-individual borrower, charge a higher periodic percentage rate or rates of interest on outstanding unpaid installment payments or portions thereof under the plan which are in default, and, in the case of any borrower, impose a late or delinquency charge upon such installment payments or portions thereof; provided, however, that no more than one such late or delinquency charge may be imposed in respect of any single such installment payment or portion thereof regardless of the period during which it remains in default and provided further, however, that for the purpose only of the preceding proviso all payments by the borrower shall be deemed to be applied to satisfaction of installment payments in the order in which they become due.

§951. Attorney's fees; collection costs.

In the event a borrower defaults under the terms of a plan and the bank refers the borrower's account to an attorney (not a regularly salaried employee of the bank) for collection, the bank may, if the agreement governing the revolving credit plan so provides, charge and collect from the borrower a reasonable attorney's fee and, in addition, if the agreement governing the revolving credit plan so provides, the bank may recover from the borrower all court or other collection costs actually incurred by the bank in connection with a collection proceeding.

§952. Changes in terms.

(a) A bank may, if the agreement governing a revolving credit plan so provides, at any time or from time to time amend the terms of such agreement (including, without limitation, the terms governing the periodic percentage rate or rates used to calculate interest, the method of computing the outstanding unpaid indebtedness to which such rate or rates are applied, the amounts of other charges and the applicable installment repayment schedule) in accordance with the further provisions of this section.

(b) The bank shall notify each affected borrower of the amendment in the manner set forth in the agreement governing the plan and in compliance with the requirements of the Truth-In-Lending Act [15 U.S.C. §1601 et seq.], and regulations promulgated thereunder, as in effect from time to time, if applicable; provided, however, that if such amendment has the effect of increasing the interest or other charges to be paid by the borrower, the bank shall mail or deliver to the borrower, at least 15 days before the effective date of the amendment, a clear and conspicuous written notice which shall describe the amendment and the existing term or terms of the agreement affected by the amendment and shall also set forth the effective date of the amendment and the pertinent information contemplated by the following provisions of this section. If the amendment has the effect of increasing the interest or other charges to be paid by the borrower, such amendment shall become effective only if the borrower uses the plan after a date specified in the notice which is at least 15 days after the giving of the notice (but which need not be the date the amendment becomes effective) by making a purchase or obtaining a loan, or if the borrower indicates to the bank in writing such borrower's express agreement to the amendment. Any such amendment may become effective as to a particular borrower as of the first day of the billing period during which such borrower so used such borrower's account or so indicated agreement to the amendment. Any borrower who fails to use such borrower's account or so to indicate agreement to an amendment shall be permitted to pay the outstanding unpaid indebtedness in such borrower's account under the plan in accordance with the terms of the agreement governing the plan without giving effect to the amendment.

(c) If the terms of the agreement governing the plan, as originally drawn or as amended pursuant to this section, so provide, any amendment may, on and after the date upon which it becomes effective as to a particular borrower, apply to all then outstanding unpaid indebtedness in the borrower's account under the plan, including any such indebtedness which shall have arisen out of purchases made or loans obtained prior to the effective date of the amendment.

(d) For the purposes of this section, a decrease in the required amount of periodic installment payments shall not be deemed an amendment which has the effect of increasing the interest to be paid by the borrower.

(e) The procedures for amendment by a bank of the terms of a plan to which a borrower other than an individual borrower is a party may, in lieu of the foregoing provisions of this §952, be as the agreement governing the plan may otherwise provide.

§953. Application of other statutes.

The provisions of any other law of this State limiting the rate or amount of interest, discount, points, finance charges, service charges, or other charges which may be charged, taken, collected, received, or reserved shall not apply to extensions of credit under a revolving credit plan operated in accordance with this subchapter.

§954. Non-exclusivity; severability; captions.

(a) The provisions of this subchapter are not exclusive and a bank may at its option elect to

extend credit either pursuant to this subchapter or as otherwise permitted by applicable law.

(b) If any provision of this subchapter is held invalid, such invalidity shall not affect any other provisions or applications of this subchapter which can be given effect without the invalid provision.

(c) Section headings and captions contained in this subchapter are inserted only as a matter of convenience and for reference and do not, and shall not be construed to, define, limit, extend or describe the scope of the provisions of this subchapter or the meaning or intent of any section hereof."

Section 5. Amend Title 5, Delaware Code, by adding to Chapter 9 a new Subchapter III as follows:

"Subchapter III. Bank Closed End Credit.

\$961. Definitions.

As used in this subchapter:

(a) 'Bank', 'borrower' and 'individual borrower' have the meanings given in subchapter II of this chapter.

(b) 'Closed End Credit' means the extension of credit by a bank to a borrower pursuant to an arrangement or agreement which is not a revolving credit plan as defined in subchapter II of this chapter.

(c) 'Loan' means any single extension of closed end credit.

\$962. Extension of closed end credit.

Any bank may, subject to any limitations on lending authority contained in its charter or otherwise imposed by law and subject to the other provisions of this subchapter, offer and extend closed end credit to a borrower and in connection therewith may charge and collect the interest and other charges permitted by this subchapter and may take such security as collateral in connection therewith as may be acceptable to the bank.

\$963. Interest.

A bank may charge and collect interest in respect of a loan at such daily, weekly, monthly, annual or other periodic percentage rate or rates as the agreement governing, or the bond, note or other evidence of, the loan provides or as established in the manner provided in such agreement, bond, note or other evidence of the loan and may calculate such interest by way of simple interest or such other method as the agreement governing, or the bond, note or other evidence of, the loan provides. If the interest is precomputed it may be calculated on the assumption that all scheduled payments will be made when due. For purposes hereof, a year may but need not be a calendar year and may be such period of from 360 to 366 days, including or disregarding leap year, as the bank may determine.

\$964. Variable rates.

If the agreement governing, or the bond, note or other evidence of, the loan so provides, the periodic percentage rate or rates of interest charged and collected in respect of the loan may, if the interest is not precomputed and taken in advance, vary in accordance with a schedule or formula. Such periodic percentage rate or rates may vary from time to time as the rate determined in accordance with such schedule or formula varies and such periodic percentage rate or rates, as so varied, may be made applicable to any or all outstanding and unpaid amounts of such loan on and after the effective date of such variation. This section shall not be construed to limit the authority of a bank to charge and collect interest in respect of a loan in the manner and at the rate or rates authorized in any other section of this subchapter.

\$965. Additional charges.

In addition to or in lieu of interest at a periodic percentage rate or rates permitted by §§ 963 and 964 of this subchapter, a bank may charge and collect, in respect of a loan:

(1) Loan fees, points, finders fees and other front-end and periodic charges; provided, however, that in the case of a loan to an individual borrower, no such front-end or periodic charge may be charged and collected unless the agreement governing, or the bond, note or other evidence of, the loan so provides;

(2) Reasonable fees for services rendered or for reimbursement of expenses incurred in good faith by the bank or its agents in connection with such loan, including, without limitation,

commitment fees, official fees and taxes, premiums or other charges for any guarantee or insurance protecting the bank against the borrower's default or other credit loss, or costs incurred by reason of examination of title, inspection, recording and other formal acts necessary or appropriate to the security of the loan, filing fees, attorneys' fees, and travel expenses; provided, however, that in the case of a loan to an individual borrower, no such fee may be charged and collected unless the agreement governing, or the bond, note or other evidence of, the loan so provides.

§966. Deferred installments.

A bank may at any time or from time to time permit a borrower to defer installment payments of a loan and may, in connection with such deferral, charge and collect deferral charges and may also require payment by such borrower of the additional cost to the bank of premiums for continuing in force, until the end of such period of deferral, any insurance coverage provided in connection with the loan pursuant to §967 of this subchapter.

§967. Insurance.

(a) A bank may request but not require an individual borrower to be insured in respect of a loan under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that a loan to an individual borrower is secured by an interest in real or personal property, the bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

(b) In the case of a borrower borrowing for other than personal, household or family purposes, a bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, under a life, health, accident, health and accident or other credit or other permissible insurance policy, whether group or individual, and in the event that the borrower's loan is secured by an interest in real or personal property, the bank may require the borrower to obtain insurance, from an insurer acceptable to the bank, against loss of or damage to such property, or against the liability arising out of the ownership or use of the property and may finance the premiums for such insurance.

(c) The offer and placement of insurance under this section shall be subject in all respects to the applicable provisions of Title 18 of this Code.

§968. Delinquent installments.

If the agreement governing a loan so provides, a bank may, in the case of a non-individual borrower, charge a higher periodic percentage rate or rates of interest on outstanding unpaid installment payments or portions thereof under the loan which are in default, and, in the case of any borrower, impose a late or delinquency charge upon such installment payment or portion thereof; provided, however, that in the case of a loan to an individual borrower, no such late or delinquency charge may be charged or imposed unless the agreement governing, or the bond, note or other evidence of, the loan so provides and that no more than one such late or delinquency charge may be imposed in respect of any single such installment payment or portion thereof regardless of the period during which it remains in default, and provided further, however, that for the purpose only of the preceding proviso all payments by the borrower shall be deemed to be applied to satisfaction of installment payments in the order in which they become due.

§969. Prepayment.

(a) An individual borrower may prepay a loan in full at any time.

(b) If interest charged pursuant to §963 of this subchapter in respect of a loan to an individual borrower has been precomputed and taken in advance, then, in the event of prepayment of the entire indebtedness, the bank shall refund to such borrower the unearned portion of the precomputed interest charge. This refund shall be in an amount not less than the amount which would be refunded if the unearned precomputed interest charge were calculated in accordance with the actuarial method, except that the borrower shall not be entitled to a refund which is less than five dollars. The unearned portion of the precomputed interest charge is, at the option of the bank, either:

(1) That portion of the precomputed interest charge which is allocable to all originally scheduled or, if deferred, all deferred payment periods, or portions thereof, ending subsequent to the date of prepayment. The unearned precomputed interest charge is the total of that which would have been earned for each such period, or portion thereof, had the loan not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, an annual percentage rate based on the precomputed interest charges, assuming that all payments were made as scheduled, or as deferred, if deferred. The bank, at its option, may round this annual percentage rate to the nearest one-quarter of one percent; or

(2) The total precomputed interest charge less the earned precomputed interest charge. The earned precomputed interest charge shall be determined by applying an annual percentage rate based on the total precomputed interest charge, under the actuarial method, to the unpaid balances for the actual time those balances were unpaid up to the date of prepayment.

(e) As used in subsection (b) of this section:

(1) 'Actuarial method' means the method of allocating payments made on a loan between the outstanding balance of the loan and interest pursuant to which a payment is applied first to the accumulated interest and any remainder is subtracted from the outstanding balance of the loan.

(2) 'Precomputed interest charge' means interest as computed by the add-on, discount or other similar method.

(3) 'Payment period' means the time period within which periodic installment payments of a loan are due as provided in the agreement governing, or the bond, note or other evidence of, the loan.

(d) If a charge was made to an individual borrower for premiums for insuring such borrower under an insurance policy pursuant to §967 of this subchapter, then, in the event of prepayment, the bank shall refund to such borrower the excess of the charge to such borrower therefor over the premiums paid or payable to the bank, if such premiums were paid or payable by the bank periodically, or the refund for such insurance premium received or receivable by the bank, if such premium was paid or payable in a lump sum by the bank, provided that no such refund shall be required if it amounts to less than five dollars.

(e) In connection with any prepayment of any loan by an individual borrower, the bank may not impose any prepayment charge, except that in the case of a residential mortgage loan, the bank may charge and collect any prepayment penalty or charge specified in the agreement governing, or the bond, note or other evidence of, the loan.

(f) The terms of prepayment of any loan made to a borrower other than an individual borrower shall be as the bank and the borrower may agree.

§970. Refinancing.

(a) An individual borrower may, with the consent of the bank, refinance the entire outstanding and unpaid amount of a loan, and the bank may charge and collect a refinancing charge in connection with any such refinancing.

(b) For the purposes of this section, the entire outstanding and unpaid amount of a loan shall be deemed to be:

(1) If the interest and charges in respect of the loan were not taken in advance, the total of the unpaid balance and the accrued and unpaid interest and charges on the date of refinancing; or

(2) If the interest and charges on the loan were precomputed and taken in advance, the amount which the borrower would have been required to pay upon prepayment on the date of refinancing pursuant to §969 of this subchapter governing refund upon prepayment.

§971. Attorneys fees; collection costs

(a) In the event an individual borrower defaults under the terms of a loan and the bank refers such borrower's account to an attorney (not a regularly salaried employee of the bank) for collection, the bank may, if the agreement governing, or the bond, note, or other evidence of, the loan so provides, charge and collect from the borrower a reasonable attorney's fee and, in addition, if the agreement governing, or the bond, note or other evidence of, the loan so provides, the bank may recover from the borrower all court and other collection costs actually incurred by the bank in connection with a collection proceeding.

§972. Loans to non-individual borrowers

This subchapter shall not be deemed to prohibit a bank, in connection with a loan to other than an individual borrower, from:

(1) Extending or deferring the scheduled payment of all or any portion of any installment or installments payable under such loan;

(2) Permitting prepayment or refinancing of such loan in whole or in part;

(3) Charging and collecting any charges in connection with the matters referred to in paragraphs (1) and (2) of this section; or

(4) Charging and collecting late or delinquency charges, attorneys' fees or collection charges.

§973. Applicability of other statutes

The provisions of any other law of this State limiting the rate or amount of interest, discount, points, finance charges, service charges or other charges which may be charged, taken, collected, received or reserved shall not apply to extensions of credit made in accordance with this subchapter.

§974. Non-exclusivity; severability; captions

(a) The provisions of this subchapter are not exclusive and a bank may at its option elect to extend credit either pursuant to this subchapter or as otherwise permitted by applicable law.

(b) If any provision of this subchapter is held invalid, such invalidity shall not affect any other provisions or applications of this subchapter which can be given effect without the invalid provision.

(c) Section headings and captions contained in this subchapter are inserted only as a matter of convenience and for reference and do not, and shall not be construed to, define, limit, extend or describe the scope of the provisions of this subchapter or the meaning or intent of any section hereof."

Section 6. Amend Section 1101, Title 5, Delaware Code, by striking the period at the end thereof and adding the following:

"and by the net income shown on the books of account of any non-United States branch office established pursuant to Section 771 of this chapter in the case of a bank or trust company or established pursuant to federal law in the case of a national bank, provided that at least 80 percent of the gross income of such non-United States branch office constitutes 'income from sources without the United States' as defined under Section 862(a) of the Internal Revenue Code of 1954 as amended or any successor provisions thereto."

Section 7. Amend Section 1105, Title 5, Delaware Code, by striking such section in its entirety and substituting in lieu thereof the following:

"§1105. Rate of taxation

The rate of tax upon the net income as defined in this chapter of banks, trust companies and national banks shall be as follows: 8.7% of the amount of net income not in excess of \$20,000,000; 6.7% of the amount of net income in excess of \$20,000,000 but not in excess of \$25,000,000; 4.7% of the amount of net income in excess of \$25,000,000 but not in excess of \$30,000,000; 2.7% of the amount of net income in excess of \$30,000,000."

Section 8. Amend Section 2108, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"§2108. Requirements as to Loans, Interest and other Charges and Terms; Deferements, Prepayments and Refinancing

(a) The holder of any certificate of registration from the State Bank Commissioner, granted pursuant to this chapter, and any state bank or trust company organized under this Code or any other laws of this State, or any national bank (without obtaining such certificate of registration) may lend money to any person, firm or corporation in any sum not exceeding \$500, to be repaid in periodic installments, taking the obligation of the borrower therefore, with any security that may be acceptable to the lender. Any such association, firm, partnership or corporation having a paid-in capital which is not subject to withdrawal and which shall exceed \$10,000, may make such loans in amounts to any one borrower in excess of \$500, but not exceeding 10% of the paid-in capital stock and surplus of such lender. Loan repayments may be in weekly, monthly or other periodic installments, with the right of the lender to declare the entire unpaid balance due and payable in the event of default in the payment of any installment for a period of 30 days. On any loan made pursuant to this section, the lender may charge and collect interest in respect thereof at such daily, weekly, monthly, annual or other periodic percentage rate or rates and may calculate such interest by way of simple interest or such other method as the agreement governing the loan provides. No charge in addition to such interest may be imposed except as hereinafter in this section provided.

(b) On any loan made pursuant to this section, the lender may at any time or from time to time permit a borrower to defer installment payments of the loan and may, in connection with such deferral, charge and collect deferral charges and may also require payment by such borrower of the additional cost to the lender of premiums for continuing in force, until the end of such period of

deferral, any insurance coverage provided in connection with the loan pursuant to subsection (d) of this section.

(c) A lender may impose a delinquency charge upon all or any portion of any installment or installments payable under a loan made pursuant to this section which is or are in default for a period not less than 10 days; provided, however, that no such delinquency charge may be charged or imposed unless the agreement governing the loan so provides and that no more than one such delinquency charge may be imposed in respect of any single such installment payment or portion thereof regardless of the period during which it remains in default, and provided further, that no such delinquency charge may exceed 5% of the amount of any such installment or portion thereof in default.

(d) A borrower may prepay a loan made pursuant to this section in full at any time. If interest in respect of such a loan has been precomputed and taken in advance, then, in the event of prepayment of the entire indebtedness, the lender shall refund to the borrower the unearned portion of the precomputed interest charge. This refund shall be in an amount not less than the amount which would be refunded if the unearned precomputed interest charge were calculated in accordance with the actuarial method, except that the borrower shall not be entitled to a refund which is equal to or less than one dollar. The unearned portion of the precomputed interest charge is, at the option of the lender, either:

(1) That portion of the precomputed interest charge which is allocable to all originally scheduled or, if deferred, all deferred payment period, or portions thereof, ending subsequent to the date of prepayment. The unearned precomputed interest charge is the total of that which would have been earned for each of such period, or portion thereof, had the loan not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, an annual percentage rate based on the precomputed interest charges, assuming that all payments were made as scheduled, or as deferred, if deferred. The lender, at its option, may round this annual percentage rate to the nearest one-quarter of one percent; or

(2) The total precomputed interest charge less the earned precomputed interest charge. The earned precomputed interest charge shall be determined by applying an annual percentage rate based on the total precomputed interest charge, under the actuarial method, to the unpaid balances for the actual time those balances were unpaid up to the date of prepayment.

(e) As used in subsection (d) of this section:

(1) 'Actuarial method' means the method of allocating payments made on a loan between the outstanding balance of the loan and interest pursuant to which a payment is applied first to the accumulated interest and any remainder is subtracted from the outstanding balance of the loan.

(2) 'Precomputed interest charge' means interest as computed by the add-on, discount or other similar method.

(3) 'Payment period' means the time period within which periodic installment payments of a loan are due as provided in the agreement governing the loan.

(f) In connection with any prepayment of a loan made pursuant to this section, the lender may not impose any prepayment charge.

(g) Borrower may, with the consent of the lender, refinance the entire outstanding and unpaid amount of a loan made pursuant to this section, and the lender may charge and collect a refinancing charge in connection with any such refinancing. For the purposes of this section, the entire outstanding and unpaid amount of a loan shall be deemed to be:

(1) If the interest in respect of the loan was not taken in advance, the total of the unpaid balance and the accrued and unpaid interest and charges on the date of refinancing; or

(2) If the interest on the loan was precomputed and taken in advance, the amount which the borrower would have been required to pay, disregarding any prepayment charge, upon prepayment on the date of refinancing pursuant to subsection (d) of this section governing refund upon prepayment.

(h) In the event a borrower defaults under the terms of a loan made pursuant to this section and the lender refers such borrower's account to an attorney (not regularly salaried employee of the lender) for collection, the lender may, if the agreement governing the loan so provides, charge and collect from the borrower a reasonable attorney's fee and, in addition, if the agreement governing the loan so provides, the lender may recover all court and other collection costs actually incurred by the lender in connection with a collection proceeding."

Section 9. Amend Section 2109, Title 5, Delaware Code, by deleting such section in its entirety.

Section 10. Amend Section 2111, Title 5, Delaware Code, by deleting subsection (c) thereof in its entirety and substituting in lieu thereof the following:

"(c) In any action for the recovery or repayment of the amount loaned under this chapter the lender shall be entitled to recover the unpaid principal amount of the loan together with pre-judgment and post-judgment interest at the rate or rates specified in the agreement governing the loan."

Section 11. Amend Section 2906(h), Title 5, Delaware Code, by deleting the word "\$5" in the first sentence thereof and substituting in lieu thereof "\$15".

Section 12. Amend Section 2907, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"\$2907. Finance Charge

(a) A retail seller or the holder of a retail installment contract may charge and collect a finance charge in respect of a retail installment transaction and may calculate such finance charge in the manner and at the rate or rates specified in the contract governing the retail installment transaction.

(b) Any sales finance company may purchase or acquire or agree to purchase or acquire from any seller any contract on such terms and conditions as may be agreed upon between them. Filing of the assignment, notice to the buyer of the assignment, and any requirement that the holder maintain dominion over the payments or the motor vehicle if repossessed shall not be necessary to the validity of a written assignment of a contract as against creditors, subsequent purchasers, pledgees, mortgagees and lien claimants of the seller. Unless the buyer has notice of the assignment of his contract, payment thereunder made by the buyer to the last known holder of such contract shall be binding upon all subsequent holders."

Section 13. Amend Sections 2908 and 2909, Title 5, Delaware Code, by deleting such sections in their entirety and substituting in lieu thereof the following:

"\$2908. Prepayment

(a) A buyer may prepay the debt due under a retail installment contract in full at any time.

(b) If the finance charge imposed pursuant to \$2907 of this chapter in respect of a retail installment transaction has been precomputed and taken in advance, then, in the event of prepayment of the entire indebtedness, the holder shall refund to the buyer the unearned portion of the precomputed finance charge. This refund shall be in an amount not less than the amount which would be refunded if the unearned precomputed finance charge were calculated in accordance with the actuarial method, provided that the buyer shall not be entitled to a refund which results in a net minimum finance charge of less than \$25, and provided further that the holder shall not be required to refund the unearned portion of the finance charge if such amount is less than one dollar. The unearned portion of the precomputed finance charge is, at the option of the holder, either:

(1) That portion of the precomputed finance charge which is allocable to all originally scheduled or, if deferred, all deferred payment periods, or portions thereof, ending subsequent to the date of prepayment. The unearned precomputed finance charge is the total of that which would have been earned for each such period, or portion thereof, had the debt due under the contract not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, an annual percentage rate based on the precomputed finance charge, assuming that all payments were made as scheduled, or as deferred, if deferred. The holder, at its option, may round this annual percentage rate to the nearest one-quarter of one percent; or

(2) The total precomputed finance charge less the earned precomputed finance charge. The earned precomputed finance charge shall be determined by applying an annual percentage rate based on the total precomputed finance charge, under the actuarial method, to the unpaid balances for the actual time those balances were unpaid up to the date of prepayment.

(c) As used in subsection (b) of this section:

(1) 'Actuarial method' means the method of allocating payments made on a debt due under a retail installment contract between the outstanding balance of the indebtedness and the finance charge pursuant to which a payment is applied first to the accumulated finance charge and any remainder is subtracted from the outstanding balance of the indebtedness.

(2) 'Payment period' means the time period within which periodic installment payments of the indebtedness are due under the terms of a retail installment contract.

(d) If a charge was made to buyer for premiums for insurance in respect of a retail installment transaction, then, in the event of prepayment, the holder shall refund to such buyer the excess of the charge to such buyer therefor over the premiums paid or payable to the holder, if such premiums were paid or payable by the holder periodically, or the refund for such insurance premium received or receivable by the holder, if such premium was paid or payable in a lump sum by the holder, provided that no such refund shall be required if it amounts to less than one dollar.

(e) In connection with any prepayment of a debt due under a retail installment contract by a buyer, the holder may not impose any prepayment charge.

§2909. Deferred installments

A holder may at any time or from time to time permit a buyer to defer installment payments due under the terms of a retail installment contract and may, in connection with such deferral, charge and collect deferral charges and may also require payment by such buyer of the additional cost to the holder of premiums for continuing in force, until the end of such period of deferral, any insurance coverage provided in connection with the contract."

Section 14. Amend Section 3121, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"§3121. Interest

A licensee may charge and collect interest in respect of a secondary mortgage loan at such daily, weekly, monthly, annual or other periodic percentage rate or rates and may calculate such interest by way of simple interest or such other method as the agreement governing the loan provides."

Section 15. Amend Section 3125, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"§3125. Prepayment

(a) A borrower may prepay a secondary mortgage loan in full at any time.

(b) If interest charged pursuant to §3121 of this chapter in respect of a secondary mortgage loan has been precomputed and taken in advance, then in the event of prepayment of the entire indebtedness, the licensee shall refund to such borrower the unearned portion of the precomputed interest charge. This refund shall be in an amount not less than the amount which would be refunded if the unearned precomputed interest charge were calculated in accordance with the actuarial method, except that the borrower shall not be entitled to a refund which is less than one dollar. The unearned portion of the precomputed interest charge is, at the option of the licensee, either:

(1) That portion of the precomputed interest charge which is allocable to all originally scheduled or, if deferred, all deferred payment periods, or portion thereof, ending subsequent to the date of prepayment. The unearned precomputed interest charge is the total of that which would have been earned for each such period, or portion thereof, had the loan not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, an annual percentage rate based on the precomputed interest charges, assuming that all payments were made as scheduled, or as deferred, if deferred. The licensee, at its option, may round this annual percentage rate to the nearest one-quarter of one percent; or

(2) The total precomputed interest charge less the earned precomputed interest charge. The earned precomputed interest charge shall be determined by applying an annual percentage rate based on the total precomputed interest charge, under the actuarial method, to the unpaid balances for the actual time those balances were unpaid up to the date of prepayment.

(c) As used in subsection (b) of this section:

(1) 'Actuarial method' means the method of allocating payments made on a secondary mortgage loan between the outstanding balance of the loan and interest pursuant to which a payment is applied first to the accumulated interest and any remainder is subtracted from the outstanding balance of the loan.

(2) 'Precomputed interest charge' means interest as computed by the add-on, discount or other similar method.

(3) 'Payment period' means the time period within which periodic installment payments of a loan are due as provided in the agreement governing the loan.

(d) In connection with any prepayment of a secondary mortgage loan, the licensee may not impose any prepayment charge.

Section 16. Amend Subchapter IV, Chapter 43, Title 6, Delaware Code, by striking Sections 4315, 4317, and 4319, by renumbering Section 4318 as Section 4317, and by inserting a new Section 4315 as follows:

"4315. Service Charges Authorized

A retail seller or the holder of a retail installment contract may charge and collect a service charge in respect of a retail installment sale and may calculate such service charge in the manner and at the rate or rates specified in the contract governing the sale."

Section 17. Amend Section 4322, Title 6, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"4322. Prepayment

(a) A buyer may prepay the debt due under a retail installment contract in full at any time.

(b) If the service charge imposed pursuant to §4315 of this subchapter in respect of a retail installment sale has been precomputed and taken in advance, then, in the event of prepayment of the entire indebtedness, the holder shall refund to such buyer the unearned portion of the precomputed service charge. This refund shall be in an amount not less than the amount which would be refunded if the unearned precomputed service charge were calculated in accordance with the actuarial method, except that the buyer shall not be entitled to a refund which is less than one dollar. The unearned portion of the precomputed service charge is, at the option of the holder, either:

(1) That portion of the precomputed service charge which is allocable to all originally scheduled or, if deferred, all deferred payment periods, or portions thereof, ending subsequent to the date of prepayment. The unearned precomputed service charge is the total of that which would have been earned for each such period, or portion thereof, had the debt due under the retail installment contract not been precomputed, by applying to unpaid balances, according to the actuarial method, an annual percentage rate based on the precomputed service charge, assuming that all payments were made as scheduled, or as deferred, if deferred. The holder, at its option, may round this annual percentage rate to the nearest one-quarter of one percent; or

(2) The total precomputed service charge less the earned precomputed service charge. The earned precomputed service charge shall be determined by applying an annual percentage rate based on the total precomputed service charge, under the actuarial method, to the unpaid balances for the actual time those balances were unpaid up to the date of prepayment.

(c) As used in subsection (b) of this section:

(1) 'Actuarial method' means the method of allocating payments made on a debt due under a retail installment contract between the outstanding balance of the indebtedness and the service charge pursuant to which a payment is applied first to the accumulated service charge and any remainder is subtracted from the outstanding balance of the indebtedness.

(2) 'Payment period' means the time period within which periodic installment payments of the indebtedness are due under the terms of a retail installment contract.

(d) If a charge was made to a buyer for premiums for insuring such buyer in respect of a retail installment contract, then, in the event of prepayment, the holder shall refund to such buyer the excess of the charge to such buyer therefor over the premiums paid or payable to the holder, if such premiums were paid or payable by the holder periodically, or the refund for such insurance premium received or receivable by the holder if such premium was paid or payable in a lump sum by the holder, provided that no such refund shall be required if it amounts to less than one dollar.

(e) In connection with any prepayment of a debt due under a retail installment contract, a holder may not impose any prepayment charge.

Section 18. Amend Section 4324, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

§4324. Deferred Installments

A holder may at any time or from time to time permit a buyer to defer installment payment due under the terms of a retail installment contract and may, in connection with such deferral, charge and collect deferral charges and may also require payment by such buyer of the additional

cost to the holder of premiums for continuing in force, until the end of such period of deferral, any insurance coverage provided in connection with the contract."

Section 19. Amend Section 4337, Title 6, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

§4337. Service Charge

Subject to the other provisions of this subchapter a retail seller or the holder of a retail installment account may charge and collect a service charge computed on the outstanding unpaid indebtedness in a buyer's retail installment account and may calculate such service charge in the manner and at such daily, weekly, monthly, annual or other periodic percentage rate or rates as the agreement governing retail installment account provides; provided, however, that if the service charge as so computed is less than one dollar for any month, the holder may charge one dollar as a service charge for such month. If the applicable periodic percentage rate under the agreement governing a retail installment account is other than daily, the service charge may be calculated on an amount not in excess of the average of outstanding unpaid indebtedness for the applicable billing period, determined by dividing the total of the amounts of outstanding unpaid indebtedness for each day in the applicable billing period by the number of days in the billing period. If the applicable periodic percentage rate under the agreement governing the retail installment account is monthly, a billing period shall be deemed to be a month or monthly if the last day of each billing period is on the same day of each month or does not vary by more than four days therefrom."

Section 20. Amend Section 933, Title 5, Delaware Code, by deleting the last two sentences of subsection (a) thereof and substituting in lieu thereof the following:

(a) "Any certificate of authority issued by the Commissioner shall be void and of no effect if after the expiration of a reasonable period of time, as determined by the State Bank Commissioner, such branch is not actually opened for business. The Commissioner shall by regulations prescribe the criteria to be applied in determining what constitutes a reasonable period of time."

Section 21. Amend Section 909, Title 5, Delaware Code, by deleting the words "officers or employees" in subsection (d) thereof, and substituting in lieu thereof the words "executive officers."

Section 22. Delete Section 925, Title 5, Delaware Code, in its entirety.

Section 23. Amend Title 30 of the Delaware Code by adding a new Part VI to read as follows:

"PART VI

Miscellaneous Taxes

§6301. Definitions

As used in this chapter:

(a) 'Affiliated finance company' means a corporation substantially all of whose activity within this State is limited to the issuance of commercial paper or other debt obligations and use of the proceeds to make loans to one or more of its affiliated corporations or to purchase receivables from one or more of its affiliated corporations.

(b) 'Affiliated corporations' means two or more corporations which are members of a controlled group of corporations as defined in Section 1563 of the Internal Revenue Code of 1954.

§6302. License Requirement

No corporation shall carry on business as an affiliated finance company after May 1, 1981 without an unexpired license issued by the Secretary of Finance authorizing the conduct of such business. The license shall be issued by the Secretary of Finance for each calendar year. Upon payment of the tax imposed by §6303 of this Title, the Secretary shall issue the license with respect to each calendar year.

§6303. Imposition of Tax

The tax payable by an affiliated finance company shall be in accordance with the following table:

If the capital base is:

The annual license fee shall be:

\$0 to \$99,999,999.99	\$	10,000
\$100,000,000 to \$224,999,999.99	\$	15,000
\$225,000,000 to \$749,999,999.99	\$	25,000
Over \$750,000,000	\$	50,000

The 'capital base' of an affiliated finance company shall consist of its capital, surplus, and retained earnings, or equivalent accounting terms, as set forth in the company's certified financial statements.

§6304. Time of payment of Tax

The tax imposed by §6303 shall be due and payable in a single installment on or before April 30 of the calendar year with respect to which the license is issued or as soon thereafter as the corporation shall commence operations as an affiliated finance company as shown on its certified financial statements for its fiscal year ending with or within the immediately preceding calendar year.

§6305. Other State taxes, exemption

Notwithstanding Title 30, all affiliated finance companies being taxed in accordance with this chapter shall be exempt from any occupational license taxes imposed by Part III of his Title.

§6306. Administrative Provisions

(a) The Secretary of Finance may publish license and tax forms required in furtherance of this chapter.

(b) As soon as practical after a license application in connection with any license under this chapter is filed, the Department of Finance shall examine the same and verify the correctness of the computation of the fee payable thereon and ascertain whether or not the amount submitted is the proper fee.

(c) If the Department of Finance discovers from the examination of the license application or otherwise that the license fee is not correct, it may at any time within three years from the expiration date of the license to which the license application relates, assess the amount due on the same and give notice to the person to which the license relates of such assessment; and at the termination of 30 days from the date of such notice, the additional amount due, as determined by the Department of Finance, shall be due and payable unless the person so notified or his agent or attorney shall have, within the aforesaid 30 days, filed with the Secretary of Finance, a protest in writing over his signature from the assessment setting forth the reason for the action. If a written protest is filed, the Secretary or his delegate shall notify the taxpayer of his determination with respect thereto, and such determination shall become final upon the expiration of 30 days from the date such notice is mailed unless the taxpayer, within such 30 day period, files a petition for review with the Tax Appeal Board. If the Secretary or his delegate fails to act on any protest within 90 days from the date such protest was filed, the taxpayer may consider the protest disallowed for purposes of filing a petition with the Tax Appeal Board. The limitation of 3 years to the assessment of such additional amount due shall not apply to the assessment of such additional amounts due upon returns, license applications which are fraudulent, or where no such returns or license applications have been filed.

(d) Any person may submit to the Secretary of Finance a claim for refund of any tax or license fee imposed by this chapter alleged to have been erroneously or illegally assessed or paid or of any interest or penalty alleged to have been collected without authority or of any sum alleged to have been excessive or in any manner wrongfully collected from such person at any time within 3 years from the expiration date of the license to which such payment relates or 30 days from the date of payment of any such amount, whichever is later. If the Secretary of Finance or his delegate disallows a claim for refund, in whole or in part, he shall notify the taxpayer of such disallowance. Such determination shall become final upon the expiration of 30 days from the date such notice was mailed unless within such 30 day period the taxpayer files a written protest with the Secretary of Finance or his delegate stating the reasons for his objection to the determination. If a written protest is filed, the Secretary or his delegate shall notify the taxpayer of his determination with respect thereto, and such determination shall become final upon the expiration of 30 days from the date such notice is mailed unless the taxpayer, within such 30 day period, files a petition for review with the Tax Appeal Board. If the Secretary or his delegate fails to act on any claim for refund within 90 days from the date such claim was filed, the taxpayer may consider the claim disallowed for purposes of filing a petition with the Tax Appeal Board.

(e) Failure to pay the taxes required under this chapter when due shall subject the taxpayer to a liability for interest at the rate of one percent per month on the principal amount due and, unless abated by the Secretary of Finance, a civil penalty of five percent per month upon the principal amount due up to a maximum total penalty of one hundred percent of the principal amount due and payable. Interest on overpayments of such taxes shall accrue at the rate of one percent per month or fraction thereof, such accrual commencing with the 46th day after the taxpayer files a claim for refund of such overpaid taxes.

Section 24. 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, except that the severability provision set forth in §808 of Chapter 8 of Title 5 of the Delaware Code as set forth in Section 2 of this Act shall control as to the severability and

continued effectiveness of the provisions of said Chapter 8 of Title 5 of the Delaware Code.

Section 25. Sections 1 through 7, inclusive, and 20 through 24, inclusive, of this Act shall take effect immediately upon its adoption. Sections 8 through 19, inclusive of this Act shall become effective on June 1, 1981.

Approved February 18, 1981.

CHAPTER 3

FORMERLY

HOUSE BILL NO. 29

AN ACT TO AMEND CHAPTER 7 OF TITLE 5 OF THE DELAWARE CODE BY ESTABLISHING THE NUMBER AND QUALIFICATIONS OF PERSONS REQUIRED TO FORM A BANK OR TRUST COMPANY CONTROLLED BY AN OUT-OF-STATE BANK HOLDING COMPANY; BY PROVIDING FOR THE ISSUANCE OF REGULATIONS BY THE BANK COMMISSIONER ESTABLISHING REASONABLE TIMES FOR THE STARTUP OF A BANK OR TRUST COMPANY OR THE OPENING OF A BRANCH; BY AMENDING THE REQUIREMENTS REGULATING THE PERCENTAGE OF A BANK'S CAPITAL, SURPLUS AND UNDIVIDED PROFITS WHICH MAY BE INVESTED IN REAL ESTATE; BY DELETING FROM SECTION 764 (b) A REFERENCE WHICH IS NO LONGER APPLICABLE; BY PROVIDING THAT NO LETTER OF CREDIT SHALL BE CONSTRUED AS A GUARANTEE; AND BY AUTHORIZING THE ESTABLISHMENT OF BRANCH OFFICES WITHOUT THE STATE OF DELAWARE.

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

Section 1. Amend Section 722, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"§722. Incorporators; number and qualifications

Fifteen or more persons being citizens of this State and of lawful age who associate themselves by a written agreement, hereinafter called 'articles of association,' for the purpose of forming a bank or trust company may, upon compliance with the provisions of this chapter, become a corporation, with the powers conferred by this chapter and subject to the regulations prescribed by this chapter and subject also to the regulations prescribed for banks and trust companies by any general statute of this State; provided, however, that the articles of association of any bank or trust company that, in the opinion of the Commissioner, is hereafter formed as a part of a planned acquisition of stock in a bank located in this State by an out-of-state bank holding company as defined in §801 of this title shall require the association of only three persons, two of whom must be citizens and residents of this State."

Section 2. Amend Section 734, Title 5, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

"§734. Revocation of Charter for Failure to Commence Business within a Reasonable Time

Every corporation created under this chapter shall, after the expiration of a reasonable time from the date of its incorporation, as determined by the State Bank Commissioner, be actively engaged in the business for which it was created or its certificate of incorporation and corporate franchise shall be deemed and held to be revoked. The Commissioner shall by regulations prescribe the criteria to be applied in determining what constitutes a reasonable period of time."

Section 3. Amend Section 762, Title 5, Delaware Code, by deleting the words "25 percent of its capital actually paid in and its surplus account" and substituting therefor the words "50 percent of its capital, surplus and undivided profit accounts" in the first sentence thereof and by deleting the words, "The amount of any mortgage on real estate owned by the corporation directly or indirectly and in whole or in part used by it in the transaction of its business, and" from the second sentence thereof.

Section 4. Amend Section 764(b), Title 5, Delaware Code, by deleting the words "or to the Reconstruction Finance Corporation" therefrom.

Section 5. Amend Section 787, Title 5, Delaware Code, by deleting the period at the end of paragraph (1) of that section, and adding the following:

" , provided that no letter of credit as defined in section 5-103(1)(a) of Title 6 and no standby letter of credit as defined herein shall be construed to fall within the prohibition of this section. As

used herein, the term 'standby letter of credit' includes every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuer (i) to repay money borrowed by or advanced to or for the account of the customer or, (ii) to make payment on account of any evidence of indebtedness undertaken by the customer, or (iii) to make payment on account of any default by the customer in performance of an obligation. The term 'beneficiary,' 'issuer' and 'customer' as used herein have the same meaning as in section 5-103(a) of Title 6."

Section 6. Amend Section 770(a), Title 5, Delaware Code, by deleting the last two sentences thereof and substituting in lieu thereof the following: "Any certificate of authority issued by the Commissioner shall be void and of no effect if after the expiration of a reasonable period of time, as determined by the State Bank Commissioner, such branch is not actually opened for business. The Commissioner shall by regulations prescribe the criteria to be applied in determining what constitutes a reasonable period of time."

Section 7. Amend Chapter 7 of Title 5, Delaware Code, by inserting a new Section 771 as follows:

"§771. Foreign Branch Offices

(a) Any bank or trust company having a paid-in capital and surplus exceeding One Million Dollars (\$1,000,000) or more may open branch offices or places of business without the State of Delaware, in the United States of America, or its possessions or in foreign countries upon issuance of a certificate of authority by the State Bank Commissioner and upon such conditions and under such regulations as he may prescribe.

(b) If any bank or trust company has opened and occupied a branch office in a foreign country pursuant to the provisions of paragraph (a) of this section, it may, unless otherwise advised by the State Bank Commissioner, open and occupy an additional branch office or branch offices in such country without having to apply for the approval of the Commissioner provided that it gives the Commissioner notice of at least thirty (30) days (or such shorter period as he in individual cases may approve) before opening and occupying any such additional branch office.

(c) A fee of Five Hundred Dollars (\$500) for the issuance of each certificate contemplated by subsection (a) of this section shall be required by the State Bank Commissioner before issuance of such a certificate."

Section 8. 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 9. This Act shall take effect immediately upon its adoption.

Approved February 18, 1981.

CHAPTER 4

FORMERLY

SENATE BILL NO. 25
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE, RELATING TO ACCREDITATION OF ANATOMICAL STUDIES.

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

Section 1. Amend Section 1771, Subchapter VII, Chapter 17, Title 24 of the Delaware Code by repealing said section in its entirety and inserting in lieu thereof the following:

"Section 1771. Registration of Approved Institutions and Persons.

Any non-profit hospital, accredited university, or research institution and teachers, students, research workers and technicians in this State conducting anatomical studies accredited by a nationally recognized accrediting body approved by the Board of Medical Practice desiring to obtain dead bodies for the purpose of anatomical studies shall register with the Board of Medical Practice on such forms as may be prescribed by the Board and for the purpose of this subchapter such a registered hospital, university or research institution shall be known as an approved institution, and any registered teacher, student, research worker, or technician shall be known as an approved person, and the Board of Medical Practice shall have the right to refuse registration of such hospital accredited university or research institution or such persons."

Approved February 19, 1981.

CHAPTER 5

FORMERLY

SENATE BILL NO. 62
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION.

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

Section 1. Amend §202(c), Subchapter II, Chapter 1, Title 26, Delaware Code by repealing said subsection in its entirety.

Approved February 19, 1981.

CHAPTER 6

FORMERLY

SENATE BILL NO. 59

AN ACT TO AMEND CHAPTER 423, VOLUME 62, LAWS OF DELAWARE, BEING AN ACT ENTITLED "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 950 OF THE 130TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE,' BEING HOUSE BILL H75 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 Chapter 423, Volume 62, Laws of Delaware, by striking the following line item in its entirety as it appears in said Section 1 under the heading of (10-10-002) Budget Office - Contingencies:

7 33	Contingency - Energy	6,700.0	5,861.2	(838.8)
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and insert in lieu thereof the following:

7 33	Contingency - Energy	6,700.0	5,798.2	(901.8)
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Section 2. Amend Section 1 of Chapter 423, Volume 62, Laws of Delaware by adding, under the heading of (15-01-001) Office of the Attorney General as it appears in said Section 1, the following new line item:

11 7	Contractual Services	176.2	239.2	63.0
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Section 3. Amend Chapter 423, Volume 62, Laws of Delaware, by adding thereto a new section, designated as Section 50, to read as follows:

"Section 50. Amend House Bill 950 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. Section 1 of this Act provides an appropriation of \$239.2 to the Office of the Attorney General (15-01-001) for Contractual Services. Of that amount \$15.0 shall be used to purchase Victim Services Care in Kent & Sussex Counties and \$48.0 shall be used to purchase Victim Services Care in New Castle County."

Approved February 23, 1981.

CHAPTER 7

FORMERLY

HOUSE BILL NO. 106

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO VALIDATE THE ACTS DONE AND PROCEEDINGS TAKEN BY THE TOWN OF BLADES, A MUNICIPAL CORPORATION, AND BY ITS OFFICERS AND AGENTS IN RELATION TO THE ISSUANCE OF THE "TWO HUNDRED ELEVEN THOUSAND DOLLARS (\$211,000.00) BLADES WATER ISSUE OF 1981" AND TO LEGALIZE AND VALIDATE SAID BONDS AND TO PROVIDE FOR THE PAYMENT OF SAID 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. All acts done and proceedings taken by the Town of Blades, a municipal corporation of the State of Delaware, and by its officers and agents in relation to the issuance of bonds of said Town which are designated as "Two Hundred Eleven Thousand Dollars (\$211,000.00) Blades Bond Issue of 1981" and are of the aggregate principal amount not to exceed Two Hundred Eleven Thousand Dollars (\$211,000.00), and are to be dated on the date of delivery, are hereby legalized and validated; and said bonds are hereby legalized and validated and declared to be general obligations of said Town, notwithstanding any defect or irregularity in the advertising or the giving of notice concerning the Special Election held on July 7, 1980. For the payment of the principal of and interest on said bonds, as such principal and interest shall become due, the Town of Blades shall have the power to levy taxes upon all taxable property in the Town of Blades at such rate and in such amount as may be necessary to pay the principal of and interest on said bonds.

Approved March 25, 1981.

CHAPTER 8

FORMERLY

SENATE BILL NO. 140

N ACT TO PERMIT THE MARRIAGE OF TWO PERSONS PRIOR TO THE EXPIRATION OF NINETY-SIX HOURS FROM THE ISSUANCE OF THE MARRIAGE LICENSE.

WHEREAS, Kevin O'Connor whose parents reside in Rehoboth Beach, Delaware and Linda Matthal, whose parents reside in Milford, Delaware plan to be married on April 25th at St. Edmund Catholic Church in Rehoboth Beach, Delaware; and

WHEREAS, Kevin and Linda are presently residing in Miami Beach, Florida and find it very inconvenient, if not impossible, to arrive in Delaware to make application for a marriage license prior to April 23rd, thus insufficient time to comply with the 96 hour waiting period under the provisions of §107, Chapter 1, Title 13, Delaware Code.

NOW, THEREFORE:

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

Section 1. Notwithstanding any provisions of Chapter 1, Title 13, Delaware Code, or any other law of this State to the contrary, the Clerk of the Peace for Sussex County shall on April 23, 1981 issue to Kevin O'Connor, born February 20, 1951, and Linda Matthal, born November 28, 1948 an official marriage license that will entitle them to be married on April 25, 1981.

Approved April 14, 1981.

CHAPTER 9

FORMERLY

SENATE BILL NO. 27

AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF MEDICINE.

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

Section 1. Amend Section 1726(b) of Subchapter III, Chapter 17, Title 24 of the Delaware Code by repealing said subsection in its entirety.

Approved April 21, 1981.

CHAPTER 10

FORMERLY

HOUSE BILL NO. 63

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 19, TITLE 5, DELAWARE CODE, RELATING TO POWERS OF FEDERALLY CHARTERED INSTITUTIONS.

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

Section 1. Amend Chapter 19, Title 5, Delaware Code, by adding the following section:

"§1921. Powers of Federally Chartered Institutions

To the extent authorized by the Commissioner pursuant to regulations, a building and loan association shall have the power to engage in any activity which such federally chartered institutions may be authorized to engage in by federal legislation or regulations issued pursuant to such legislation."

Approved April 21, 1981.

CHAPTER 11

FORMERLY

SENATE BILL NO. 9

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 1, TITLE 23, DELAWARE CODE, RELATING TO PILOTAGE RATES.

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

Section 1. Amend §131(a) of Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking the date "May 12, 1978" as the same appears in the first sentence of said subsection and substituting in lieu thereof the date "January 1, 1981".

Section 2. Amend §131(a)(2) of Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking subparagraphs (a), (b) and (c) in their entirety as the same appears in said subsection and inserting in lieu thereof the following new subparagraphs to read as follows:

"(a) \$2.25 from January 1, 1981, retroactively, through December 31, 1981.

(b) \$2.55 from January 1, 1982 through December 31, 1982.

(c) \$2.88 thereafter."

Section 3. Amend §131(a)(3) of Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking the number "200" as the same appears therein and substituting in lieu thereof the number "250".

Section 4. Amend §131(b) of Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking the date "May 12, 1978" as it appears in the second sentence thereof and substituting in lieu thereof the date "January 1, 1981".

Section 5. Amend §131(b)(2) of Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking subparagraphs (a), (b) and (c) in their entirety and substituting in lieu thereof the following new subparagraphs to read as follows:

"(a) \$2.25 from January 1, 1981, retroactively, through December 31, 1981.

(b) \$2.55 from January 1, 1982, through December 31, 1982.

(c) \$2.88 thereafter."

Section 6. Amend §131(b)(3) of Subchapter IV, Chapter 1, Title 23, Delaware Code, by striking the number "200" as the same appears therein and substituting in lieu thereof the number "250".

Approved April 22, 1981.

CHAPTER 12

FORMERLY

HOUSE BILL NO. 92

AN ACT TO AMEND CHAPTER 23, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO THE GROSS RECEIPTS TAX; AND PROVIDING AN EXEMPTION FOR DRAYMEN OR MOVERS.

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

Section 1. Amend §2301, Chapter 23, Part III, Title 30 of the Delaware Code by re-designating present subsections (g) through (o) consecutively as new subsections (h) through (p).

Section 2. Amend §2301, Chapter 23, Part III, Title 30 of the Delaware Code by adding thereto a new subsection, designated as subsection (g), which new subsection shall read as follows:

"(g) The additional license fee imposed by subsection (d) of this section shall not apply to those receipts of draymen or movers if such receipts are derived from interstate transports."

Approved April 27, 1981.

CHAPTER 13

FORMERLY

SENATE BILL NO. 60

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 16, TITLE 24, DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENT.

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

WHEREAS, Chapter 16, Title 24, was approved by the 130th General Assembly and signed by the Governor; and

WHEREAS, Chapter 16, Title 24, is an important chapter in the continuing campaign against pornography; and

WHEREAS, Chapter 16, Title 24, contained a typographical error which invalidated the chapter in its first major test in the Court of Common Pleas; and

WHEREAS, it is necessary to correct the typographical error to validate Chapter 16, Title 24.

Section 1. Amend §1602 (17) d., Chapter 16, Title 24, Delaware Code of striking the words "Less and completely opaquely covered" in their entirety and substituting in lieu thereof the following:

"Less than completely opaquely covered"

Approved April 30, 1981.

CHAPTER 14

FORMERLY

SENATE BILL NO. 80

AN ACT TO AMEND CHAPTER 162, VOLUME 40, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 466, VOLUME 58 LAWS OF DELAWARE RELATING TO THE FLOATING DEBT OF THE CITY OF HARRINGTON.

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 32 entitled "Floating Debt" Chapter 162, Volume 40, Laws of Delaware, as amended by Chapter 466, Volume 58, Laws of Delaware, by striking the first sentence thereof in its entirety and substituting in lieu thereof the following:

"Whenever during the year, the current receipts are insufficient to provide for the needs of the City or insufficient to meet contractual obligations of the City, the Council is authorized to anticipate revenue by borrowing not in excess of the sum of Two Hundred Fifty Thousand Dollars (\$250,000), which shall be repaid from current revenue received thereafter or other sources of funds received by the City; provided however, such borrowing shall at no time exceed in the aggregate, \$250,000. The borrowing limit set forth herein of \$250,000 shall remain in effect for a period of 18 months after the effective date of this act, at which time the borrowing limit shall revert to \$100,000 as previously provided."

Approved April 30, 1981.

CHAPTER 15

FORMERLY

SENATE BILL NO. 100

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE AWARD OF CONTRACTS.

WHEREAS, on July 12, 1979, the General Assembly added the last paragraph of 29 Del. C. , §6907 to allow a preference for Delaware vendors and contractors; and

WHEREAS, other states, notably the State of Maryland, have retaliated by enacting laws which mandate a preference for vendors and contractors of their States bidding on public contracts or supplying goods to their State; and

WHEREAS, it is to the benefit of the taxpayers of all states to buy goods from and to let bids to the lowest responsible bidder; and

WHEREAS, the acts such as that of our sister state, Maryland, encourage vendors and contractors to incorporate in those states in order to become a preferred business for public contractors; and

WHEREAS, Delaware vendors, contractors and their employees are being denied a fair chance to compete in those states retaliating against the Delaware preference.

NOW, THEREFORE:

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

Section 1. Amend §6907, Subchapter I, Chapter 69, Title 29, Delaware Code by striking the last sentence in said section commencing with the words "In determining" and ending with the words "lowest bid".

Approved April 30, 1981.

CHAPTER 16

FORMERLY

HOUSE BILL NO. 214

AN ACT TO AMEND DELAWARE CODE, TITLE 14, AS IT RELATES TO SCHOOL DISTRICTS CREATED BY DIVISION OF A SCHOOL DISTRICT CREATED BY ORDER OF A FEDERAL COURT.

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

Amend Delaware Code, Title 14, §122 by adding to that section a new subsection (c) as follows:

"(c) Notwithstanding anything to the contrary in this title, the State Board of Education has the power and authority to and may, by rule, regulation or order, direct, compel, order and require any school district or school districts created as a result of a division of a school district pursuant to subsection (k) of §1028 of this title, alone or in conjunction with other school districts similarly created, to (1) establish and maintain a pupil assignment plan which complies with the Federal Court order or orders creating the school district divided pursuant to subsection (k) of §1028 of this title, (2) assign specific grades to specified schools for the purpose of ensuring that the school districts created pursuant to subsection (k) of §1028 of this title individually and collectively comply with the Federal Court order or orders creating the school district divided in accordance with subsection (k) of §1028 of this title, (3) utilize at least one specific building within the former Wilmington or DeLaWarr School Districts as a 10-12 grade center, (4) house and administer a bilingual program for qualified pupils of Hispanic background, (5) exercise statutory powers pursuant to Chapter 6 of this title to provide for the transfer of qualified bilingual students and to raise, pay and/or accept the tuition payments necessary for such transfers, and (6) take such other action as is necessary to comply with any Federal Court order or orders creating the school district divided pursuant to subsection (k) of §1028 of this title; and the State Board of Education further has the right, power, authority and standing to have its rules, regulations and orders in these respects enforced by and through appropriate judicial proceedings. All local school districts created by the division of any school district created by a Federal Court order or orders shall be bound by and comply with all rules, regulations and orders of the State Board of Education encompassed under this subsection (c)."

Approved May 14, 1981.

CHAPTER 17

FORMERLY

HOUSE BILL NO. 107

AN ACT AUTHORIZING THE STATE OF DELAWARE TO CONVEY TO THE TOWN OF BETHANY BEACH PROPERTY TO BE USED FOR CERTAIN STORAGE PURPOSES.

WHEREAS, by deed dated November 10, 1969, recorded in the Office of the Recorder of Deeds in and for Sussex County, Deed Book 649, Page 383, the State of Delaware did convey to the Commissioners of Bethany Beach, a municipal corporation of The State of Delaware, a certain tract of land in Baltimore Hundred, Sussex County, Delaware, as therein described, subject to all of the conditions and restrictions set forth in Chapter 298, Volume 56, Laws of Delaware; and

WHEREAS, said Act provides that said tract of land shall revert to The State of Delaware under certain circumstances as stated therein; and

WHEREAS, the Town has agreed to allow said tract of land to revert to The State of Delaware so that the National Guard of The State of Delaware may use said tract of land for its own proper purposes in exchange for another tract of land, as hereinafter described, suitable for the purposes of storing vehicles, equipment, materials and personal property of the Town; and

WHEREAS, the tract of land, hereinafter described, is not used by the National Guard of The State of Delaware, and the National Guard has agreed that the Town should have and use said land, subject to certain conditions as hereinafter set forth; and

WHEREAS, it is in the best interest of The State of Delaware that the Town acquire and use said tract of land, hereinafter described, for the purposes and subject to the conditions herein set forth.

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 Governor and the Secretary of State of The State of Delaware are hereby authorized, empowered and directed to execute and deliver, in the name of and under the Great Seal of The State of Delaware, for the consideration of One Dollar (\$1.00), a deed conveying to The Town of Bethany Beach, a municipal corporation of The State of Delaware, its successors and assigns, the following described tract of land for the purposes of storing vehicles, equipment, materials, and personal property of the Town, said items to be stored in the open or in one or more buildings constructed for storage purposes only. The aforesaid tract of land shall revert to the State of Delaware in the event the Town fails to use the aforesaid tract of land for said purposes for any period of one year or longer subsequent to the date of the aforesaid deed of conveyance.

ALL that certain tract, piece and parcel of land, situate, lying and being in Baltimore Hundred, Sussex County, Delaware, and being more particularly described as follows:

BEGINNING at a concrete monument in the western right-of-way of Delaware Route 1, being a corner for these lands and the lands of Heirs of Wm. P. Short, thence South 8 degrees 16' 40" east 235.00 feet along said right-of-way to an iron pipe set, thence North 79 degrees 34' 40" West 632.16 feet along the northerly property line of lands now or formerly of The State of Delaware-Delaware National Guard to an iron pipe set, thence along the same course 16 feet, more or less, in all making a total of 648.16 feet, more or less to the water's edge of the Salt Pond, thence with the meanderings of the Salt Pond, the tie line bearing and distance being North 04 degrees 53' 02" East 223.64 feet to a point being the corner of these lands and the lands now or formerly of Heirs of Wm. P. Short, thence by and with the said lands of Heirs of Wm. P. Short South 79 degrees 34' 40" East 26 feet more or less to a concrete marker found, thence along the same course 568.40 feet, in all making a total of 594.40 feet, more or less, to the place of beginning, containing 3.175 acres of land, more or less. Being a portion of the same lands of Wm. P. Short conveyed to The State of Delaware by deed, dated the 29th day of April A.D. 1927, and recorded in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 264, Page 359.

Section 2. Said conveyance of land described in Section 1 shall be subject to the condition that the National Guard of The State of Delaware shall have the right of ingress and egress to, from and across the aforesaid tract of land for any lawful and proper purpose provided that said National Guard shall give the Town reasonable prior notice, oral or written, of its intention to enter upon such said tract of land for the aforesaid purposes.

Approved May 14, 1981.

CHAPTER 18
FORMERLY
SENATE BILL NO. 237

AN ACT TO AMEND CHAPTER 277, VOLUME 62, AS AMENDED BY CHAPTER 423, VOLUME 62, LAWS OF DELAWARE, TO PROVIDE FOR THE ADJUSTMENT OF THE FORMULA FOR NON-PUBLIC SCHOOL BUS TRANSPORTATION, AND PROVIDING FUNDS THEREFOR.

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

Section 1. Amend Section 88(b), Chapter 277, Volume 62, as amended by Chapter 423, Volume 62, Laws of Delaware, by striking the figure "\$2,448.2" in its entirety as it appears in said Section 88(b) and substituting in lieu thereof the figure "\$2,919.2."

Section 2. The Budget Director and the Controller General are hereby authorized and directed to transfer four hundred seventy one thousand (\$471.0) from the Educational Contingency (95-01-005) Department of Public Instruction appropriated in the Fiscal 1981 Budget Act to the School Pupil Transportation line (95-01-008) of the Department of Public Instruction appropriation in said Act.

Section 3. The Department of Public Instruction shall allocate the funds made available by the Act to make adjustments in the formula for non-public school bus transportation necessitated by the increased costs of operating and maintaining school buses.

Section 4. The funds hereby authorized remaining unexpended by June 30, 1981 shall revert to the General Fund.

Approved May 15, 1981.

CHAPTER 19
FORMERLY
HOUSE BILL NO. 272
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT AMENDING CHAPTER 277, VOLUME 62, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 423, VOLUME 62, LAWS OF DELAWARE, TO CAUSE A TRANSFER OF FUNDS TO PROVIDE PAYMENT FOR OTHER EMPLOYMENT COSTS.

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

Section 1. Amend Chapter 277, Volume 62, Laws of Delaware, as amended by Chapter 423, Volume 62, Laws of Delaware by adding thereto a new section 132 to read as follows:

"Section 132. Notwithstanding Section 6528, Title 29, Delaware Code, or any other provision of this Act, the Budget Director and the Controller General are hereby authorized and directed to transfer an amount not to exceed \$3,600.0 from the line item Contingency - Energy in (10-02-002) Budget Office - Contingencies, to the line item Other Employment Costs in (12-05-000) Office of the State Treasurer, for the purpose of making the payment for F.I.C.A. - Employer's Share, as required by Public Law 96-265."

Approved May 26, 1981.

CHAPTER 20

FORMERLY

SENATE BILL NO. 2
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER VI, TITLE 11 OF THE DELAWARE CODE, RELATING TO
TAMPERING WITH A WITNESS.

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

Section 1. Amend §1263, Subchapter VI, Title 11 of the Delaware Code by deleting said section and inserting in lieu thereof the following:

§1263. Tampering with a witness; class D. felony

A person is guilty of tampering with a witness when:

(1) He knowingly induces, influences, intimidates or impedes any witness, in connection with any court proceeding or official proceeding of this State, by false statement, fraud or deceit or by any threats or force, or by any threatening letter or communication, with the intent to affect the testimony or availability of such witness; or

(2) He intentionally causes physical injury to any party or witness or intentionally damages the property of any party or witness on account of his past, present or future attendance at any court proceeding or official proceeding of this State or on account of his past, present, or future testimony in any action pending therein.

Tampering with a witness is a class D felony.

Approved May 26, 1981.

CHAPTER 21

FORMERLY

HOUSE BILL NO. 45

AN ACT TO AMEND CHAPTER 1, TITLE 13 OF THE DELAWARE CODE RELATING TO A DETERMINATION OF THE RESIDENCY OF CERTAIN PERSONS DESIRING TO BE MARRIED WITHIN THE STATE OF DELAWARE.

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

Section 1. Amend §106, Chapter 1, Title 13 of the Delaware Code by re-designating present subsection (b) as new subsection (d).

Section 2. Amend §106, Chapter 1, Title 13 of the Delaware Code by adding thereto a new subsection, designated as subsection (b), which new subsection shall read as follows:

"(b) For purposes of this section, the words "resident of this State" shall include the son or daughter of a person who has been domiciled within the State of Delaware for one year or more, notwithstanding the actual place of residence of the son or daughter immediately prior to the date of the marriage."

Section 3. Amend §107, Chapter 1, Title 13 of the Delaware Code by adding the following sentence to the end of subsection (a):

"For purposes of this section, the words "resident of this State" shall include the son or daughter of a person who has been domiciled within the State of Delaware for one year or more, notwithstanding the actual place of residence of the son or daughter immediately prior to the date of the marriage."

Section 4. Amend §121, Chapter 1, Title 13 of the Delaware Code by adding at the end of said section, the following sentence:

"For purposes of this section, the words "resident of this State" shall include the son or daughter of a person who has been domiciled within the State of Delaware for one year or more, notwithstanding the actual place of residence of the son or daughter immediately prior to the date of the marriage."

Approved May 26, 1981.

CHAPTER 22

FORMERLY

HOUSE BILL NO. 34

AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 18

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE
RELATING TO GAMBLING.

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 II, Section 17 of the Constitution of the State of Delaware by adding a new subsection immediately following subsection (a) to be designated subsection "(b)" and by redesignating existing subsection (b) and (c) accordingly as follows:

"(b) Lotteries (other than slot machines, roulette, craps, and baccarat games) provided that each is sponsored and conducted under the limitations of Section 17B by companies, organizations, or societies which have been in existence for at least two years; provided, however, that no person who shall not have attained the age of 18 years shall participate in any lottery (where money is the prize) otherwise authorized by the Article."

Section 2. Amend Article II of the Constitution of the State of Delaware by adding a new section immediately following Section 17A to read as follows:

"§17B. Lotteries not under State control; organizations authorized to conduct; submission to referendum; districts; regulation; penalties.

Lotteries not under State control shall be lawful when sponsored and conducted by Volunteer Fire Companies, Veterans Organizations, Religious or Charitable Organizations, or by Fraternal Societies provided that said Company, Organization or Society has been in existence a minimum of two years and provided the net receipts or profits arising from the conducting or operating of such lotteries by the aforementioned Companies, Organizations, or Societies are used solely for the promotion or achievement of the purposes of such Companies, Organizations, or Societies, and provided further that the aforementioned Companies, Organizations or Societies are operated in a manner so as to come within the provisions of Section 170 of the U.S. Revenue Code and Regulations promulgated thereunder by the U.S. Secretary of the Treasury.

1. The General Assembly shall provide by law for the submission to the vote of the qualified electors of the several districts of the State, or any of them, mentioned in subparagraph 2 of Section 17B of this Article at the General Election held in 1984, the question whether the playing of lotteries not under State control shall be licensed or prohibited within the limits thereof; and in every district in which there is a majority against license, no organization, mentioned in Section 17B, shall thereafter sponsor or permit lotteries not under State control, within said district, until at a subsequent submission of such question a majority of votes shall be cast in said district for license. Whenever a majority of all the members elected to each House of the General Assembly by the qualified electors in any district named in subparagraph 2 of Section 17B of this Article shall request the submission of the question of license or no license to a vote of the qualified electors in said district, the General Assembly shall provide for the submission of such question to the qualified electors in such district at the next general election thereafter.

2. Under the provisions of this Article, Sussex County shall comprise one district, Kent County shall comprise one district, the City of Wilmington, as its corporate limits now are or may hereafter be extended, one district, and the remaining part of New Castle County, one district.

3. The General Assembly shall enact comprehensive legislation providing for licensing for all organizations conducting and regulating the conduct of lotteries under the provisions of this section and may provide such penalties as may be necessary to enforce such legislation.

Approved May 20, 1981.

CHAPTER 23
FORMERLY
SENATE BILL NO. 232

AN ACT TO AMEND CHAPTER 14, TITLE 16 OF THE DELAWARE CODE RELATING TO WATER AND/OR SEWER AUTHORITIES.

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 14, Title 16 of the Delaware Code by adding a new Section 1420A to read as follows:

"Section 1420A. Incorporation of project within other governmental system; assumption of debt.

No project acquired or constructed by an authority pursuant to this Chapter may be incorporated within any other governmental system except upon the assumption without surcharge to the authority or its customers by the governing body of that government of full responsibility for payments of any outstanding revenue bonds issued by the authority to finance the acquisition or construction of the project."

Section 2. Any agreement for services by and between an authority and any other government in effect at the time of this amendment shall be unimpaired by this Act.

Approved May 28, 1981.

CHAPTER 24
FORMERLY
HOUSE BILL NO. 2

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE IMPOSITION OF TAXES OR LICENSE FEES.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 130th General Assembly, being Chapter 242, Volume 62, Laws of Delaware, as follows:

"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 11 thereto as follows:

'§11. 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."; and

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 130th 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 adopted, and shall forthwith become a part of the Constitution of the State of Delaware.

Approved May 28, 1981.

CHAPTER 25

FORMERLY

HOUSE BILL NO. 16
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW.

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

Section 1. Amend Section 145 of the Delaware General Corporation Law by adding a new subsection (i) to read as follows:

"(i) For purposes of this Section, references to 'other enterprises' shall include employee benefit plans; references to 'fines' shall include any excise taxes assessed on a person with respect to an employee benefit plan; and references to 'serving at the request of the corporation' shall include any service as a director, officer, employee or agent of the corporation which imposes duties on, or involves services by, such director, officer, employee, or agent with respect to an employee benefit plan, its participants, or beneficiaries; and a person who acted in good faith and in a manner he reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner 'not opposed to the best interests of the corporation' as referred to in this Section."

Section 2. Amend Section 203(a) (1) of Title 8, Delaware Code by deleting the first sentence thereof and inserting in lieu thereof the following:

"Not less than 20 nor more than 60 days before the date the tender offer is to be made, the offeror shall deliver personally or by registered or certified mail to the corporation whose equity securities are to be subject to the tender offer, at its registered office in this State or at its principal place of business, a written statement of the offeror's intention to make the tender offer."

Section 3. Amend Section 203(a) (2) of Title 8, Delaware Code by deleting therefrom the words "...for an additional period of".

Section 4. Amend Section 211(c) of Title 8, Delaware Code, by deleting the third sentence thereof and inserting in lieu thereof a new third sentence to read as follows:

"If there be a failure to hold the annual meeting for a period of thirty days after the date designated therefor, or if no date has been designated, for a period of thirteen months after the organization of the corporation or after its last annual meeting, the Court of Chancery may summarily order a meeting to be held upon the application of any stockholder or director."

Section 5. Amend Section 215(a) of Title 8, Delaware Code by inserting therein the words "and 216" so that Section 215(a) reads as follows:

(a) The provisions of Sections 211-214, and 216 of this Title shall not apply to corporations not authorized to issue stock.

Section 6. Amend Section 215(c) of Title 8, Delaware Code by adding a second sentence thereto, to read as follows:

"In the absence of such specification in the certificate of incorporation or by-laws of a non-stock corporation, one-third of the members of such corporation shall constitute a quorum at a meeting of such members, and the affirmative vote of a majority of such members present in person or represented by proxy at the meeting and entitled to vote on the subject matter shall be the act of the members, unless the vote of a greater number is required by this chapter, the certificate of incorporation or by-laws."

Section 7. Amend Section 216 of Title 8, Delaware Code by deleting all of Section 216 and inserting in lieu thereof a new Section 216 to read as follows:

"§216. QUORUM AND REQUIRED VOTE FOR STOCK CORPORATIONS.

Subject to this chapter in respect of the vote that shall be required for a specified action, the certificate of incorporation or by-laws of any corporation authorized to issue stock may specify the number of shares and/or the amount of other securities having voting power the holders of which shall be present or represented by proxy at any meeting in order to constitute a quorum for, and the

votes that shall be necessary for, the transaction of any business. In the absence of such specification in the certificate of incorporation or by-laws of the corporation, (i) a majority of the shares entitled to vote, present in person or represented by proxy, shall constitute a quorum at a meeting of stockholders, but in no event shall a quorum consist of less than one-third of the shares entitled to vote at the meeting; (ii) the affirmative vote of the majority of shares present in person or represented by proxy at the meeting and entitled to vote on the subject matter shall be the act of the stockholders; and, (iii) where a separate vote by class is required, the affirmative vote of the majority of shares of such class present in person or represented by proxy at the meeting shall be the act of such class."

Section 8. Amend Section 218(a) of Title 8, Delaware Code by deleting all of the second sentence thereof, which begins with the words "The validity of a voting trust..."

Section 9. Amend Section 220 of Title 8, Delaware Code by changing the Title thereof to read "Inspection of Books and Records" and by adding a new subsection (d) to read as follows:

"(d) Any director shall have the right to examine the corporation's stock ledger, a list of its stockholders and its other books and records for a purpose reasonably related to his position as a director. The Court of Chancery is hereby vested with the exclusive jurisdiction to determine whether a director is entitled to the inspection sought. The court may summarily order the corporation to permit the director to inspect any and all books and records, the stock ledger and the stock list and to make copies or extracts therefrom. The court may, in its discretion, prescribe any limitations or conditions with reference to the inspection, or award such other and further relief as the court may deem just and proper."

Section 10. Amend Section 223 of Title 8, Delaware Code by deleting the first sentence of Section 223 (a) and inserting in lieu thereof the following sentence:

"Unless otherwise provided in the certificate of incorporation or by-laws:

(1) vacancies and newly created directorships resulting from any increase in the authorized number of directors elected by all of the stockholders having the right to vote as a single class may be filled by a majority of the directors then in office, although less than a quorum, or by a sole remaining director;

(2) whenever the holders of any class or classes of stock or series thereof are entitled to elect one or more directors by the provisions of the certificate of incorporation, vacancies and newly created directorships of such class or classes or series may be filled by a majority of the directors elected by such class or classes or series thereof then in office, or by a sole remaining director so elected."

Section 11. Amend Section 225 of Title 8, Delaware Code by deleting the first sentence thereof and inserting in lieu thereof a new first sentence to read as follows:

"Upon application of any stockholder or director, or any member of a corporation without capital stock, the Court of Chancery may hear and determine the validity of any election of any director, member of the governing body, or officer of any corporation, and the right of any person to hold such office, and, in case any such office is claimed by more than one person, may determine the person entitled thereto; and to that end make such order or decree in any such case as may be just and proper, with power to enforce the production of any books, papers and records of the corporation relating to the issue."

Section 12. Amend Section 242(c) (2) of Title 8, Delaware Code, by deleting the last sentence thereof and inserting in lieu thereof a new sentence to read as follows:

"The number of authorized shares of any such class or classes of stock may be increased or decreased (but not below the number of shares thereof then outstanding) by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote irrespective of the provisions of this paragraph (c) (2), if so provided in the original certificate of incorporation, in any amendment thereto which created such class or classes of stock or which was adopted prior to the issuance of any shares of such class or classes of stock, or in any amendment thereto which was authorized by a resolution or resolutions adopted by the affirmative vote of the holders of a majority of such class or classes of stock."

Section 13. Amend Title 8, Delaware Code, Section 253, by changing subsection (d) thereof to read as follows:

"(d) In the event all of the stock of a subsidiary Delaware corporation party to a merger effected under this Section is not owned by the parent corporation immediately prior to the merger, the stockholders of the subsidiary Delaware corporation party to the merger shall have appraisal rights as set forth in Section 262 of this Title."

Section 14. Amend Title 8 Delaware Code, Section 262 by deleting such section in its entirety and inserting in lieu thereof a new Section to read as follows:

"(a) Any stockholder who has complied with the provisions of subsection (d) of this Section and has neither voted in favor of the merger or consolidation nor consented thereto in writing pursuant to Section 228 of this Chapter shall be entitled to an appraisal by the Court of Chancery of the fair value of his shares of stock under the circumstances described in subsections (b) and (c). As used in this Section, the word 'stockholder' means a holder of record of stock in a stock corporation and also a member of record of a non-stock corporation; the words 'stock' and 'share' mean and include what is ordinarily meant by those words and also membership or membership interest of a member of a non-stock corporation.

(b) Appraisal rights shall be available for the shares of any class or series of stock of a constituent corporation in a merger to be effected pursuant to Sections 251, 252, 254, 257 or 258 of this Chapter;

(1) provided, however, that no appraisal rights under this Section shall be available for the shares of any class or series of stock which, at the record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders to act upon the agreement of merger or consolidation, were either (i) listed on a national securities exchange or (ii) held of record by more than 2,000 stockholders; and further provided that no appraisal rights shall be available for any shares of stock of the constituent corporation surviving a merger if the merger did not require for its approval the vote of the stockholders of the surviving corporation as provided in subsection (f) of Section 251 of this Chapter.

(2) Notwithstanding the provisions of subsection (b) (1) of this Section, appraisal rights under this Section shall be available for the shares of any class or series of stock of a constituent corporation if the holders thereof are required by the terms of an agreement of merger or consolidation pursuant to Sections 251, 252, 254, 257 and 258 of this Chapter to accept for such stock anything except (i) shares of stock of the corporation surviving or resulting from such merger or consolidation; (ii) shares of stock of any other corporation which at the effective date of the merger or consolidation will be either listed on a national securities exchange or held of record by more than 2,000 stockholders; (iii) each in lieu of fractional shares of the corporations described in the foregoing clauses (i) and (ii); or (iv) any combination of the shares of stock and cash in lieu of fractional shares described in the foregoing clauses (i), (ii) and (iii) of this subsection.

(3) In the event all of the stock of a subsidiary Delaware corporation party to a merger effected under Section 253 of this chapter is not owned by the parent corporation immediately prior to the merger, appraisal rights shall be available for the shares of the subsidiary Delaware corporation.

(c) Any corporation may provide in its certificate of incorporation that appraisal rights under this Section shall be available for the shares of any class or series of its stock as a result of an amendment to its certificate of incorporation, any merger or consolidation in which the corporation is a constituent corporation or the sale of all or substantially all of the assets of the corporation. In such event, the procedures of this Section, including those set forth in subsections (d) and (e), shall apply as nearly as is practicable.

(d) Appraisal rights shall be perfected as follows:

(1) If a proposed merger or consolidation for which appraisal rights are provided under this Section is to be submitted for approval at a meeting of stockholders, the corporation, not less than 20 days prior to the meeting, shall notify each of its stockholders entitled to such appraisal rights that appraisal rights are available for any or all of the shares of the constituent corporations, and shall include in such notice a copy of this Section. Each stockholder electing to demand the appraisal of his shares shall deliver to the corporation, before the taking of the vote on the merger or consolidation, a written demand for appraisal of his shares. Such demand will be sufficient if it reasonably informs the corporation of the identity of the stockholder and that the stockholder intends thereby to demand the appraisal of his shares; provided, however, that such demand must be in addition to and separate from any proxy or vote against the merger. Within 10 days after the effective date of such merger or consolidation, the surviving corporation shall notify each stockholder of each constituent corporation who has complied with the provisions of this subsection and has not voted in favor of or consented to the merger or consolidation of the date that the merger or consolidation has become effective; or

(2) If the merger or consolidation was approved pursuant to Section 228 or Section 253 of this Chapter, the surviving corporation, either before the effective date of the merger or within 10 days thereafter, shall notify each of the stockholders entitled to appraisal rights of the effective date of the merger or consolidation and that appraisal rights are available for any or all of the shares of the constituent corporation, and shall include in such notice a copy of this Section. The notice shall be sent by certified or registered mail, return receipt requested, addressed to the stockholder at his address as it appears on the records of the corporation. Any stockholder entitled

to appraisal rights may, within 20 days after the date of mailing of the notice, demand in writing from the surviving corporation the appraisal of his shares. Such demand will be sufficient if it reasonably informs the corporation of the identity of the stockholder and that the stockholder intends to demand the appraisal of his shares.

(e) Within 120 days after the effective date of the merger or consolidation, the corporation or any stockholder who has complied with the provisions of subsections (a) and (d) hereof and who is otherwise entitled to appraisal rights, may file a petition in the Court of Chancery demanding a determination of the value of the stock of all such stockholders. Notwithstanding the foregoing, at any time within 60 days after the effective date of the merger or consolidation, any stockholder shall have the right to withdraw his demand for appraisal and to accept the terms offered upon the merger or consolidation. Within 120 days after the effective date of the merger or consolidation, any stockholder who has complied with the requirements of subsections (a) and (d) hereof, upon written request, shall be entitled to receive from the corporation surviving the merger or consolidation a statement setting forth the aggregate number of shares not voted in favor of the merger and with respect to which demands for appraisal have been received and the aggregate number of holders of such shares. Such written statement shall be mailed to the stockholder within 10 days after his written request for such a statement is received by the corporation or within 10 days after expiration of the period for delivery of demands for appraisal under subsection (d) hereof, whichever is later.

(f) Upon the filing of any such petition by a stockholder, service of a copy thereof shall be made upon the corporation, which shall within 20 days after such service file in the office of the Register in Chancery in which the petition was filed a duly verified list containing the names and addresses of all stockholders who have demanded payment for their shares and with whom agreements as to the value of their shares have not been reached by the corporation. If the petition shall be filed by the corporation, the petition shall be accompanied by such a duly verified list. The Register in Chancery, if so ordered by the Court, shall give notice of the time and place fixed for the hearing of such petition by registered or certified mail to the corporation and to the stockholders shown on the list at the addresses therein stated. Such notice shall also be given by one or more publications at least one week before the day of the hearing, in a newspaper of general circulation published in the City of Wilmington, Delaware or such publication as the Court deems advisable. The forms of the notices by mail and by publication shall be approved by the Court, and the costs thereof shall be borne by the corporation.

(g) At the hearing on such petition, the Court shall determine the stockholders who have complied with the provisions of this Section and who have become entitled to appraisal rights. The Court may require the stockholders who have demanded an appraisal for their shares to submit their certificates of stock to the Register in Chancery for notation thereon of the pendency of the appraisal proceedings; and if any stockholder fails to comply with such direction, the Court may dismiss the proceedings as to such stockholder.

(h) After determining the stockholders entitled to an appraisal, the Court shall appraise the shares, determining their fair value exclusive of any element of value arising from the accomplishment or expectation of the merger, together with a fair rate of interest, if any, to be paid upon the amount determined to be the fair value. In determining such fair value, the Court shall take into account all relevant factors. In determining the fair rate of interest, the Court may consider all relevant factors, including the rate of interest which the corporation would have had to pay to borrow money during the pendency of the proceeding. Upon application by the corporation or by any stockholder entitled to participate in the appraisal proceeding, the Court may, in its discretion, permit discovery or other pretrial proceedings and may proceed to trial upon the appraisal prior to the final determination of the stockholder entitled to an appraisal. Any stockholder whose name appears on the list filed by the corporation pursuant to subsection (f) of this Section and who has submitted his certificates of stock to the Register in Chancery, if such is required, may participate fully in all proceedings until it is finally determined that he is not entitled to appraisal rights under this Section.

(i) The Court shall direct the payment of the fair value of the shares, together with interest, if any, by the surviving or resulting corporation to the stockholders entitled thereto upon the surrender to the corporation of the certificates representing such stock. The Court's decree may be enforced as other decrees of the Court of Chancery may be enforced, whether such surviving or resulting corporation be a corporation of this State or of any other state.

(j) The costs of the proceeding may be determined by the Court and taxed upon the parties as the Court deems equitable in the circumstances. Upon application of a stockholder, the Court may order all or a portion of the expenses incurred by any stockholder in connection with the appraisal proceeding, including, without limitation, reasonable attorney's fees and the fees and expenses of experts, to be charged pro rata against the value of all of the shares entitled to an appraisal.

(k) From and after the effective date of the merger or consolidation, no stockholder who has demanded his appraisal rights as provided in subsection (d) of this Section shall be entitled to vote such stock for any purpose or to receive payment of dividends or other distributions on the stock (except dividends or other distributions payable to stockholders of record at a date which is prior to the effective date of the merger or consolidation); provided, however, that if no petition for an appraisal shall be filed within the time provided in subsection (e) of this Section, or if such stockholder shall deliver to the corporation a written withdrawal of his demand for an appraisal and an acceptance of the merger or consolidation, either within 60 days after the effective date of the merger or consolidation as provided in subsection (e) of this Section or thereafter with the written approval of the corporation, then the right of such stockholder to an appraisal shall cease. Notwithstanding the foregoing, no appraisal proceeding in the Court of Chancery shall be dismissed as to any stockholder without the approval of the Court, and such approval may be conditioned upon such terms as the Court deems just.

(l) The shares of the surviving or resulting corporation into which the shares of such objecting stockholders would have been converted had they assented to the merger or consolidation shall have the status of authorized and unissued shares of the surviving or resulting corporation."

Section 15. Amend Section 377 of Title 8, Delaware Code by deleting Subsection 377(a) and inserting in lieu thereof a new Subsection 377(a) to read as follows:

"(a) Any foreign corporation, which has qualified to do business in this State may change its registered agent and substitute another registered agent by filing a certificate with the Secretary of State, acknowledged in accordance with Section 103 of this title, setting forth (1) the name and address of its registered agent designated in this State upon whom process directed to said corporation may be served, and (2) a revocation of all previous appointments of agent for such purposes. Such registered agent shall be either an individual residing in this State when appointed or a corporation authorized to transact business in this State."

Section 16. This act shall become effective 30 days after it becomes law.

Approved June 6, 1981.

CHAPTER 26

FORMERLY

HOUSE BILL NO. 37
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 45, PART IV, TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS; AND REQUIRING THE LISTING OF POLLING PLACES PRIOR TO AN ELECTION.

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

Section 1. Amend §4512, Chapter 45, Part IV, Title 15 of the Delaware Code by adding thereto a new subsection, designated as subsection (f), which new subsection shall read as follows:

"(f) The Department of Elections shall publish in a newspaper of general circulation, either as an advertisement or as a separate insert, a listing of all polling places by district, at least once during the week preceeding the election."

Approved June 6, 1981.

CHAPTER 27

FORMERLY

SENATE BILL NO. 104

AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE, RELATING TO NONSTATE AGENCY LOCATIONS FOR THE REGISTRATION OF MOTORBOATS.

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

Section 1. Amend §2113, Chapter 21, Title 23, Delaware Code by striking the last sentence in subparagraph (d) and inserting in lieu thereof the following:

"Nonstate agency locations for the registration of motorboats shall not exceed 3 for each county, except that 6 shall be permitted in Sussex County, one of which shall be located on the westerly side of the county."

Approved June 6, 1981.

CHAPTER 28

FORMERLY

HOUSE BILL NO. 52

AN ACT TO AMEND SUBCHAPTER V, TITLE 11 OF THE DELAWARE CODE, RELATING TO SEXUAL EXPLOITATION OF CHILDREN.

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 1108 of Title 11, Delaware Code, by adding a new subsection (4) to read as follows:

"(4) He permits, causes, promotes, facilitates, finances, produces or otherwise advances an exhibition, display, or performances of a child engaging in a prohibited sexual act or the simulation of such an act."

Approved June 11, 1981.

CHAPTER 29

FORMERLY

HOUSE BILL NO. 103

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND PART III OF TITLE 25, OF THE DELAWARE CODE BY EXCLUDING LEASES FOR CERTAIN COMMERCIAL UNITS FROM APPLICATION OF CERTAIN PROVISIONS OF THE LANDLORD-TENANT CODE.

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

Section 1. Amend Section 5102, Title 25, Delaware Code, by adding the following new subsection (12) at the end thereof:

"(12) 'Rentable area' means an area computed by measuring to the inside finished surface of the perimeter walls of a rental unit including the area occupied by columns, elevator shafts, stair shafts, flues, pipe shafts, ducts and the like."

Section 2. Amend Section 5103, Title 25, Delaware Code, by adding the following at the end of thereof:

"Notwithstanding anything to the contrary in this section, chapters 51, 53, 55, 61, 65, 67, and 70 of this code shall not determine the legal rights, remedies, or obligations of the parties and beneficiaries of any rental agreement of a commercial unit [as defined in Section 5102 (1) of this code] consisting of an aggregate rentable area [as defined in Section 5102 (12) of this code] in excess of 150,000 square feet having a term (assuming the exercise of all options to renew the rental agreement) equal to or greater than 15 years."

Approved June 11, 1981.

CHAPTER 30

FORMERLY

HOUSE BILL NO. 224
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 26, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO VOCATIONAL SCHOOLS.

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. Amend Chapter 26, Part I, Title 14 of the Delaware Code by striking said chapter in its entirety and substituting in lieu thereof the following:

"Chapter 26. Vocational Schools

\$2601. Power of County Vocational High School Districts and County Vocational-Technical School Districts to Levy Taxes for School Purposes.

Any county vocational-technical high school district or county vocational-technical center district may, in addition to the amounts appropriated to it by the General Assembly, levy and collect additional taxes for school purposes upon the assessed value of real estate in such district, as determined and fixed for county taxation purposes.

(1) The amount to be raised by taxation shall not exceed 6 cents on each \$100 of the value of real property in Sussex County for the tax year 1982 and shall not exceed 7 cents on each \$100 of the value of real property in Sussex County for the tax year 1983 and all tax years thereafter.

(2) The amount to be raised by taxation shall not exceed 10 cents on each \$100 of the value of real property in Kent County for the tax year 1982 and all tax years thereafter.

(3) The amount to be raised by taxation shall not exceed 13 cents on each \$100 of the value of real property in New Castle County for the tax year 1982 and shall not exceed 14 cents on each \$100 of the value of real property in New Castle County for the tax year 1983 and all tax years thereafter.

(4) Any county vocational-technical high school district, or county vocational-technical center district, shall not charge tuition to cover the cost of vocational-technical education for nonresident pupils and shall not, in formulating admission policy, give preference to any applicant for admission based on the residence of such applicant.

\$2602. Notification of Tax Rate.

The Board of Education for each vocational-technical high school district and each vocational-technical center district shall establish the tax rate in the month of May of each year and shall notify the Department of Finance in New Castle County and the Receiver of Taxes and County Treasurer in Kent and Sussex Counties by the 1st day of June of each year as to the tax rate established for the forthcoming year.

\$2603. Collection, Deposit and Disbursement of School Taxes.

(a) The Department of Finance for New Castle County and the Receiver of Taxes and County Treasurer for Kent and Sussex Counties shall collect such taxes in the same manner and at the same time as provided by law for the collection of taxes for other purposes provided, however, that after June 30, 1981 in New Castle County the Department of Finance and the Receiver of Taxes and County Treasurer in Kent and Sussex Counties shall allow no abatement or discount upon any taxes levied for school purposes required to be collected by them; and for all tax years commencing after June 30, 1981 shall, after the 30th day of September in the year in which the tax rolls shall be delivered to them, add to the taxes to be paid thereafter a penalty of one-half of 1 percent per month until the same shall be paid.

(b) All money so collected shall be paid to the State Treasurer and shall be deposited by him in a separate account in the depository for other school moneys to the credit of the district. Warrants or drafts on the said fund shall be drawn by the school board of the district and shall be applied only for the purpose for which the levy is made.

S2604. Report of School Tax Collections and Payment of Collected Taxes.

(a) The Department of Finance for New Castle County and each Receiver of Taxes and County Treasurer for Kent and Sussex Counties shall on the first day of each month make a report to the school board of the district for which he is collecting taxes, to the State Treasurer and to the State Board of Education of all taxes collected in the previous month. The forms shall show a complete breakdown of taxes collected, such as capitation, debt service and current expenses, and such other information as may be required.

(b) The Departments of Finance for New Castle and Sussex Counties and the Receiver of Taxes and County Treasurer for Kent County shall, not less than once each calendar month, pay over to the State Treasurer all funds collected by him for any district."

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.

Section 3. This Act shall take effect on July 1, 1981.

Approved June 11, 1981.

CHAPTER 31

FORMERLY

SENATE BILL NO. 42

AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENTS NOS. 2 AND 3

AN ACT TO AMEND CHAPTER 84, TITLE II, DELAWARE CODE, RELATING TO A POLICE TRAINING PROGRAM.

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

Section 1. Amend Chapter 84, Title II, Delaware Code, by striking said Chapter in its entirety and substituting in lieu thereof the following:

"CHAPTER 84. DELAWARE POLICE TRAINING PROGRAM**§8401. Definitions**

As used in this Chapter:

(1) 'Approved School' means a school authorized by the Council to provide a mandatory training and education for police officers as prescribed in this Chapter.

(2) 'Council' means the Council on Police Training.

(3) 'Permanent appointment' means appointment by the authority of any municipality or governmental unit in or of this State or the University of Delaware to permanent status as a police officer.

(4) 'Probationary appointment' means appointment by the authority of any municipality or government unit in or of this State or the University of Delaware of any full-time police officer who is intended to be granted permanent status, but prior to such certification.

(5) 'Part-time appointment' means appointment for at least 10 months in any 12-month period for an average of less than 30 hours per week.

(6) 'Seasonal appointment' means appointment for less than 6 months each year but more than 4 weeks for police duties necessitated by seasonal demands.

(7) 'Temporary appointment' means appointment for less than 4 weeks per year.

(8) 'Police officer' means a sworn member of a police force or other law enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of laws of this State or other governmental units within the State.

(a) For purposes of this Chapter this term shall include officers of the University of Delaware Police Division.

(b) For purposes of this Chapter this term shall not include the following:

(i) a sheriff, regular deputy sheriff or constable;

(ii) an environmental protection officer of the Department of Natural Resources and Environmental Control, Game Warden, a security force for a state agency or other governmental unit; or

(iii) a person holding police power by virtue of occupying any other position or office.

§8402. Members of Council

(1) The Council shall be composed of 9 members.

(2) The Council shall be composed of: A Chairman to be appointed by and to serve at the pleasure of the Governor; the Attorney General; the Superintendent of the Delaware State Police; the Chief of the City of Wilmington Police, the Chief of the New Castle County Police Department; the Superintendent of the Department of Public Instruction; the President of the Delaware League of Local Governments; the Mayor or Police Commissioner of an incorporated municipality in Kent County, to be appointed by the Governor; and the Mayor or Police

Commissioner of an incorporated municipality in Sussex County, to be appointed by the Governor. The Chairman shall have had substantial practical experience in the field of law enforcement.

§8403. Organization of the Council

(1) A Vice-Chairman and a Secretary shall be elected from among the members of the Council. The Council shall hold no less than 2 regular meetings each year and may meet at such other times as it may determine. The Chairman shall fix the time and place of such meetings in his discretion, but upon written request of any 3 members, the Chairman shall call a meeting pursuant to the terms of such request. Five members shall constitute a quorum. Each member of the Council may have a proxy to represent him at Council meetings.

(2) Notwithstanding any provision of law, Council membership shall not disqualify any member from holding any other public or private employment or constitute a forfeit of such office.

(3) Council members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

§8404. Powers and Duties

(1) The Council may:

(a) Establish minimum qualifications for applicants as police officers;

(b) Establish minimum educational and training qualifications requisite to permanent appointment as a police officer;

(c) Issue certification of completion of police officer training prescribed under this Chapter;

(d) Suspend or revoke certification in the event that an individual: (1) obtained a certificate by fraud or deceit; (2) has been convicted of a felony or of a misdemeanor involving moral turpitude; (3) has failed to successfully complete any in-service or advanced training required by Council.

(e) Prescribe standards for in-service or continued training of police officers;

(f) Establish minimum educational and training qualifications for part-time, temporary, seasonal or probationary employment as a police officer;

(g) Establish certification and recertification requirements for police officer applicants who have previously been employed with permanent appointment as a police officer but have not been so employed within the 12 months prior to his/her application.

(h) Prescribe equipment and facility standards for schools at which police training courses shall be conducted, including but not limited to existing county or municipal schools;

(i) Establish minimum training requirements, attendance requirements and standards of operations for police training schools;

(j) Prescribe minimum qualifications for instructors at such schools and certify, as qualified, or decertify such instructors to their particular courses of study;

(k) Approve and issue certificates of approval to such police training schools, to inspect such schools from time to time and to revoke for cause any approval or certificate issued to such schools;

(l) Consult and cooperate with all agencies of government, state and local, concerning the development and administration of the training and standard program and to contract with such agencies as it deems necessary to the performance of its powers and duties;

(m) Accept or receive grants or donations from any source, public or private, for the purposes of this Chapter;

(n) Make such rules and regulations as may be necessary to carry out the purposes and objectives of this Chapter;

(o) Provide a modification from the application of any provision of this Chapter or the rules and regulations promulgated thereunder, for any police officer of a municipality if: (1) the police officer is employed on a part-time, seasonal or temporary basis, and (2) the municipality makes application for such modification and establishes that it will suffer a hardship if the modification is not granted;

(p) Establish an approved interim training program for part-time, seasonal, temporary and probationary police officers which shall be required prior to active police duty, and in addition, if the officer is to be armed, that the officer be certified in the use of firearms at an approved police training school;

(2) The Director of the Delaware State Police Training Division shall be responsible for administering the mandatory training and education for police officers program with responsibility and authority to obtain professional assistance from other police and professional organizations to accomplish the purposes and objectives of the program.

§8405. Mandatory Training of Police Officers; Exceptions

(1) Except as provided in subsection (3) of this section, every municipality or other governmental unit of this State employing or intending to employ on a permanent basis police officers, shall authorize attendance at an approved school by persons holding a probationary appointment as police officer. Every such municipality or other governmental unit or the University of Delaware shall require that no person be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training and education course at an approved school.

(2) Police officers already serving under permanent appointment on July 11, 1969 shall not be compelled to meet this requirement as a condition of (a) tenure, (b) continuing employment, (c) reemployment, or (d) employment by another police agency, provided that the period of suspended services under (c) or (d) does not exceed 12 months. Failure of any such police officer to fulfill such requirements as the council may hereafter establish by regulation, shall not make him ineligible for promotion to which he might otherwise be eligible. The exemptions granted under this subsection shall not be construed to include inservice or continued training requirements which may be established by Council.

(3) Nothing contained in this chapter shall limit the authority, power or duties of the Secretary of Public Safety as set forth in Title 29, §8203.

§8406. Probationary Appointment

Notwithstanding the provision of §8405 of this title, a probationary appointment as a police officer may be made for a total period not exceeding 1 year within a single department or combination of departments for the purpose of enabling a person seeking permanent appointment to take a police training course or program as prescribed under this Chapter. No person shall be permitted to take a police training course unless he holds such probationary, part-time, seasonal or temporary appointment, except in the discretion of the Council, and such appointee shall be entitled to a leave of absence with pay during the period of attendance at such police training course or program.

§8407. Compensation and Expenses

During any training program the compensation or wages of any trainee police officer shall be the responsibility of the employing authority. The responsibility for providing all other costs, including but not limited to tuition, living expenses, books and equipment excluding transportation costs of any trainee police officer shall be that of the Council.

§8408. Appropriations

The General Assembly shall appropriate each year to the Council through the Department of Public Safety such funds as are necessary for the purpose of carrying out this Chapter.

§8409. Recruitment of Trained Police Officers

Every municipality or other governmental unit of this State or the University of Delaware intending to employ on a permanent basis police officers who have satisfactorily completed the mandatory training as required under the provisions of this Chapter and who have completed their training while in the employ of another municipality or another governmental unit of this State or the University of Delaware within 2 years from the date of satisfactory completion of such mandatory training, shall reimburse the municipality or other governmental unit or the University of Delaware with whom the police officer was employed at the time of attending the mandatory training program for the cost of training such officer, which shall include the salary, uniforms and equipment and other training expenses incurred while the officer was attending the mandatory training program. During the first year after completion of the mandatory training program the municipality or other governmental unit or the University of Delaware by whom the police officer was employed at the time of attending the mandatory training program shall be reimbursed for 100 percent (100%) for those expenses. During the second year the municipality or other governmental unit shall be reimbursed for 50 percent (50%) of those expenses.

§8410. Sanction for Uncertified Police Officers

(1) Police officers of the State or any county or municipality or the University of Delaware which do not meet the requirements of this Chapter and the criteria as established by the Council shall not have the authority to enforce the laws of the State.

(2) A police force of any county or municipality which does not meet the requirements of this Chapter and the criteria established by the Council, will be ineligible to apply for or receive State Aid to Local Law Enforcement funds.

§8411. This Act shall become effective on July 1, 1981."

Approved June 15, 1981.

CHAPTER 32

FORMERLY

HOUSE BILL NO. 108

AN ACT TO AMEND CHAPTER 25, TITLE 11 OF THE DELAWARE CODE REQUIRING ACTUAL NOTICE TO BE RECEIVED BY PROSECUTORS FROM SENTENCED PRISONERS IN OTHER STATES WHO ARE REQUESTING DISPOSITION OF DETAINERS LODGED AGAINST THEM BY DELAWARE.

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

Section 1. Amend Section 2542, Title 11 of Delaware Code by adding a new subsection to the lettered (g) which shall read as follows:

"(g) Written notice shall not be deemed to have been caused to be delivered to the prosecuting officer and the appropriate court of this State in accordance with subsection (a) of this section until such notice or notification has actually been received by the appropriate court and by the appropriate prosecuting attorney of this State, his deputy, an assistant, or any other person empowered to receive mail on behalf of said attorney."

Approved June 15, 1981.

CHAPTER 33

FORMERLY

HOUSE BILL NO. 15

AN ACT TO AMEND CHAPTER 46, TITLE 9, DELAWARE CODE RELATING TO THE TIME LIMITATION FOR THE KENT COUNTY LEVY COURT TO ISSUE NOTES IN ANTICIPATION OF BOND SALES.

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

Section 1. Amend §4631, Chapter 46, Title 9, Delaware Code, by striking said Section in its entirety and inserting a new §4631 to read as follows:

"§4631. Authorization of Notes in Anticipation of Bonds

In anticipation of the issuance of bonds, the county government may by resolution authorize the issuance of negotiable notes when it shall have theretofore authorized the issuance of bonds. Such notes shall mature within one (1) year from the date of their issue and may be renewed from time to time, but each renewal shall be for a period of not exceeding one (1) year, and in no event shall such notes extend more than seven (7) years beyond the original date of issue."

Approved June 16, 1981.

CHAPTER 34

FORMERLY

SENATE BILL NO. 106
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT, BEING CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH" RELATING TO THE AMOUNT WHICH MAY BE BORROWED AGAINST ANTICIPATED REVENUES.

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

Section 1. Amend Section 29(a), paragraph 43, Chapter 197, Laws of Delaware, as amended, by striking the words and figures "one hundred thousand dollars (\$100,000)" as they appear therein and substituting in lieu thereof the word and figures "Two Hundred Fifty Thousand Dollars (\$250,000)".

Approved June 22, 1981.

CHAPTER 35

FORMERLY

HOUSE BILL NO. 31

AN ACT TO REQUIRE AFFECTED STATE AGENCIES TO REPORT ANNUALLY THEIR EFFORTS TO COMPLY WITH THE POLICY OF THIS STATE TO ENCOURAGE EMPLOYEE STOCK OWNERSHIP PLANS.

WHEREAS, the Joint Economic Committee of the Congress of the United States has declared that broadening the ownership of capital should be a twin pillar of economic policy; and

WHEREAS, the General Assembly of the State of Delaware finds that Employee Stock Ownership Plans, as defined in the United States Internal Revenue Code, can make an important contribution toward the broadening of capital ownership; and

WHEREAS, the General Assembly of the State of Delaware further finds that Employee Stock Ownership Plans can: increase the income and financial security of its citizens and further assure their economic futures; improve productivity and labor-management relations; contribute to the national effort to combat inflation, strengthen the free enterprise system; and put the State in the forefront of contemporary economic trends.

NOW, THEREFORE:

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

Section 1. Amend Title 29, Section 6508, Delaware Code, by adding thereto a new subsection "(c)" to read as follows:

"It is the policy of this State to encourage the broadening of the base of capital ownership among wider numbers of Delaware citizens, and to encourage the use of employee stock ownership plans as one means of broadening the ownership of capital. The Department of Finance, Administrative Services, Community Affairs and Economic Development, State, Labor, the Insurance Commissioner, State Banking Commissioner, and Public Service Commissioner shall include a report of their efforts to implement these policies in their respective annual reports, as required by this section. State Agencies, Divisions, Commissions and Bureaus not specifically named in the preceding subsection are not exempt from adhering to policies as stated in this subsection. The departments specifically enumerated must include in their reports a discussion of which of their divisions are complying with this reporting requirement and an explanation of the reasons why the other Divisions are not so complying."

Approved June 22, 1981.

CHAPTER 36

FORMERLY

HOUSE BILL NO. 191

AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE TO REMOVE THE REQUIREMENT FOR SEPARATE SCHOOLS FOR WHITE AND BLACK CHILDREN.

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 X, Section 2, of the Constitution of the State of Delaware of 1897 is amended by substituting a period "." for the comma "," after the word "color" and striking the words, "and separate schools for white and colored children shall be maintained."

Approved June 18, 1981.

CHAPTER 37

FORMERLY

HOUSE BILL NO. 218

AN ACT PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO ABSENTEE VOTING.

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 §4A, Article V of the Constitution of the State of Delaware by striking the phrase "or because" wherever the same appears therein, and substituting the word "because" in lieu thereof.

Section 2. Amend §4A, Article V of the Constitution of the State of Delaware by adding the words "or because of the tenets or teachings of his or her religion," immediately following the word "vacation," as the same appears in said section.

Approved June 18, 1981.

CHAPTER 38

FORMERLY

SENATE BILL NO. 165

AN ACT TO AMEND CHAPTER 70, TITLE 9, OF THE DELAWARE CODE, RELATING TO THE INTERGOVERNMENTAL RELATIONS POWERS OF THE GOVERNMENT OF SUSSEX COUNTY.

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

Section 1. Amend §7001(c), of Chapter 70, Title 9, of the Delaware Code, by striking the said paragraph (c) in its entirety and substituting in lieu thereof a new paragraph (c), which shall read as follows:

"(c) Intergovernmental relations. - The government of Sussex County may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any 1 or more states or civil divisions or counties or agencies thereof, or the United States or any agency thereof."

Approved June 23, 1981.

CHAPTER 39

FORMERLY

SENATE BILL NO. 166

AN ACT TO AMEND CHAPTER 67, TITLE 9, OF THE DELAWARE CODE, RELATING TO SERVICE CHARGES TO PERMIT BORROWING OF FUNDS THEREFOR BY SUSSEX COUNTY.

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

Section 1. Amend §6708, Chapter 67, Title 9, Delaware Code, by adding a new paragraph to read as follows:

"(d) The County may borrow funds up to one million dollars (\$1,000,000) to pay as due the necessary expenses of the operation and maintenance of any sewer or water system to be repaid from sums received for service charges of each respective sewer or water district. Section 6102 of this Title is not applicable to this Chapter."

Approved June 23, 1981.

CHAPTER 40

FORMERLY

SENATE BILL NO. 167

AN ACT TO AMEND CHAPTER 91, TITLE 9, DELAWARE CODE, RELATING TO UNIFORM MILEAGE PAYMENTS.

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

Section 1. Amend §9121 of Chapter 91, Title 9, Delaware Code by striking said Section in its entirety and substituting in lieu thereof a new §9121 to read as follows:

"§9121. Uniform Mileage Payments

The authorized mileage rate for officers or employees of the several counties who receive mileage from the respective county governments shall be no more than 20 cents per mile to be determined by levy court or county council."

Approved June 23, 1981.

CHAPTER 41

FORMERLY

SENATE BILL NO. 168

AN ACT TO AMEND CHAPTER 67, TITLE 9, OF THE DELAWARE CODE RELATING TO THE INTERGOVERNMENTAL RELATIONS POWERS OF THE GOVERNMENT OF SUSSEX COUNTY.

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

Section 1. Amend §6702(3) of Chapter 67, Title 9 of the Delaware Code, by striking the said paragraph in its entirety and substituting in lieu thereof a new Paragraph (3), which shall read as follows:

"(3) Enter into and perform contracts, whether long term or short term, with any industrial establishment, municipality, county or agency of this State or any other state or federal government, for the provision and operation by the County of the sewerage system to abate or reduce the pollution of waters caused by discharges of industrial wastes by such industrial establishment, municipality, county or agency of this State or any other state or federal government, and the payment periodically by the industrial establishment, municipality, county or agency of this State or any other state or federal government to the County, of amounts at least sufficient, in the judgement of the county government, to compensate the County for the cost of providing (including payment of principal and interest charges, if any), and of operating and maintaining, the sewerage system or part thereof serving such industrial establishment, municipality, county or agency of this State or any other state or federal government."

Section 2. Amend §6702(9) of Chapter 67, Title 9, of the Delaware Code, by striking the said paragraph in its entirety and substituting in lieu thereof a new Paragraph (9), which shall read as follows:

"(9) Enter into and perform a contract or contracts with any person, municipality, county or agency of this State or any other state or federal government for the sale, purchase, treatment, purification, transmission, or distribution of water."

Approved June 23, 1981.

CHAPTER 42

FORMERLY

SENATE BILL NO. 170

AN ACT TO AMEND CHAPTERS 64 AND 70 OF TITLE 9 OF THE DELAWARE CODE, RELATING TO PENSIONS FOR SUSSEX COUNTY EMPLOYEES.

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

Section 1. Amend Chapter 64, Title 9, Delaware Code by striking said Chapter in its entirety.

Section 2. Amend Chapter 70, Title 9, Delaware Code, by adding thereto a new section to be designed as §7008 to read as follows:

"§7008. Pension for Sussex County Employees

(a) The county government shall, by ordinance, establish a funded pension program for all Sussex County employees, upon such terms and conditions as it shall deem necessary and best.

(b) The county government shall take no action hereunder which will deny or reduce benefits to former employees and retired employees who have qualified for benefits under any prior authorized pension program."

Approved June 23, 1981.

CHAPTER 43

FORMERLY

SENATE BILL NO. 187

AS AMENDED BY SENATE AMENDMENT NOS. 1, 5 AND 6 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 96, TITLE 16, DELAWARE CODE, RELATING TO THE OPERATION OF FOOD SERVICE FACILITIES IN PUBLIC BUILDINGS.

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

Section 1. Amend §9602 of Chapter 96, Title 16, Delaware Code, by adding thereto the following:

"4. 'Public Office Building' means any building owned or leased by the State, used for governmental purposes. It does not include public schools, or buildings at residential institutions operated by the State. No building or property, used as a public recreational facility, owned or leased by the State and operated or occupied by the Department of National Resources and Environmental Control or the State Forestry Department shall be included within this definition. Food service located in or on any public building on the Delaware Turnpike shall not be included in this definition.

5. 'Food Service' means restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of the foregoing."

Section 2. Amend Chapter 96, Title 16, Delaware Code by adding thereto a new section to be designated as §9606 to read as follows:

"§9606. Food Service Requirements for Public Office Buildings

(a) If any governmental agency of this State intends to operate or continue food service in a public office building, that agency shall procure such food service from the Delaware Division for the Visually Impaired under the vending facility program authorized by 20U.S.C. §107 et seq.. No governmental agency shall charge the Division for the Visually Impaired or its food service vendors rent for food service operations operated under this Section. In the event the Delaware Division for the Visually Impaired certifies in writing that it is unable to provide food service to a governmental agency who requests such service, the governmental agency may seek food service from another provider.

(b) This Section shall not impair any valid existing contracts by governmental agencies, however at the expiration of such existing contracts, the mandates contained in this Section shall be binding on the governmental agency.

(c) The provisions of this section shall not apply to any office building owned or leased by any county or municipal corporation. The provisions of this section shall also not apply to any building leased, used or owned by any institution of higher education.

Approved June 23, 1981.

CHAPTER 44

FORMERLY

HOUSE BILL NO. 205
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 102, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE SUNSET ACT.

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

Section 1. Amend Chapter 102, Title 29 of the Delaware Code by striking the first sentence of §10203 (c) in its entirety and substituting in lieu thereof the following sentence:

"No member shall serve more than 2 terms."

Approved June 23, 1981.

CHAPTER 45

FORMERLY

HOUSE BILL NO. 160
AS AMENDED BY HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend §314, Chapter 3, Title 9 of the Delaware Code by striking in subsection (a) the words "probably exceed the sum of \$2,500 in the case of New Castle County, or the sum of \$500 in the case of Kent or Sussex Counties," and substituting in lieu thereof the following words:

"probably exceed the sum of \$2,500 in the case of New Castle County and Sussex County, or the sum of \$1,000 in the case of Kent County".

Approved June 23, 1981.

CHAPTER 46

FORMERLY

HOUSE BILL NO. 171
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" RELATING TO CHARGES MADE BY 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. Chapter 42, Volume 53, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new Section following Section 27, to be designated as Section 27A to read as follows:

"Section 27A. Collection of Charges Due the City.

(a) In the collection of water service charges, electric bills, gas bills, license fees, tapping fees, charges growing out of abatement of nuisances, charges for laying out and repairing sidewalks, front footage assessments, or any other charge due the City and authorized to be levied and charged against the owner or owners of property within the City, the collection thereof shall be under the supervision of the City Manager.

(b) Any amount assessed by the City against the owner or owners of property within the City in regard to the use of such property for water service charges, electric bills, gas bills, license fees, tapping fees, charges due the City growing out of abatement of nuisances, charges for the laying or repair of sidewalks, front footage assessments, or any other charge due the City shall be and remain a lien for ten (10) years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance, even though such other lien or liens may be of a date prior to the time of attaching of the liens for charges made pursuant to this Section.

(c) The City Manager shall have the same authorities, remedies and powers with respect to the collection of such charges as are provided for the collection of taxes."

Approved June 23, 1981.

CHAPTER 47

FORMERLY

HOUSE BILL NO. 46
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, OF TITLE 24, DELAWARE CODE, RELATING TO PRIVATE DETECTIVES.

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 §1303 of Chapter 13, Title 24, Delaware Code, by adding thereto a new subsection (d) to read as follows:

"(d) The Board of Examiners shall have the power and discretion to consider the remoteness in time to any crime or conduct and the attendant circumstances surrounding said crime or conduct that would ordinarily reject any applicant as provided by §1312(b) and §1313(a) (4) of this Chapter."

Section 2. Amend §1304(2) of Chapter 13, Title 24, Delaware Code, by striking the figures "\$3,000" and "\$5,000" as the same appears in the first sentence of said subsection (2) and inserting in lieu thereof the figures "\$5,000" and "\$10,000".

Section 3. Amend §1305(4) of Chapter 13, Title 24, Delaware Code, by striking subsection (4) in its entirety.

Section 4. Amend §1312(b) of Chapter 13, Title 24, Delaware Code, by striking subsection (b) in its entirety and inserting a new subsection (b) to read as follows:

"(b) Unless otherwise approved by the Board, no holder of any unexpired license issued pursuant to this Chapter shall knowingly employ in connection with his business in any capacity whatsoever, any person who has been convicted in any jurisdiction of a felony or misdemeanor involving an assault or battery or use of violence upon another, or any of the following felonies or misdemeanors, and who has not subsequent to such conviction received executive pardon therefore removing any civil disabilities incurred thereby, to-wit:

- (1) Illegally using, carrying or possessing a deadly weapon or dangerous instrument;
- (2) Crimes involving theft, fraud, deceit or misrepresentation;
- (3) Crimes involving burglary or possession of burglar's tools;
- (4) Crimes involving escape and other offenses relating to custody;
- (5) Unlawfully possess, sell, dispense or deliver any controlled substance or drug as set forth in 16 Delaware Code, Chapter 47, The Uniform Controlled Substance Act;
- (6) Any crime involving moral turpitude;
- (7) Any crime of conspiracy, solicitation or attempt of any offense enumerated in this section; and
- (8) Any crime that reflects unfavorably upon the 'private detective business'."

Section 5. Amend §1312(e) of Chapter 13, Title 24, Delaware Code, by striking subsection (e) in its entirety and inserting a new subsection (e) to read as follows:

"(e) Whoever violates this section shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned not more than one (1) year, or both."

Section 6. Amend §1313(a) (4) of Chapter 13, Title 24, Delaware Code, by striking subsection (a) (4) in its entirety and inserting a new subsection (a) (4) to read as follows:

"(4) That he has not been convicted of any felony or misdemeanor described in §1312(b) of this Chapter, or in the event he has been convicted of any felony or misdemeanor described in §1312(b) of this Chapter, that he set forth specific circumstances for the Board to consider, consistent with §1303(d) of this Chapter."

Section 7. Amend §1313(b) of Chapter 13, Title 24, Delaware Code, by striking the figure "3" and inserting in lieu thereof the figure "1".

Section 8. Amend §1313(c) of Chapter 13, Title 24, Delaware Code by striking subsection (c) in its entirety and inserting a new subsection (c) to read as follows:

"(c) The holder of a license shall require an employee to file an employee statement and one (1) set of fingerprints with the Superintendent within seventy-two (72) hours of such employment, official holidays excluded. The employee shall report to a State Police office and have such prints taken for examination by the Superintendent."

Section 9. Amend §1313 of Chapter 13, Title 24, Delaware Code by adding thereto a new subsection (d) to read as follows:

"(d) Whoever violates this section shall be fined not more than \$500 or imprisoned not more than one (1) year or both."

Section 10. Amend §1314 of Chapter 13, Title 24, Delaware Code by adding thereto a new subsection (d) to read as follows:

"(d) Any person to whom an identification card has been issued in accordance with this Chapter, shall surrender the identification card to the Board:

- (1) upon termination of employment; or
- (2) upon suspension or revocation by the Board."

Section 11. Amend §1314 of Chapter 13, Title 24, Delaware Code by adding thereto a new subsection (e) to read as follows:

"(e) Whoever violates this section shall be fined not more than \$50."

Section 12. Amend §1316 of Chapter 13, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §1316 to read as follows:

"§1316. Regulation of advertising.

(a) the Superintendent shall promulgate such rules and regulations, upon notice to the public in general, as he deems necessary to avoid advertising techniques, cards or other forms of publication which will mislead the public as to any matter that relates to a private detective business. The Superintendent shall further have the authority to order any private detective business to comply with these rules and regulations.

(b) Failure to comply with any order of the Superintendent pursuant to subsection (a) of this section shall be cause for revocation of the license of the licensee."

Section 13. Amend Chapter 13, Title 24, Delaware Code, by adding thereto a new §1322 to read as follows:

"§1322. Any licensee under this Chapter shall maintain an office within the State of Delaware if such licensee shall be actively engaged in this State conducting a private detective business as defined in §1301 of this Title.

The office of any licensed private detective business shall be supervised by an individual licensee who shall be a resident of the State of Delaware.

Each licensee licensed under this section shall maintain a Delaware area code telephone listing through which an officer or employee of the licensee may be reached at any period in which the license is in effect."

Section 14. Amend Section 1319, Chapter 13, Title 24, by adding thereto a new sentence as follows:

"Justices of the Peace Courts shall have jurisdiction over violations under Chapter 13 of this Title."

Section 15. The provisions of this Act shall be effective upon its enactment into law, except that Section 13 of this Act shall be effective 90 days after the enactment of this Act into law.

Section 16. Amend §1304, Chapter 13, Title 24 of the Delaware Code, by striking the words "Department of Finance" as they appear in subsection (1) and inserting in lieu thereof the words "Department of Public Safety".

Section 17. Amend §1304, Chapter 13, Title 24 of the Delaware Code, by striking the words "Department of Finance" as they appear in subsection (2) and inserting in lieu thereof the words "Department of Public Safety".

Approved June 23, 1981.

CHAPTER 48**FORMERLY****HOUSE BILL NO. 159
AS AMENDED BY HOUSE AMENDMENT NO. 1**

AN ACT TO AMEND TITLE 24, CHAPTER 25 OF THE DELAWARE CODE RELATING TO DRUG PRODUCTS AND THE DELAWARE DRUG ADVISORY BOARD.

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 25, Title 24 of the Delaware Code by striking subsection 2589(b) (4) in its entirety and substituting in lieu thereof the following:

"The drug is therapeutically equivalent according to the United States Food and Drug Administration's 'Approved Prescription Drug Products with Therapeutic Equivalents Evaluations' and its supplements."

Section 2. Further Amend Chapter 25, Title 24 of the Delaware Code by striking subsections 2589(d) and 2589(f) in their entirety and redesignating subsection 2589 (e) as 2589 (d).

Approved June 25, 1981.

CHAPTER 49

FORMERLY

HOUSE BILL NO. 183
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT AMENDING TITLE 18 OF THE DELAWARE CODE PROVIDING FOR THE REGULATION OF DENTAL SERVICE BENEFITS BY DENTAL PLAN ORGANIZATIONS.

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

Section 1. Amend Title 18 of the Delaware Code by adding thereto a new chapter entitled "Chapter 38.. Regulation of Dental Service Benefits by Dental Plan Organizations" to read as follows:

"§3801. Title

This chapter shall be known and may be cited as the 'Dental Plan Organization Act.'

§3802. Definitions

Definitions as used in this chapter:

(1) 'Dental Plan' means any contractual arrangement for dental services provided directly or arranged for or administered directly on a prepaid or postpaid individual or group capitation basis;

(2) 'Dental Plan Organization' means any person who undertakes to provide directly or to arrange for or administer one or more dental plans providing dental services;

(3) 'Dental Services' means services included in the practice of dentistry as defined in Title 24, §121 of the Delaware Code;

(4) 'Enrollee' means an individual and his dependents who are enrolled in a dental plan organization; and

(5) 'Evidence of Coverage' means any certificate, agreement or contract issued to an enrollee setting out the dental services to which the enrollee is entitled.

§3803. Certificate of Authority Required

(a) No person may establish, operate or administer a dental plan organization, or sell or offer to sell, or solicit offers to purchase, or receive advance or periodic consideration in conjunction with any dental plan organization, utilizing in the aggregate the services of more than one full-time equivalent dentist without obtaining and maintaining a certificate of authority pursuant to requirements of this chapter.

(b) Within ninety (90) days after the effective date of this act, every dental plan organization utilizing in the aggregate the services of more than one full-time equivalent dentist shall submit an application for a certificate of authority to the commissioner. A dental plan organization may continue to operate until the commissioner acts upon the application. If the application is denied, the dental plan organization shall be treated as if its certificate of authority has been revoked.

(c) An application for a certificate of authority shall be in a form prescribed by the commissioner, shall be verified by an officer or authorized representative of the dental plan organization and shall include the following:

(1) All basic organizational documents of the dental plan organization such as the Articles of Incorporation, Article of Association, Partnership Agreement, Trade Name Certificate, Trust Agreement, Shareholder Agreement or other applicable documents and all amendments to those documents;

(2) The bylaws, rules and regulations or similar documents regulating the conduct or the internal affairs of the dental plan organization;

(3) The names, addresses and official positions of the persons who are responsible for the conduct of the affairs of the dental plan organization, including all members of the Board of Directors, Board of Trustees, Executive Committee or other governing board or committee, the principal officers in the case of a corporation and the partners in the case of a partnership or association;

(4) All contracts made between any dentist and the dental plan organization;

(5) All contracts made between any dentist and any person listed in paragraph three (3) of this subsection, any consultant, or any business manager;

(6) A description of the dental plan organization, its dental plan or plans, facilities and personnel;

(7) The form of the evidence of coverage to be issued to the enrollees;

(8) The form of any group contract which is issued to employers, unions, trustees or others;

(9) Financial statements showing the dental plan organization's assets, liabilities and sources of financial support. If the dental plan organization's financial affairs are audited by independent certified public accountants, a copy of the most recent regular certified financial statement shall satisfy this requirement unless the commissioner determines that additional or more recent financial information is required for the proper administration of this act;

(10) The proposed method of marketing the plan, a financial plan with a three (3) year projection of the initial operating results and a statement of the sources of working capital and any other sources of funding;

(11) A Power of Attorney duly executed by the dental plan organization if not domiciled in this State, appointing the commissioner, the commissioner's successors in office and duly authorized deputies as the true and lawful attorney of the dental plan organization in and for this State, upon whom lawful process and any legal action and proceeding against the dental plan organization on a cause of action arising in this State may be served;

(12) A description of the geographic area or areas to be served;

(13) A description of the procedures and programs to be implemented to achieve an effective dental plan; and

(14) Such other information as the commissioner may require.

(d) The dental plan organization shall pay a fee of \$100.00 to the commissioner upon filing an application for a certificate of authority.

(e) Within ten (10) days following any significant modification of information submitted with the application for a certificate of authority, a dental plan organization shall file notice of the modification with the commissioner.

§3804. General Eligibility for a Certificate of Authority

(a) The commissioner shall issue a certificate of authority if he is satisfied that the following conditions are met:

(1) The persons responsible for conducting the affairs of the dental plan organization are competent and trustworthy and are professionally capable of providing, arranging for or administering the services offered by the plan;

(2) The dental plan organization constitutes an appropriate mechanism to achieve an effective dental plan, as determined by the commissioner;

(3) The dental plan organization has demonstrated the potential to provide dental services in a manner that will assure both availability and accessibility of adequate personnel and facilities;

(4) The dental plan organization has arrangements for an ongoing quality of dental care assurance programs;

(5) The dental plan organization has a procedure to establish and maintain uniform systems of cost accounting and reports and audits that meet the requirements of the commissioner;

(6) The dental plan organization is financially responsible and may reasonably be expected to meet its obligations to enrollees. In making this determination the commissioner shall consider:

a. The financial soundness of the dental plan's arrangements for services and the schedule of charges used;

b. Any arrangement with an insurer or medical or dental service corporation for a continuation of coverage in the event of discontinuance of the plan on an indemnity basis through a group vehicle to the end of the period for which premiums were paid to the discontinued dental plan organization; and

c. The sufficiency of an agreement with dentists for the provision of dental services.

(7) A general surplus is maintained as required in §3805 of this act;

(8) A contingent surplus is accumulated and maintained as required in §3807 of this act; and

(9) The condition or methods of operation of the dental plan organization are not such as would render its operation hazardous to its enrollees or the public.

(b) When the commissioner disapproves an application for a certificate of authority he shall notify the dental plan organization in writing of the reasons for the disapproval.

(c) A certificate of authority shall expire one (1) year following the date of issuance or previous renewal. If the dental plan organization remains in compliance with this act and has paid a renewal fee of \$100.00 its certificate shall be renewed.

§3805. General and Special Contingent Surplus Requirements

(a) The Commissioner may determine, at his discretion, the amount of a general surplus, if any, that the dental plan organization shall be required to maintain.

(b) A dental plan organization utilizing in the aggregate the services of more than ten (10) full-time equivalent dentists shall accumulate and maintain a special contingent surplus in excess of its assets over liabilities the rate of two percent (2%) annually of its net contract and certificate income until the surplus totals \$50,000.00.

§3806. Bonding Requirement

Any director, officer, employee or partner of a dental plan organization who receives, collects, reimburses or invests monies in connection with the activities of the organization shall be bonded for his fidelity in an amount which shall be determined by the commission.

§3807. Dentist Malpractice Insurance Requirement

Each dentist employed by a dental plan organization shall be insured against professional liability or malpractice by an insurer licensed to conduct business in this State for such minimum amounts as shall be determined by the commissioner.

§3808. Enrollees' Right to Receive Evidence of Coverage

(a) As enrollee shall be entitled to receive evidence of coverage or a certificate indicating specifically the nature and extent of coverage, and evidence of the total amount or percentage of payment, if any, which the enrollee is obligated to pay for dental services. If an individual enrollee obtains coverage through an insurance policy or through a contract issued by a medical or dental service corporation, whether by option or otherwise, the insurer or medical or dental service corporation shall issue the evidence of coverage. Otherwise, the dental plan organization shall issue the evidence of coverage.

(b) No evidence of coverage or amendment thereto shall be issued or delivered to any person until a copy of the form of evidence of coverage or amendment thereto has been filed with the commissioner.

(c) Evidence of coverage shall contain a clear and complete statement if a contract, or a reasonably complete summary if a certificate, of:

(1) The dental services and the insurance and other benefits, if any, to which enrollees are entitled;

(2) Any limitations on the services, kind of services, benefits, or kind of benefits to be provided including any charge, deductible or co-payment features;

(3) Where and in what manner information is available as to how services may be obtained; and

(4) A clear and understandable description of the dental plan organization's method for resolving enrollees' complaints.

(d) Any subsequent change in the evidence of coverage or the amount or percentage of payment which the enrollee is obligated to pay, shall be evidenced in a separate document issued to the enrollee.

§3809. Schedule of Charges

(a) No schedule of charges for enrollee coverage for dental services, or amendment thereto, may be used by a dental plan organization until a copy of such schedule, or amendment thereto, has been filed with the commissioner. The commissioner may disapprove the schedule of charges at any time if he finds that the charges are excessive, inadequate or unfairly discriminatory. If the commissioner disapproves the schedule of charges he shall notify the dental plan organization within five (5) days of the day of disapproval and specify in the notice, the reason for his disapproval. A hearing shall be granted within twenty (20) days after a request in writing by the filer. It shall be unlawful for any dental plan organization whose schedule of charges has been disapproved to effect any contract or issue any subscription certificate which uses the disapproved schedule of charges until a revised schedule of charges has been filed.

(b) Charges shall be established in accordance with actuarial principles, but charges applicable to an enrollee shall not be individually determined based on the status of his health.

§3810. Examination of Records

(a) The commissioner or his designee may, as often as he may reasonably determine, investigate the business and examine the books, accounts, records and files of every dental plan organization.

For that purpose the commissioner or his designee shall have reasonably free access to the offices and places of business, books, accounts, papers, records and files of all dental plan organizations. A dental plan organization shall keep and use in its business such books, accounts and records as will enable the commissioner to determine whether the dental plan organization is complying with the provisions of this act and with the rules and regulations promulgated pursuant to it. A dental plan organization shall preserve its books, accounts and records for at least three (3) years; except that preservation by photographic reproduction or records in photographic form shall constitute compliance with this act.

(b) For the purpose of the examination, the commissioner may, within the limits of funds appropriated for such purpose, contract with such persons as he may deem advisable to conduct the same or assist therein.

(c) The expenses incurred in making any examination pursuant to this section up to \$1,000.00 annually, shall be assessed against and paid by the dental plan organization so examined. Upon written notice by the commissioner of the total amount of an assessment, a dental plan organization shall become liable for and shall pay the assessment to the commissioner.

§3811. Enrollees' Complaint System

(a) A dental plan organization shall establish and maintain a complaint system to provide reasonable procedures for the resolution of written complaints initiated by enrollees concerning dental plan services. The dental plan organization shall maintain records of all written complaints initiated by enrollees.

(b) The commissioner may examine the complaint system and if he determines that the system is not adequate he may require a revision of the complaint system.

§3812. Annual Report to Commissioner

(a) Every dental plan organization annually on or before March 1 shall file with the commissioner a report covering its activities for the preceding calendar year.

(b) The reports shall be on forms prescribed by the commissioner and shall include:

(1) A financial statement of the dental plan organization, including its balance sheet, receipts and disbursements for the preceding year certified by a certified public accountant;

(2) Any significant modification of information submitted with the application for a certificate of authority;

(3) The number of persons who became enrollees during the year, the number of enrollees as of the end of the year and the number of enrollments terminated during the year;

(4) A description of the enrollee complaint system including the procedures of the complaint system, the total number of written complaints handled through the system, a summary of causes underlying the complaints filed, and the number, amount and disposition of malpractice claims settled during the year by the dental plan organization and any of the dentists used by it; and

(5) Any other information relating to the performance of the dental plan organization as required by the commissioner.

§3813. Maximum Portion of Income to be Used for Expenses

A dental plan organization shall not use more than thirty percent (30%) of its gross contract and certificate income in the first year of operation, twenty-five percent (25%) in the second year of operation and twenty percent (20%) in any subsequent year for general expenses, acquisition expenses and miscellaneous taxes, licenses and fees.

§3814. Untrue or Misleading Advertising Prohibited

(a) No dental plan organization, or representative thereof, may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive. For purposes of this act:

(1) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment in, a dental plan;

(2) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue, if, in the total context in which the statement is made of the item of information is communicated, the statement or item of information may be reasonably understood by a person who does not possess special knowledge regarding dental plan coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation, or disadvantage of possible significance to an enrollee of, or person considering enrollment in a dental plan, if the benefit or advantage or absence of exclusion, limitation, or disadvantage does not in fact exist; and

(3) Evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole, and with consideration given to typography, format and language, may cause a person who does not possess special knowledge regarding dental plans and evidences of coverage therefor, to expect benefits, services, charges, or other advantages which the evidence of coverage does not provide or which the dental plan organization issuing the evidence of coverage does not regularly make available for enrollees covered under such evidence of coverage.

(b) No dental plan organization, unless licensed as an insurer may use in its name, evidence of coverage or literature any of the words 'insurance,' 'assurance,' 'casualty,' 'surety,' 'mutual' or any other words descriptive of the insurance, casualty, or surety business or deceptively similar to the name or description of any insurer licensed to do business in this State.

(c) The provisions of this subsection shall be enforced by the Division of Consumer Affairs and, where applicable, the commissioner. Nothing in this chapter shall limit the powers of the attorney general and the procedures with respect to consumer fraud.

§3815. Suspension or Revocation of Certificate of Authority

(a) The commissioner may suspend or revoke any certificate of authority issued to a dental plan organization pursuant to this chapter if he finds that any of the following conditions exist:

(1) The dental plan organization is operating in a manner significantly contrary to that described in §3803 of this chapter;

(2) The dental plan organization issues an evidence of coverage which does not comply with the requirements of §3808 of this chapter;

(3) The dental plan organization does not provide or arrange for an effective dental plan as determined by the commissioner;

(4) The dental plan organization can no longer be expected to meet its obligations to enrollees;

(5) The dental plan organization, or any authorized person on its behalf, has advertised or merchandised its services in an untrue or misleading manner;

(6) The dental plan organization has failed to comply with this chapter or any rules and regulations promulgated thereunder.

(b) When the commissioner has cause to believe that grounds for the suspension or revocation of a certificate of authority exist, he shall notify the dental plan organization in writing, specifically stating the grounds for suspension or revocation. A hearing on the matter shall be granted by the commissioner within twenty (20) days after a request in writing by the dental plan organization. After the hearing, or upon failure of the dental plan organization to appear at the hearing, the commissioner shall take action on his findings.

(c) If the commissioner suspends the certificate of authority, the dental plan organization shall not accept any additional enrollees or engage in any advertising or solicitation during the period of the suspension.

(d) If the commissioner revokes the certificate of authority, the dental plan organization shall proceed to dissolve its structure immediately following the effective date of the order of revocation, and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the dental plan organization. The commissioner by written order, however, may permit such further operation of the dental plan organization as he finds to be in the best interest of enrollees to the end that enrollees shall be afforded the greatest practical opportunity to obtain continuing dental plan coverage.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section, a dental plan organization which has had its certificate of authority suspended or revoked, or has suffered an adverse decision by the commissioner, shall be entitled to appeal this decision. The appeal shall be granted as a matter of right and shall be taken to the Court of Chancery in any County in this State.

§3816. Cease and Desist Order

(a) The commissioner may issue an order directing a dental plan organization or a representative of a dental plan organization to cease and desist from engaging in any act or practice in violation of the provisions of this act.

(b) Within twenty (20) days after service of the order of cease and desist, the respondent may request a hearing on a question of whether acts or practices in violation of this act have occurred.

§3817. Civil Penalty for Violations of this Chapter

Any dental plan organization which violates any provisions of this chapter, or neglects, fails or refuses to comply with any of the requirements of this chapter, except the failure to file an annual report and the failure to reply in writing to inquiries of the commissioner, shall be liable for a civil penalty of no more than \$1,000.00 for each violations.

§3818. Power of the Commissioner to Enjoin Dental Plan Organizations from Transacting Business

Whenever any dental plan organization shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or whenever the commissioner shall ascertain, as a result of examination as authorized by this chapter, or in any other manner, that the dental plan organization is exceeding its powers or violating the law or that its condition or methods of business may render the continuance of its operations hazardous to its enrollees or the public, or that it's

assets are less than its liabilities, the commissioner may institute an action in the Court of Chancery to enjoin it from the transaction of any further business, or from the transfer or disposal of its property in any manner whatsoever. The Court may proceed in the action in a summary manner or otherwise. It may grant injunctive relief and appoint a receiver, with power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, monies and effects, lands and tenement, books, papers, choses in action, bills, notes and property of every description belonging to the dental plan organization and sell and convey and assign the same, and authorize the purchase of continuing coverage for enrollees utilizing the remaining assets, and hold and dispose of the proceeds thereof. The Court may cause the receiver to continue the existing operation of the organization, under Court supervision, until the next anniversary of the subscription certificates and contracts then in force. The dental plan organization may be deemed in solvent whenever it is presently or prospectively unable to fulfill its outstanding contracts and to maintain the surpluses required pursuant to this chapter.

§3819. Applications and Reports are Public Information

Applications, filings and reports required under this chapter except contracts referred to in §3803 (c) (4) and §3803 (c) (5) of this chapter shall be treated as public documents and shall not be considered confidential.

§3820. Data Pertaining to Diagnosis, or Treatment of Enrollees Shall be Confidential

Data or information pertaining to the diagnosis, treatment or health of any enrollee obtained by the dental plan organization from the enrollee or any dentist shall be confidential and shall not be disclosed to any person except to the extent that it may be necessary to carry out the purposes of this act, or upon the express consent of the enrollee or pursuant to statute or court order for the production of evidence of the discovery thereof, or in the event of claim or litigation between the enrollee and the dental plan organization wherein the data or information is pertinent. A dental plan organization shall be entitled to claim any statutory privileges against such disclosure which the dentist who furnished the information to the dental plan organization is entitled to claim.

§3821. Persons Exempt from Provisions of Chapter

Except with respect to the dental plan organization activities of a duly organized and authorized insurer or medical or dental service corporation, which activities are authorized and regulated pursuant to this chapter, this chapter shall not apply to a person engaged as indemnitor or contractor in the business of life insurance, health insurance or of annuity, nor shall it apply to a medical service corporation or dental service corporation. This Chapter shall not apply to the dental plan activities of a duly authorized health service corporation.

§3822. Commissioner May Promulgate Necessary Rules and Regulations

The commissioner may promulgate such rules and regulations as he may deem necessary to effectuate the purposes of this chapter.

§3823. Severability of Sections If Held Invalid

If any section, term or provision of this chapter shall be adjudged invalid for any reason, such judgment shall not effect, impair or invalidate any other section, term or provision of this chapter, and the remaining sections, terms and provisions shall be and remain in full force and effect."

Section 2. This Act shall take effect ninety (90) days after the date of enactment.

Approved June 25, 1981.

CHAPTER 50

FORMERLY

HOUSE BILL NO. 216
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, §612 AND §613 OF THE DELAWARE CODE RELATING TO ASSAULTS UPON FIREMEN.

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

Section 1. Amend §612(4), Title 11 of the Delaware Code by inserting after the word "officer" and before the word "who" the following words:

"or a volunteer or full-time fireman".

Section 2. Amend §613(5), Title 11 of the Delaware Code by inserting after the word "officer" and before the word "who" the following words:

"or a volunteer or full-time fireman".

Approved June 25, 1981.

CHAPTER 51

FORMERLY

SENATE BILL NO. 39
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE RELATING TO PROHIBITED HUNTING AND TRAPPING METHOD.

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 §704 (a) Chapter 7, Title 7, Delaware Code by inserting after the word "hook" and before the word "or" as the same appear in the first sentence thereof the following:

"lure, urine"

Section 2. Amend §704(a), Title 7 of the Delaware Code by adding two new sentences thereto to read as follows:

"For purposes of this section, the term 'lure' means any mixture of ingredients intended to be placed at the trap location for the purpose of masking human odor or attracting wildlife. The term 'lure' does not include any tangible objects such as duck or goose decoys or similar tangible devices used while hunting nor does the term include any mixture of ingredients intended for the purpose of masking human odor or attracting deer while deer hunting."

Approved June 25, 1981.

CHAPTER 52

FORMERLY

SENATE BILL NO. 40
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE RELATING TO RED FOXES.

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 §794, Chapter 7, Title 7, Delaware Code by inserting after the word "No" and before the word "red" the same appear in the first paragraph thereof the following:

"red fox or"

Section 2. Amend §794, Chapter 7, Title 7 of the Delaware Code by striking the second paragraph of said section in its entirety and substituting in lieu thereof the following:

"The provisions of the preceeding paragraph insofar as they relate to the possession of live red foxes shall not apply to animal exhibitions owned or operated by the State or any political subdivision thereof."

Approved June 25, 1981.

CHAPTER 53

FORMERLY

SENATE BILL NO. 44

AN ACT TO AMEND CHAPTER 25 AND CHAPTER 67, TITLE 21, OF THE DELAWARE CODE RELATING TO THE TRANSFER AND SELLING OF SALVAGES OR TOTAL LOSS MOTOR VEHICLES AND RELATING TO THE RESPONSIBILITY OF THE VEHICLE OWNERS.

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 §2505, Chapter 25, Title 21, of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§2505. Transfer for Wrecking or Dismantling; Duties of Transferee.

(a) Whenever any person, carrying on the business of wrecking or dismantling motor vehicles for resale of parts thereof, purchases or otherwise acquires any such vehicle, whether registered or unregistered, for the purpose of wrecking or dismantling it in order to resell the parts thereof, such person shall immediately send or deliver the certificate of title of the vehicle to the Department. Upon receipt of the certificate of title and upon payment of title fee, the Department shall issue a salvage certificate. Such salvage certificate shall be deemed to meet all State proof of ownership, and shall be kept by the owner at the place of business where the vehicle was placed when originally acquired by the owner. If the vehicle or major part thereof is transferred by the owner or his agent to another person or location, it shall be noted by the owner in the record, and the salvage certificate shall be transferred and kept at the same location as the vehicle. The owner or his agent shall keep the salvage certificate in an accessible place and shall make the same available for inspection and examination by any police officer during the regular working hours of such business.

(b) The records and information required by this section shall be maintained by the owner for as long as said vehicle remains in his possession or control; provided, however, that if the owner transfers such vehicle to another person he shall nevertheless keep such records and information for a period of three (3) years from the date of such transfer.

(c) Any person who fails, neglects or refuses to maintain the records and information required by this Section, or who shall refuse to permit the examination of the records or information by persons permitted by this Section to do so, shall be guilty of a Class B Misdemeanor as the same is defined in Chapter 42, Title 11, of this Code and shall be subject to the penalties proscribed therein."

Section 2. Amend Section §2512, Chapter 25, Title 21, of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§2512. Responsibilities of Vehicle Owners Regarding the Requirement of Obtaining a Salvage Certificate for Certain Motor Vehicles

(a) Whenever any registered or unregistered motor vehicle, for which a title has been issued by the Department, is transferred as salvage as a result of a total loss insurance settlement, the insurance company or its authorized agent shall send the certificate of title of the vehicle to the Department within 30 days from the date of settlement. Upon receipt of the certificate of title and appropriate fee, the Department shall issue a salvage certificate. Such salvage certificate shall be deemed to meet all State proof of ownership.

(b) If a salvaged or junked motor vehicle is sold to a scrap processor and if the vehicle is to be totally destroyed, the salvage dealer or junk dealer shall, within 30 days of said sale, certify on the salvage certificate that the vehicle was sold to be destroyed and list the name of the scrap process or buyer along with the date of sale and that the vehicle no longer exists and forward the salvage certificate to the Department for cancellation.

(c) The Department shall issue to the seller a receipt in the name of the seller, agent or owner for the salvage certificate. The seller or vehicle owner or agent shall keep such records and receipt for a period of three (3) years from the date of sale and shall make such records and receipts available for inspection and examination by any police officer during the regular working hours of such business seller or agent.

(d) Any person who fails, neglects and refuses to maintain the records and information required by this section, or who shall refuse to permit the examination of the records or information by persons permitted by this section to do so, shall be guilty of a Class B Misdemeanor as the same is defined in Chapter 42 of Title 11, of the Laws of the State of Delaware and shall be subject to the penalties proscribed therein."

Section 3. Amend Section §6715, Chapter 67, Title 21, of the Delaware Code by striking said section in its entirety.

Approved June 25, 1981.

CHAPTER 54

FORMERLY

SENATE BILL NO. 92

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO PROVIDE FOR ABSENTEE VOTING IN THE GENERAL MUNICIPAL ELECTION.

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

Section 1. Section 18, Chapter 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end of said Section 18 the following sentence:

The Town Council may, by Ordinance, provide for a qualified voter, duly registered, who shall be unable to appear to cast his or her ballot at any General Municipal Election either because of his or her being in the public service of the United States or of this State, or because of the nature of his or her business or occupation, or because of his or her sickness or physical disability, or because of being unavoidably absent from the Town of Laurel on the day of the General Municipal Election, to vote by absentee ballot.

Approved June 25, 1981.

CHAPTER 55

FORMERLY

HOUSE BILL NO. 71

AN ACT TO AMEND CHAPTER 9, TITLE 24, DELAWARE CODE, RELATING TO DEADLY WEAPONS.

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

Section 1. Amend Title 24, Delaware Code, Section Section 904 by adding a new sentence at the end of the existing Section to read as follows:

"This Section shall not apply to pistol or revolver cartridges."

Approved June 26, 1981.

CHAPTER 56

FORMERLY

HOUSE BILL NO. 212

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

AN ACT TO AMEND TITLE 21, CHAPTER 41, OF THE DELAWARE CODE TO PROVIDE FOR A PENALTY FOR VIOLATION OF A CONDITIONAL LICENSE.

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 41, Title 21 of the Delaware Code by adding a new section, to follow §4177D, to read as follows:

"4177E. Issuance of certain conditional licenses; penalties

(a) In the event of a revocation of a driver's license pursuant to §4177B and/or §2742 of this Title, the Department may issue a conditional license during the period of revocation upon application by the applicant upon a form prescribed by the Department and sworn to by the applicant, provided that the applicant sets forth in said application that the revocation of such license has created an extreme hardship, that no prior conditional license has been issued within the preceding twelve (12) months, that there have been no other such prior revocations, and if all other requirements contained in §4177C and/or §2743 of this Title have been satisfactorily complied with.

(b) The Department, upon receiving a record of conviction of any person upon a charge of operating a motor vehicle in violation of the conditions imposed upon said conditional license during the period of such conditional license, shall immediately extend the period of such revocation for an additional like period and shall forthwith direct such person to surrender said conditional license to the Department.

(c) Any person whose driver's license has been revoked and to whom a conditional license has been issued, under the provisions of this Chapter, and who drives any motor vehicle upon the highways of this State contrary to the conditions placed upon such conditional license during the period of such conditional license, upon conviction thereof, shall be fined not less than \$25 or more than \$200."

Approved June 26, 1981.

CHAPTER 57

FORMERLY

SENATE BILL NO. 122

AS AMENDED BY

SENATE AMENDMENT NO. 2 AND HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 71, TITLE 29 OF THE DELAWARE CODE RELATING TO THE USE OF STATE VEHICLES BY STATE EMPLOYEES.

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

Section 1. Amend §7105, Chapter 71, Title 29 of the Delaware Code by striking sub-paragraph (a) of such section and substituting in lieu thereof a new sub-paragraph (a) to read as follows:

"(a) No motor vehicle owned by the State, except as otherwise indicated herein, shall be driven by State employees of any department, agency or commission of this State before or after the prescribed working hours of employee of the department, agency or commission."

Section 2. Amend §7105, Chapter 71 of Title 29 of the Delaware Code by adding sub-paragraph (d) to read as follows:

"(d) Specifically exempted from the provisions of this statute are:

1. The Governor's car
2. State Police vehicles
3. Those vehicles designated as emergency vehicles by the Governor
4. Those vehicles required and authorized by superiors to be used by State employees during the course of their employment before or after the prescribed working hours of such employee
5. Those vehicles designated by the Governor for the transportation of State employees commuting to and from their prescribed places of employment provided the vehicles are part of a specific pooling program. Each such vehicle pooling program and costs thereof shall be approved by the Governor prior to starting operations and shall provide that the State shall be reimbursed for the entire cost of the vehicle and all operating costs thereof by its users. After the initial year, each year on or before August 1, the Secretary of Finance shall determine an appropriate cost factor for each approved pooling program."

Approved June 26, 1981.

CHAPTER 58
FORMERLY
SENATE BILL NO. 155

AN ACT TO AMEND TITLE 6, SECTION 2902 OF THE DELAWARE CODE PERTAINING TO THE ADVERTISEMENT OF RETAIL MOTOR FUEL PRICES.

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

Section 1. Amend §2902 of Title 6, Delaware Code, by striking said §2902 in its entirety, and substituting in lieu thereof a new §2902 to read as follows:

"§2902. Price and Signs on Fuel Pumps and Premises

(a) Every retail dealer in motor fuel shall publicly display and maintain on each pump or other dispensing device, from which motor fuel is sold by him, at least one sign stating the price per gallon of the motor fuel sold by him from such pump or device, which price shall be the total price for such motor fuel, including all state and federal taxes. Such sign or signs shall contain no information other than the total price, except the sign or signs may state that the price includes all taxes or may state the amount of taxes included in the price or may include, in addition to the price per gallon, the price in metric units. The statement of the total price, as shown by the figures used in any price computing mechanism constituting a part of any such pump or dispensing device, shall be considered as a sign within the meaning of this section and no other or additional signs stating the price shall be required.

(b) Nothing in this section shall be construed to prohibit other signs stating the price of motor fuel from other locations on or about the premises where motor fuel is sold at retail."

Section 3. Amend §2911 of Title 6, Delaware Code, by adding a new subsection (d) which shall read as follows:

"(d) The Attorney General, the Office, or any aggrieved person may institute an action in the Court of Chancery to enjoin any person from engaging in or continuing a practice in violation of this Chapter."

Approved June 29, 1981.

CHAPTER 59

FORMERLY

HOUSE BILL NO. 389

AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2, 3, and 4

AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH.

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

Section 1. INCORPORATION.

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

Section 2. TERRITORY AND LIMITS.

The present territorial limits of the Town of Dewey Beach are hereby established and declared to be as follows:

Starting at a point at the low water mark of the Atlantic Ocean shoreline, it being on an easterly extension of the northern boundary of Chesapeake Street; running thence, in a southerly direction with the low water mark of the coastline of the Atlantic Ocean to a point on the beach which is on an easterly extension of the southern boundary of Collins Street; thence, in a westerly direction along the southern boundary of Collins Street to Route No. 1; thence, in a southerly direction to a point approximately sixty-five feet south of Anchor Way; thence, in westerly direction to the eastern shore of the Rehoboth Bay; thence, in a northerly direction, and with the meanderings of the Rehoboth Bay shoreline to Bayard Avenue extended, where it intersects with the southwestern corner of Bellvue Street; thence, running in a northerly direction along the western boundary of Bayard Avenue extended, and across Route No. 1 to an intersection point on the northern boundary of Chesapeake Street; thence, in an easterly direction along the northern boundary of Chesapeake Street to the point and place of beginning.

The area designated by this description includes all of "Rehoboth-by-the-Sea" (as shown on a plot plan on file in Georgetown, Delaware), and all that area south of Rehoboth-by-the-Sea which is bounded on the east by the Atlantic Ocean; bounded on the west by Rehoboth Bay; and which extends southward to the south side of Collins Street.

Section 3. STRUCTURE OF GOVERNMENT.

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Commissioners of Dewey Beach. The Commissioners of Dewey Beach shall consist of five members, to be chosen as hereinafter provided. One of the said Commissioners shall have the title of "Mayor of the Town of Dewey Beach," with duties hereinafter to be prescribed, and who shall also be President of the Commissioners of Dewey Beach.

Section 4. GENERAL POWERS.

(a) The inhabitants of the Town of Dewey Beach within the limits and boundaries referred to in Section 2 of this Act, or within the limits and boundaries hereinafter established shall be, and they are hereby, created a body politic and corporate in law and in equity by the corporate name of "Town of Dewey Beach," (hereinafter referred to as the "Town") and under that name shall have perpetual succession, and 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 real property and personal property obtained by purchase, gift, devise or lease 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; and may do all other things which a body politic and corporate may lawfully do to carry out and effectuate the objects and purposes of this Act; subject, however, to other sections of this Act.

Except as hereinafter provided in this Charter relative to the power to issue bonds, the Town shall have all other powers and functions requisite to or appropriate for the governance of the Town; its peace

and order; its sanitation; its beauty; the health, safety, convenience, comfort and well-being of its population; the protection and preservation of property, public and private; and all actions, suits or proceedings shall be brought in the name of the "Town of Dewey Beach."

(b) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, it is intended that the Town of Dewey Beach shall have, and may exercise all powers which, under the Constitution of the State of Delaware, which would be competent for this Charter to specifically enumerate. All powers of the Town of Dewey Beach, whether expressed or implied, shall be exercised as prescribed by this Charter; or, if not prescribed herein, by ordinance or resolution of the Commissioners.

Section 5. QUALIFICATIONS OF MAYOR AND COMMISSIONERS.

(a) Each Commissioner shall be at least 21 years of age, a non-delinquent taxable of the County, and shall be non-delinquent as to all taxes levied or assessments made by the Town.

(b) Not less than two of the Commissioners shall be designated Resident Commissioners. A Resident Commissioner shall have the following qualifications: 1) he shall be a *bona fide* resident and domiciliary of the Town; and 2) shall own real estate within the Town; or be a leaseholder of real estate in the Town, under a lease of a term of five (5) years or more.

(c) Other Commissioners must either have the qualifications of a Resident Commissioner as defined above or be an owner of real estate within the Town or a leaseholder of real estate within the Town under the lease of a term of five (5) years or more or be a full time resident and domiciliary of the Town.

(d) The Commissioner with the title of "Mayor of the Town of Dewey Beach" must be qualified as a Resident Commissioner.

(e) If any one of the Commissioners shall, during his term of office fail to continue to be qualified as above stated, he shall *ipso facto* vacate his office. The Commissioners shall be the judges of the qualifications of the members.

Section 6. ELECTION IN GENERAL.

Those who are Commissioners on the date this Charter becomes law, and other officers appointed to serve shall continue to serve as the Commissioners of Dewey Beach and officers of the Town from and after the passage hereof until their successors are duly elected or appointed at the annual election held on the third Saturday in September. In the first annual election, three (3) Commissioners shall be elected for terms of two years each, and the other Commissioners shall serve terms of one year each. Thereafter, each Commissioner shall be elected for a two-year term. In the first annual election, the three Commissioners receiving the greatest number of votes shall each be elected for two year terms.

Section 7. ELECTIVE OFFICES.

(a) All other offices shall be appointive and the person or persons filling such appointive offices shall be appointed by the Commissioners of Dewey Beach.

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

(c) If any elective or appointive officer, agent or employee be found guilty of any felony anywhere in the United States, he shall forthwith be disqualified to act as such officer and he shall, *ipso facto*, vacate his elective office; which office shall be filled by the Commissioners of Dewey Beach as in the case of other vacancies.

Section 8. ORGANIZATION.

(a) An organizational meeting of the Commissioners of Dewey Beach shall be held within ten (10) days following the annual election. At that meeting the Commissioners elected shall elect one of the Commissioners as the presiding officer of the Commissioners of Dewey Beach for a term of one year. If the Commissioners are unable to elect one of their number as a presiding officer then such officer shall be chosen for the Commissioners, by lot, by the Commissioners. The presiding officer shall be called the "Mayor".

(b) The Commissioners of Dewey Beach, at the first regular meeting following the annual election, shall meet for the purpose of organization at the usual place for holding meetings of the Commissioners of Dewey Beach. The newly elected Commissioners shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity, which oath or affirmation shall

be taken before a Notary Public, a Justice of the Peace or by a holding-over member of the Commission. The Commissioners shall likewise select a Secretary from their own number to serve until the first regular meeting after the next succeeding election. They may also choose an Assistant Secretary to serve as aforesaid, and such other officers and employees as may be determined to be necessary.

(c) The Commissioners shall by ordinance fix the amount of any salaries or compensation of the employees, officers and agents of the Town, and the time and manner of his or her, or their payment; provided, that the salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should said appointment thereto be for a designated term. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town or otherwise any compensation, in any form, in addition to the salary or compensation fixed by the Commissioners.

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

Section 9. METHOD OF FILING FOR OFFICE OF TOWN COMMISSIONERS

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

Section 10. MANNER OF HOLDING ELECTIONS

(a) Annual municipal elections shall be held on the third Saturday in the month of September, from 10 o'clock A.M. to 6 o'clock P.M. at such place or places as shall be determined by the Commissioners, due notice of which shall be given by posting notices thereof in two (2) conspicuous places within the corporate limits of the Town of Dewey Beach; and by publication in a newspaper of general circulation in the community not less than fifteen (15) days before the day of such annual election; provided however, that in the event that there is no contest for any of the several offices up for election in any year, the polls shall not remain open after 10 o'clock A.M., prevailing time.

(b) Each person eighteen years of age or older, who is a full-time resident and domiciliary of the Town, or who is an owner of real property within the Town, or who holds a lease for five years or more on property within the Town, shall be qualified to vote in the election of Town officials as herein provided.

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

(d) Upon the close of the election, the votes shall be computed and announced publicly and the qualified persons having the highest number of votes shall be declared, by the Election Board, to be duly elected; and such persons shall continue in office during the terms for which they were chosen, or until their successors are duly elected or appointed and qualified.

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

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

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

(h) Absentee voting shall be permitted under such rules and regulations as are established by the Town Commissioners.

Section 11. MEETINGS.

(a) The Town Commissioners of Dewey Beach shall hold meetings at the call of the Mayor (or majority of Commissioners).

(b) The Town Commissioners of Dewey Beach shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at such meeting, called as aforesaid. There shall be not less than one meeting held per calendar quarter.

(c) All meetings shall be subject to the provisions of Title 29, Chapter 100, Delaware Code.

Section 12. QUORUM.

A majority of the Commissioners appointed or elected to the Town Commissioners of Dewey Beach shall constitute a quorum.

Section 13. RULES OF PROCEDURES AND MINUTES OF THE TOWN COMMISSIONERS.

The Commissioners shall determine their own rules of procedure and order of business. They shall keep a record of their proceedings and the record shall be open to public inspection. Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the Commissioners. Vote on any ordinance shall be by voice vote, and the vote of each Commissioner on any ordinance shall be entered on the record.

Section 14. DUTIES AND POWERS OF THE MAYOR.

(a) The Mayor of the Town of Dewey Beach shall be sworn or affirmed to perform the duties of his office with fidelity.

(b) He shall be the chief executive of the Town. It shall be his duty to preside at all meetings of the Commissioners and he shall have a vote therein and in case of his absence a President *pro tempore* shall be appointed in his place from the other Commissioners. He shall execute on behalf of the Town when authorized by a majority of the Commissioners all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall have the power to appoint the other Commissioners to be in charge of any departments or divisions of the Town Government created by the Commissioners. At least one Commissioner must be appointed to each department or division created by the Commissioners. The Mayor shall be a member, ex-officio, of all committees. It shall be the duty of the Mayor to see that the laws and ordinances of the said Town are faithfully executed and the Mayor shall perform all duties imposed upon him by this Charter. The Mayor shall also have the power to administer oaths and affirmations.

(c) As a Commissioner of Dewey Beach and as Mayor of the Town of Dewey Beach, he shall have the same right as other Commissioners to vote on all matters, and debate any question from the floor.

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

Section 15. TOWN CLERK

(a) The Commissioners of Dewey Beach may appoint a Town Clerk.

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

(c) The Town Clerk shall give corporate bond to the corporation in an amount fixed by it conditioned for the faithful performance of his duties, the payment to the Town of all money coming into his hands as Town Clerk from whatever source derived, and in the event of death, resignation or removal from office, the delivery to his successor of all papers, books, records and other property of the Town in his hands or under his control.

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

(e) He shall attend all meetings of the Commissioners and keep proper and adequate minutes of its acts and proceedings and keep a correct journal of the same in a book or books provided for that purpose, said journal must show all bills approved by the Commissioners, the amount of said bills and to whom payable; and he shall be in attendance at his office on such days and between such hours as may be directed by ordinance or resolution of the Commissioners.

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

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

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

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

Section 16. THE TREASURER

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

(b) The Treasurer of the Town of Dewey Beach shall be a resident of Sussex County.

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

(d) The Treasurer shall file with the Town Commissioners of Dewey Beach, a Bond with corporate surety, approved by the Commissioners in the sum of not less than \$25,000.00 to be paid for by the Town Commissioners. The Bond shall be conditioned upon the faithful performance of his duties of his office and the restoration to the Commissioners of Dewey Beach in the case of his death, resignation or removal from office of all books, papers, vouchers, and other property of whatever kind in his possession belonging to the Town of Dewey Beach.

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

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

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

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

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

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

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

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

Section 17. AUDITORS

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

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

Section 18. TOWN SOLICITOR

The Commissioners may select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of the Commissioners of Dewey Beach either with or without due cause stated. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware with offices in Sussex County. It shall be his duty to give legal advice to the Commissioners and other offices of the Town and to perform other legal services as may be required of him by the Commissioners.

Section 19. POLICE FORCE

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

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

Section 20. MAYOR'S OR ALDERMAN'S COURTS.

The Commissioners are authorized to establish a Mayor's Court or an Alderman's Court, and in the case of the Alderman's Court to appoint an Alderman in a manner consistent with the Constitution and laws of the State of Delaware.

Section 21. REMEDIES, POWERS AND METHODS FOR THE COLLECTION OF ASSESSMENTS AND OTHER CHARGES DUE THE TOWN.

(a) A remedy by distress as now prescribed by law is hereby preserved to the Commissioners for the collection of any assessments, fees, warrants or other charges for which they may be responsible.

(b) At any time after the delivery of the duplicate annual tax list or warrant or any other list of charges due the Town of Dewey Beach, the Town Clerk may in the name of the Commissioners of Dewey Beach institute suit before any Court of the State of Delaware, in any of the Counties of the State, for the recovery of the unpaid tax, assessment, license fee, or other charge, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered.

(c) The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which by virtue of such execution shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against said personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County Taxes, although such other liens be of date prior to the time of the attachment of the said tax liens.

(d) No taxes or assessments may be imposed on real or personal property or tax or assessment rates changed unless approved by referendum

Section 22. TOWN BUDGET

(a) The fiscal year for the Town of Dewey Beach shall begin January 1, and end December 31.

(b) Annually each year and not later than the last week in November, the Commissioners shall prepare a rough draft of a Town Budget. From this rough draft the Town Commissioners of Dewey Beach shall, not later than December 10th of each year, prepare the Town Budget, containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

(c) The Budget shall contain the following information:

1. A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.
3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.
4. An itemized statement of all other estimated expense to be incurred in the affairs of the Town.
5. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any Bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds".
6. An estimate of the amount of money to be received from taxes, assessments, and all other anticipated income of the Town from any source or sources whatsoever.

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

Section 23. ENUMERATION OF POWERS

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

1. To provide for and preserve the health, peace, safety, cleanliness, ornament and good order of the Town.
2. To prohibit, or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games.
3. To 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.
4. To provide for or regulate the numbering of houses and lots on the streets, and the naming of streets and avenues.
5. For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the number 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 by the Constitution and Laws of this State.
6. To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping offices for providing services for the Town.
7. 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.
8. To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, tapping fee, charge growing out of abatement of nuisances and the like, laying out and repairing sidewalks, or other charge due the Town and to sell the same.
9. 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.
10. To borrow money in the name of the Town for any proper municipal purpose, and in order to secure the payment of the same, to issue bonds or other kinds or forms of certificate or certificates

of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Commissioners shall select, for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all State, County or municipal taxes; provided, that in no event shall the indebtedness of the Town, for any and all purposes, at any one time exceed in the aggregate thirty-five thousand dollars (\$35,000).

11. 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.

12. To inquire into and investigate the conduct of any officer, office, agent, or employee of the Town or any municipal affair, and for any such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and production of books, papers or other evidence by summary process.

13. To make, adopt and establish all such ordinances, regulations, rules and by-laws, not contrary to the laws of this State and the United States, as the Commissioners may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property and of the public health and welfare of the Town and its inhabitants, or designed to prevent the introduction or spread of infectious or contagious diseases, or to prevent nuisances affecting the same.

14. The Commissioners of the Town of Dewey Beach shall have the authority to raise funds by charging a fee to owners of vehicles which are parked in the streets and other areas accessible to the public.

15. The Commissioners of the Town of Dewey Beach shall have the authority to grant licenses and impose fees for licenses, issue permits, and regulate any activity within the corporate limits specifically including any beach property whether previously dedicated, owned by the State of Delaware, or the Town, except as subsection (b) of this section may apply.

(b) Notwithstanding any provision in this Section or in this Act to the contrary, the Town Commissioners shall have no power or authority to impose or require any fee, tax, license or permit regarding use of the beaches by persons for individual recreational purposes.

Section 24. COLLECTION OF CHARGES DUE THE TOWN

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

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

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

Section 25. REMOVAL OF OBSTRUCTION, NUISANCES, AND UNSANITARY CONDITIONS.

(a) In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, and unsanitary conditions, as those terms may be defined by the Commissioners, if the Commissioners either upon their own inspection or upon information obtained from the Town Clerk or

Police Force, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated as the case may be, the Commissioners shall enact an ordinance or adopt a resolution or both, to that effect and thereupon shall direct the Town Clerk to forward, to the person or persons continuing or causing such obstruction, nuisances, or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, by the mails of the United States, in a sealed wrapper addressed to his or their last and best known 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 Commissioners may have a warrant issued in the name of the Commissioners of Dewey Beach. 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 meeting of the Town Commissioners next succeeding the delivery of the warrant to him, the Town Clerk shall make a return to the Commissioners of his proceedings upon the warrant and shall specify the costs and expenses of all necessary work, labor, and proceedings incurred by him in the abatement or the removal of the same.

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

Section 26. BORROWING MONEY AND ISSUANCE OF BONDS

(a) The Commissioners of Dewey Beach may borrow money, which in the aggregate shall not exceed thirty-five thousand dollars (\$35,000), and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the Town of Dewey Beach, or such other security or securities as the Commissioners shall elect, for the payment of the principal thereof and the interest due thereon.

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

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

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

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

3. Erecting, extending, enlarging, maintaining, and repairing any plant, building, machinery, or equipment or purchasing of any lands, easements and rights-of-way which may be required therefore;

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

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

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

Section 27. CONTRACTS

(a) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be awarded to the bidder submitting the lowest and best bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:

1. The aggregate amount involved is not more than Two Thousand Dollars (\$2,000.00);
2. The purchase or contract is for personal or professional services;
3. The purchase or contract is for any service rendered by a university, college or other educational institution;
4. The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision thereof;
5. The purchase or contract is for property or services for which it is impracticable to obtain competition;
6. The public exigency as determined by the Town Commissioners will not permit the delay incident to advertising;
7. The materials to be purchased are to be used to complete a project under the supervision of the Town Clerk;
8. The purchase or contract is for property or services for which the Commissioners determine the prices received after competitive bidding are unreasonable as to all or part of the requirement or were not independently reached in open competition;
9. A public emergency as determined by the Commissioners exists.

Section 28. LIMITATION OF ACTIONS.

No action, suit or proceeding shall be brought or maintained against the Town of Dewey Beach for damages, either compensatory or punitive, on account of any physical injury or injuries, death or injury to property by reason of the negligence of the Town Commissioners of Dewey Beach or any of its departments, officers, agents, or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted within ninety days from the happening of such injury or the suffering of such damage, shall notify the Commissioners of Dewey Beach in writing of the time, place, cause, character and extent of the injuries sustained so enrolled or damages suffered. Any suit brought against the Commissioners of Dewey Beach shall be against them only in their capacity as representatives of the Town Government and not as individuals.

Section 29. COMPENDIUM.

It shall be the duty of the Commissioners, at reasonable times, or time, to compile the ordinances, codes, orders, and rules of the Commissioners of Dewey Beach. They shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, the Commissioners shall enroll the same in the minutes of the Town Commissioners and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined. They shall furnish to the Mayor of the Town of Dewey Beach 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. The Commissioners may provide for indemnification of elected and appointed official from liability arising out of their acts performance in good faith on behalf of the Town.

Section 30. INVESTIGATIONS.

The Commissioners of Dewey Beach 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.

Section 31. SURVIVAL OF POWERS AND VALIDATING SECTION.

(a) All powers conferred upon or vested in the Town of Dewey Beach or the Commissioners of Dewey Beach 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 Dewey Beach and/or the Commissioners of Dewey Beach precisely as is each of said powers was expressly repeated in this Charter.

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

(c) The authority vested in the Commissioners of Dewey Beach and the taxables of the Town of Dewey Beach by Section 1 of this Act shall apply with equal force and effect to all loans which may be required to raise funds necessary to replace and/or repair all such public property or estate as might have been so destroyed or damaged at a time or times preceding the enactment and approval of this Act as well as at a time or times after the date of the enactment and approval hereof.

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

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

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

Section 32. EFFECTIVE DATE OF ACT.

This Act shall become effective on being signed into law by the Governor of the State of Delaware.

Approved June 29, 1981.

CHAPTER 60
FORMERLY
HOUSE BILL NO. 112
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 67, TITLE 21 OF THE DELAWARE CODE RELATING TO REMOVAL OF IDENTIFICATION NUMBERS FROM BICYCLES.

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

Section 1. Amend §6705 (a), Title 21 of the Delaware Code by adding the words ", a bicycle" after the words "of a vehicle" and before the words "or an engine".

Section 2. Amend §6705 (b), Title 21 of the Delaware Code by adding the words ", a bicycle" after the words "of a vehicle" and before the words "or an engine".

Section 3. Amend §6705 (c), Title 21 of the Delaware Code by adding the words ", a bicycle" after the words "of a vehicle" and before the words "or an engine".

Section 4. Amend §6705 (d), Title 21 of the Delaware Code by adding the words ", a bicycle" after the words "of a vehicle" and before the words "or an engine".

Section 5. Amend §6705 (f), Title 21 of the Delaware Code by adding the words ", a bicycle" after the words "on a vehicle" and before the words "or engine".

Section 6. Amend §6705 (f), Title 21 of the Delaware Code by adding the words ", a bicycle" after the words "or restored" and before the words "or engine".

Section 7. This Act shall not apply to any bicycle identification numbers which were removed or falsified prior to the effective date of this Act. The burden of proving that the removal or falsification preceded the effective date of this Act shall be upon the person so claiming.

Section 8. Amend §6705 (g), Title 21 of the Delaware Code by changing the jurisdiction from "Justices of the Peace" to "Superior Court".

Section 9. This Act shall become effective sixty days after its approval by the Governor.

Approved June 30, 1981.

CHAPTER 61

FORMERLY

HOUSE BILL NO. 131
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 12, TITLE 25 AND TITLE 29 OF THE DELAWARE CODE RELATING TO ACKNOWLEDGMENTS; AND PROVIDING FOR A UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT.

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

Section 1. Amend Chapter 15, Part IV, Title 12 of the Delaware Code by adding thereto a new section, designated as §1573, which new section shall read as follows:

"§1573. Recognition of Acknowledgements

The authentication and recognition of the acknowledgement of a foreign Notary Public or other officer on an instrument necessary under the provisions of this Chapter shall be in accordance with the provisions of Subchapter II, Chapter 43, Title 29 of the Delaware Code."

Section 2. Amend Subchapter II, Chapter 1, Part I, Title 25 of the Delaware Code by adding thereto a new section, designated as §134, which new section shall read as follows:

"§134. Recognition of Acknowledgements

The authentication and recognition of the acknowledgement of a foreign Notary Public or other officer on an instrument necessary under the provisions of this Chapter shall be in accordance with the provisions of Subchapter II, Chapter 43, Title 29 of the Delaware Code."

Section 3. Amend Chapter 43, Part IV, Title 29 of the Delaware Code by re-designating all of said Chapter as new Subchapter I, which shall be entitled:

"SUBCHAPTER I. OFFICE AND DUTIES"

Section 4. Amend Chapter 43, Part IV, Title 29 of the Delaware Code by adding thereto a new subchapter, which new Subchapter shall read as follows:

"SUBCHAPTER II. RECOGNITION OF ACKNOWLEDGEMENTS

§4321. Recognition of Certain Notarial Acts

For purposes of this Chapter, 'notarial acts' shall include acts which the laws and regulations of this State authorize notaries public of this State to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgements of instruments, and attesting documents. Notarial acts may be performed outside this State for use in this State with the same effect as if performed by a Notary Public of this State by the following persons authorized pursuant to the laws and regulations of other governments, in addition to any other person authorized by the laws and regulations of this State:

(a) A Notary Public authorized to perform notarial acts in the place in which the act is performed;

(b) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;

(c) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;

(d) A commissioned officer in active service with the armed forces of the United States, and any other person authorized by regulation of the armed forces to perform notarial acts, if the notarial act is performed for one of the following or his dependents: a merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or

(d) Any other person authorized to perform notarial acts in the place in which the act is performed.

§4322. Authentication of Authority of Public Officer

(a) If the notarial act is performed by any of the persons described in §4321, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(b) If the notarial act is performed by a person authorized by the laws and regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(1) either a foreign service officer of the United States resident in the country in which the act is performed, or a diplomatic or consular officer of the foreign country resident in the United States, certifies that a person holding that office is authorized to perform the act;

(2) the official seal of the person performing a notarial act is affixed to the document; or

(3) the title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law, or in a list customarily used as a source of such information.

(c) If the notarial act is performed by a person other than one described in this section, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person, and to his authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title, and that the signature is genuine.

§4323. Certificate of Person Taking Acknowledgement

The person taking an acknowledgement shall certify that:

(1) the person acknowledging appeared before him, and acknowledged he executed the instrument; and

(2) the person acknowledging was known to the person taking the acknowledgement; or

(3) the person taking the acknowledgement had satisfactory evidence that the person acknowledging was the person described in, and who executed, the instrument.

§4324. Recognition of Certificate of Acknowledgement

The form of a certificate of acknowledgement used by a person whose authority is recognized under §4321 shall be accepted in this State if:

(1) the certificate is in a form prescribed by the laws or regulations of this State;

(2) the certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgement is taken; or

(3) the certificate contains the words 'acknowledged before me,' or their substantial equivalent.

§4325. Certificate of Acknowledgement

The words 'acknowledged before me' shall mean:

(a) that the person acknowledging appeared before the person taking the acknowledgement;

(b) that he acknowledged his execution of the instrument;

(c) that, in the case of:

(1) a natural person, he executed the instrument for purposes therein stated;

(2) a corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purposes therein stated;

(3) a partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority, and he executed the instrument as the act of the partnership for the purposes therein stated;

(4) a person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the principal for the purposes therein stated;

(5) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(d) that the person taking the acknowledgement either knew, or had satisfactory evidence that the person acknowledging was, the person named in the instrument or certificate.

§4326. Short Forms of Acknowledgement

The forms of acknowledgement set forth in this section may be used, and are sufficient for their respective purposes under any law of this State. The forms shall be known as 'Statutory Short Forms of Acknowledgement' and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(a) For an individual acting in his own right:

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ (date) by (name of person acknowledged).

(signature of person taking acknowledgement)
(title or rank)
(serial number, if any)

(b) For a corporation:

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (State or place of incorporation) corporation, on behalf of the corporation.

(signature of person taking acknowledgement)
(title or rank)
(serial number, if any)

(c) For a partnership:

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(signature of person taking acknowledgement)
(title or rank)
(serial number, if any)

(d) For an individual acting as principal by an attorney in fact:

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(signature of person taking acknowledgement)
(title or rank)
(serial number, if any)

(e) By any public officer, trustee, or personal representative:

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ (date) by (name and title of position).

(signature of person taking acknowledgement)
(title or rank)
(serial number, if any)

§4327. Acknowledgements not Affected by this Subchapter

A notarial act performed prior to the effective date of this Subchapter shall not be affected thereby. This Subchapter provides an additional method of proving notarial acts. Nothing in this Subchapter diminishes nor invalidates the recognition accorded to notarial acts by other laws or regulations of this State.

§4328. Short Title

The provisions of this Subchapter shall be known and may be cited as the Uniform Recognition of Acknowledgements Act."

Approved June 30, 1981.

CHAPTER 62

FORMERLY

HOUSE BILL NO. 132

AN ACT TO REPEAL CERTAIN PROVISIONS OF THE DELAWARE CODE RELATING TO EVIDENCE WHICH HAVE BEEN SUPERSEDED BY THE DELAWARE UNIFORM RULES OF EVIDENCE.

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

Section 1. The following portions of the Delaware Code are hereby repealed: 10 Del. C. §4302 (Competence of parties or interested witnesses to testify.); 10 Del. C. §4303 (Testimony of convicted felon.); 10 Del. C. §4304 (Testimony of husband and wife.); 10 Del. C. §4305 (Acts of General Assembly as evidence.); 10 Del. C. §4306 (Proof of Maryland records.); 10 Del. C. §4307 (Proof of ordinances and resolutions of Wilmington.); 10 Del. C. §4308 (Official records and papers as evidence.); 10 Del. C. §4309 (Business records as competent evidence.); 10 Del. C. §4310 (Proof of handwriting or genuineness of documents.); 10 Del. C. §4312 (Evidence of laws of other jurisdictions; judicial notice.); 10 Del. C. §4313 (Judicial notice of common law and statutes of other jurisdictions.); 10 Del. C. §4314 (Uniform Proof of Statutes Law.); 10 Del. C. §4315 (Federal findings or reports on death, missing in action, or captured as evidence.); 10 Del. C. §4316 (Prohibition of examination of minister of religion.); 11 Del. C. §3502 (Testimony of wife or husband); 24 Del. C. §1703 (g) (Doctor-patient privilege.); 24 Del. C. §3516 (Psychologist-patient privilege).

Approved June 30, 1981.

CHAPTER 63

FORMERLY

HOUSE BILL NO. 147

AN ACT TO AMEND CHAPTER 65, PART IV, TITLE 10 OF THE DELAWARE CODE RELATING TO COURTS AND JUDICIAL PRECEDURE; AND PROVIDING FOR A UNIFORM DECLARATORY JUDGMENTS ACT.

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

Section 1. Amend Chapter 65, Part IV, Title 10 of the Delaware Code by striking said chapter in its entirety, and substituting in lieu thereof the following:

"CHAPTER 65. DECLARATORY JUDGMENTS

§6501. Scope

Except where the Constitution of this State provides otherwise, courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declaration shall have the force and effect of a final judgment or decree.

§6502. Power to Construe

Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder.

§6503. Before Breach

A contract may be construed either before or after there has been a breach thereof.

§6504. Executor

Any person interested as or through an executor, administrator, trustee, guardian or fiduciary, creditor, devisee, legatee, heir, next-of-kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, a person mentally ill, or insolvent, may have a declaration of rights or legal relations in respect thereto:

- (a) To ascertain any class of creditors, devisees, legatees, heirs, next-of-kin or others; or
- (b) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or
- (c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

§6505. Enumeration Not Exclusive

The enumeration in §6502, §6503 and §6504 does not limit nor restrict the exercise of the general powers conferred in §6501, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

§6506. Discretionary

The Court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, will not terminate the uncertainty or controversy giving rise to the proceeding.

§6507. Review

All orders, judgments and decrees under this chapter may be reviewed as other orders, judgments and decrees.

§6508. Supplementary Relief

Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

§6509. Jury Trial

When a proceeding under this chapter involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

§6510. Cost

In any proceeding under this chapter the court may make such award of costs as may seem equitable and just.

§6511. Parties

When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged unconstitutional, the Attorney-General of the State shall also be served with a copy of the proceeding and be entitled to be heard.

§6512. Construction

This chapter is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations; and is to be liberally construed and administered.

§6513. Words Construed

The word "person" wherever used in this chapter, shall be construed to mean any person, partnership, joint stock company, unincorporated association or society, or municipal or other corporation of any character whatsoever."

Section 2. The several Delaware Code sections and provisions herein, except §6501 and §6502, are hereby declared independent and severable, and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or inoperative.

Section 3. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

Section 4. This Act may be cited as the Uniform Declaratory Judgments Act.

Approved June 30, 1981.

CHAPTER 64

FORMERLY

HOUSE BILL NO. 148

AN ACT TO AMEND CHAPTER 649, VOLUME 18, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, 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. Chapter 649, Volume 18, Laws of Delaware, being an Act entitled "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware" is amended by repealing said chapter in its entirety and substituting in lieu thereof a new chapter to read as follows:

"Article I Incorporation; Powers Generally

Section 1.101. Incorporation

The inhabitants of the Town of Ocean View, within the corporate limits established by Section 1.105 hereof, and as hereafter amended, shall continue to be a municipal corporation and body politic under the name of 'The Town of Ocean View' hereinafter referred to as the 'Town'.

Section 1.102. Powers of the Town - Generally

(a) The Town shall have all powers possible for it 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 Act. The Town shall have and may exercise all those powers and authority which the General Assembly may grant to the Town by specific enumeration, and which are not denied by the Constitution or general statute. The Town shall have complete powers of legislation and administration in relation to its municipal functions, including any additional powers and authority which may hereafter be granted to it. The Town shall have the authority to make, ordain and establish all such rules, by-laws, regulations and ordinances, in order to exercise or carry out any of its expressed or implied powers, and such rules, by-laws, regulations and ordinances may be made enforceable by imposition of fines.

(b) The Town shall have perpetual successions; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued; plead and be impleaded in any and all Courts of Laws and Equity in the State of Delaware and elsewhere by said corporate named; may take, receive, hold and enjoy any and all lands, tenements and hereditaments located either within or without the limits and boundaries of said Town, in fee simple or for a lesser state, interest or otherwise, and also goods and chattels, rights and credits, and may sell, lease hold, manage and control any such property or properties in such a manner as the Town Council may deem expedient and proper for the purposes hereinafter to be expressed; and may appoint such officers and agents as shall be necessary or convenient for the management of the affairs of the Town, and may fix and determine the compensations of such officials and agents.

(c) Excepted hereinafter provided in this Charter relative to the power to issue bonds, the Council may 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, government and well-being of its population, in the protection and preservation of property, public and private, and the furnishing of proper conveniences and attractions requisite to the same; provided, that nothing in this Charter shall be construed as conferring any banking power.

(d) All actions, suits and proceedings shall be brought under the name of 'The Town of Ocean View'.

(e) The enumeration of particular powers by this Charter shall not be held to be exclusive or to restrict, in any way, 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 this Charter shall be liberally construed in favor of the Town of Ocean View.

Section 1.103. Intergovernmental Relations

The Town may exercise any of its powers, or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or political subdivisions or agencies thereof, or the United States or any agency thereof.

Section 1.104. Corporate Limits

The limits and bounds of the Town of Ocean View are hereby established and declared to be as follows:

BEGINNING at a point, said point being a spike set in the center of Route 26 at the intersection of Route 26 & Assawoman Canal right-of-way which is 150 feet wide; thence from said point of beginning, South 58 degrees, 36 feet, 52 inches West, 3458.40 feet to a corner monument; thence North 49 degrees, 05 feet, 14 inches West, 260 feet to a monument set on the southwest edge of Route 361; thence continuing North 49 degrees, 05 feet, 14 inches West, 2195.24 feet to a point, a corner of old town boundaries and 1974 annexation; thence with new annexation line, South 22 degrees, 05 feet, 37 inches West, 196.85 feet to a point; thence South 39 degrees, 50 feet, 37 inches West, 1109.00 feet to a point, a corner for lands now or formerly of Charles Kauffman and now or formerly of I. Bennett; thence North 48 degrees, 09 feet, 23 inches, West, 733.00 feet to a point; thence North 42 degrees, 20 feet, 37 inches East, 255.00 feet to a point; thence North 47 degrees, 39 feet, 23 inches West, 752.29 feet to a point, being the southeast edge of Route 84; thence continuing North 47 degrees, 39 feet, 23 inches West, 62.00 feet to the northwest edge of Route 84; thence following Route 84, the following six courses and distances, South 60 degrees, 55 feet, 36 inches West, 249.52 feet to a point; thence South 49 degrees, 55 feet, 36 inches West, 381.12 feet to a point; thence South 45 degrees, 42 feet, 16 inches West, 545.90 feet to a point; thence South 49 degrees, 33 feet, 16 inches West, 225.00 feet to a point; thence South 62 degrees, 48 feet, 16 inches West, 222.40 feet to a point; thence South 70 degrees, 23 feet, 14 inches West, 245.20 feet to a point, being the northeast corner of lands now or formerly of H. Davidson; thence leaving Route 84 at a bearing North 72 degrees, 25 feet, 53 inches West, 862.69 feet to a point; thence North 19 degrees, 56 feet, 16 inches East, 2330.59 feet to a point, being a corner for lands now or formerly of M. Robertson, lands now or formerly of Middle Eastern Development Corp. and the town limits of Millville; thence South 68 degrees, 05 feet, 28 inches East, 2106.00 feet; thence North 39 degrees, 58 feet, 42 inches East, 322.64 feet to a point; thence continuing North 39 degrees, 58 feet, 42 inches East, 1168.96 feet to a point, said point being a spike set in the centerline of Route 26 in front of Lord Baltimore School; thence following the easterly edge of Whites Creek in a northeast direction such a distance that will meet the edge of the right-of-way of Assawoman Canal; thence following the westerly edge of the right-of-way of Assawoman Canal such a distance as will reach the point of beginning, be the contents thereof what they may.

Article II Governmental Structure

Section 2.101 General Powers and Duties of the Town Council

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 the performance of all duties and obligations imposed upon the Town by law.

Section 2.102. Enumeration of Powers of the Town Council

Not by way of limitation upon the power vested in the Town Council to exercise all powers delegated by this Charter, except as may expressly appear herein to the contrary, but, rather by way of enumeration upon purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by it in the interest of good government and the safety, health and welfare of the Town, its inhabitants and affairs, that is to say:

(a) The Town Council shall have power to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town, which power shall extend to the area outside the Town limits and within one mile from said limits.

(b) The Town Council may also pass ordinances to ascertain and fix boundaries of streets, squares and lanes, or repair and amend the same, and provide for the paving thereof; or to alter, extend or widen any street, square or land; to open and lay out new ones subject to the provisions in that behalf hereinafter contained; and to regulate the ascent and descent of all streets and lanes; to fix the building lines upon the same; to provide police and the lighting of streets at the expense of the Town; and generally to prescribe and regulate the use of the streets and lands of the Town and to have and exercise control over the same, subject to the provisions in that behalf hereinafter contained.

(c) The Town Council shall have the power to prescribe the rules and regulations directed toward the prevention of fires and explosions; to adopt traffic regulations; to regulate itinerant peddlers and canvassers within the Town; to regulate signs and bill boards and to provide for permits for the erections and maintenance thereof.

(d) The Town Council shall have the power to provide for the regulation of public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls and materials

of buildings and the mode of erecting the same within said Town; and for providing for and securing the safety of the residents thereof, and make provisions for the enforcements of such regulations.

(e) The Town Council shall have the power to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets or other public places within the Town of Ocean View, and to fix the license fee thereof and to license the conduct of business generally within the Town and fix license fees for same and to make all necessary rules and regulations and provide necessary penalties for the enforcement of such ordinances and the collection of such license fees; provided, however, that no license fee shall exceed \$50.00 per year and in its discretion to provide for the payment of the expenses thereof.

(f) The Town Council shall have the power to lay and collect fines on the owners of any domestic or other animal which may be found at-large in any of the streets, squares or lands aforesaid.

(g) The Town Council shall have the power to develop and adopt a comprehensive plan and such zoning ordinances as it shall be deemed necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of the Town and provide for the orderly growth thereof.

(h) The Town Council shall have and may exercise, when deemed necessary by the Council, for any proper and lawful municipal purposes, the power to acquire or vacate the use of lands, tenements, personalty, property, easements, rights-of-way, or any lesser interest in real estate, within the limits of the Town of Ocean View, by way of eminent domain.

(i) The Town Council shall not have the power to exempt any individual from the operation of any general ordinance or municipal regulation.

(j) The Town Council shall have all other powers requisite and appropriate for the government of the Town of Ocean View, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well being of its population, and for the protection and preservation of public and private property, and in general shall have the power to do all those matters and things for the well being of the said Town, which shall not be in a contravention of any existing laws of this State or the Constitution thereof.

Section 2.103. Composition, Qualification and Election

The Town Council shall be composed of five (5) members, who shall be not less than eighteen (18) years of age and permanent residents of the Town of Ocean View. All of said members of Council shall be elected or chosen in accordance with the provisions of this Charter Act.

Section 2.104. Compensation and Expenses

Each member of the Town Council shall receive an annual salary not greater than the sum of Five Hundred Dollars (\$500.00), as it shall establish by ordinance. Council members may be reimbursed for actual and necessary expenses on conducting official business for the Town other than business conducted at regular meetings of the Town Council, but all such expenses must be approved by Council before payment of same.

Section 2.105. Holding Other Offices

Except where authorized by law, no Councilman shall hold any other Town office or employment during the term for which he or she was elected to the Council, and no former Councilman shall hold any compensated appointive Town office or employment until one (1) year after the expiration of the term for which he or she was elected to the Council.

Section 2.106. President of the Town Council

(a) The Town Council shall elect from one of their own number the President of the Town Council.

(b) The President of Town Council shall be the chief administrative officer of the Town. He shall be responsible to the Council for the administration of all Town affairs placed in his charge by or under this Charter.

Section 2.107. Duties of the President of the Town Council

The President of the Town Council shall have the following duties:

(a) He shall direct and supervise the administration of all departments, officers and agencies of the Town except as otherwise provided by law or this Charter.

(b) He shall preside at the meetings of the Town Council and vote in case of a tie.

(c) He shall see that all laws, provisions of this Charter Act and Acts of the Town Council, subject to enforcement by him or by any officer subject to his direction and supervision, are faithfully executed.

(d) He shall prepare and submit the annual budget and capital program to the Town Council in accordance with the terms of this Charter.

(e) He shall make such reports as the Town Council may require concerning the operations of the Town departments, offices or agencies subject to his direction and supervision.

(f) He shall keep the Town Council fully advised as to the financial conditions and future needs of the Town and make such recommendations to the Town Council concerning the affairs of the Town as he deems necessary and desirable.

(g) He shall perform other such duties as are specified in this Charter or may be required by the Town Council.

Section 2.108. President Pro Tempore

In case of the temporary absence or inability to act of the President, the Town Council shall appoint a President Pro Tempore from among themselves to act in such temporary absence or inability of the President. The President Pro Tempore when lawfully acting as President shall have all the powers conferred upon the President by this Charter. The compensation of the President Pro Tempore shall be fixed by the Town Council by ordinance.

Section 2.109. Vacancies In Office

(a) Vacancies. The office of Councilman shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, through forfeiture of office, or by laws of residence in the Town of Ocean View.

(b) Forfeiture of Office. A Councilman shall forfeit his office if: (1) he lacks, at any time during his term of office, any qualification for the office prescribed by this Charter Act; (2) he violates any express prohibition of this Charter Act; or (3) he is convicted of a crime involving moral turpitude.

(c) Filling of Vacancies. A vacancy in the office of Councilman shall remain vacant for the remainder of the unexpired term if such vacancy shall occur less than sixty (60) days before the next annual election. Otherwise, Council by majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the next annual election.

Section 2.110. Town Secretary.

The Town Council shall elect an officer of the Town who shall have the title of Town Secretary. The Town Secretary shall (1) give notice of council meetings to its members and the public, (2) keep the minutes of its meetings, (3) attest all ordinances, resolutions and such other documents as may be required by this Charter Act, law or by the Town Council, and (4) Perform such other duties as may be assigned by the Town Council. The Minute Book of the Town Council shall be kept at all times when not in use in the safe located in the Municipal Building.

Section 2.111. Town Treasurer.

The Town Council shall elect from its own number an officer of the Town who shall be Treasurer. The Treasurer and the President shall sign all checks on public funds, having first determined that the expenditure represented by the check has been duly authorized by the Town Council. The Treasurer shall also keep a record of the income and expenditures of the Town. Such records shall be sufficiently prepared to meet the Town needs for a budget and yearly audit. The Treasurer shall be bonded by a bonding company duly licensed to do business in the State of Delaware in an amount to be determined by the Town Council.

Section 2.112. Town Solicitor

The Town Council shall appoint an attorney who shall have the title of Town Solicitor. The Town Solicitor shall serve at the pleasure of the Town Council and shall be licensed to practice law in the State of Delaware. It shall be the duty of the Town Solicitor to give legal advice to the Council and other officers of the Town and to perform such other services as may be required by the Council.

Section 2.113. Elections

(a) An election shall be held in the Town of Ocean View for Town Council on the second Saturday of April and, after the passage of this act, and annually thereafter on the second Saturday of April, from 12:00 noon to 5:00 p.m., and at such places as shall be determined and fixed by the Town Council. At least thirty days previous to such election, due notice thereof and of the time and place thereof shall be received by three qualified voters of said Town appointed by the Town Council. At all such elections, the votes shall be received by three qualified voters of said Town appointed by the Town Council at any regular or special meeting of the Town Council, preceding such election. Said persons so appointed shall be known as Judges of Election, and the result of the balloting for said officers of said Town shall be ascertained by the said Judges of Election. The persons who shall conduct such election as provided in this Act shall be the Judges thereof, and shall decide on the legality of the votes offered.

(b) The five candidates for Town Council having the highest number of votes for such office shall be declared elected, the two highest thereof for a three-year term, the next two highest thereof for a two-year term, and the remaining one thereof for a one-year term. Thereafter, the terms of the Town Councilman shall be for three (3) years. In case of tie of any of the persons voted for, the elections shall be determined by lot, that is, the names of the persons having a tie vote shall be written on identical slips and concealed from the person who shall draw the same, and one of the said Judges of Election shall draw one of said slips, and the person whose name appears on said slip shall be the person elected. Immediately after such elections, said Judges of Election shall enter in a book to be provided for that purpose, a minute of such election, containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each, and they shall subscribe to the same and deliver said book to said Council at their organization meeting. They shall also give to the persons so elected certificates of their election. The book containing such minutes shall be preserved by the Council and shall be evidence in all Courts in this State or elsewhere. In case of the absence, inability or failure of any of said Judges of Election to serve and perform his duties, as required by this Act, then and in such case, it shall be the duty of the Council of Ocean View, or a majority of them without formal meeting, to select an additional Judge of Election and who shall possess the same qualifications of the other Judges of Elections and who shall perform the duties herein required in connection with the conduct of said election.

Section 2.114. Ballots

Immediately after the expiration of the time for filing names of candidates, the said Town Council shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for instance, 'Vote for one', or 'Vote for two', or as many as the voters shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for under each particular office at such election, by drawing a line through the names of all persons who are candidates for each particular office, except those candidates in each group desired to be voted for; provided, however, that no elector any any such election shall be allowed to vote for more candidates for any particular office (but may vote for less) than the number to be elected at such election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates.

The method of voting shall be by striking out the names of those not voted for, so that the eligible number of candidates for any particular office shall remain on the ballot.

Should voting machines be required by law, enacted subsequent to the enactment of this Act, the Councilmen shall make the appropriate changes in the procedures for balloting which conform, as near as practicable, to the procedures outlined herein.

Section 2.115. Qualification for Voting

(a) Every person who shall have reached the age of eighteen years, who is a citizen of the United States, and who has been a resident of the town of Ocean View for six (6) months immediately preceding the date of election and meets the qualifications for voting in elections held for representatives to the General Assembly of the State of Delaware shall be entitled to vote in the annual municipal elections.

(b) The Councilmen may by ordinance provide for the registration of voters and may prescribe registration and voting places, provided there may be at least two registration days per year, the last one not more than thirty (30) days prior to any election or referendum. The hours of registration shall be as provided by ordinance. The ordinance may provide for permanent registration lists.

Section 2.116. Filing for Office

No person shall be voted upon as a candidate for the officers of Councilmen, unless at least thirty (30) days before the date set for the election of said officers he shall have filed with the Secretary or Mayor of the Town Council a letter or other certificate setting forth that he will be a candidate for a certain designated office. Each candidate for such offices shall submit with such letter of certificate the sum of ten (\$10.00) dollars as a fee for filing as a candidate. The Treasurer shall deposit such monies into the General Fund of the Town. The Town Council shall not permit the name of any such candidate to be filed except such candidate as shall meet the requirements of this Charter.

Article III General Procedure; Conduct of Council Business

Section 3.101. Oaths of Office and Council Organization

On the Tuesday next succeeding the annual Town election, the Town Council shall meet for the purpose of taking their oaths of office and organizing the affairs of the Town. Such oaths shall be administered by the Town Alderman, a Justice of the Peace in and for Sussex County, or a duly sworn Notary Public of the State of Delaware. Members of the Council and Town officers appointed or reappointed at the organizational meeting of the Town Council provided for herein shall take the following oath: 'I do solemnly swear (or affirm) that I am duly qualified according to the Constitution of this State to exercise the duties of _____, the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof and defend the Constitution of this State and the United States, so help me God. As _____ (name of office) of the Town of Ocean View, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected (or appointed).' Such oath shall also be administered to other officers of the Town before entering upon their respective offices.

Immediately after taking the oath of office, the Town Council shall elect the President of Town Council, the Town Secretary, the Town Treasurer, and shall appoint an Alderman, Town Solicitor and Collector of Taxes. The Town Council may by ordinances establish such other departments, offices or agencies in addition to those created by this Charter and may prescribe the function of all departments, offices and agencies and shall appoint or employ such necessary persons to perform the functions assigned thereto.

Section 3.102. Regular and Open Meetings

Except as otherwise provided by law or this Charter Act, the meetings of the Town Council shall be open and at all times accessible to the public. Official Town business transacted by the Town Council shall be in public meetings. The Town Council shall meet at least once monthly on the first Tuesday of each month at 7:30 p.m. Special meetings may be held at the call of the president of Town Council, or a majority of the Town Council, when deemed necessary to conduct the affairs of the Town or address a bona fide public emergency.

Section 3.103. Quorum

Three (3) members of the Town Council shall constitute a quorum for the conduct of business, and all decisions of the Town Council shall be made by a majority of those members present and voting, except as otherwise provided herein.

Section 3.104. Rules and Minutes of the Town Council

The Town Council shall determine its own rules and order of business. Town Council may amend its rules and order of business from time to time as it deems necessary and best. Such changes shall be approved or rejected by majority vote of all the members of the Town Council. Nothing in this Section shall prohibit the Town Council from taking reasonable and necessary action to preserve the public peace, keep order at its meetings, or address a public emergency.

(b) Minutes. The Town Council shall cause to be kept a journal of its proceedings which shall be a public record. Voting, except on procedural motions, shall be roll call and the ayes and nays shall be recorded in the journal. Except as otherwise provided by law, all roll call votes shall be made in public.

Article IV Adoption of Ordinances and Resolutions

Section 4.101. Introduction and Required Readings

(a) Introduction. Every proposed ordinance shall be introduced in writing in a form to be prescribed by the Town Council. Each such ordinance, except the annual budget ordinance and general modifications and revisions of ordinances, shall contain not more than one subject which shall be clearly and adequately expressed in its title.

(b) Readings. Upon the introduction of a proposed ordinance, it shall be read at two (2) consecutive regular meetings of the Town Council. Each such reading at a regular Town Council meeting shall be a public hearing on the proposed ordinance. No proposed ordinance may be acted upon until the completion of the foregoing.

Section 4.102. Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Town Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 4.105 (b) of this Article. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it was introduced, but the unanimous vote of all Town Council members present shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Section 4.105 (b) of this Charter Act, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the matter specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

Section 4.103. Annual Budget Ordinance

(a) Submission. It shall be the duty of the Town President, not later than thirty (30) days prior to the end of the fiscal year to prepare an annual budget message, budget, and budget ordinance for consideration by the Town Council. The proposed budget ordinance shall be regarded as having been introduced immediately upon its receipt by the Town Secretary and Town Council.

(b) Budget. The budget shall provide a complete financial plan of all Town funds and activities for the ensuing fiscal year, and except as required by law or this Charter, shall be in such form as the Town President deems desirable or Town Council may require. The proposed annual expenditures shall not exceed the total of estimated income.

(c) Public Notice. The Town Council shall, within ten (10) days of its receipt, publish in one or more newspapers of general circulation in the Town, a general summary of the proposed budget and a notice stating the times and places where the budget may be inspected by the public.

(d) Adoption. The Town Council shall adopt the budget on or before the 30th day of the eleventh month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in its prorated accordingly, until such time as the Town Council adopts a budget for the ensuing fiscal. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Section 4.104. Budget A Public Record

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at the Municipal Building at the regular hours when it is open by the Town President, Town Secretary, or Town Treasurer.

Section 4. 105. Amendments After Adoption

(a) Supplemental Appropriations. If during the fiscal year the Town President certifies that there were available for appropriation revenues in excess of those estimated in the budget, the Town Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Town Council may make emergency appropriations. Such appropriations by be made by emergency ordinance in accordance with the provisions of Section 4.102 of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Town Council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Section 4.106. Reduction and Transfer of Appropriations

(a) Reductions. If at any time during the fiscal year it shall appear to the Town Council that the revenues available will be insufficient to meet the amount appropriated, the Town Council shall then take such action as it deems necessary to prevent or minimize any deficit and may by ordinance reduce one or more appropriations.

(b) Transfers. At any time during the fiscal year, the Town President, with a majority vote of Town Council, may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency.

(c) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 4.107. Payments and Obligations

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Town president and Town Treasurer first certify that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred obligation, and he shall also be liable to the Town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Article V Fiscal and Financial Affairs

Section 5.101. Fiscal Year

The fiscal year of the Town shall begin on the first day of May and end on the last day of April in the next succeeding calendar year.

Section 5.102. Power to Tax

The Town Council shall determine and fix a rate of taxation upon all real estate and adult residents of the Town which will reduce enough money to defray the expenses of the Town for the current fiscal year including interest on bonded debt and for redemption of maturing bonds, except as otherwise provided by law.

Section 5.103. Limitation of Taxing Power

Except for the purpose of debt service and retirement of indebtedness, the assessment levied upon properties within the Town shall not be in excess of One Hundred Thousand Dollars (\$100,000.00).

Section 5.104. Assessments

(a) County Assessments. In the manner provided by law, Town Council may by ordinance levy its property taxes using assessment or supplementary assessment data provided yearly or quarterly by the Department of finance of Sussex County. The general and supplemental assessment roll shall be completed not later than the first day of May of each year and the Town Council shall post a copy of the assessment roll in the Municipal Building or Post Office for public inspection and advertise publication. Any taxpayer of the Town aggrieved by the assessment on his property shall notify the Town Council, in writing, within thirty (30) days after the posting of the assessment roll for the year. Thereafter, Town Council shall hear and determine the appeal, and not later than the first day of June certify the assessment roll in its final form. The Town Council may, by ordinance, assign any or all of its power under this Section to a Board of Assessment which shall be chosen in such fashion, serve for such term, and have such duties as the Town Council may ordain.

Section 5.105. When Due and Payable; Penalty for Late Payment

All Town taxes shall be due and payable May 1. the Town Treasurer shall, after the 31st day of August, in the year in which the tax shall be due, add to the taxes to be paid thereafter a penalty of one percent (1%) per month until the same shall be paid.

Section 5.106. Tax Collector

(a) It shall be the duty of the Tax Collector to proceed forthwith to collect all taxes in a fiscal year in which assessed and in the collection of said taxes, he shall have all the powers conferred upon or vested in the Director of Finance or the Department of Finance of Sussex County. The Tax Collector shall be bonded by a bonding company duly licensed to do business in the State of Delaware in an amount to be determined by the Town Council.

(b) The provisions of Title 25, Section 2901 through 2905 of the Delaware Code Annotated, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes late and opposed under the provisions of this Charter.

(c) The Town Council shall establish the amount of compensation to be received by the Tax Collector. The Tax Collector shall be bonded by a company duly authorized to do business in the State of Delaware in such amount as the Town Council determines.

Section 5.107. Failure to Collect Taxes

Should the Town Council authorize the Tax Collector to proceed to collect any delinquent taxes by legal action, the failure or refusal of the Collector of Taxes to collect or have instituted legal action to collect such delinquent taxes shall not affect the status of such taxes, but shall constitute a misdemeanor, and such time Town Council shall compel the Tax Collector to appear before Town Council to show cause why he has failed to carry out his duties and shall be punished by a fine at the discretion of the Town Council, and further, Town Council at its discretion may remove the offender from office and render him ineligible to hold any position as an official or employee of the Town or a period of five (5) years from the date of his appearance before Town Council.

Section 5.108. Authority to Borrow Money and Issue Bonds

(a) the Town Council may borrow money in the name of the Town for any proper municipal purpose, and in order to secure payment of the same, may by ordinance provide for the issuance of revenue or general obligation bonds in any proper manner provided by law or this Charter, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select for the payment of the principal and interest due thereon. Such bonds and certificates of indebtedness shall be exempt from State, County or municipal taxes, but such bonds issued from time to time imposing a debt obligation upon the Town shall not exceed fifteen (15%) per cent of the assessed value of all real estate subject to taxation within the Town. Capital improvement bonds may be authorized payable in not more than thirty days (30) from date of issue.

(b) The Town Council may accept from any authorized agency of the State or Federal government, or from persons, firms, or corporations, grants, loans, or contributions, and enter into agreements with such agency respecting such loans or grants.

Section 5.109. Independent Audit

the Council shall provide for an independent audit of all Town accounts and may provide for more frequent audits as it deems necessary. The person or persons selected to audit the accounts of the Town shall have no personal interest, direct or indirect, in the fiscal affairs of the Town or any of its officers. An annual audit of the financial records of the Town shall be made at the end of each fiscal year, the fiscal year being from May 1 of each year to April 30th of the following year.

Article VI Annexation**Section 6.101. Annexation By Referendum**

The Town council shall have the authority to annex any territory contiguous to the Town by complying with the procedure set forth in Section 6.102 of this Charter.

Section 6.102. Annexation Referendum Procedure

(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 Ocean View, 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 Ocean View 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 (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 1:00 p.m. and close at 9:00 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 any 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.

Article VII Personnel System

Section 7.101. Personnel System

The Town Council shall establish a personnel system relating to all appointments and promotions of Town officers and employees and their compensation, pension, and such other benefit as the Town Council shall deem necessary and best. The President of the Town Council shall be responsible for administering the personnel system of the Town of Ocean View and shall prepare such rules and regulations as are necessary to comply with this Charter and shall present the same to the Town Council for enactment and by ordinance.

Article VIII Alderman

Section 8.101. Town Alderman

The Town Council shall appoint an individual with good character and reputation to be the Town Alderman. Such Alderman shall be appointed for a term of one (1) year. In his absence or disability, the Town Council may appoint an acting Alderman who shall have the duties and responsibilities set forth in this charter or which may be required by law.

Section 8.102. Jurisdiction

The Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said Town so far as to arrest and hold for bail, or fine offenders, and he shall have jurisdiction and cognizance of forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the Town Council regularly passed and established for the government of the Town. Provided, that the Alderman shall impose no fine in excess of that fixed by law or ordinance. Such jurisdiction shall include all officers and employees of the Town of Ocean View.

Section 8.103. Duty to Report

The Alderman shall at every stated meeting of the Town Council report to the Council all fines and penalties imposed by him during the preceding reporting period, and pay to the Town of Ocean View all such fines and penalties received by him during the said time period.

Section 8.104. Compensation

The Town Council shall establish the amount of compensation and the hours of operation for the Alderman's Court. The Alderman shall be bonded by a company duly authorized to do business in the State of Delaware in such amount as the Town Council determines.

Article IX Contracts, Conflict of Interest and Financial Disclosure

Section 9.101. Contracts in General

The Town Council is vested with authority on behalf of the town to enter into contracts for professional services, the acquisition of insurance, the purchase of supplies and doing of work for any municipal purpose not inconsistent with law, this charter or local ordinances adopted pursuant to this Article.

Section 9.102. Bidding; Awards

Except as otherwise provided by law, Town Council shall not enter into any contractual agreement as provided by Section 9.101 of this Article if such contract exceeds Two Thousand Five Hundred Dollars (\$2,500.00) without public competitive bidding. The contract shall be awarded to the lowest bidder, but Town Council may reject any bid if such contractor is deemed incapable of fulfilling the contract specifications, or if the contract shall be deemed not in the best interest of the Town.

Section 9.103. Contract Docket Required

The Town shall maintain a docket of all contracts awarded by competitive bids whether entered into as provided by statute or otherwise. The docket of contracts shall be available for public inspection.

Section 9.104. Validation of Contracts

All contracts shall be in writing and signed by the Town President with the seal of the Town attested by the Town Secretary.

Section 9.105. Personal Financial Interest

Any Town officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a Town officer or employee in the making of such sale or in the making or performance of such contract. Any Town officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the President or Town Council.

Article X Limitation of Action for Damages

Section 10.101 Actions or Suits Against the Town

No action, suit or proceeding shall be brought or maintained against the Town for damages, either compensatory, or punitive, on account of any physical injuries, death or damage to property by reason of the negligence, simple, gross, willful, or wanton of the said Town 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 (90) days from the happening of such damage, shall notify in writing the president of the Town of the time, place, cause, character and extent of the injury sustained or damages suffered.

Article XI Transitional Matters

Section 11.101. Status and Effect of this Act

This Charter shall repeal 'An Act to incorporate the Town of Ocean View in Sussex County, Delaware', that Act being Chapter 649, Volume 18, Laws of Delaware, together with all amendments thereto.

Section 11.102. Separability

If any article, section, provision or clause of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 11.103. Validation; Continuance of Local Ordinances

All powers conferred upon or vested in the Town of Ocean View or the Town Council 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 Ocean View and/or the Town Council precisely as if each of said powers was expressly repeated in this Charter.

All ordinances adopted by the Town Council 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 under the provisions of this Charter.

All the acts and doings of the Town Council or of any official of the Town of Ocean View 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, 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 and forfeitures due the Town Council or the Town of Ocean View shall be due the Town of Ocean View or the Town Council, and all debts due from the Town of Ocean View or Town Council shall remain unimpaired until paid by the Town of Ocean View or the Town Council.

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.

The Bonds given by or on account of any official of the Town of Ocean View 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.

This Charter shall be taken as and deemed to be a Public Act of the State Delaware."

Approved June 30, 1981.

CHAPTER 65

FORMERLY

HOUSE BILL NO. 161

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELSMERE.

WHEREAS, on January 15, 1981, the Council of the Town of Elsmere enacted Resolution 81-2 approving amendments to the Charter of the Town of Elsmere for fiscal reasons and to modernize the governmental functions of this municipality; and

WHEREAS, Section 7 of the Elsmere Town Charter must be revised in order to conform with the State Constitution and to eliminate certain unnecessary financial constraints placed upon the Town; and

WHEREAS, the Council of the Town of Elsmere deems it prudent to remove restrictions limiting the amount charged for business license fees from Section 11 of the Elsmere Town Charter in order to correspond more uniformly with prevailing rates currently charged by other municipalities located in New Castle County; and

WHEREAS, the Council of the Town of Elsmere recognizes the need to establish absentee voting procedures in accordance with the laws of the State of Delaware by amending Section 37 of the Elsmere Town Charter;

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 Volume 50, Chapter 428, Laws of Delaware, by amending Section 7 of the Charter of The Town of Elsmere by striking the words "and who has owned real property in the Town of Elsmere for at least one year next preceding his election and who has paid all Town taxes and special assessments theretofore assessed against him" in their entirety.

Section 2. Amend Volume 50, Chapter 428, Laws of Delaware, by amending Section 7 of the Charter of the Town of Elsmere by striking the second paragraph of Section 7 in its entirety and substituting in lieu thereof a new paragraph to read as follows:

"Loss of residence in the Town or in the district from which elected, or a conviction of a felony, or a crime involving moral turpitude, or failure to attend three consecutive regular meetings of Council without being excused by the Council, during the tenure of office shall create a vacancy. In case of vacancy for any cause, a special election, conducted in the same manner as a regular election, except that the nominating petitions shall be filed not later than 20 days before the date of the special election, shall be held within 60 days after the occurrence of the vacancy, as may be proclaimed by the Council; provided, however, that if the vacancy occurs within 365 days of a regular election, the vacancy shall be filled by appointment by the Mayor subject to confirmation by a majority of Council."

Section 3. Amend Volume 50, Chapter 428, Laws of Delaware, by amending Section 11 of the Charter of the Town of Elsmere by striking the words "not less than one dollar nor more than twenty dollars per annum", and substituting the words "reasonable in amount" in lieu thereof.

Section 4. Amend Volume 50, Chapter 428, Laws of Delaware, by amending Section 37 of the Charter of the Town of Elsmere by striking it in the entirety and substituting in lieu thereof a new Section 37 to read as follows:

"Section 37. ABSENTEE VOTING

The procedure for registration and voting for persons who may be absent from the Town during the time of a municipal election, special election or referendum or because of sickness or because of physical disability cannot appear at the registration or polling place on the day of holding of any election, special election or referendum shall be in accordance with the laws of the State of Delaware and specifically 15 Delaware Code, Chapters 19 and 55, as the same may be hereinafter amended."

Approved June 30, 1981.

CHAPTER 66

FORMERLY

HOUSE BILL NO. 169

AN ACT TO AMEND CHAPTER 18, TITLE 5, DELAWARE CODE, RELATING TO THE REPORT OF NET EARNINGS AND PAYMENT OF TAX BY BUILDING AND LOAN ASSOCIATIONS.

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

Section 1. Amend §1802, Title 5, Delaware Code, by striking the phrase "60 days" as it appears on the first line of said section and substituting in lieu thereof the phrase "75 days".

Approved June 30, 1981.

CHAPTER 67

FORMERLY

HOUSE BILL NO. 219

AN ACT TO AMEND CHAPTER 55, PART IV, TITLE 15 OF THE DELAWARE CODE RELATING TO ABSENTEE VOTING.

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

Section 1. Amend §5502, Chapter 55, Part IV, Title 15 of the Delaware Code by striking the phrase "because of being" as the same appears in the first sentence of said section, and substituting the words "due to the following reasons" in lieu thereof.

Section 2. Amend §5502, Chapter 55, Part IV, Title 15 of the Delaware Code by adding the words "Because such person is" at the beginning of subsections (1) through (4) of said section.

Section 3. Amend §5502, Chapter 55, Part IV, Title 15 of the Delaware Code by striking subsection (5), and adding thereto the following new subsections:

"(5) Because such person is absent from the district while on vacation; or

(6) Because such person is unable to vote at a certain time or on a certain day due to the tenets or teachings of his religion."

Approved June 30, 1981.

CHAPTER 68

FORMERLY

HOUSE BILL NO. 259

AN ACT TO AMEND CHAPTER 61, TITLE 30 OF THE DELAWARE CODE RELATING TO THE LODGING TAX ON TOURIST HOMES.

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

Section 1. Amend §6101 (3) Title 30 of the Delaware Code by deleting the period at the end thereof and substituting in lieu thereof the following:

"but which does not have cooking facilities for the use of tourists or transient guests."

Approved June 30, 1981.

CHAPTER 69

FORMERLY

SENATE BILL NO. 86

AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS.

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

Section 1. Amend §1625, Chapter 16, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§1625 Prohibited locations for adult entertainment establishments.

No adult entertainment establishment shall be established in a shopping area containing one or more parcels of land owned by a common owner or owners and having in such area 4 or more retail stores."

Section 2. The striking of the former §1625 of Chapter 16, Title 24 of the Delaware Code effected by Section 1 of this act shall not affect any act done, or any cause of action accruing or accrued, or established, or any suit or proceeding commenced in any civil action subsisting before this act shall take effect. No offense committed, and no penalty or forfeiture incurred under §1625, Chapter 16, Title 24 of the Delaware Code as it existed prior to the effective date of this act shall be affected by this act. No action or prosecution pending on the effective date of this act for any offense committed or for the recovery of any penalty or forfeiture, incurred under the previous provisions of said §1625 shall be affected by this act.

Approved June 30, 1981.

CHAPTER 70

FORMERLY

SENATE BILL NO. 101

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

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO VIOLATION OF SUPPORT ORDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (2/3 of all the members elected to each House concurring therein):

Section 1. Amend §516, Subchapter II, Chapter 5, Title 13, Delaware Code by striking said section in its entirety and substituting in lieu thereof a new section to read as follows:

"§516. Violation of Support Order for Spouse or Child; Proceedings; Contempt; Assignment and Attachment of Wages; Employer's Duties

(a) If the Court, after notice to defendant and a hearing on a rule to show cause, concludes that the defendant has violated the terms of an order of support for a spouse or child, it may punish such defendant for contempt and may attach the defendant's wages.

(b) An attachment made pursuant to this section shall not be subject to the exemptions or limitations contained in §4913 of Title 10.

(c) In cases where the Court deems it appropriate, it may accept a voluntary assignment of wages from the defendant in lieu of an attachment of the defendant's wages.

(d) Upon receipt of a voluntary wage assignment or a certified copy of a wage attachment from the Court, the defendant's employer shall deduct the specified sum from the "net" or take-home" wages or salary due the defendant-employee and shall, within ten working days of such deduction, mail or otherwise deliver the said deduction to the Court, and shall continue to do so for so long as the defendant remains in his employ or until the Court orders otherwise. In every case, the remittance shall be by check or money order payable as directed and shall bear the defendant-employee's name.

(e) Upon receipt of the wage assignment or the certified copy of the order of attachment from the Court by certified mail, the employer becomes primarily liable for the payment of the obligations set forth in any such wage assignment or attachment, as well as such criminal and civil sanctions as the Court may impose in the event that the employer fails to comply with the terms of such wage assignments or attachments and is found to be in contempt by the Court.

(f) Any employer who fails to comply with the terms of this section or who dismisses, terminates, or causes the termination of a defendant's employment as a result of an attachment under this section shall be fined for the first offense not more than \$1,000 or imprisoned not more than 90 days, or both, and for each subsequent offense shall be fined not more than \$5,000 or imprisoned not more than 1 year, or both.

(g) If the employer is a corporation, criminal liability shall be established pursuant to 11 Del. C. §§281-284.

Approved June 30, 1981.

CHAPTER 71

FORMERLY

SENATE BILL NO. 154

AN ACT TO AMEND CHAPTER 66, TITLE 18 OF THE DELAWARE CODE TO PROVIDE LINE-OF-DUTY DEATH BENEFITS FOR PARENTS OF CERTAIN COVERED PERSONS AND FOR PAYMENT OF BURIAL EXPENSES OF CERTAIN COVERED PERSONS.

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

Section 1. Amend §6601, Title 18 of the Delaware Code by striking subsection (1)(d) in its entirety and substituting in lieu thereof the following:

"d. Correctional officers employed by the Department of Correction; or".

Section 2. Further amend §6601, Title 18, Delaware Code by striking subparagraph (5) in its entirety and substituting in lieu thereof the following:

"'College or university' shall mean any non-profit college in the State of Delaware which is accredited by the appropriate regional accrediting agency."

Section 3. Amend §6602, Title 18 of the Delaware Code by striking same in its entirety and substituting in lieu thereof a new §6602 which shall read as follows:

"§6602. Payment for Beneficiaries; Tuition Payments"

Upon certification by the Insurance Commission that a claim under this Chapter has been approved, the State Treasurer shall:

(1) Pay to the beneficiary or beneficiaries as designated or determined pursuant to §6603(1) hereof of every covered person who dies in the line-of-duty, an amount totalling Fifty Thousand Dollars (\$50,000) payable in annual installments with the maximum amount payable in any one calendar year being Ten Thousand Dollars (\$10,000). Installments shall terminate with the expiration of the beneficiary's eligibility.

(2) Pay, for no more than four (4) years, directly to the institution involved, the amount of the tuition of each dependent child of such covered person who dies in the line-of-duty so long as such child is enrolled in a degree or certificate program at a college or university. The term 'tuition' means any amount required for enrollment or attendance of a student. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, extracurricular activities, supplies, equipment, clothing, or personal or family expenses.

(3) Unless any payment has been made pursuant to subsection (1), pay to the beneficiary or beneficiaries as designated or determined pursuant to §6603(2) hereof of a covered person as defined in subsections (a), (b), or (f) of §6601(1) of this Chapter who dies in the line-of-duty an amount totalling Twenty-five Thousand Dollars (\$25,000), payable in annual installments with the maximum amount payable in any one calendar year being Five Thousand Dollars (\$5,000). Installments shall terminate with the death of the last surviving beneficiary as determined pursuant to §6603(2).

(4) Pay, if neither subsection (1) or subsection (3) of this section apply, to the estate of a covered person, as defined in subsections (a), (b), or (f) of §6601(1) of this Chapter, who dies in the line-of-duty an amount not to exceed Five Thousand Dollars (\$5,000) to be used solely for expenses related to burial of such covered person."

Section 4. Amend §6603, Title 18 of the Delaware Code by striking same in its entirety and substituting in lieu thereof a new §6603 which shall read as follows:

"§6603. Designation or Determination of Beneficiary"

(1) Each covered person under this Chapter shall submit to his employing state, county, or municipal agency, volunteer fire department, or ambulance operator, the name of the beneficiary or beneficiaries and alternate beneficiaries such covered persons wish to receive the payment provided for by §6602(1). Beneficiary designation will be submitted to the Insurance Commissioner with the submission of any claim. The covered person may designate that any payment shall be divided among two (2) or more beneficiaries as provided by this subsection in any proportion. Only the spouse, dependent children, or dependent parents of a covered person shall be eligible beneficiaries to receive payment under §6602(1). Should a designated beneficiary or beneficiaries be dead or

ineligible, then eligible alternate beneficiaries shall take hereunder in the order indicated by the covered person. Should a covered person not designate a primary or alternate beneficiary or beneficiaries, the following in the order of position of eligibility shall receive the payment:

- (a) Spouse, if alive, if not;
- (b) Living dependent children, the sum to be divided among the living children equally;
- (c) Dependent parents, each parent to take fifty percent (50%) if both are living.

(2) Each covered person, as defined in subsection (a), (b), or (f) of §6601(1) of this Chapter, shall, if the provision of §6602(1) and §6603(1) do not apply, submit to this employing state, county, or municipal agency, volunteer fire department, or ambulance operator, the name of the beneficiary or beneficiaries such covered person wishes to receive the payment provided for by §6602(3). Beneficiary designations will be submitted to the Insurance Commissioner with the submission of any claim. Only the living parents of such covered person shall be eligible beneficiaries to receive payment under §6602(3). The covered person may designate that any payment shall be divided among two (2) eligible beneficiaries in any proportion. Should a designated beneficiary be dead, then eligible alternate beneficiaries shall take hereunder as indicated by the covered person. Should the covered person not designate a primary or alternate eligible beneficiary or beneficiaries, the living parents, shall receive the payment, which shall be divided between the living parents equally.

(3) Payments under §6602(1) in accordance with subsection (1) of this Section shall take priority. Any payments pursuant to §6602(1) and subsection (1) hereof shall preclude the applicability of §6602(3) and subsection (2) of this Section."

Approved June 30, 1981.

CHAPTER 72

FORMERLY

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

AN ACT TO AMEND CHAPTER 47, PART IV OF TITLE 18 OF THE DELAWARE CODE PERTAINING TO UNLAWFUL DELIVERY OF A NONCONTROLLED SUBSTANCE.

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

Section 1. Amend §4752A by striking the section as it now appears and substituting the following:

"§4752A. Unlawful delivery of a noncontrolled substance

(a) It is unlawful for any person to knowingly deliver or attempt to deliver a noncontrolled substance upon either:

(1) The express or implied representation that the substance is a narcotic or non-narcotic controlled substance; or

(2) The express or implied 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;

(3) It is prima facie evidence of the implied representation referred to in paragraphs (1) and (2) if any two of the following factors are established:

(a) The noncontrolled substance was packaged in a manner normally used for the illegal delivery of controlled substances;

(b) 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 noncontrolled substance;

(c) The physical appearance of the finished product containing the substance is substantially identical to a specific controlled substance.

(b) In any prosecution for unlawful delivery of a noncontrolled substance, it is no defense that the accused believed the noncontrolled substance to actually be a controlled substance.

(c) Unlawful delivery of a noncontrolled 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 noncontrolled substance to be, shall govern the punishment in each case. If no express or implied representation was made as to the identity of the controlled substance, the punishment shall be the same as for the delivery of a non-narcotic controlled substance. However, the punishment provision of §4751 (b) of this title shall not apply to this section.

Approved June 30, 1981.

CHAPTER 73

FORMERLY

SENATE BILL NO. 238

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, TO CLARIFY AND REFINE THE DEFINITION OF FAMILY AS SAID WORD IS USED WITHIN THE FAMILY COURT ACT.

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

Section 1. Amend Subdivision (9) of Section 901, Chapter 9, Title 10, Delaware Code, by striking subdivision (9) in its entirety and substituting a new subdivision (9) in lieu thereof to read as follows:

"(9) 'Family' means husband and wife; a man and woman cohabiting in a home in which there is a child of either or both; custodian and child; or any group of persons related by blood or marriage who are residing in one home under one head or where one is related to the other by any of the following degrees of relationship, both parties being residents of this State:

1. Mother;
2. Father;
3. Mother-in-law;
4. Father-in-law;
5. Brother;
6. Sister;
7. Brother-in-law;
8. Sister-in-law;
9. Son;
10. Daughter;
11. Son-in-law;
12. Daughter-in-law;
13. Grandfather;
14. Grandmother;
15. Grandson;
16. Granddaughter;
17. Stepfather;
18. Stepmother.

The relationships referred to in this definition include blood relationships without regard to legitimacy and relationships by adoption."

Approved June 30, 1981.

CHAPTER 74

FORMERLY

SENATE BILL NO. 241
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SECTION 1509, TITLE 13, DELAWARE CODE, RELATING TO PRELIMINARY INJUNCTIONS IN DIVORCE AND ANNULMENT PROCEEDINGS.

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

Section 1. Amend §1509, Title 13, Delaware Code, by relettering subparagraphs (a), (b) and (c) to (b), (c) and (d) and insert a new subparagraph (a) to read as follows:

"(a) Upon the filing of a petition for divorce or annulment, a preliminary injunction shall be issued against both parties to the action, enjoining them from:

(1) Transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and requiring the parties to notify the other of any proposed extraordinary expenditures and to account to the Court for all extraordinary expenditures after the preliminary injunction becomes effective;

(2) Molesting or disturbing the peace of the other party;

(3) Removing any natural or adopted child of the parties then residing in Delaware from the jurisdiction of this Court without the prior written consent of the parties or the permission of the Court;

(5) Utilizing credit cards or otherwise incurring any debt for which the other party is or may be liable except in connection with the marital litigation or necessities of life for the benefit of the party or the parties' minor children.

The preliminary injunction shall be effective against the petitioner upon the filing of the petition for divorce and upon the respondent upon service of a copy of the petition."

Approved June 30, 1981.

CHAPTER 75

FORMERLY

SENATE BILL NO. 246

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE CHIEF JUDGE OF THE FAMILY COURT.

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

Amend Section 908, Chapter 9, Title 10, Delaware Code, by adding thereto a new subparagraph designated (9) reading as follows:

"(9) Appoint and remove at his pleasure peace officers who shall be selected from among the employees of the court and who, while so appointed, shall possess all powers incident to such office including, without limitation, the power to make arrests in criminal matters, all such powers being exercisable anywhere in the county of their employment."

Approved June 30, 1981.

CHAPTER 76

FORMERLY

HOUSE BILL NO. 273

AS AMENDED BY HOUSE AMENDMENT NO. 4 AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE TO MODIFY UNEMPLOYMENT INSURANCE TAX RATES, PROVIDE FOR BENEFITS BASED UPON ANNUAL WAGE HISTORIES, EXTEND THE PRESENT LEVEL OF MAXIMUM BENEFITS, AND RELATED PROVISIONS FOR THE PURPOSE OF IMPROVING THE SOLVENCY OF THE UNEMPLOYMENT COMPENSATION TRUST FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FIFTHS OF THE MEMBERS ELECTED TO EACH BRANCH THEREOF CONCURRING THEREIN):

Section 1. Amend §3302 of Title 19, Delaware Code, by striking the first paragraph of subsection (17) thereof in its entirety and substituting in its place a new paragraph to read as follows:

"'Wages' means all remuneration for personal services, including commissions, bonuses, dismissal payments which the employing unit is not legally required to make, holiday pay and the cash value of all remuneration in any medium other than cash."

Section 2. Amend §3302 of Title 19, Delaware Code, by striking subparagraphs (D) and (E) thereof of subsection (18) in their entirety and by designating existing subparagraph (F) thereof as subparagraph (D).

Section 3. Amend Title 19, Delaware Code, by striking existing §3313(b) thereof and by substituting in its place a new §3313(b) to read as follows:

"(b) An individual's weekly benefit amount shall be:

(1) Claims filed for weeks of unemployment beginning July 1975 and prior to July 1, 1981, the computation of an individual's weekly benefit amount shall be an amount equal to 1/26 of his total wages for employment by employers paid during that quarter of his base period in which such total wages were highest;

(2) Claims filed for weeks of unemployment beginning July 1, 1981, the computation of an individual's weekly benefit amount shall be an amount equal to 1/104 of his total wages for employment by employers paid during his base period.

(3) In the case of claims filed under Subsections (1) or (2) of this section:

a. Claims filed for weeks of unemployment beginning July 1975, such amounts, if more than \$105, will be \$105 or, if less than \$20, it shall be \$20.

b. Claims filed for weeks of unemployment beginning July 1976, such amount will not be less than \$20 or more than 60 percent of the statewide average weekly wage as defined in subdivision (21) of §3302 of this title.

c. Claims filed for weeks of unemployment beginning July 1977, such amount will not be less than \$20 nor more than 63% of the statewide average weekly wage as defined in subdivision (21) of §3302 of this title; however, for the period beginning July 1, 1979, and ending June 30, 1983, claims filed for weeks of unemployment will not be less than \$20 nor more than \$150.

d. Claims filed for weeks of unemployment beginning July 1983 and thereafter, such amount will not be less than \$20 nor more than 66 2/3 percent of the statewide average weekly wage as defined in subdivision (21) of §3302 of this title.

e. For purposes of subparagraph a, b, c and d above:

1. If an individual's weekly benefit amount is not an even dollar amount, it shall be raised to the next whole dollar.

2. Computation according to subsection (b)(2) of this section shall commence with claims filed on or after July 1, 1981. Claims filed prior to July 1, 1981, shall be computed according to subsection (b)(1) of this section."

Section 4. Amend Title 19, Delaware Code, by repealing §3316 thereof.

Section 5. The Secretary of Labor shall make a report to the General Assembly on or before April 1, 1983 concerning the feasibility of increasing the maximum benefit to 66 2/3% of the statewide average weekly wage.

Section 6. Amend §3314(5)(A) of Title 19, Delaware Code by striking the words "but if more than 75 percent of a claimant's base period wages were paid for seasonal employment as defined in §3316 of this title, such claimant shall be eligible to receive benefits in accordance with §3316 of this title if during his base period he has been paid wages for employment equal to not less than \$300," in the first paragraph thereof and the words "(excluding claimants whose eligibility is based upon seasonal employment)," in the second paragraph thereof.

Section 7. Amend §3345 of Title 19, Delaware Code by adding a new subsection thereto, to be designated subsection (d), to read as follows:

"(d) Beginning July 1, 1981, the taxable wage base as specified in subsection (b) of this section may be increased as follows:

(1) An increase shall occur if the federal government shall relieve Delaware employers from reductions in credits under the Federal Unemployment Tax Act which have been projected as follows:

- (i) .9% for 1981 wages
- (ii) 1.2% for 1982 wages
- (iii) 1.5% for 1983 wages
- (iv) 1.8% for 1984 wages
- (v) 2.1% for 1985 wages
- (vi) 2.4% for 1986 wages
- (vii) 2.7% for 1987 wages and thereafter.

(2) The amount of any such increase shall be in an amount determined by regulation by the Secretary of Labor equivalent to the estimated savings effected by such federal relief. Such determination shall be reviewable only for abuse of discretion. The Secretary of Labor's estimate shall be effective upon the effectiveness of any such federal relief.

(3) To the extent federal requirements pertaining to eligibility for tax credits or administrative grants permit, the proceeds of any such increase may, at the direction of the Secretary of Labor, be deposited by the State Treasurer in a special fund, prudently invested, and dedicated to repayment of any amounts borrowed from the federal government for unemployment compensation purposes. Such repayment shall be made upon the authorization of the Secretary of Labor.

(4) As soon as present and any future borrowings from the federal government for unemployment compensation purposes are completely repaid, further increases in the taxable wage base pursuant to subsection (d)(1) of this section shall cease, and the taxable wage base shall continue at its level as of the time of such complete repayment.

(5) On or before six months following the time of such complete repayment, the Secretary of Labor shall report to the General Assembly concerning the feasibility of adjustments to the taxable wage base."

Section 8. Amend §3302(18) of Title 19, Delaware Code by striking the words "Wages does not include;" as they appear on the first line thereof and by substituting in their place the words "Except as provided in subsection (d) of §3345 of this Title, wages does not include".

Section 9. Amend Title 19, Delaware Code, by striking existing §3348 thereof and by substituting in its place a new §3348 to read as follows:

"(a) On or before December 31 of each year, the Secretary of Labor shall establish an average industry contribution rate for the next succeeding calendar year for each of the industrial classification categories (carried to 2 places) listed in the Standard Industrial Classification (SIC) Manual furnished by the federal government. The average industry contribution rate for each standard industrial classification category shall be computed by multiplying total taxable wages paid by each employer in the industrial classification category during the twelve consecutive months ending on September thirtieth by the employer's contribution rate established for the next calendar year and dividing the aggregate product for all employers in the industrial classification category by the total of taxable wages paid by all employers in the industrial classification category during the twelve consecutive months ending on September thirtieth.

(b) For any employing unit which first becomes subject to this chapter on or after the effective date of this Act, the standard rate shall be the average industry contribution rate in that employer's SIC category. In all other cases, the standard rate shall be 2 7/10 percent.

(c) The SIC category pertaining to each employer shall be as determined by the Secretary of Labor or his designee and shall be reviewable only for abuse of discretion.

(d) In the event no Delaware employers exist in a particular SIC category, the standard rate for such category shall be 2 7/10 percent.

(e) In the event that it is determined that subsection (a) of this section is inconsistent with federal requirements pertaining to eligibility for tax credit or administrative grants, the standard rate shall be 2 7/10 percent.

(f) An employer's standard rate, once assigned, shall not vary until the employer becomes a rated employer as defined in section 3349 of this Title."

(g) Each employer shall pay assessments equal to the standard rate, except as may be otherwise prescribed in this chapter."

Section 10. Amend §3350(5) of Title 19, Delaware Code, by striking all of existing §3350(5) and by substituting in its place the following:

"The basic assessment rate for each employer for the current calendar year shall be determined prior to the due date of the first basic assessment for such year in accordance with the following table:

If the employer's benefit wage ratio exceeds the percentage in the last column of the table opposite the State Experience Factor, his contribution rate shall be 7%."

Section 11. Amend §3350(6), Title 19, Delaware Code, by striking the words "2 7/10" as they appear therein and by substituting in their place the words "6 3/10".

Section 12. Amend §3356 of Title 19, Delaware Code, by striking the last sentence thereof.

Section 13. The provisions of this Act are severable, and if any phrase, clause, sentence or provision of this Act, or the application of such phrase, clause, sentence, or provision to any person or circumstances shall be held invalid or inconsistent with federal requirements pertaining to tax credits or administrative grants, the remainder of this Act and the application of such provision or provisions to persons and circumstances other than to those to which it was held invalid or inconsistent, shall not be affected thereby.

Section 14. This Act shall be effective July 1, 1981 for taxes due on taxable wages paid in the year commencing January 1, 1982, provided, however, that the provisions of Section 10 of this Act shall not apply to any contractor as defined in Section 2501, Chapter 25, Title 30 of the Delaware Code or to the wages paid by any such contractor, until commencing January 1, 1983 which shall be the effective date for the provisions of Section 10 with respect to any such contractor. Such contractor's basic assessment rate for each of the quarters of 1982 shall be determined in accordance with the provisions of §3350 (5) of Title 19, Delaware Code as they were in effect immediately prior to this amendment by Section 10 of this Act for assessments due for the calendar year 1981.

Approved June 30, 1981.

WHEN STATE
EXPERIENCE
FACTOR IS 1

FACTOR 15:	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:														
	10.0%	20.0%	30.0%	40.0%	50.0%	60.0%	70.0%	80.0%	90.0%	100.0%	110.0%	120.0%	130.0%	140.0%	150.0%
1.0	5.0	10.0	15.0	20.0	25.0	30.0	35.0	40.0	45.0	50.0	55.0	60.0	65.0	70.0	75.0
2	3.3	6.7	10.0	13.3	16.7	20.0	23.3	26.7	30.0	33.3	36.7	40.0	43.3	46.7	50.0
3	2.5	5.0	7.5	10.0	12.5	15.0	17.5	20.0	22.5	25.0	27.5	30.0	32.5	35.0	37.5
4	2.0	4.0	6.0	8.0	10.0	12.0	14.0	16.0	18.0	20.0	22.0	24.0	26.0	28.0	30.0
5	1.7	3.3	5.0	6.7	8.3	10.0	11.7	13.3	15.0	16.7	18.3	20.0	21.7	23.3	25.0
6	1.4	2.9	4.3	5.7	7.1	8.6	10.0	11.4	12.9	14.3	15.7	17.1	18.6	20.0	21.4
7	1.3	2.5	3.8	5.0	6.3	7.5	8.8	10.0	11.3	12.5	13.8	15.0	16.3	17.5	18.8
8	1.1	2.2	3.3	4.4	5.6	6.7	7.8	8.9	10.0	11.1	12.2	13.3	14.4	15.6	16.7
9	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0
10	0.9	1.8	2.7	3.6	4.5	5.5	6.4	7.3	8.2	9.1	10.0	10.9	11.8	12.7	13.6
11	0.8	1.7	2.5	3.3	4.2	5.0	5.8	6.7	7.5	8.3	9.2	10.0	10.8	11.7	12.5
12	0.8	1.5	2.3	3.1	3.8	4.6	5.4	6.2	6.9	7.7	8.5	9.2	10.0	10.8	11.6
13	0.7	1.4	2.1	2.9	3.6	4.3	5.0	5.7	6.4	7.1	7.9	8.6	9.3	10.0	10.7
14	0.7	1.3	2.0	2.7	3.3	4.0	4.7	5.3	6.0	6.7	7.3	8.0	8.7	9.3	10.0
15	0.7	1.3	2.0	2.7	3.3	4.0	4.7	5.3	6.0	6.7	7.3	8.0	8.7	9.3	10.0
16	0.6	1.2	1.8	2.4	2.9	3.5	4.1	4.7	5.3	5.9	6.5	7.1	7.6	8.2	8.8
17	0.6	1.1	1.7	2.2	2.8	3.3	3.9	4.4	5.0	5.6	6.1	6.7	7.2	7.8	8.4
18	0.5	1.1	1.6	2.1	2.6	3.2	3.7	4.2	4.7	5.3	5.8	6.3	6.8	7.4	7.9
19	0.5	1.1	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5
20	0.5	1.0	1.4	1.9	2.4	2.9	3.3	3.8	4.3	4.8	5.2	5.7	6.2	6.7	7.1
21	0.5	0.9	1.4	1.8	2.3	2.7	3.2	3.6	4.1	4.5	5.0	5.5	5.9	6.4	6.8
22	0.4	0.9	1.3	1.7	2.2	2.6	3.0	3.5	3.9	4.3	4.8	5.2	5.7	6.1	6.5
23	0.4	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0
24	0.4	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0
25	0.4	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0
26	0.4	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0
27	0.4	0.7	1.1	1.5	1.9	2.3	2.7	3.1	3.5	3.8	4.2	4.6	5.0	5.4	5.8
28	0.4	0.7	1.1	1.4	1.8	2.2	2.6	3.0	3.3	3.7	4.1	4.4	4.8	5.2	5.6
29	0.3	0.7	1.0	1.3	1.7	2.0	2.4	2.8	3.1	3.5	3.9	4.3	4.6	5.0	5.4
30	0.3	0.6	0.9	1.2	1.6	1.9	2.3	2.6	3.0	3.3	3.7	4.0	4.3	4.7	5.0
31	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.5	2.8	3.1	3.5	3.8	4.1	4.4	4.7
32	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.2	4.5
33	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.2	4.5
34	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.2	4.5
35	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.2	4.5
36	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.2	4.5
37	0.3	0.6	0.9	1.2	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.2	4.5
38	0.3	0.5	0.8	1.1	1.4	1.7	2.0	2.3	2.6	2.9	3.2	3.5	3.8	4.1	4.4
39	0.3	0.5	0.8	1.1	1.4	1.7	2.0	2.3	2.6	2.9	3.2	3.5	3.8	4.1	4.4
40	0.3	0.5	0.8	1.0	1.3	1.5	1.8	2.1	2.3	2.6	2.9	3.2	3.5	3.8	4.1
41	0.2	0.5	0.7	1.0	1.2	1.4	1.7	2.0	2.2	2.4	2.7	2.9	3.2	3.4	3.7
42	0.2	0.5	0.7	1.0	1.2	1.4	1.6	1.9	2.1	2.4	2.6	2.9	3.1	3.3	3.6
43	0.2	0.5	0.7	0.9	1.2	1.4	1.6	1.9	2.1	2.3	2.6	2.8	3.0	3.3	3.5
44	0.2	0.5	0.7	0.9	1.1	1.4	1.6	1.8	2.0	2.3	2.5	2.7	2.9	3.1	3.4
45	0.2	0.4	0.7	0.9	1.1	1.3	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.0	3.3
46	0.2	0.4	0.6	0.9	1.1	1.3	1.5	1.7	1.9	2.1	2.3	2.5	2.7	2.9	3.1
47	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.0
48	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.0
49	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.0
50	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.0

THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:

0.10 0.20 0.30 0.40 0.50 0.60 0.70 0.80 0.90 1.00 1.10 1.20 1.30 1.40 1.50

[illegible]

EXPERIENCE
FACTOR IS:

IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:

1.0	300.00	310.00	320.00	330.00	340.00	350.00	360.00	370.00	380.00	390.00	400.00
2	150.00	155.00	160.00	165.00	170.00	175.00	180.00	185.00	190.00	195.00	200.00
3	100.00	103.3	106.7	110.0	113.3	116.7	120.0	123.3	126.7	130.0	133.3
4	75.00	77.5	80.0	82.5	85.0	87.5	90.0	92.5	95.0	97.5	100.0
5	60.00	62.0	64.0	66.0	68.0	70.0	72.0	74.0	76.0	78.0	80.0
6	50.00	51.7	53.3	55.0	56.7	58.3	60.0	61.7	63.3	65.0	66.7
7	42.9	44.3	45.7	47.1	48.6	50.0	51.4	52.9	54.3	55.7	57.1
8	37.5	38.8	40.0	41.3	42.5	43.8	45.0	46.3	47.5	48.8	50.0
9	33.3	34.4	35.6	36.7	37.8	38.9	40.0	41.1	42.2	43.3	44.4
10	30.0	31.0	32.0	33.0	34.0	35.0	36.0	37.0	38.0	39.0	40.0
11	27.3	28.2	29.1	30.0	30.9	31.8	32.7	33.6	34.5	35.4	36.3
12	25.0	25.8	26.7	27.5	28.3	29.2	30.0	30.9	31.7	32.6	33.5
13	23.1	23.8	24.5	25.2	26.0	26.7	27.5	28.2	29.0	29.7	30.5
14	21.4	22.1	22.8	23.5	24.2	24.9	25.6	26.3	27.0	27.7	28.4
15	20.0	20.7	21.3	22.0	22.7	23.3	24.0	24.7	25.3	26.0	26.7
16	18.8	19.4	20.0	20.6	21.3	21.9	22.5	23.1	23.8	24.4	25.0
17	17.6	18.2	18.8	19.4	20.0	20.6	21.2	21.8	22.4	22.9	23.5
18	16.7	17.2	17.8	18.3	18.9	19.4	20.0	20.6	21.1	21.7	22.2
19	15.8	16.3	16.8	17.4	17.9	18.4	18.9	19.5	20.0	20.5	21.0
20	15.0	15.5	16.0	16.5	17.0	17.5	18.0	18.5	19.0	19.5	20.0
21	14.3	14.8	15.2	15.7	16.2	16.7	17.1	17.6	18.1	18.6	19.1
22	13.6	14.1	14.5	15.0	15.5	15.9	16.4	16.8	17.3	17.7	18.2
23	13.0	13.5	13.9	14.3	14.8	15.2	15.7	16.1	16.5	17.0	17.5
24	12.5	12.9	13.3	13.8	14.2	14.6	15.0	15.4	15.8	16.3	16.7
25	12.0	12.4	12.8	13.2	13.6	14.0	14.4	14.8	15.2	15.6	16.0
26	11.5	11.9	12.3	12.7	13.1	13.5	13.9	14.2	14.6	15.0	15.4
27	11.1	11.5	11.9	12.2	12.6	13.0	13.3	13.7	14.1	14.4	14.8
28	10.7	11.1	11.4	11.8	12.1	12.5	12.9	13.2	13.6	13.9	14.3
29	10.3	10.7	11.0	11.4	11.7	12.1	12.4	12.8	13.1	13.5	13.8
30	10.0	10.3	10.6	10.9	11.3	11.6	11.9	12.3	12.6	12.9	13.2
31	9.7	10.0	10.3	10.6	10.9	11.3	11.6	11.9	12.2	12.5	12.8
32	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5	11.8	12.1	12.4
33	9.1	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5	11.8	12.1
34	8.8	9.1	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5	11.8
35	8.6	8.9	9.2	9.4	9.7	10.0	10.3	10.6	10.9	11.2	11.5
36	8.3	8.6	8.9	9.2	9.4	9.7	10.0	10.3	10.6	10.9	11.2
37	8.1	8.4	8.6	8.9	9.2	9.5	9.7	10.0	10.3	10.6	10.9
38	7.9	8.2	8.4	8.7	8.9	9.2	9.5	9.7	10.0	10.3	10.6
39	7.7	8.0	8.2	8.5	8.7	9.0	9.2	9.5	9.7	10.0	10.3
40	7.5	7.8	8.0	8.3	8.5	8.8	9.0	9.3	9.5	9.8	10.1
41	7.3	7.6	7.8	8.0	8.3	8.5	8.8	9.0	9.3	9.5	9.8
42	7.1	7.4	7.6	7.9	8.1	8.3	8.6	8.8	9.0	9.3	9.5
43	7.0	7.2	7.4	7.7	7.9	8.1	8.4	8.6	8.8	9.1	9.3
44	6.8	7.0	7.3	7.5	7.7	8.0	8.2	8.4	8.6	8.9	9.1
45	6.7	6.9	7.1	7.3	7.6	7.8	8.0	8.2	8.4	8.7	8.9
46	6.5	6.7	7.0	7.2	7.4	7.6	7.8	8.0	8.3	8.5	8.7
47	6.4	6.6	6.8	7.0	7.2	7.4	7.6	7.8	8.0	8.3	8.5
48	6.3	6.5	6.7	6.9	7.1	7.3	7.5	7.7	7.9	8.1	8.3
49	6.1	6.3	6.5	6.7	6.9	7.1	7.3	7.5	7.7	7.9	8.1
50	6.0	6.2	6.4	6.6	6.8	7.0	7.2	7.4	7.6	7.8	8.0

THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:

3.00	3.10	3.20	3.30	3.40	3.50	3.60	3.70	3.80	3.90
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WHEN STATE
EXPERIENCE
FACTOR IS:

	500.00	510.00	520.00	530.00	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:									
1-0	500.00	510.00	520.00	530.00	540.00	550.00	560.00	570.00	580.00	590.00	600.00	610.00	620.00	630.00
1	250.0	255.0	260.0	265.0	270.0	275.0	280.0	285.0	290.0	295.0	300.0	305.0	310.0	315.0
2	166.7	170.0	173.3	176.7	180.0	183.3	186.7	190.0	193.3	196.7	200.0	203.3	206.7	210.0
3	125.0	127.5	130.0	132.5	135.0	137.5	140.0	142.5	145.0	147.5	150.0	152.5	155.0	157.5
4	100.0	102.0	104.0	106.0	108.0	110.0	112.0	114.0	116.0	118.0	120.0	122.0	124.0	126.0
5	80.0	82.0	84.0	86.0	88.0	90.0	92.0	94.0	96.0	98.0	100.0	102.0	104.0	106.0
6	71.4	72.9	74.3	75.7	77.1	78.6	80.0	81.4	82.9	84.3	85.7	87.1	88.6	90.0
7	62.5	64.0	65.0	66.3	67.5	68.8	70.0	71.3	72.5	73.8	75.0	76.3	77.5	78.8
8	52.9	54.4	55.8	57.1	58.6	60.0	61.1	62.2	63.3	64.4	65.6	66.7	67.8	68.9
9	45.5	46.9	48.3	49.6	51.0	52.4	53.8	55.0	56.0	57.0	58.0	59.0	60.0	61.0
10	40.0	41.3	42.6	43.9	45.2	46.5	47.8	49.0	50.0	51.0	52.0	53.0	54.0	55.0
11	35.7	36.9	38.1	39.3	40.5	41.7	42.9	44.0	45.0	46.0	47.0	48.0	49.0	50.0
12	32.0	33.1	34.2	35.3	36.4	37.5	38.6	39.7	40.7	41.8	42.9	43.9	44.9	45.9
13	28.6	29.6	30.6	31.6	32.6	33.6	34.6	35.6	36.6	37.6	38.6	39.6	40.6	41.6
14	25.7	26.6	27.5	28.4	29.3	30.2	31.1	32.0	32.9	33.8	34.7	35.6	36.5	37.4
15	23.1	23.9	24.7	25.5	26.3	27.1	27.9	28.7	29.5	30.3	31.1	31.9	32.7	33.5
16	20.8	21.5	22.2	22.9	23.6	24.3	25.0	25.7	26.4	27.1	27.8	28.5	29.2	29.9
17	18.8	19.4	20.0	20.6	21.2	21.8	22.4	23.0	23.6	24.2	24.8	25.4	26.0	26.6
18	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
19	15.5	15.9	16.3	16.7	17.1	17.5	17.9	18.3	18.7	19.1	19.5	19.9	20.3	20.7
20	14.3	14.6	14.9	15.2	15.5	15.8	16.1	16.4	16.7	17.0	17.3	17.6	17.9	18.2
21	13.2	13.5	13.8	14.1	14.4	14.7	15.0	15.3	15.6	15.9	16.2	16.5	16.8	17.1
22	12.2	12.4	12.6	12.8	13.0	13.2	13.4	13.6	13.8	14.0	14.2	14.4	14.6	14.8
23	11.3	11.5	11.7	11.9	12.1	12.3	12.5	12.7	12.9	13.1	13.3	13.5	13.7	13.9
24	10.6	10.8	11.0	11.2	11.4	11.6	11.8	12.0	12.2	12.4	12.6	12.8	13.0	13.2
25	10.0	10.2	10.4	10.6	10.8	11.0	11.2	11.4	11.6	11.8	12.0	12.2	12.4	12.6
26	9.5	9.7	9.9	10.1	10.3	10.5	10.7	10.9	11.1	11.3	11.5	11.7	11.9	12.1
27	9.0	9.2	9.4	9.6	9.8	10.0	10.2	10.4	10.6	10.8	11.0	11.2	11.4	11.6
28	8.6	8.8	9.0	9.2	9.4	9.6	9.8	10.0	10.2	10.4	10.6	10.8	11.0	11.2
29	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8	10.0	10.2	10.4	10.6	10.8
30	7.8	8.0	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8	10.0	10.2	10.4
31	7.5	7.7	7.9	8.1	8.3	8.5	8.7	8.9	9.1	9.3	9.5	9.7	9.9	10.1
32	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8
33	6.9	7.1	7.3	7.5	7.7	7.9	8.1	8.3	8.5	8.7	8.9	9.1	9.3	9.5
34	6.6	6.8	7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6	8.8	9.0	9.2
35	6.3	6.5	6.7	6.9	7.1	7.3	7.5	7.7	7.9	8.1	8.3	8.5	8.7	8.9
36	6.0	6.2	6.4	6.6	6.8	7.0	7.2	7.4	7.6	7.8	8.0	8.2	8.4	8.6
37	5.7	5.9	6.1	6.3	6.5	6.7	6.9	7.1	7.3	7.5	7.7	7.9	8.1	8.3
38	5.4	5.6	5.8	6.0	6.2	6.4	6.6	6.8	7.0	7.2	7.4	7.6	7.8	8.0
39	5.1	5.3	5.5	5.7	5.9	6.1	6.3	6.5	6.7	6.9	7.1	7.3	7.5	7.7
40	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	6.8	7.0	7.2	7.4
41	4.5	4.7	4.9	5.1	5.3	5.5	5.7	5.9	6.1	6.3	6.5	6.7	6.9	7.1
42	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	6.8
43	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6
44	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4
45	3.6	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2
46	3.4	3.6	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0
47	3.2	3.4	3.6	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8
48	3.0	3.2	3.4	3.6	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6
49	2.8	3.0	3.2	3.4	3.6	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4
50	2.6	2.8	3.0	3.2	3.4	3.6	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2

THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:

5.00	5.10	5.20	5.30	5.40	5.50	5.60	5.70	5.80	5.90
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WHEN STATE
EXPERIENCE
FACTOR IS:

1.0	600.01	610.01	620.01	630.01	IF THE EMPLOYER'S BENEFIT WAGE RATIO DOES NOT EXCEED:				
	640.01	650.01	660.01	670.01	680.01	690.01			
1	300.0	305.0	310.0	315.0	320.0	325.0	330.0	335.0	340.0
2	200.0	203.3	206.7	210.0	213.3	216.7	220.0	223.3	226.7
3	150.0	152.5	155.0	157.5	160.0	162.5	165.0	167.5	170.0
4	120.0	122.0	124.0	126.0	128.0	130.0	132.0	134.0	136.0
5	100.0	101.7	103.3	105.0	106.7	108.3	110.0	111.7	113.3
6	85.7	87.1	88.6	90.0	91.4	92.9	94.3	95.7	97.1
7	75.0	76.3	77.5	78.8	80.0	81.3	82.5	83.8	85.1
8	66.7	67.8	68.9	70.0	71.1	72.2	73.3	74.4	75.6
9	60.0	61.0	62.0	63.0	64.0	65.0	66.0	67.0	68.0
10	54.5	55.5	56.4	57.3	58.2	59.1	60.0	60.9	61.8
11	50.0	50.8	51.7	52.5	53.3	54.2	55.0	55.8	56.7
12	46.2	46.9	47.7	48.5	49.2	50.0	50.8	51.5	52.3
13	42.9	43.6	44.3	45.0	45.7	46.4	47.1	47.8	48.5
14	40.0	40.7	41.3	42.0	42.7	43.3	44.0	44.6	45.3
15	37.5	38.1	38.8	39.4	40.0	40.6	41.3	41.9	42.5
16	35.3	35.9	36.5	37.1	37.6	38.2	38.8	39.4	40.0
17	33.3	33.9	34.4	35.0	35.6	36.1	36.7	37.2	37.8
18	31.6	32.1	32.6	33.2	33.7	34.2	34.7	35.3	35.8
19	30.0	30.5	31.0	31.5	32.0	32.5	33.0	33.5	34.0
20	28.6	29.0	29.5	30.0	30.5	31.0	31.4	31.9	32.4
21	27.3	27.7	28.2	28.6	29.1	29.5	30.0	30.5	30.9
22	26.1	26.5	27.0	27.4	27.8	28.3	28.7	29.1	29.6
23	25.0	25.4	25.8	26.3	26.7	27.1	27.5	27.9	28.3
24	24.0	24.4	24.8	25.2	25.6	26.0	26.4	26.8	27.2
25	23.0	23.4	23.8	24.2	24.6	25.0	25.4	25.8	26.2
26	22.2	22.6	23.0	23.3	23.7	24.1	24.4	24.8	25.2
27	21.5	21.9	22.3	22.7	23.1	23.5	23.9	24.3	24.7
28	20.7	21.1	21.5	21.9	22.3	22.7	23.1	23.5	23.9
29	20.0	20.4	20.8	21.2	21.6	22.0	22.4	22.8	23.2
30	19.3	19.7	20.1	20.5	20.9	21.3	21.7	22.1	22.5
31	18.6	19.0	19.4	19.8	20.2	20.6	21.0	21.4	21.8
32	18.0	18.4	18.8	19.2	19.6	20.0	20.4	20.8	21.2
33	17.3	17.7	18.1	18.5	18.9	19.3	19.7	20.1	20.5
34	16.7	17.1	17.5	17.9	18.3	18.7	19.1	19.5	19.9
35	16.1	16.5	16.9	17.3	17.7	18.1	18.5	18.9	19.3
36	15.5	15.9	16.3	16.7	17.1	17.5	17.9	18.3	18.7
37	15.0	15.4	15.8	16.2	16.6	17.0	17.4	17.8	18.2
38	14.4	14.8	15.2	15.6	16.0	16.4	16.8	17.2	17.6
39	13.9	14.3	14.7	15.1	15.5	15.9	16.3	16.7	17.1
40	13.4	13.8	14.2	14.6	15.0	15.4	15.8	16.2	16.6
41	12.9	13.3	13.7	14.1	14.5	14.9	15.3	15.7	16.1
42	12.4	12.8	13.2	13.6	14.0	14.4	14.8	15.2	15.6
43	11.9	12.3	12.7	13.1	13.5	13.9	14.3	14.7	15.1
44	11.4	11.8	12.2	12.6	13.0	13.4	13.8	14.2	14.6
45	10.9	11.3	11.7	12.1	12.5	12.9	13.3	13.7	14.1
46	10.4	10.8	11.2	11.6	12.0	12.4	12.8	13.2	13.6
47	9.9	10.3	10.7	11.1	11.5	11.9	12.3	12.7	13.1
48	9.4	9.8	10.2	10.6	11.0	11.4	11.8	12.2	12.6
49	8.9	9.3	9.7	10.1	10.5	10.9	11.3	11.7	12.1
50	8.4	8.8	9.2	9.6	10.0	10.4	10.8	11.2	11.6

THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:

6.01	6.11	6.21	6.31	6.41	6.51	6.61	6.71	6.81	6.91
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WHEN STATE
EMPLOYEE
FACTOR IS

IF THE EMPLOYEE'S BENEFIT WAGE RATIO DOES NOT EXCEED:

1.0	400.00	410.00	420.00	430.00	440.00	450.00	460.00	470.00	480.00	490.00
1	200.0	205.0	210.0	215.0	220.0	225.0	230.0	235.0	240.0	245.0
2	133.3	136.7	140.0	143.3	146.7	150.0	153.3	156.7	160.0	163.3
3	100.0	102.5	105.0	107.5	110.0	112.5	115.0	117.5	120.0	122.5
4	80.0	82.0	84.0	86.0	88.0	90.0	92.0	94.0	96.0	98.0
5	66.7	68.3	70.0	71.7	73.3	75.0	76.7	78.3	80.0	81.7
6	57.1	58.6	60.0	61.4	62.9	64.3	65.7	67.1	68.6	70.0
7	50.0	51.3	52.5	53.8	55.0	56.3	57.5	58.8	60.0	61.3
8	44.4	45.6	46.7	47.8	48.9	50.0	51.1	52.2	53.3	54.4
9	40.0	41.0	42.0	43.0	44.0	45.0	46.0	47.0	48.0	49.0
10	36.4	37.3	38.2	39.1	40.0	40.9	41.8	42.7	43.6	44.5
11	33.3	34.2	35.0	35.8	36.7	37.5	38.3	39.2	40.0	40.8
12	30.6	31.5	32.3	33.1	33.8	34.6	35.4	36.2	36.9	37.7
13	28.6	29.3	30.0	30.7	31.4	32.1	32.9	33.6	34.3	35.0
14	26.7	27.3	28.0	28.7	29.3	30.0	30.7	31.3	32.0	32.7
15	25.0	25.6	26.3	26.9	27.5	28.1	28.8	29.4	30.0	30.6
16	23.5	24.1	24.7	25.3	25.9	26.5	27.1	27.6	28.2	28.8
17	22.2	22.8	23.3	23.9	24.4	25.0	25.6	26.1	26.7	27.2
18	21.1	21.6	22.1	22.6	23.2	23.7	24.2	24.7	25.3	25.8
19	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5
20	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5
21	18.2	18.7	19.1	19.5	20.0	20.5	21.0	21.5	22.0	22.5
22	17.4	17.8	18.1	18.5	19.0	19.5	20.0	20.5	21.0	21.5
23	16.7	17.1	17.5	17.9	18.3	18.7	19.1	19.5	20.0	20.4
24	16.0	16.4	16.8	17.2	17.6	18.0	18.4	18.8	19.2	19.6
25	15.4	15.8	16.2	16.5	16.9	17.3	17.7	18.1	18.5	18.9
26	14.8	15.2	15.6	15.9	16.3	16.7	17.0	17.4	17.8	18.2
27	14.3	14.6	15.0	15.4	15.7	16.1	16.4	16.8	17.1	17.5
28	13.8	14.1	14.5	14.8	15.2	15.5	15.9	16.2	16.6	16.9
29	13.3	13.7	14.0	14.3	14.7	15.0	15.3	15.7	16.0	16.3
30	12.9	13.2	13.5	13.9	14.2	14.5	14.8	15.2	15.5	15.8
31	12.5	12.8	13.1	13.4	13.8	14.1	14.4	14.7	15.0	15.3
32	12.1	12.4	12.7	13.0	13.3	13.6	13.9	14.2	14.5	14.8
33	11.8	12.1	12.4	12.6	12.9	13.1	13.4	13.7	14.0	14.3
34	11.4	11.7	12.0	12.3	12.6	12.9	13.1	13.4	13.7	14.0
35	11.1	11.4	11.7	11.9	12.2	12.5	12.8	13.1	13.3	13.6
36	10.8	11.1	11.4	11.6	11.9	12.2	12.4	12.7	13.0	13.2
37	10.5	10.8	11.1	11.3	11.6	11.8	12.1	12.4	12.6	12.9
38	10.3	10.5	10.8	11.0	11.3	11.5	11.8	12.1	12.3	12.6
39	10.1	10.3	10.5	10.8	11.0	11.3	11.5	11.8	12.0	12.3
40	9.8	10.0	10.2	10.5	10.7	11.0	11.2	11.5	11.7	12.0
41	9.5	9.8	10.0	10.2	10.5	10.7	11.0	11.2	11.4	11.7
42	9.3	9.5	9.8	10.0	10.2	10.5	10.7	10.9	11.2	11.4
43	9.1	9.3	9.5	9.8	10.0	10.2	10.5	10.7	10.9	11.1
44	8.9	9.1	9.3	9.6	9.8	10.0	10.2	10.4	10.7	10.9
45	8.7	8.9	9.1	9.3	9.6	9.8	10.0	10.2	10.4	10.7
46	8.5	8.7	8.9	9.1	9.4	9.6	9.8	10.0	10.2	10.4
47	8.3	8.5	8.7	9.0	9.2	9.4	9.6	9.8	10.0	10.2
48	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8	10.0
49	8.0	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8
50	8.0	8.2	8.4	8.6	8.8	9.0	9.2	9.4	9.6	9.8

THE EMPLOYER'S BASIC ASSESSMENT RATE SHALL BE:

4.01	4.10	4.20	4.30	4.40	4.50	4.60	4.70	4.80	4.90
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CHAPTER 77

FORMERLY

SENATE BILL NO. 350

AN ACT AWARDING SPECIAL PENSION BENEFITS TO JEANNETTE V. G. LEGATES, A FORMER STATE EMPLOYEE, AND AUTHORIZING A TRANSFER OF APPROPRIATION INTO THE SPECIAL PENSION FUND CREATED 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, Jeannette V. G. Legates worked for the U. S. Employment Service - War Manpower Commission from June 16, 1945 to November 15, 1946; and

WHEREAS, the State of Delaware took over the War Manpower Commission on November 16, 1946; and

WHEREAS, Jeannette V. G. Legates continued her employment with the War Manpower Commission when it was taken over by the State of Delaware and served in continuous service for the State until her retirement on January 1, 1977; and

WHEREAS, Jeannette V. G. Legates should receive pension credit for her service with the U. S. Employment Service - War Manpower Commission.

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 grant creditable service from June 16, 1945 to November 15, 1946 to Jeannette V. G. Legates.

Section 2. The sum of \$3,571.00 is hereby transferred to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, to implement the provisions of this Act.

Section 3. The Budget Director and Controller General are hereby authorized to transfer \$3,571.00 from Contingency - Supplemental, appropriated in the Fiscal Year 1981 Budget Act, for the purpose described in Section 1 of this Act.

Approved June 30, 1981.

CHAPTER 78

FORMERLY

SENATE BILL NO. 102

AN ACT TO AMEND CHAPTER 408, VOLUME 62, LAWS OF DELAWARE, TO TRANSFER FUNDS FROM THE KENT COUNTY RAPE CRISIS CENTER TO THE RAPE CRISIS CENTER OF SUSSEX COUNTY.

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, Chapter 408, Volume 62, Laws of Delaware, by striking "Kent County Rape Crisis Center 2,200" as it appears therein and substituting in lieu thereof the following:

"Kent County Rape Crisis Center	600
Rape Crisis Center of Sussex County	1,600 "

Approved June 30, 1981.

CHAPTER 79

FORMERLY

SENATE BILL NO. 215

AN ACT TO AMEND CHAPTER 52, TITLE 29 OF THE DELAWARE CODE TO CORRECT AN INEQUITY IN HEALTH CARE INSURANCE COVERAGE FOR RETIREES OVER AGE 65 AND EXTENDING AN APPROPRIATION THEREFORE.

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

Section 1. Amend §5202(a), Chapter 52, Title 29 of the Delaware Code by adding a subsection(3) as follows:

"(3) For eligible pensioners entitled to services, rights or benefits under the Federal Medicare Program 100% of the cost of a basic contract or contracts of health care insurance coverage selected by such pensioner which coverage may include coverage for such pensioner's eligible dependents."

Section 2. Funds appropriated and unexpended in Fiscal 1981 for health insurance coverage premiums shall not be reverted on June 30, 1981, but shall be continued into Fiscal 1982 to carry out the provisions of this act.

Section 3. The effective date of coverage under this act shall be July 1, 1981.

Approved June 30, 1981.

CHAPTER 80
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 250

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1982; 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, 1982, 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 1982, 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:

<u>DEPARTMENTS</u>	<u>Year Ending June 30, 1982</u>
<u>(01-00-000) LEGISLATIVE</u>	
<u>(01-01-001) General Assembly - House</u>	
Salaries - House Members	\$ 482.0
Salaries (2)	25.5
Salaries - Attaches	190.0
Salaries - Administrative Assistants (2)	44.0
Other Employment Costs	93.4
Travel	
Mileage - Legislators	40.0
Mileage - Other	6.0
Contractual Services	
Postage	1.5
Other Contractual Services	37.0
Other Items	
Expenses - House Members	<u>102.5</u>
TOTAL -- General Assembly - House	\$ 1,021.9
<u>(01-02-001) General Assembly - Senate</u>	
Salaries - Senate Members	\$ 254.5
Salaries (3)	37.6
Salaries - Attaches	147.5
Salaries - Administrative Assistants (2)	44.0
Other Employment Costs	62.3
Travel	
Mileage - Legislative	25.0
Mileage - Other	6.0
Contractual Services	
Postage	.8
Other Contractual Services	30.0
Capital Outlay	4.0

Other Items	
Expenses - Senate Members	<u>52.5</u>
TOTAL -- General Assembly - Senate	\$ 664.2
<u>(01-05-000) Commission on Interstate Cooperation</u>	
Travel	
Legislative	\$ 25.0
Other Travel	9.0
Contractual Services	
Council of State Governments	27.0
Delaware River Basin Commission	198.4
National Conference of State Legislatures	23.4
Conference of Insurance Legislators	.5
Other Contractual Services	7.5
Supplies and Materials	<u>.5</u>
TOTAL -- Commission on Interstate Cooperation	\$ 291.3
<u>(01-08-000) Legislative Council</u>	
<u>(01-08-001) Office of the Research Director</u>	
Salaries (15)	\$ 285.9
Other Employment Costs	66.2
Travel	3.4
Contractual Services	59.4
Supplies and Materials	17.7
Capital Outlay	12.0
Other Items	<u>30.0</u>
Sub-Total	\$ 474.6
Debt Service	<u>\$ 21.0</u>
TOTAL -- Office of the Research Director	\$ 495.6
<u>(01-08-002) Office of Controller General</u>	
Salaries (12)	\$ 315.4
Other Employment Costs	70.8
Travel	5.0
Contractual Services	36.5
Supplies and Materials	6.8
Capital Outlay	2.7
Data Processing	2.0
Other Items	
Contingency	<u>5.0</u>
TOTAL -- Office of Controller General	\$ 444.2
<u>(01-08-003) Code Revisors</u>	
Travel	\$.4
Contractual Services	115.8
Supplies and Materials	<u>.8</u>
TOTAL -- Code Revisors	\$ 117.0
<u>(01-08-004) House Expenses</u>	
Contractual Services	\$ 36.8
Supplies and Materials	5.7
Capital Outlay	<u>16.0</u>
TOTAL -- House Expenses	\$ 58.5
<u>(01-08-005) Senate Expenses</u>	
Contractual Services	\$ 26.5
Supplies and Materials	3.1

Capital Outlay	\$ 11.5
Data Processing	1.0
TOTAL -- Senate Expenses	\$ 42.1
<u>(01-08-006) Commission on Uniform State Laws</u>	
Travel	\$ 5.0
Contractual Services	4.0
Supplies and Materials	.5
TOTAL -- Commission on Uniform State Laws	\$ 9.5
TOTAL -- Legislative Council	\$ 1,166.9
TOTAL -- LEGISLATIVE	\$ 3,144.3
<u>(02-00-000) JUDICIAL</u>	
<u>(02-01-001) Supreme Court</u>	
Salaries (21)	\$ 545.0
Other Employment Costs	81.6
Travel	6.0
Contractual Services	31.5
Supplies and Materials	10.5
Capital Outlay	6.2
Sub-Total	\$ 680.8
Debt Service	\$ 24.3
TOTAL -- Supreme Court	\$ 705.1
<u>(02-02-000) Court of Chancery</u>	
<u>(02-02-001) Court of Chancery</u>	
Salaries (13)	\$ 344.2
Other Employment Costs	53.7
Travel	6.5
Contractual Services	18.1
Supplies and Materials	8.1
Capital Outlay	6.6
TOTAL -- Court of Chancery	\$ 437.2
<u>(02-02-002) Public Guardian</u>	
Salaries (3)	\$ 59.3
Other Employment Costs	15.1
Travel	.2
Contractual Services	4.8
Supplies and Materials	2.2
Capital Outlay	.6
TOTAL -- Public Guardian	\$ 82.2
TOTAL -- Court of Chancery	\$ 519.4
<u>(02-03-001) Superior Court</u>	
Salaries (114)	\$ 2,185.5
Other Employment Costs	422.4
Travel	20.4
Contractual Services	168.1
Supplies and Materials	27.2
Capital Outlay	17.9
TOTAL -- Superior Court	\$ 2,841.5
<u>(02-06-001) Court of Common Pleas</u>	

	Salaries (55.5)	\$ 973.6
	Other Employment Costs	195.4
	Travel	4.4
	Contractual Services	60.2
	Supplies and Materials	10.8
	Capital Outlay	7.7
	TOTAL -- Court of Common Pleas	\$ 1,252.1
	<u>(02-08-001) Family Court of Delaware</u>	
(14.4)	Salaries (220)	\$ 3,705.3
	Other Employment Costs	873.8
	Travel	24.2
	Contractual Services	327.4
	Supplies and Materials	68.0
	Capital Outlay	43.1
	Sub-Total	\$ 5,041.8
	Debt Service	\$ 17.5
	TOTAL -- Family Court of Delaware	\$ 5,059.3
	<u>(02-09-001) Kent County Law Library</u>	
	Salaries (1)	\$ 21.1
	Other Employment Costs	4.7
	Travel	.7
	Contractual Services	1.6
	Supplies and Materials	.5
	Capital Outlay	46.3
	TOTAL -- Kent County Law Library	\$ 74.9
	<u>(02-10-001) Sussex County Law Library</u>	
	Salaries (1)	\$ 15.5
	Other Employment Costs	5.1
	Travel	.4
	Contractual Services	1.4
	Supplies and Materials	.9
	Capital Outlay	29.9
	TOTAL -- Sussex County Law Library	\$ 53.2
	<u>(02-11-001) New Castle County Law Library</u>	
	Salaries (1)	\$ 20.8
	Other Employment Costs	4.4
	Travel	.5
	Contractual Services	2.2
	Supplies and Materials	.5
	Capital Outlay	36.8
	TOTAL -- New Castle County Law Library	\$ 65.2
	<u>(02-13-001) Justice of the Peace Courts</u>	
(2)	Salaries (188)	\$ 2,661.5
	Other Employment Costs	619.2
	Travel	72.7
	Contractual Services	287.5
	Supplies and Materials	50.1
	Capital Outlay	15.9
	TOTAL -- Justice of the Peace Courts	\$ 3,706.9
	<u>(02-17-000) Administrative Office of the Courts</u>	
	<u>(02-17-001) Office of the Director</u>	

(7)	Salaries (17)	\$	352.2
	Other Employment Costs		86.4
	Travel		4.0
	Contractual Services		1,605.3
	Supplies and Materials		11.2
	Capital Outlay		1.7
	Data Processing		25.2
	Other		<u>177.0</u>

TOTAL -- Office of the Director \$ 2,263.0

(02-17-002) Violent Crimes Compensation Board

(5)	Salaries	\$	101.5
	Other Employment Costs		20.0
	Travel		11.6
	Contractual Services		21.6
	Supplies and Materials		1.5
	Capital Outlay		2.6
	Other		<u>246.9</u>

TOTAL - Violent Crimes Compensation Board \$ 405.7*

*Special Funds appropriated per Chapter 90, Title 11, Delaware Code

(02-17-003) Foster Care Review Board

	Salaries (3)	\$	55.4
	Other Employment Costs		13.4
	Travel		14.9
	Contractual Services		20.8
	Supplies and Materials		<u>2.6</u>

TOTAL -- Foster Care Review Board \$ 107.1

TOTAL -- Administrative Office of the Courts \$ 2,370.1

TOTAL -- JUDICIAL \$ 16,647.7

(10-00-000) EXECUTIVE

(10-01-001) Office of the Governor

	Salaries (21)	\$	462.4
	Other Employment Costs		109.8
	Travel		17.0
	Contractual Services		
	Labor Relations		35.0
	Other Contractual Services		75.4
	Supplies and Materials		19.4
	Capital Outlay		2.5
	Data Processing		2.0
	Other Items		
	Woodburn Expenses		16.0
	Contingency - Other Expenses		<u>8.7</u>

TOTAL -- Office of the Governor \$ 748.2

(10-02-000) Office of the Budget

(10-02-001) Budget Office

	Salaries (20)	\$	471.8
	Other Employment Costs		109.6
	Travel		7.3
	Contractual Services		92.1
	Supplies and Materials		6.2
	Capital Outlay		8.0
	Data Processing		45.4
	Other Items		<u>385.0</u>

TOTAL -- Budget Office	\$ 1,125.4
<u>(10-02-002) Budget Office - Contingencies</u>	
Other Items	
Contingency - Termination Pay	\$ 250.0
Contingency - Prior Years' Obligations	150.0
Contingency - Energy	1,000.0
Contingency - Telephones	200.0
Contingency - Health Insurance	<u>1,600.0</u>
TOTAL -- Budget Office - Contingencies	\$ 3,200.0
<u>(10-02-006) Budget Commission</u>	
Other Items	
Contingency Funds	\$ <u>200.0</u>
TOTAL -- Budget Commission	\$ <u>200.0</u>
TOTAL -- Office of the Budget	\$ 4,525.4
<u>(10-03-001) Office of Management, Budget & Planning</u>	
(19) Salaries (21)	\$ 456.0
Other Employment Costs	105.3
Travel	5.8
Contractual Services	50.0
Supplies and Materials	11.6
Capital Outlay	6.4
Data Processing	6.6
Other Items	
Washington Contingency (2)	<u>93.0</u>
TOTAL -- Office of Management, Budget and Planning	\$ 734.7
<u>(10-04-001) Office of State Personnel</u>	
(13.5) Salaries (23.5)	\$ 435.7
Other Employment Costs	103.7
Travel	6.3
Contractual Services	82.9
Supplies and Materials	6.6
Capital Outlay	20.5
Data Processing	<u>33.3</u>
TOTAL -- Office of State Personnel	\$ 689.0
<u>(10-06-001) Office of Highway Safety</u>	
(6) Salaries (4)	\$ 61.4
Other Employment Costs	12.7
Travel	2.1
Supplies and Materials	2.5
Contractual Services	<u>9.5</u>
TOTAL -- Office of Highway Safety	\$ <u>88.2</u>
TOTAL -- EXECUTIVE	\$ 6,785.5
<u>(12-00-000) OTHER ELECTIVE OFFICES</u>	
<u>(12-01-001) Lieutenant Governor</u>	
Salaries (3)	\$ 44.1
Other Employment Costs	10.6
Travel	2.4
Contractual Services	1.5
Supplies and Materials	3.5
Other Items	

Expenses - Lieutenant Governor		4.0
TOTAL -- Lieutenant Governor		\$ 66.1
<u>(12-02-001) Auditor of Accounts</u>		
(20)	Salaries (33)	\$ 667.7
	Other Employment Costs	157.3
	Travel	1.9
	Contractual Services	100.4
	Supplies and Materials	11.6
	Capital Outlay	12.9
TOTAL -- Auditor of Accounts		\$ 951.8
<u>(12-03-001) Insurance Commissioner</u>		
	Salaries (25)	\$ 492.1
	Other Employment Costs	112.5
	Travel	5.6
	Contractual Services	67.7
	Supplies and Materials	11.7
	Capital Outlay	15.0
	Other Items	
	Self Insurance Fund	1,743.0
	Malpractice Review	50.0
	Insurance Premiums	642.0
TOTAL -- Insurance Commissioner		\$ 3,139.6
<u>(12-05-000) State Treasurer</u>		
<u>(12-05-001) Administration</u>		
(1)	Salaries (22)	\$ 365.5
	Other Employment Costs	93.9
	Travel	1.0
	Contractual Services	98.7
	Supplies and Materials	10.0
	Capital Outlay	1.0
	Data Processing	80.6
	Other Items	
	Health Insurance - Retirees	2,001.2
	Lost and Outdated Checks	1.5
	Collateralization Program	3.0
	Blood Bank Membership Dues	90.0
TOTAL -- Administration		\$ 2,746.4
<u>(12-05-002) Pensions</u>		
(20)	Salaries	\$ 309.5
	Other Employment Costs	79.1
	Travel	5.2
	Contractual Services	1,464.6
	Supplies and Materials	12.8
	Capital Outlay	8.3
	Data Processing	50.0
	Other Items	
	Pensions - Paraplegic Veterans	15.6
	Special Pension Fund	30.8
TOTAL -- Pensions		\$ 1,929.5* \$ 46.4
*All Administrative Expenses are paid out of State Employees Retirement Fund.		
<u>(12-05-003) Debt Management</u>		
	Expense of Issuing Bonds	\$ 100.0
	Debt Service - Regular	6,735.1
	Debt Service - Local Schools	1,631.6

Debt Service - Employees Retirement	1,028.0
Debt Service - Farmers Bank Preferred Stock	2,038.0
Debt Service - Solid Waste Authority	<u>573.1</u>
TOTAL -- Debt Management	\$ 12,105.8
TOTAL -- State Treasurer	\$ <u>14,898.6</u>
TOTAL -- OTHER ELECTIVE OFFICES	\$ 19,056.1
<u>(15-00-000) LEGAL</u>	
<u>(15-01-000) Department of Justice</u>	
<u>(15-01-001) Office of Attorney General</u>	
(21.0) Salaries (112.5)	\$ 2,173.9
Other Employment Costs	540.1
Travel	5.8
Contractual Services	494.0
Supplies and Materials	31.2
Capital Outlay	14.4
Data Processing	15.1
Other	<u>41.0</u>
TOTAL -- Office of Attorney General	\$ 3,315.5
<u>(15-02-001) Public Defender</u>	
(1.0) Salaries (59.0)	\$ 1,072.5
Other Employment Costs	268.9
Travel	3.2
Contractual Services	278.8
Supplies and Materials	18.3
Capital Outlay	<u>4.8</u>
TOTAL -- Public Defender	\$ 1,646.5
<u>(15-03-001) Board of Parole</u>	
Salaries (7)	\$ 142.2
Other Employment Costs	29.8
Travel	8.9
Contractual Services	11.3
Supplies and Materials	<u>3.0</u>
TOTAL -- Board of Parole	\$ 195.2
<u>(15-04-001) Board of Pardons</u>	
Salaries	\$ <u>.3</u>
TOTAL -- Board of Pardons	\$ <u>.3</u>
TOTAL -- LEGAL	\$ 5,157.5
<u>(20-00-000) DEPARTMENT OF STATE</u>	
<u>(20-01-001) Office of the Secretary</u>	
Salaries (5)	\$ 113.2
Other Employment Costs	26.8
Travel	3.4
Contractual Services	15.2
Supplies and Materials	<u>2.3</u>
Sub-Total	\$ 160.9
Debt Service	\$ <u>259.7</u>
TOTAL -- Office of the Secretary	\$ 420.6

(20-05-001) Division of Corporations

Salaries (52)	\$ 652.9
Other Employment Costs	174.3
Travel	1.4
Contractual Services	191.9
Supplies and Materials	35.2
Capital Outlay	7.9
Data Processing	<u>241.9</u>

TOTAL -- Division of Corporations	\$ 1,305.5
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(20-06-000) Division of Historical and Cultural Affairs(20-06-001) Office of Administration

(.2) Salaries (5.5)	\$ 100.2
Other Employment Costs	22.7
Travel	.9
Contractual Services	3.0
Supplies and Materials	2.5
Capital Outlay	<u>1.5</u>

Sub-Total	\$ 130.8
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Debt Service	\$ <u>145.2</u>
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TOTAL -- Office of Administration	\$ 276.0
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(20-06-002) Archives and Modern Records

Salaries (12.0)	\$ 147.8
Other Employment Costs	33.9
Travel	1.3
Contractual Services	12.5
Supplies and Materials	18.0
Capital Outlay	<u>9.4</u>

TOTAL -- Archives and Modern Records	\$ 222.9
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(20-06-003) Bureau of Archaeology and
Historic Preservation

(4) Salaries (4)	\$ 71.8
Other Employment Costs	16.7
Travel	.6
Contractual Services	4.4
Supplies and Materials	4.8
Capital Outlay	<u>.5</u>

TOTAL -- Bureau of Archaeology and Historic Preservation	\$ 98.8
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(20-06-004) Bureau of Museums and Historic
Sites

Salaries (33)	\$ 410.4
Other Employment Costs	101.1
Travel	1.5
Contractual Services	92.3
Supplies and Materials	19.1
Capital Outlay	<u>7.3</u>

Sub-Total	\$ 631.7
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Debt Service	\$ <u>15.6</u>
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TOTAL -- Bureau of Museums and Historic Sites	\$ 647.3
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(20-06-005) Microfilm Services

Salaries (17.0)	\$ 163.0
Other Employment Costs	41.8
Travel	.9
Contractual Services	110.5
Supplies and Materials	80.2
Capital Outlay	<u>62.0</u>

TOTAL -- Microfilm Services \$ 458.4

Allocation of Microfilm Services

	<u>General Funds</u>	<u>Special Funds</u>
01 Legislative	\$ 10.8	\$ -
02 Judicial	10.0	-
10 Executive	13.8	-
12 Other Elective	64.0	-
15 Legal	1.4	-
20 State	130.7	-
25 Finance	42.2	-
30 Administrative Services	5.1	-
35 Health and Social Services	32.5	7.0
38 Correction	6.3	8.8
40 Natural Resources and Environmental Control	6.8	-
45 Public Safety	12.9	6.8
50 Community Affairs	6.2	-
55 Transportation	46.6	-
60 Labor	1.0	12.4
65 Agriculture	6.2	-
95 Public Education	<u>26.9</u>	<u>-</u>
Sub-Total	\$ 423.4	\$ 35.0

TOTAL -- Microfilm Services \$ 458.4

(20-06-016) Office of Arts Council

(3.4)	Salaries (4.1)	\$ 58.1
	Other Employment Costs	13.5
	Travel	2.0
	Contractual Services	25.0
	Supplies and Materials	5.1
	Grants and Subsidies	<u>67.0</u>

TOTAL -- Office of the Arts Council \$ 170.7

TOTAL -- Division of Historical and Cultural Affairs \$ 1,415.7

TOTAL -- DEPARTMENT OF STATE \$ 3,141.8

(25-00-000) DEPARTMENT OF FINANCE

(25-01-001) Office of the Secretary

Salaries (5)	\$ 140.7
Other Employment Costs	33.1
Travel	3.1
Contractual Services	12.5
Supplies and Materials	1.9
Capital Outlay	.5
Other Items	<u>12.6</u>

TOTAL -- Office of the Secretary \$ 204.4

(25-05-001) Division of Accounting

Salaries (31)	\$ 492.5
Other Employment Costs	120.0
Travel	2.0
Contractual Services	79.2
Supplies and Materials	50.0

Capital Outlay	1.2
Data Processing	<u>778.5</u>

TOTAL -- Division of Accounting	\$ 1,523.4
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(25-06-001) Division of Revenue

Salaries (256)	\$ 3,444.2
Other Employment Costs	808.8
Travel	55.4
Contractual Services	489.2
Supplies and Materials	143.8
Capital Outlay	38.1
Data Processing	808.7
Other Items	<u>4.5</u>

Sub-Total	\$ 5,792.7
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Debt Service	\$ <u>322.9</u>
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TOTAL -- Division of Revenue	\$ 6,115.6
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(25-07-001) State Lottery Office

(18) Salaries	\$ 313.5
Other Employment Costs	72.1
Travel	10.0
Contractual Services	1,206.3
Supplies and Materials	14.7
Capital Outlay	9.3
Data Processing	25.0
Other Items	<u>57.8</u>

TOTAL -- State Lottery Office	\$ <u>1,708.7*</u>
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*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	\$ 7,843.4
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(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES(30-01-001) Office of the Secretary

Salaries (14)	\$ 208.8
Other Employment Costs	51.5
Travel	1.6
Contractual Services	13.6
Supplies and Materials	1.8
Data Processing	341.4
Data Processing - Development Projects	<u>902.8</u>

TOTAL -- Secretary's Office	\$ 1,521.5
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(30-02-001) Office of Planning Systems Development

Salaries (5)	\$ 102.9
Other Employment Costs	25.8
Travel	1.0
Contractual Services	10.0
Supplies	<u>10.0</u>

TOTAL -- Office of Planning Systems Development	\$ 149.7
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(30-03-001) Division of
Alcohol Beverage Control Commission

Salaries (20)	\$ 311.4
Other Employment Costs	80.2
Travel	<u>6.3</u>

Contractual Services	48.2
Supplies and Materials	9.9
Capital Outlay	<u>14.0</u>

TOTAL -- Division of Alcohol Beverage Control Commission	\$ 470.0
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(30-04-000) Division of Support Operations(30-04-002) Messenger Services

Salaries (11)	\$ 110.3
Other Employment Costs	31.4
Contractual Services	2.7
Supplies and Materials	2.0
Capital Outlay	<u>7.5</u>

TOTAL -- Messenger Services	\$ 153.9
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(30-04-003) Telephone Services

Salaries (9)	\$ 118.8
Other Employment Costs	31.0
Travel	.8
Contractual Services	7.7
Data Processing	<u>30.2</u>

TOTAL -- Telephone Services	\$ 188.5
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(30-04-004) Graphics and Printing

Salaries (21)	\$ 312.4
Other Employment Costs	86.1
Travel	2.0
Contractual Services	163.5
Supplies and Materials	201.0
Capital Outlay	<u>36.8</u>

TOTAL -- Graphics and Printing	\$ 801.8*
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TOTAL -- Division of Support Operations	\$ 342.4
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*Special Funds - Total Budget

(30-05-000) Division of Facilities Management(30-05-001) Administration

(23.0)	Salaries (9)	\$ 193.1
	Other Employment Costs	47.6
	Travel	5.0
	Contractual Services	180.7
	Supplies	11.1
	Capital Outlay	<u>11.2</u>

Sub-Total	\$ 448.7
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Debt Service	\$ <u>3,029.4</u>
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TOTAL -- Administration	\$ 3,478.1
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(30-05-004) Carvel State Building

Salaries (12)	\$ 131.7
Other Employment Costs	31.5
Travel	1.8
Contractual Services	806.8
Supplies and Materials	22.1
Capital Outlay	<u>30.2</u>

TOTAL -- Carvel State Building	\$ 1,024.1
<u>(30-05-005) Building Maintenance</u>	
Salaries (19)	\$ 253.6
Other Employment Costs	68.4
Travel	.6
Contractual Services	1,550.0
Supplies and Materials	67.0
Capital Outlay	9.9
TOTAL -- Building Maintenance	\$ 1,949.5
<u>(30-05-006) Grounds Maintenance</u>	
Salaries (8)	\$ 98.6
Other Employment Costs	24.2
Travel	.2
Contractual Services	47.2
Supplies and Materials	47.3
Capital Outlay	9.9
TOTAL -- Grounds Maintenance	\$ 227.4
<u>(30-05-007) Custodial Services</u>	
Salaries (49)	\$ 458.7
Other Employment Costs	136.2
Travel	.6
Contractual Services	86.9
Supplies and Materials	35.9
Capital Outlay	8.1
TOTAL -- Custodial Services	\$ 726.4
<u>(30-05-008) Security</u>	
Salaries (23)	\$ 353.4
Other Employment Costs	93.3
Travel	2.5
Contractual Services	200.1
Supplies and Materials	8.0
Capital Outlay	18.8
TOTAL -- Security	\$ 676.1
<u>(30-05-009) Public Building</u>	
Salaries (11)	\$ 133.3
Other Employment Costs	42.0
Travel	2.5
Contractual Services	562.0
Supplies & Materials	57.1
Capital Outlay	8.5
TOTAL -- Public Building	\$ 805.4
<u>(30-05-010) Architectural Accessibility Board</u>	
Salaries (1)	\$ 28.1
Other Employment Costs	6.2
Travel	3.7
Contractual Services	11.1
Supplies and Materials	1.9
TOTAL -- Architectural Accessibility Board	\$ 51.0
TOTAL -- Division of Facilities Management	\$ 8,938.0
<u>(30-06-000) Division of Purchasing</u>	

(30-06-001) Administration

Salaries (5)	\$ 94.1
Other Employment Costs	24.0
Travel	1.8
Contractual Services	18.7
Supplies and Materials	<u>6.0</u>
Sub-Total	\$ 144.6
Debt Service	\$ <u>1.4</u>
TOTAL -- Administration	\$ 146.0

(30-06-002) Purchasing

Salaries (6)	\$ 100.5
Other Employment Costs	26.1
Travel	.5
Contractual Services	19.9
Supplies and Materials	<u>4.3</u>
TOTAL -- Purchasing	\$ 151.3

(30-06-003) Distribution

(6) Salaries (7)	\$ 126.3
Other Employment Costs	32.3
Travel	.3
Contractual Services	12.4
Supplies and Materials	6.4
Capital Outlay	<u>4.8</u>
TOTAL -- Distribution	\$ <u>182.5</u>
TOTAL -- Division of Purchasing	\$ 479.8

(30-07-000) Division of Central Data Processing(30-07-001) Management, Budget, and Planning

Salaries (10)	\$ 227.0
Other Employment Costs	52.0
Travel	1.4
Contractual Services	70.8
Supplies and Materials	7.2
Capital Outlay	<u>15.2</u>
TOTAL -- Management, Budget, and Planning	\$ 373.6

(30-07-002) Computer Operations

Salaries (59)	\$ 754.5
Other Employment Costs	204.3
Travel	1.9
Contractual Services	1,665.8
Supplies and Materials	105.9
Capital Outlay	32.3
Other	<u>469.4</u>
TOTAL -- Computer Operations	\$ 3,234.1

(30-07-003) Computer Technical Support

Salaries (8)	\$ 155.6
Other Employment Costs	37.7
Travel	5.7
Contractual Services	20.5
Capital Outlay	<u>3.5</u>
TOTAL -- Computer Technical Support	\$ 223.0

(30-07-004) Agency Application Support

Salaries (48)	\$ 982.3
Other Employment Costs	240.4
Travel	3.2
Contractual Services	12.2
Capital Outlay	<u>9.9</u>

TOTAL -- Agency Application Support \$ 1,248.0

TOTAL -- Division of Central Data Processing \$ 5,078.7

Allocation of Central Data Processing Services

	<u>General Funds</u>	<u>Other Funds</u>
01 Legislative	\$ 3.0	\$ -
02 Judicial	25.2	-
10 Executive	87.3	2.0
12 Other Elective	80.6	50.0
15 Legal	15.1	-
20 State	241.9	-
25 Finance	1,587.2	25.0
30 Administrative Services	378.6	-
35 Health and Social Services	655.3	351.4
38 Correction	135.9	-
40 Natural Resources		
and Environmental Control	25.2	5.0
45 Public Safety	1,072.7	10.0
55 Transportation	221.7	22.0
60 Labor	-	2.0
70 Elections	40.3	-
75 Fire Marshall	\$ 4.0	\$ 2.0
95 Public Education	<u>35.3</u>	<u>-</u>
Sub-Total	\$ 4,609.3	\$ 469.4
TOTAL -- Division of Central Data Processing		\$ 5,078.7

(30-08-000) Business and Occupational Regulation(30-08-001) Occupational Licensing

(1.0)	Salaries (12)	\$ 170.4
	Other Employment Costs	43.1
	Travel	11.0
	Contractual Services	61.9
	Supplies and Materials	13.2
	Capital Outlay	7.7
	Data Processing	<u>3.0</u>
	TOTAL -- Occupational Licensing	\$ 310.3

(30-08-002) Health Licensing

	Salaries (6)	\$ 120.1
	Other Employment Costs	24.2
	Travel	8.0
	Contractual Services	36.4
	Supplies and Materials	1.1
	Data Processing	<u>4.0</u>
	TOTAL -- Health Licensing	\$ 193.8

(30-08-014) Delaware Standardbred Development

Salaries (2)	\$ 35.1
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Other Employment Costs	9.1	
Travel	2.9	
Contractual Services	13.8	
Supplies and Materials	1.1	
Other Items		
Development Stakes - Purses	<u>300.0</u>	\$ <u>100.0</u>

TOTAL -- Delaware Standardbred Development \$ 362.0* \$ 100.0

*Special Funds

TOTAL -- Division of Business and Occupational Regulation \$ 604.1

(30-11-001) Public Utilities Control

Salaries (18)	\$ 402.1
Other Employment Costs	102.7
Travel	21.0
Contractual Services	877.6
Supplies and Materials	7.5
Capital Outlay	<u>9.4</u>

TOTAL -- Public Utilities Control \$ 1,420.3*

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

(30-15-001) Division of State Banking Commission

Salaries (15)	\$ 293.5
Other Employment Costs	76.0
Travel	7.8
Contractual Services	13.8
Supplies and Materials	8.6
Capital Outlay	<u>6.8</u>

TOTAL -- Division of State Banking Commission \$ 406.5*

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

TOTAL -- DEPARTMENT OF ADMINISTRATIVE SERVICES \$ 12,505.5

(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES

(35-01-001) Office of the Secretary

(5.5)	Salaries (10.5)	\$ 219.3
	Other Employment Costs	52.2
	Travel	.8
	Contractual Services	60.4
	Supplies and Materials	<u>.8</u>

TOTAL -- Office of the Secretary \$ 333.5

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

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

(35.4)	Salaries (63.0)	\$ 985.8
	Other Employment Costs	259.4
	Travel	.3
	Contractual Services	150.0
	Supplies and Materials	9.7
	Capital Outlay	11.9
	Data Processing	<u>655.3</u>

Sub-Total \$ 2,072.4

	Debt Service	\$ 5.7
	TOTAL -- Office of Business Administration and General Services	\$ 2,078.1
	<u>(35-02-002) Education</u>	
	Salaries (34.0)	\$ 568.5
	Other Employment Costs	137.7
	Other Items	15.6
	TOTAL -- Education	\$ 721.8
	<u>(35-02-003) Bureau of Child Support Enforcement</u>	
(46.5)	Salaries (15.5)	\$ 205.3
	Other Employment Costs	49.2
	Travel	.8
	Contractual Services	91.8
	Supplies and Materials	2.9
	Capital Outlay	2.8
	TOTAL -- Bureau of Child Support Enforcement	\$ 352.8
	TOTAL -- Office of Business Administration and General Services and Education	\$ 3,152.7
	<u>(35-03-001) Office of Planning, Research and Evaluation</u>	
(39.8)	Salaries (16.2)	\$ 285.0
	Other Employment Costs	73.0
	Travel	1.4
	Contractual Services	41.4
	Supplies and Materials	1.7
	Capital Outlay	.8
	Sub-Total	\$ 403.3
	Debt Service	\$ 1,675.8
	TOTAL -- Office of Planning, Research and Evaluation	\$ 2,079.1
	<u>(35-04-001) Office of Chief Medical Examiner</u>	
	Salaries (27.0)	\$ 608.4
	Other Employment Costs	137.1
	Travel	3.0
	Contractual Services	86.9
	Supplies and Materials	46.1
	Capital Outlay	29.2
	Sub-Total	\$ 910.7
	Debt Service	\$ 82.3
	TOTAL -- Office of Chief Medical Examiner	\$ 993.0
	<u>(35-05-000) Division of Public Health</u>	
	<u>(35-05-002) Community Health</u>	
(172.9)	Salaries (288.4)	\$ 4,767.5
	Other Employment Costs	1,011.6
	Travel	64.2
	Contractual Services	743.0
	Supplies and Materials	214.3
	Capital Outlay	110.6
	Other Items	42.9
	TOTAL -- Community Health	\$ 6,954.1

(35-05-003) Emily P. Bissell Hospital

(2.0)	Salaries (279.8)	\$ 3,235.7
	Other Employment Costs	726.3
	Travel	2.2
	Contractual Services	525.6
	Supplies and Materials	572.8
	Capital Outlay	<u>20.0</u>
	Sub-Total	\$ 5,082.6
	Debt Service	\$ <u>190.9</u>
	TOTAL -- Emily P. Bissell Hospital	\$ 5,273.5

(35-05-004) Delaware Hospital for the Chronically Ill

	Salaries (723.0)	\$ 8,144.7
	Other Employment Costs	2,285.3
	Travel	1.7
	Contractual Services	992.7
	Supplies and Materials	935.7
	Capital Outlay	<u>48.1</u>
	Sub-Total	\$ 12,408.2
	Debt Service	\$ <u>516.3</u>
	TOTAL -- Delaware Hospital for the Chronically Ill	\$ <u>12,924.5</u>
	TOTAL -- Division of Public Health	\$ 25,152.1

(35-06-000) Division of Mental Health(35-06-001) Office of the Director

(1.0)	Salaries (5.0)	\$ 125.3
	Other Employment Costs	29.6
	Travel	.8
	Contractual Services	9.5
	Supplies and Materials	<u>1.6</u>
	TOTAL -- Office of the Director	\$ 166.8

(35-06-002) Delaware State Hospital

(4.0)	Salaries (770.2)	\$ 10,034.2
	Other Employment Costs	2,483.6
	Travel	1.9
	Contractual Services	2,183.4
	Supplies and Materials	1,195.1
	Capital Outlay	76.7
	Other Items	<u>55.3</u>
	Sub-Total	\$ 16,030.2
	Debt Service	\$ <u>925.2</u>
	TOTAL -- Delaware State Hospital	\$ 16,955.4

(35-06-003) Mental Hygiene Clinics

	Salaries (53.0)	\$ 1,090.8
	Other Employment Costs	266.0
	Travel	.4
	Contractual Services	306.8
	Supplies and Materials	79.6
	Capital Outlay	3.0
	Other Items	<u>31.4</u>
	Sub-Total	\$ 1,778.0

	Debt Service	\$ 10.0
	TOTAL -- Mental Hygiene Clinics	\$ 1,788.0
	<u>(35-06-004) Governor Bacon Health Center</u>	
(5.0)	Salaries (277.5)	\$ 3,639.7
	Other Employment Costs	883.8
	Travel	.6
	Contractual Services	707.6
	Supplies and Materials	258.8
	Capital Outlay	15.0
	Sub-Total	\$ 5,505.5
	Debt Service	\$ 417.9
	TOTAL -- Governor Bacon Health Center	\$ 5,923.4
	<u>(35-06-005) Southern New Castle County Community Mental Health Center</u>	
(8.0)	Salaries (37.0)	\$ 732.2
	Other Employment Costs	171.6
	Travel	1.2
	Contractual Services	53.5
	Supplies and Materials	21.6
	Capital Outlay	7.1
	TOTAL -- Southern New Castle County Community Mental Health Center	\$ 987.2
	<u>(35-06-007) Terry Children's Psychiatric Center</u>	
(1.4)	Salaries (91.0)	\$ 1,393.8
	Other Employment Costs	352.7
	Travel	1.1
	Contractual Services	134.9
	Supplies and Materials	62.3
	Capital Outlay	20.0
	Sub-Total	\$ 1,964.8
	Debt Service	\$ 68.0
	TOTAL -- Terry Children's Psychiatric Center	\$ 2,032.8
	<u>(35-06-008) Bureau of Substance Abuse</u>	
(39.5)	Salaries (76.0)	\$ 1,008.0
	Other Employment Costs	250.3
	Travel	1.0
	Contractual Services	800.1
	Supplies and Materials	133.4
	Capital Outlay	13.9
	TOTAL -- Bureau of Substance Abuse	\$ 2,206.7
	TOTAL -- Division of Mental Health	\$ 30,060.3
	<u>(35-07-001) Division of Social Services</u>	
(349.0)	Salaries (217.0)	\$ 2,902.6
	Other Employment Costs	704.1
	Travel	3.1
	Contractual Services	1,366.9
	Supplies and Materials	51.2
	Capital Outlay	39.0
	Other Items	40,180.6

(35-05-003) Emily P. Bissell Hospital

(2.0)	Salaries (279.8)	\$ 3,235.7
	Other Employment Costs	726.3
	Travel	2.2
	Contractual Services	525.6
	Supplies and Materials	572.8
	Capital Outlay	<u>20.0</u>
	Sub-Total	\$ 5,082.6
	Debt Service	\$ <u>190.9</u>
	TOTAL -- Emily P. Bissell Hospital	\$ 5,273.5

(35-05-004) Delaware Hospital for the Chronically Ill

	Salaries (723.0)	\$ 8,144.7
	Other Employment Costs	2,285.3
	Travel	1.7
	Contractual Services	992.7
	Supplies and Materials	935.7
	Capital Outlay	<u>48.1</u>
	Sub-Total	\$ 12,408.2
	Debt Service	\$ <u>516.3</u>
	TOTAL -- Delaware Hospital for the Chronically Ill	\$ <u>12,924.5</u>
	TOTAL -- Division of Public Health	\$ 25,152.1

(35-06-000) Division of Mental Health(35-06-001) Office of the Director

(1.0)	Salaries (5.0)	\$ 125.3
	Other Employment Costs	29.6
	Travel	.8
	Contractual Services	9.5
	Supplies and Materials	<u>1.6</u>
	TOTAL -- Office of the Director	\$ 166.8

(35-06-002) Delaware State Hospital

(4.0)	Salaries (770.2)	\$ 10,034.2
	Other Employment Costs	2,483.6
	Travel	1.9
	Contractual Services	2,183.4
	Supplies and Materials	1,195.1
	Capital Outlay	76.7
	Other Items	<u>55.3</u>
	Sub-Total	\$ 16,030.2
	Debt Service	\$ <u>925.2</u>
	TOTAL -- Delaware State Hospital	\$ 16,955.4

(35-06-003) Mental Hygiene Clinics

	Salaries (53.0)	\$ 1,090.8
	Other Employment Costs	266.0
	Travel	.4
	Contractual Services	306.8
	Supplies and Materials	79.6
	Capital Outlay	3.0
	Other Items	<u>31.4</u>
	Sub-Total	\$ 1,778.0

	Debt Service	\$ 10.0
	TOTAL -- Mental Hygiene Clinics	\$ 1,788.0
	<u>(35-06-004) Governor Bacon Health Center</u>	
(5.0)	Salaries (277.5)	\$ 3,639.7
	Other Employment Costs	883.8
	Travel	.6
	Contractual Services	707.6
	Supplies and Materials	258.8
	Capital Outlay	15.0
	Sub-Total	\$ 5,505.5
	Debt Service	\$ 417.9
	TOTAL -- Governor Bacon Health Center	\$ 5,923.4
	<u>(35-06-005) Southern New Castle County Community Mental Health Center</u>	
(8.0)	Salaries (37.0)	\$ 732.2
	Other Employment Costs	171.6
	Travel	1.2
	Contractual Services	53.5
	Supplies and Materials	21.6
	Capital Outlay	7.1
	TOTAL -- Southern New Castle County Community Mental Health Center	\$ 987.2
	<u>(35-06-007) Terry Children's Psychiatric Center</u>	
(1.4)	Salaries (91.0)	\$ 1,393.8
	Other Employment Costs	352.7
	Travel	1.1
	Contractual Services	134.9
	Supplies and Materials	62.3
	Capital Outlay	20.0
	Sub-Total	\$ 1,964.8
	Debt Service	\$ 68.0
	TOTAL -- Terry Children's Psychiatric Center	\$ 2,032.8
	<u>(35-06-008) Bureau of Substance Abuse</u>	
(39.5)	Salaries (76.0)	\$ 1,008.0
	Other Employment Costs	250.3
	Travel	1.0
	Contractual Services	800.1
	Supplies and Materials	133.4
	Capital Outlay	13.9
	TOTAL -- Bureau of Substance Abuse	\$ 2,206.7
	TOTAL -- Division of Mental Health	\$ 30,060.3
	<u>(35-07-001) Division of Social Services</u>	
(349.0)	Salaries (217.0)	\$ 2,902.6
	Other Employment Costs	704.1
	Travel	3.1
	Contractual Services	1,366.9
	Supplies and Materials	51.2
	Capital Outlay	39.0
	Other Items	40,180.6

Sub-Total	\$ 45,247.5
Debt Service	\$ <u>2.6</u>
TOTAL -- Division of Social Services	\$ 45,250.1
<u>(35-08-001) Division for the Visually Impaired</u>	
(30.1) Salaries (18.9)	\$ 287.2
Other Employment Costs	70.5
Travel	2.6
Contractual Services	99.4
Supplies and Materials	46.9
Capital Outlay	<u>19.4</u>
TOTAL -- Division for the Visually Impaired	\$ 526.0
<u>(35-11-000) Division of Mental Retardation Services</u>	
<u>(35-11-001) Office of the Director</u>	
Salaries (3)	\$ 81.3
Other Employment Costs	17.9
Travel	1.2
Contractual Services	5.3
Supplies and Materials	2.1
Capital Outlay	7.7
Other Items	<u>202.3</u>
TOTAL -- Office of the Director	\$ 317.8
<u>(35-11-002) Stockley Center</u>	
Salaries (646.7)	\$ 7,255.9
Other Employment Costs	1,866.8
Travel	2.7
Contractual Services	1,046.8
Supplies and Materials	766.6
Capital Outlay	109.7
Grants and Subsidies	<u>9.6</u>
Sub-Total	\$ 11,058.1
Debt Service	\$ <u>463.8</u>
TOTAL -- Stockley Center	\$ 11,521.9
<u>(35-11-003) Community Mental Retardation Program</u>	
(3.2) Salaries (57.8)	\$ 632.1
Other Employment Costs	148.3
Travel	.4
Contractual Services	101.3
Supplies and Materials	64.2
Other Items	<u>22.7</u>
Sub-Total	\$ 969.0
Debt Service	\$ <u>20.8</u>
TOTAL -- Community Mental Retardation Program	\$ 989.8
TOTAL -- Division of Mental Retardation Services	\$ 12,829.5
<u>(35-12-001) State Service Centers</u>	
(31.0) Salaries (37.0)	\$ 502.0
Other Employment Costs	136.6
Travel	2.1
Contractual Services	659.9
Supplies and Materials	33.4
Capital Outlay	<u>11.6</u>

Sub-Total	\$ 1,345.6
Debt Service	\$ <u>143.9</u>
TOTAL -- State Service Centers	\$ 1,489.5
<u>(35-14-001) Division of Aging</u>	
(19.5) Salaries (4.5)	\$ 69.3
Other Employment Costs	18.0
Travel	1.3
Contractual Services	34.2
Supplies and Materials	.8
Capital Outlay	5.9
Grants and Subsidies	192.7
Other Items	<u>110.0</u>
Sub-Total	\$ 432.2
Debt Service	\$ <u>5.1</u>
TOTAL -- Division of Aging	\$ <u>437.3</u>
TOTAL -- DEPARTMENT OF HEALTH AND SOCIAL SERVICES	\$ 122,303.1
<u>(38-00-000) DEPARTMENT OF CORRECTION</u>	
<u>(38-01-000) Office of the Commissioner</u>	
<u>(38-01-001) Management Support Services</u>	
Salaries (89)	\$ 1,403.2
Other Employment Costs	340.0
Travel	5.1
Contractual Services	131.7
Supplies and Materials	46.0
Capital Outlay	27.7
Data Processing	135.9
Other Items	<u>1,634.2</u>
Sub-Total	\$ 3,723.8
Debt Service	\$ <u>9.7</u>
TOTAL -- Management Support Services	\$ 3,733.5
<u>(38-01-003) Education</u>	
(17.5) Salaries (37)	\$ 743.3
Other Employment Costs	175.4
Travel	2.9
Contractual Services	43.3
Supplies and Materials	51.0
Capital Outlay	<u>21.7</u>
TOTAL -- Education	\$ 1,037.6
<u>(38-01-005) Facilities Maintenance and Construction</u>	
Salaries (33)	\$ 593.6
Other Employment Costs	143.4
Travel	.3
Contractual Services	122.8
Supplies and Materials	128.7
Capital Outlay	<u>56.2</u>
TOTAL -- Facilities Maintenance and Construction	\$ 1,045.0
<u>(38-01-008) Food Service</u>	
Salaries (32)	\$ 571.0

Other Employment Costs	129.6
Travel	1.2
Contractual Services	13.9
Supplies and Materials	1,264.1
Capital Outlay	<u>26.0</u>
TOTAL -- Food Service	\$ 2,005.8
<u>(38-01-009) Prison Industries</u>	
Salaries (10)	\$ 183.3
Other Employment Costs	43.5
Travel	3.6
Contractual Services	16.2
Supplies and Materials	57.4
Capital Outlay	<u>17.5</u>
TOTAL -- Prison Industries	\$ <u>321.5</u>
TOTAL -- Office of the Commissioner	\$ 8,143.4
<u>(38-08-000) Bureau of Adult Corrections</u>	
<u>(38-08-001) Office of the Bureau Chief</u>	
Salaries (22)	\$ 431.3
Other Employment Costs	99.2
Travel	1.2
Contractual Services	776.3
Supplies and Materials	4.6
Capital Outlay	<u>7.7</u>
Sub-Total	\$ 1,320.3
Debt Service	<u>605.5</u>
TOTAL -- Office of the Bureau Chief	\$ 1,925.8
<u>(38-08-002) Pre-Trial Annex</u>	
Salaries (24)	\$ 417.5
Other Employment Costs	101.6
Travel	.2
Contractual Services	45.0
Supplies and Materials	19.0
Capital Outlay	<u>11.4</u>
TOTAL -- Pre-Trial Annex	\$ 594.7
<u>(38-08-003) Delaware Correctional Center</u>	
Salaries (334)	\$ 5,529.9
Other Employment Costs	1,302.4
Travel	6.3
Contractual Services	1,054.2
Supplies and Materials	437.3
Capital Outlay	<u>88.7</u>
Sub-Total	\$ 8,418.8
Debt Service	\$ <u>1,148.9</u>
TOTAL -- Delaware Correctional Center	\$ 9,567.7
<u>(38-08-004) Sussex Correctional Institution</u>	
Salaries (146)	\$ 2,456.7
Other Employment Costs	613.9
Travel	1.6
Contractual Services	355.8
Supplies and Materials	118.7
Capital Outlay	<u>6.6</u>

Sub-Total	\$ 3,553.3
Debt Service	\$ 477.7
TOTAL -- Sussex Correctional Institution	\$ 4,031.0
<u>(38-08-005) Women's Correctional Institution</u>	
Salaries (32)	\$ 560.0
Other Employment Costs	140.5
Travel	.4
Contractual Services	86.1
Supplies and Materials	28.1
Capital Outlay	16.8
Sub-Total	\$ 831.9
Debt Service	\$ 40.2
TOTAL -- Women's Correctional Institution	\$ 872.1
<u>(38-08-010) Kent Correctional Center</u>	
Salaries (29)	\$ 527.4
Other Employment Costs	127.2
Travel	.9
Contractual Services	58.2
Supplies and Materials	18.9
Capital Outlay	11.0
Sub-Total	\$ 743.6
Debt Service	\$ 1.3
TOTAL -- Kent Correctional Center	\$ 744.9
<u>(38-08-012) Transportation and Relief</u>	
Salaries (36)	\$ 732.0
Other Employment Costs	171.1
Travel	5.8
Contractual Services	15.0
Supplies and Materials	47.7
Capital Outlay	16.6
TOTAL -- Transportation and Relief	\$ 988.2
<u>(38-08-014) Community Services</u>	
Salaries (88)	\$ 1,364.1
Other Employment Costs	336.5
Travel	2.6
Contractual Services	44.3
Supplies and Materials	31.7
Capital Outlay	10.1
TOTAL -- Community Services	\$ 1,789.3
<u>(38-08-015) Community Corrections</u>	
Salaries (26)	\$ 436.1
Other Employment Costs	110.6
Travel	5.3
Contractual Services	40.9
Supplies and Materials	15.1
Capital Outlay	3.5
TOTAL -- Community Corrections	\$ 611.5
TOTAL -- Bureau of Adult Corrections	\$ 21,125.2

(38-13-000) Bureau of Juvenile Corrections(38-13-001) Office of Bureau Chief

Salaries (3)	\$ 76.7
Other Employment Costs	17.6
Travel	.8
Contractual Services	3.3
Supplies and Materials	1.9
Capital Outlay	<u>2.3</u>

TOTAL -- Office of Bureau Chief	\$ 102.6
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(38-13-002) Ferris School for Boys

(4) Salaries (94.5)	\$ 1,494.8
Other Employment Costs	366.4
Travel	2.0
Contractual Services	352.2
Supplies and Materials	96.6
Capital Outlay	<u>9.8</u>

Sub-Total	\$ 2,321.8
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Debt Service	\$ <u>334.4</u>
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TOTAL -- Ferris School for Boys	\$ 2,656.2
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(38-13-003) Woods Haven-Kruse School for Girls

Salaries (19)	\$ 340.2
Other Employment Costs	80.0
Travel	1.3
Contractual Services	152.3
Supplies and Materials	12.3
Capital Outlay	<u>.3</u>

Sub-Total	\$ 586.4
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Debt Service	\$ <u>68.6</u>
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TOTAL -- Woods Haven-Kruse School for Girls	\$ 655.0
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(38-13-004) Bridge House Detention Center

Salaries (19)	\$ 354.2
Other Employment Costs	84.4
Travel	.3
Contractual Services	34.0
Supplies and Materials	11.9
Capital Outlay	<u>6.2</u>

Sub-Total	\$ 491.0
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Debt Service	\$ <u>12.7</u>
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TOTAL -- Bridge House Detention Center	\$ 503.7
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(38-13-005) Stevenson House Detention Center

Salaries (16)	\$ 274.4
Other Employment Costs	65.6
Travel	.4
Contractual Services	47.9
Supplies and Materials	10.3
Capital Outlay	<u>5.8</u>

Sub-Total	\$ 404.4
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Debt Service	\$ <u>138.4</u>
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TOTAL -- Stevenson House Detention Center	\$	542.8
<u>(38-13-010) Comprehensive Community Services</u>		
Salaries (24)	\$	406.5
Other Employment Costs		95.2
Travel		2.8
Contractual Services		138.5
Supplies and Materials		13.6
Capital Outlay		<u>15.0</u>
TOTAL -- Comprehensive Community Services	\$	<u>671.6</u>
TOTAL -- Bureau of Juvenile Corrections	\$	<u>5,131.9</u>
TOTAL -- DEPARTMENT OF CORRECTION	\$	34,400.5
<u>(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL</u>		
<u>(40-01-001) Department Management</u>		
(18) Salaries (21)	\$	360.4
Other Employment Costs		92.7
Travel		1.5
Contractual Services		63.7
Supplies and Materials		12.0
Capital Outlay		<u>7.0</u>
Sub-Total	\$	537.3
Debt Service	\$	<u>2,022.5</u>
TOTAL -- Department Management	\$	2,559.8
<u>(40-05-000) Division of Fish and Wildlife</u>		
<u>(40-05-001) Management and Support Fish and Wildlife</u>		
(6.9) Salaries (2.5)	\$	43.3
Other Employment Costs		11.1
Travel		2.8
Contractual Services		9.2
Supplies and Materials		1.3
Capital Outlay		<u>.5</u>
Sub-Total	\$	68.2
Debt Service	\$	<u>120.0</u>
TOTAL -- Management and Support Fish and Wildlife	\$	188.2
<u>(40-05-002) Wildlife</u>		
(24) Salaries (12)	\$	186.9
Other Employment Costs		49.2
Travel		.4
Contractual Services		11.8
Supplies and Materials		27.8
Capital Outlay		<u>26.8</u>
TOTAL -- Wildlife	\$	302.9
<u>(40-05-003) Fisheries</u>		
(6.5) Salaries (29.5)	\$	431.7
Other Employment Costs		115.3
Travel		1.0
Contractual Services		79.4
Supplies and Materials		61.6
Capital Outlay		40.7
Data Processing		<u>25.2</u>

TOTAL -- Fisheries		\$ 754.9
<u>(40-05-004) Mosquito Control</u>		
	Salaries (17)	\$ 228.8
	Other Employment Costs	59.5
	Travel	.5
	Contractual Services	22.2
	Supplies and Materials	44.2
	Capital Outlay	28.5
	Other Items	<u>258.1</u>
TOTAL -- Mosquito Control		\$ 641.8
TOTAL -- Division of Fish and Wildlife		\$ 1,887.8
<u>(40-06-000) Division of Parks and Recreation</u>		
<u>(40-06-001) Management and Support Parks and Recreation</u>		
(19)	Salaries (6)	\$ 137.4
	Other Employment Costs	33.8
	Travel	.3
	Contractual Services	5.3
	Supplies and Materials	4.0
	Capital Outlay	<u>7.3</u>
Sub-Total		\$ 188.1
Debt Service		\$ <u>964.5</u>
TOTAL -- Management and Support Parks and Recreation		\$ 1,152.6
<u>(40-06-002) Operations and Maintenance</u>		
(31.3)	Salaries (47)	\$ 685.7
	Other Employment Costs	182.4
	Contractual Services	51.8
	Supplies and Materials	4.5
	Capital Outlay	99.7
	Fenwick Island/Oewey Beach Operations	<u>48.6</u>
TOTAL -- Operations and Maintenance		\$ 1,072.7
<u>(40-06-003) Special Programs</u>		
(2)	Salaries (5)	\$ 81.0
	Other Employment Costs	19.2
	Travel	.7
	Contractual Services	9.9
	Supplies and Materials	9.0
	Capital Outlay	4.1
	Other Items	<u>25.5</u>
TOTAL -- Special Programs		\$ 149.4
TOTAL -- Division of Parks and Recreation		\$ 2,374.7
<u>(40-07-000) Division of Soil and Water Conservation</u>		
<u>(40-07-001) Management and Support Soil and Water</u>		
	Salaries (3)	\$ 69.1
	Other Employment Costs	17.0
	Travel	.8
	Contractual Services	1.6
	Supplies and Materials	<u>.9</u>
Sub-Total		\$ 89.4
Debt Service		\$ <u>658.3</u>

TOTAL -- Management and Support Soil and Water		\$ 747.7
<u>(40-07-002) Drainage</u>		
Salaries (9)	\$	129.5
Other Employment Costs		34.8
Contractual Services		147.0
Supplies and Materials		124.3
Capital Outlay		28.2
Tax Ditches*		135.0
TOTAL -- Drainage		\$ 598.8
*Pursuant to Section 3921, Title 7, <u>Delaware Code</u>		
<u>(40-07-003) Beach Preservation</u>		
Salaries (7)	\$	90.8
Other Employment Costs		24.9
Travel		1.0
Contractual Services		17.1
Supplies and Materials		27.8
Capital Outlay		29.0
TOTAL -- Beach Preservation		\$ 190.6
<u>(40-07-004) District Operations</u>		
Salaries (3)	\$	58.9
Other Employment Costs		15.0
Contractual Services		3.2
Supplies and Materials		1.8
Capital Outlay		7.3
TOTAL -- District Operations		\$ 86.2
<u>(40-07-005) Dredge Operations</u>		
Salaries (10)	\$	133.2
Other Employment Costs		36.3
Contractual Services		38.2
Supplies and Materials		80.2
Capital Outlay		28.1
TOTAL -- Dredge Operations		\$ 316.0
TOTAL -- Division of Soil and Water Conservation		\$ 1,939.3
<u>(40-08-000) Division of Environmental Control</u>		
<u>(40-08-001) Management and Support Environmental Control</u>		
(12.9)	Salaries (14.5)	\$ 300.6
	Other Employment Costs	73.8
	Travel	8.4
	Contractual Services	54.1
	Supplies and Materials	15.1
TOTAL -- Management and Support Environmental Control		\$ 452.0
<u>(40-08-002) Air Resources</u>		
(15)	Salaries (11)	\$ 209.8
	Other Employment Costs	53.4
	Travel	.5
	Contractual Services	26.3
	Supplies and Materials	7.4
TOTAL -- Air Resources		\$ 297.4
<u>(40-08-003) Projects and Planning</u>		

(16)	Salaries (2)	\$	36.3
	Other Employment Costs		9.3
	Travel		.9
	Contractual Services		32.4
	Supplies and Materials		4.3
	TOTAL -- Projects and Planning	\$	83.2
	<u>(40-08-004) Water Pollution Control</u>		
(33)	Salaries (22)	\$	404.7
	Other Employment Costs		103.3
	Travel		3.0
	Contractual Services		30.5
	Supplies and Materials		32.6
	Capital Outlay		13.6
	Sub-Total	\$	587.7
	Debt Service	\$	1,321.7
	TOTAL -- Water Pollution Control	\$	1,909.4
	<u>(40-08-005) Water Supply</u>		
(4)	Salaries (8)	\$	130.1
	Other Employment Costs		33.9
	Contractual Services		24.9
	Supplies and Materials		7.9
	Capital Outlay		2.7
	TOTAL -- Water Supply	\$	199.5
	TOTAL -- Division of Environmental Control	\$	2,941.5
	TOTAL -- DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	\$	11,703.1
	<u>(45-00-000) DEPARTMENT OF PUBLIC SAFETY</u>		
	<u>(45-01-001) Administration</u>		
	Salaries (8)	\$	173.9
	Other Employment Costs		41.7
	Travel		.8
	Contractual Services		8.3
	Supplies and Materials		1.3
	Capital Outlay		.7
	TOTAL -- Administration	\$	226.7
	<u>(45-03-000) Division of Communications</u>		
	<u>(45-03-001) Administration</u>		
	Salaries (6)	\$	108.1
	Other Employment Costs		25.5
	Travel		1.6
	Contractual Services		8.4
	Supplies and Materials		2.2
	Capital Outlay		1.0
	Sub-Total	\$	146.8
	Debt Service	\$	40.0
	TOTAL -- Administration	\$	186.8
	<u>(45-03-002) Technical</u>		
	Salaries (14)	\$	248.3

Other Employment Costs	50.5
Contractual Services	11.8
Supplies and Materials	5.3
TOTAL -- Technical	\$ 315.9
TOTAL - Division of Communications	\$ 502.7
<u>(45-04-000) Motor Fuel Tax</u>	
<u>(45-04-001) Administration</u>	
Salaries & Wages (9)	\$ 132.2
Other Employment Costs	33.0
Travel	1.5
Contractual Services	43.4
Supplies & Materials	27.7
Capital Outlay	5.7
Data Processing	167.5
TOTAL -- Administration	\$ 411.0
<u>(45-04-002) Audit & Compliance</u>	
Salaries & Wages (6)	\$ 107.8
Other Employment Costs	25.3
Travel	13.0
Contractual Services	3.8
Supplies & Materials	3.4
Capital Outlay	5.7
TOTAL -- Audit & Compliance	\$ 159.0
TOTAL -- Motor Fuel Tax	\$ 570.0
<u>(45-06-000) Division of State Police</u>	
<u>(45-06-001) Executive Offices</u>	
Salaries (33)	\$ 736.7
Other Employment Costs	89.8
Pension - State Police	3,640.9
Travel	5.8
Contractual Services	197.3
Supplies and Materials	183.5
Capital Outlay	5.5
Other Items	61.0
Sub-Total	\$ 4,920.5
Debt Service	\$ 197.1
TOTAL -- Executive Offices	\$ 5,117.6
<u>(45-06-002) Special Programs</u>	
Salaries (11)	\$ 236.6
Other Employment Costs	12.8
Travel	5.1
Contractual Services	4.4
Supplies and Materials	.7
TOTAL -- Special Programs	\$ 259.6
<u>(45-06-003) Patrol Division</u>	
(3) Salaries (292)	\$ 6,524.3
Other Employment Costs	283.4
Travel	6.0
Contractual Services	223.0
Supplies and Materials	496.3

Capital Outlay	<u>7.1</u>
TOTAL -- Patrol Division	\$ 7,540.1
<u>(45-06-004) Criminal Investigation</u>	
Salaries (70)	\$ 1,567.1
Other Employment Costs	73.9
Contractual Services	30.2
Supplies and Materials	82.2
Capital Outlay	<u>13.1</u>
TOTAL -- Criminal Investigation	\$ 1,766.5
<u>(45-06-005) Special Investigative Unit</u>	
Salaries (18)	432.7
Other Employment Costs	16.6
Travel	2.5
Contractual Services	10.9
Supplies and Materials	<u>12.9</u>
TOTAL -- Special Investigative Unit	\$ 475.6
<u>(45-06-006) Aviation</u>	
Salaries (7)	\$ 184.1
Other Employment Costs	9.4
Travel	2.5
Contractual Services	106.2
Supplies and Materials	<u>82.1</u>
TOTAL -- Aviation	\$ 384.3
<u>(45-06-007) Traffic</u>	
(1) Salaries (33)	\$ 644.9
Other Employment Costs	55.2
Travel	3.2
Contractual Services	16.5
Supplies and Materials	<u>2.7</u>
TOTAL -- Traffic	\$ 722.5
<u>(45-06-008) Records and Identification</u>	
Salaries (25)	\$ 333.3
Other Employment Costs	64.7
Travel	1.5
Contractual Services	3.8
Supplies and Materials	13.8
Capital Outlay	2.0
Data Processing	<u>503.1</u>
TOTAL -- Records and Identification	\$ 922.2
<u>(45-06-009) Training</u>	
Salaries (7)	\$ 130.6
Other Employment Costs	11.3
Contractual Services	4.3
Supplies and Materials	87.3
Capital Outlay	<u>3.0</u>
TOTAL - Training	\$ 236.5
<u>(45-06-010) Communications</u>	
Salaries (56)	\$ 802.3
Other Employment Costs	146.6
Travel	2.7

Contractual Services	400.4
Supplies and Materials	19.6
TOTAL -- Communications	\$ 1,371.6
<u>(45-06-011) Transportation Support</u>	
Salaries (19)	\$ 288.9
Other Employment Costs	68.8
Contractual Services	27.8
Supplies and Materials	258.1
Capital Outlay	414.8
TOTAL -- Transportation Support	\$ 1,058.4
<u>(45-06-012) Community Relations</u>	
Salaries (4)	\$ 103.6
Other Employment Costs	3.5
Travel	.1
Contractual Services	2.7
Supplies and Materials	.6
TOTAL -- Community Relations	\$ 110.5
TOTAL -- Division of State Police	\$ 19,965.4
<u>(45-07-000) Division of Motor Vehicles</u>	
<u>(45-07-001) Administration</u>	
Salaries (28)	\$ 401.7
Other Employment Costs	101.9
Travel	.3
Contractual Services	193.6
Supplies and Materials	12.7
Capital Outlay	6.6
Data Processing	402.1
Sub-Total	\$ 1,118.9
Debt Service	\$ 124.5
TOTAL -- Administration	\$ 1,243.4
<u>(45-07-002) Driver Licensing</u>	
Salaries (37)	\$ 469.5
Other Employment Costs	119.6
Travel	.2
Contractual Services	45.2
Supplies and Materials	75.5
Capital Outlay	7.5
TOTAL -- Driver Licensing	\$ 717.5
<u>(45-07-003) Driver Improvement</u>	
Salaries (24)	\$ 330.7
Other Employment Costs	84.3
Travel	.3
Contractual Services	20.9
Supplies and Materials	7.2
Capital Outlay	1.9
TOTAL -- Driver Improvement	\$ 445.3
<u>(45-07-004) Title Registration</u>	
Salaries (67.5)	\$ 727.6
Other Employment Costs	185.0

Contractual Services	33.5
Supplies and Materials	277.1
Capital Outlay	<u>3.6</u>
TOTAL -- Title Registration	\$ 1,226.8
<u>(45-07-005) Vehicle Inspection</u>	
Salaries (25.5)	\$ 398.2
Other Employment Costs	91.3
Travel	.3
Contractual Services	7.4
Supplies and Materials	<u>10.1</u>
TOTAL -- Vehicle Inspection	\$ 507.3
<u>(45-07-006) Financial Responsibility</u>	
Salaries (3)	\$ 36.1
Other Employment Costs	9.2
Contractual Services	5.9
Supplies and Materials	<u>.9</u>
TOTAL -- Financial Responsibility	\$ <u>52.1</u>
TOTAL -- Division of Motor Vehicles	\$ 4,192.4
<u>(45-08-001) Division of Emergency Planning and Operations</u>	
(7.5) Salaries (7.5)	\$ 115.4
Other Employment Costs	30.6
Travel	2.4
Contractual Services	25.4
Supplies and Materials	7.0
Capital Outlay	<u>5.0</u>
Sub-Total	\$ 185.8
Debt Service	\$ <u>8.1</u>
TOTAL -- Division of Emergency Planning and Operations	\$ 193.9
<u>(45-09-001) Division of Boiler Safety</u>	
Salaries (7)	\$ 121.1
Other Employment Costs	30.2
Travel	10.5
Contractual Services	4.4
Supplies and Materials	<u>1.6</u>
TOTAL -- Division of Boiler Safety	\$ <u>167.8</u>
TOTAL -- DEPARTMENT OF PUBLIC SAFETY	\$ 25,818.9
<u>(50-01-000) DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT</u>	
<u>(50-01-000) Office of the Secretary</u>	
<u>(50-01-001) Administration</u>	
Salaries (10)	\$ 189.2
Other Employment Costs	48.5
Travel	1.5
Contractual Services	11.0
Supplies & Materials	3.4
Capital Outlay	<u>1.0</u>
TOTAL -- Administration	\$ 254.6

(50-01-002) Foster Grandparents Program

Salaries (6)	\$ 111.0
Other Employment Costs	26.8
Travel	3.0
Contractual Services	379.4
Supplies & Materials	3.4
Capital Outlay	5.7

TOTAL -- Foster Grandparents Program	\$ 529.3
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(50-01-003) Office of Economic Opportunity

(18.3) Salaries (4.3)	\$ 83.8
Other Employment Costs	21.0
Travel	9.2
Contractual Services	15.5
Supplies & Materials	4.6
Capital Outlay	2.2
Other Items	90.0

TOTAL -- Office of Economic Opportunity	\$ 226.3
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(50-01-004) Commission on the Status of Women

Salaries (2.0)	\$ 24.7
Other Employment Costs	6.7
Travel	.7
Contractual Services	9.2
Supplies & Materials	.8

TOTAL -- Commission on the Status of Women	\$ 42.1
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(50-01-005) Office of the Public Advocate

(4) Salaries (4)	\$ 81.6
Other Employment Costs	20.7
Travel	3.5
Contractual Services	15.2
Supplies & Materials	2.3
Capital Outlay	1.0

TOTAL -- Office of the Public Advocate	\$ 124.3
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(50-01-006) RSVP New Castle/Sussex Counties

(6.1) Salaries (2.6)	\$ 29.6
Other Employment Costs	5.2
Travel	3.7
Contractual Services	37.6
Supplies & Materials	3.6
Other Items (Kent County)	14.0

TOTAL -- RSVP New Castle/Sussex Counties	\$ 93.7
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TOTAL -- Office of the Secretary	\$ 1,270.3
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(50-06-001) Office of Human Relations

Salaries (11)	\$ 186.5
Other Employment Costs	46.9
Travel	11.8
Contractual Services	26.6
Supplies & Materials	5.6
Capital Outlay	4.5

TOTAL -- Office of Human Relations	\$ 281.9
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(50-08-000) Division of Economic Development(50-08-001) Industrial Development and Management

	Salaries (13)	\$	242.3
	Other Employment Costs		56.6
	Travel		17.2
	Contractual Services		131.0
	Supplies & Materials		9.4
	Other Items		<u>106.6</u>
	Sub-Total		563.1
	Debt Service	\$	<u>25.2</u>
	TOTAL -- Industrial Development and Management	\$	588.3
	<u>(50-08-002) Community Development & Research</u>		
(8)	Salaries	\$	----
	<u>(50-08-003) Industrial Finance</u>		
(4)	Salaries	\$	----
	Debt Service	\$	<u>791.6</u>
	TOTAL -- Industrial Finance	\$	791.6
	<u>(50-08-004) Tourism</u>		
	Salaries (8)	\$	115.7
	Other Employment Costs		29.3
	Travel		12.2
	Contractual Services		299.7
	Supplies & Materials		8.6
	Capital Outlay		5.0
	Contingency - Junior Miss Pageant		.3
	Contingency - Mother of the Year		.5
	Contingency - Young Mother of the Year		<u>.5</u>
	TOTAL -- Tourism	\$	471.8
	<u>(50-08-005) Minority and</u>		
	<u>Small Business Development</u>		
	Salaries (4)	\$	74.4
	Other Employment Costs		19.1
	Travel		2.7
	Contractual Services		7.1
	Supplies & Materials		2.6
	Capital Outlay		<u>5.7</u>
	TOTAL -- Minority and Small Business Development	\$	111.6
	TOTAL -- Division of Economic Development	\$	1,963.3
	<u>(50-09-001) Division of Housing</u>		
(33.0)	Salaries (2.0)	\$	27.5
	Other Employment Costs		7.3
	Travel		2.3
	Contractual Services		18.4
	Supplies & Materials		2.3
	Debt Services		<u>73.7</u>
	TOTAL -- Division of Housing	\$	131.5
	<u>(50-10-001) Division of Libraries</u>		
(9)	Salaries (9)	\$	128.5
	Other Employment Costs		34.5
	Contractual Services		139.5
	Supplies & Materials		48.0

Capital Outlay	10.0
TOTAL -- Division of Libraries	\$ 360.5
<u>(50-11-001) Division of Consumer Affairs</u>	
Salaries - Board Members	\$ 3.5
Salaries (12)	201.8
Other Employment Costs	50.0
Travel	1.9
Contractual Services	13.1
Supplies & Materials	3.6
Capital Outlay	1.0
TOTAL -- Division of Consumer Affairs	\$ 274.9
TOTAL -- DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT	\$ 4,282.4
<u>(55-00-000) DEPARTMENT OF TRANSPORTATION</u>	
<u>(55-01-001) Office of the Secretary</u>	
Salaries (2)	\$ 63.1
Other Employment Costs	13.5
Travel	1.4
Contractual Services	3.3
Supplies and Materials	1.0
TOTAL -- Office of the Secretary	\$ 82.3
<u>(55-02-001) Office of Administration</u>	
Salaries (63)	\$ 1,168.7
Other Employment Costs	272.1
Travel	2.3
Contractual Services	189.3
Supplies and Materials	6.2
Capital Outlay	.4
Data Processing	221.7
TOTAL -- Office of Administration	\$ 1,860.7
<u>(55-04-000) Division of Highways</u>	
<u>(55-04-001) Office of the Director</u>	
(16.5) Salaries (31.5)	\$ 587.2
Other Employment Costs	149.9
Travel	15.0
Contractual Services	141.4
Supplies and Materials	77.4
Capital Outlay	14.9
Sub-Total	\$ 985.8
Debt Service	\$ 24,928.4
TOTAL -- Office of the Director	\$ 25,914.2
<u>(55-04-010) Bureau of Design</u>	
(59.0) Salaries (10.0)	\$ 160.1
Other Employment Costs	37.3
TOTAL -- Bureau of Design	\$ 197.4
<u>(55-04-020) Bureau of Right of Way</u>	
(27.0) Salaries (8)	\$ 122.5
Other Employment Costs	29.3

TOTAL -- Bureau of Right of Way		\$ 151.8
<u>(55-04-030) Bureau of Materials and Research</u>		
(59.5)	Salaries (11.5)	\$ 214.5
	Other Employment Costs	47.9
	Travel	2.1
	Contractual Services	11.6
	Supplies and Materials	17.3
	Capital Outlay	<u>2.6</u>
TOTAL -- Bureau of Materials and Research		\$ 296.0
<u>(55-04-040) Bureau of Construction</u>		
(145.5)	Salaries (54.5)	\$ 1,007.8
	Other Employment Costs	<u>249.6</u>
TOTAL -- Bureau of Construction		\$ 1,257.4
<u>(55-04-050) Bureau of Traffic</u>		
	Salaries (87.0)	\$ 1,352.0
	Other Employment Costs	317.1
	Travel	.6
	Contractual Services	695.2
	Supplies and Materials	392.5
	Capital Outlay	<u>7.5</u>
TOTAL -- Bureau of Traffic		\$ 2,764.9
<u>(55-04-070) Bureau of Maintenance</u>		
(1.5)	Salaries (585.5)	\$ 7,879.6
	Other Employment Costs	2,055.0
	Travel	4.7
	Contractual Services	1,738.7
	Supplies and Materials	4,159.8
	Capital Outlay	<u>1,970.0</u>
TOTAL -- Bureau of Maintenance		\$ 17,807.8
<u>(55-04-090) Bureau of Planning</u>		
(28.0)	Salaries (19)	\$ 367.0
	Other Employment Costs	<u>105.6</u>
TOTAL -- Bureau of Planning		\$ 472.6
TOTAL -- Division of Highways		\$ 48,862.1
<u>(55-06-001) Delaware Transportation Authority</u>		
(1)	Salaries	\$ 35.2
(10)	Delaware Transportation Authority Operations	262.2
	Delaware Transportation Authority Capital	1,207.8
(102)	Turnpike Operations	2,176.0
	Turnpike Operating Reserve	3.2*
	Turnpike Improvements	250.0
	Interstate Operations	1,269.2
	Interstate Improvements	200.0
	DART Operations "Public"	1,951.4
	DART Operations "E & H"	325.6
	OAST Operations "E & H"	390.0
	Taxi Services Support "E & H"	140.0
	Newark Transportation	48.0
	Kent and Sussex Transportation "E & H"	412.0
	Rail Commuter Operations	140.0

	Rail Freight Operations	105.0	
	Airport Safety	25.0	
	Contingencies	45.5	
	Dover Transportation "E & H"	100.0	
	Dover Capital "E & H"	30.0	
	DAST User Side Subsidy "E & H"	21.0	
	DAST Blind Transportation "E & H"	30.0	
(2)	Office of Ride-Share	31.9	
	Elderly & Handicapped Transportation	<u>15.0</u>	
	Sub-Total	\$ 9,214.0	
	Debt Service		
	Authority Obligations	\$ <u>3,882.0</u>	
	State Obligations		\$ <u>171.5</u>
	TOTAL -- Delaware Transportation Authority	\$13,096.0**	\$ <u>171.5</u>

*The Turnpike operating Reserve Fund is established at \$163,200.

**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 \$ 50,976.6

(60-00-000) DEPARTMENT OF LABOR

(60-01-001) Office of the Secretary

(6.3)	Salaries (.7)	\$ 21.3
	Other Employment Costs	4.9
	Travel	1.7
	Contractual Services	3.0
	Supplies and Materials	.5
	Capital Outlay	<u>.1</u>

TOTAL -- Office of the Secretary \$ 31.5

(60-05-001) Division of Manpower Services

(29)	Salaries	\$ ---
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TOTAL -- Division of Manpower Services \$ ---

(60-06-001) Division of Unemployment Insurance

(263.7)	Salaries	\$ ---
	Unemployment Compensation	<u>149.0</u>

TOTAL -- Division of Unemployment Insurance \$ 149.0

(60-07-000) Division of Industrial Affairs

(60-07-001) Administration

	Salaries (5)	\$ 95.2
	Other Employment Costs	23.5
	Travel	1.0
	Contractual Services	8.7
	Supplies and Materials	1.5
	Capital Outlay	<u>6.0</u>

TOTAL -- Administration \$ 135.9

(60-07-002) Industrial Safety and Health

(1.5)	Salaries (21.5)	\$ 315.5
	Other Employment Costs	78.9
	Travel	<u>11.5</u>

	Contractual Services	83.8
	Supplies and Materials	5.9
	Capital Outlay	<u>7.9</u>
	TOTAL -- Industrial Safety and Health	\$ 503.5
	<u>(60-07-003) Labor Law Inspection</u>	
(5)	Salaries (12.0)	\$ 176.2
	Other Employment Costs	42.3
	Travel	4.5
	Contractual Services	15.2
	Supplies and Materials	3.8
	Capital Outlay	<u>1.0</u>
	TOTAL -- Labor Law Inspection	\$ 243.0
	<u>(60-07-004) Displaced Homemakers Program</u>	
	Salaries (7)	\$ 99.4
	Other Employment Costs	25.2
	Travel	3.0
	Contractual Services	6.4
	Supplies and Materials	2.8
	Capital Outlay	<u>.5</u>
	TOTAL -- Displaced Homemakers Program	\$ 137.3
	TOTAL -- Division of Industrial Affairs	\$ <u>1,019.7</u>
	<u>(60-08-000) Division of Vocational Rehabilitation</u>	
(104)	Salaries	\$ ---
	Contractual Services	758.5
	Supplies and Materials	25.9
	Other Items	<u>2.0</u>
	TOTAL -- Division of Vocational Rehabilitation	\$ <u>786.4</u>
	TOTAL -- DEPARTMENT OF LABOR	\$ 1,986.6
	<u>(65-00-000) DEPARTMENT OF AGRICULTURE</u>	
	<u>(65-01-001) Office of the Secretary</u>	
	Salaries (8)	\$ 123.1
	Other Employment Costs	32.3
	Travel	1.3
	Contractual Services	11.4
	Supplies and Materials	4.0
	Capital Outlay	<u>1.0</u>
	Sub-Total	\$ 173.1
	Debt Service	\$ <u>52.3</u>
	TOTAL -- Office of the Secretary	\$ 225.4
	<u>(65-03-000) Division of Standards and Inspections</u>	
	<u>(65-03-001) Administration and Management</u>	
	Salaries (3)	\$ 58.4
	Other Employment Costs	15.3
	Travel	.9
	Contractual Services	5.3
	Supplies and Materials	2.0
	Capital Outlay	<u>3.0</u>

	TOTAL -- Administration and Management	\$ 84.9
	<u>(65-03-002) Chemical Laboratory</u>	
	Salaries (4)	\$ 75.2
	Other Employment Costs	19.1
	Travel	2.8
	Contractual Services	17.6
	Supplies and Materials	15.7
	Capital Outlay	<u>33.7</u>
	TOTAL -- Chemical Laboratory	\$ 164.1
	<u>(65-03-003) Weights and Measures</u>	
	Salaries (6)	\$ 98.1
	Other Employment Costs	24.8
	Travel	3.0
	Contractual Services	5.6
	Supplies and Materials	7.3
	Capital Outlay	<u>5.7</u>
	TOTAL -- Weights and Measures	\$ 144.5
	<u>(65-03-004) Poultry and Animal Health</u>	
	Salaries (9)	\$ 133.9
	Other Employment Costs	35.0
	Travel	2.8
	Contractual Services	35.8
	Supplies and Materials	9.6
	Capital Outlay	<u>5.7</u>
	TOTAL -- Poultry and Animal Health	\$ 222.8
	<u>(65-03-005) Meat Inspection</u>	
	Salaries (13)	\$ 203.8
	Other Employment Costs	53.8
	Travel	5.3
	Contractual Services	5.9
	Supplies and Materials	8.9
	Capital Outlay	<u>5.7</u>
	TOTAL -- Meat Inspection	\$ 283.4
	<u>(65-03-006) Seed Laboratory</u>	
(1)	Salaries (6)	\$ 88.5
	Other Employment Costs	23.7
	Travel	1.0
	Contractual Services	3.4
	Supplies and Materials	9.8
	Capital Outlay	<u>7.1</u>
	TOTAL -- Seed Laboratory	\$ 133.5
	<u>(65-03-007) Plant Industry</u>	
	Salaries (3)	\$ 53.0
	Other Employment Costs	13.7
	Travel	.3
	Contractual Services	17.5
	Supplies and Materials	<u>3.7</u>
	TOTAL -- Plant Industry	\$ 88.2
	TOTAL -- Division of Standards and Inspections	\$ 1,121.4
	<u>(65-04-000) Division of Production and Promotion</u>	
	<u>(65-04-001) Administration and Management</u>	

	Salaries (3)	\$	55.5
	Other Employment Costs		14.2
	Travel		1.3
	Contractual Services		5.7
	Supplies and Materials		<u>1.7</u>
	TOTAL -- Administration and Management	\$	78.4
	<u>(65-04-002) Forestry</u>		
(5)	Salaries (12)	\$	195.5
	Other Employment Costs		50.8
	Travel		2.0
	Contractual Services		26.0
	Supplies and Materials		<u>9.2</u>
	Sub-Total	\$	283.5
	Debt Service	\$	<u>13.8</u>
	TOTAL -- Forestry	\$	297.3
	<u>(65-04-003) Pesticides Control</u>		
(1)	Salaries (1)	\$	12.1
	Other Employment Costs		3.6
	Travel		.6
	Contractual Services		4.2
	Supplies and Materials		<u>2.0</u>
	TOTAL -- Pesticides Control	\$	22.5
	<u>(65-04-004) Fruit and Vegetable Inspections</u>		
(6)	Salaries (1)	\$	17.6
	Other Employment Costs		4.5
	Contractual Services		17.7
	Supplies and Materials		<u>1.8</u>
	TOTAL -- Fruit and Vegetable Inspections	\$	41.6
	<u>(65-04-005) Commodity Development</u>		
	Salaries (2)	\$	42.8
	Other Employment Costs		9.8
	Travel		2.1
	Contractual Services		9.0
	Supplies and Materials		3.0
	Capital Outlay		<u>7.2</u>
	TOTAL -- Commodity Development	\$	<u>73.9</u>
	TOTAL -- Division of Production and Promotion	\$	<u>513.7</u>
	TOTAL -- DEPARTMENT OF AGRICULTURE	\$	1,860.5
	<u>(70-00-000) DEPARTMENT OF ELECTIONS</u>		
	<u>(70-01-001) Commissioner of Elections</u>		
	Salaries (5)	\$	89.0
	Other Employment Costs		21.2
	Travel		.8
	Contractual Services		16.1
	Supplies and Materials		4.5
	Capital Outlay		.8
	Data Processing		<u>40.3</u>
	TOTAL -- Commissioner of Elections	\$	172.7

(70-02-001) New Castle County Department
of Elections

Salaries (11)	\$ 264.6
Other Employment Costs	45.8
Travel	1.4
Contractual Services	114.6
Supplies and Materials	9.4
Capital Outlay	2.5
Other Items	<u>15.0</u>

TOTAL -- New Castle County Department of Elections	\$ 453.3
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(70-03-001) Kent County Department of Elections

Salaries (4)	\$ 103.8
Other Employment Costs	15.8
Travel	.7
Contractual Services	30.3
Supplies and Materials	1.0
Capital Outlay	1.5
Other Items	<u>2.0</u>

TOTAL -- Kent County Department of Elections	\$ 155.1
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(70-04-001) Sussex County Department of Elections

Salaries (4)	\$ 111.4
Other Employment Costs	22.1
Travel	.6
Contractual Services	22.6
Supplies and Materials	1.8
Capital Outlay	3.0
Other Items	<u>4.2</u>

TOTAL -- Sussex County Department of Elections	\$ 165.7
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TOTAL -- DEPARTMENT OF ELECTIONS	\$ 946.8
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(75-00-000) FIRE PREVENTION COMMISSION(75-01-001) Office of the Fire Marshal

(9) Salaries (21)	\$ 336.8
Other Employment Costs	87.7
Travel	5.4
Contractual Services	30.3
Supplies and Materials	35.1
Capital Outlay	13.8
Data Processing	4.0
Other Items	<u>1.8</u>

TOTAL -- Office of the Fire Marshal	\$ 514.9
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(75-02-001) State Fire School

(2) Salaries (13)	\$ 210.4
Other Employment Costs	51.1
Travel	24.5
Contractual Services	97.8
Supplies and Materials	39.6
Capital Outlay	<u>12.0</u>

Sub-Total	\$ 435.4
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Debt Service	\$ <u>44.2</u>
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TOTAL -- State Fire School	\$ 479.6
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(75-03-001) State Fire Prevention Commission

Salaries (1)	\$ 10.1
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Other Employment Costs	3.0
Travel	4.4
Contractual Services	5.0
Supplies and Materials	.7
Capital Outlay	<u>1.0</u>

TOTAL -- State Fire Prevention Commission \$ 24.2

TOTAL -- FIRE PREVENTION COMMISSION \$ 1,018.7

(76-00-000) DELAWARE NATIONAL GUARD

(76-01-001) Delaware National Guard

(29.6)	Salaries (30.9)	\$ 578.9
	Other Employment Costs	139.4
	Travel	2.9
	Contractual Services	467.6
	Supplies and Materials	104.6
	Capital Outlay	66.0
	Other Items	<u>52.5</u>

Sub-Total \$ 1,411.9

Debt Service \$ 131.9

TOTAL -- DELAWARE NATIONAL GUARD \$ 1,543.8

(77-00-000) ADVISORY COUNCIL FOR
EXCEPTIONAL CITIZENS

Salaries (1)	\$ 6.5
Other Employment Costs	1.6
Travel	3.2
Contractual Services	7.6
Supplies and Materials	<u>.4</u>

TOTAL -- ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS \$ 19.3

(90-00-000) HIGHER EDUCATION

(90-01-001) University of Delaware

Operations	\$ 39,928.8
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	350.0
Soil Testing Service	26.0
Urban Agent Program	<u>52.0</u>

Sub-Total \$ 42,411.2

Debt Service \$ 4,786.9

TOTAL -- University of Delaware \$ 47,198.1

(90-01-002) Delaware Geological Survey

Operations \$ 408.2

TOTAL -- Delaware Geological Survey \$ 408.2

TOTAL -- University of Delaware \$ 47,606.3

(90-02-001) Delaware Institute of Medical
Education and Research

	Subvention Allowance	\$ 997.5
	Scholarships	100.0
	Operations	<u>200.0</u>
	TOTAL -- Delaware Institute of Medical Education and Research	\$ 1,297.5
	<u>(90-03-000) Delaware State College</u>	
	<u>(90-03-001) Executive Services</u>	
(1.5)	Salaries (13.6)	\$ 227.4
	Other Employment Costs	57.1
	Travel	3.7
	Contractual Services	22.9
	Supplies and Materials	6.6
	Capital Outlay	6.0
	Other Items	<u>1.7</u>
	TOTAL -- Executive Services	\$ 325.4
	<u>(90-03-002) Academic Affairs</u>	
(31.8)	Salaries (184.8)	\$ 3,924.7
	Other Employment Costs	981.5
	Travel	6.4
	Contractual Services	270.1
	Supplies and Materials	63.3
	Capital Outlay	103.6
	Other Items	<u>7.0</u>
	TOTAL -- Academic Affairs	\$ 5,356.6
	<u>(90-03-003) Student Affairs</u>	
(38.4)	Salaries (23.3)	\$ 465.5
	Other Employment Costs	116.7
	Travel	11.5
	Contractual Services	102.1
	Supplies and Materials	34.4
	Capital Outlay	1.3
	Other Items	<u>171.3</u>
	TOTAL -- Student Affairs	\$ 902.8
	<u>(90-03-004) Business and Fiscal Affairs</u>	
(14.6)	Salaries (114.8)	\$ 1,613.0
	Other Employment Costs	424.2
	Travel	5.5
	Contractual Services	1,109.3
	Supplies and Materials	126.8
	Capital Outlay	56.3
	Other Items	<u>10.5</u>
	Sub-Total	\$ 3,345.6
	Debt Service	\$ <u>1,150.8</u>
	TOTAL -- Business and Fiscal Affairs	\$ 4,496.4
	<u>(90-03-005) Sponsored Programs and Research</u>	
(46.9)	Salaries	\$ ---
	TOTAL -- Sponsored Programs and Research	\$ ---
	TOTAL -- Delaware State College	\$ 11,081.2
	<u>(90-04-000) Delaware Technical and Community College</u>	

(90-04-001) Office of the President

(7)	Salaries (32)	\$ 743.1
	Other Employment Costs	161.7
	Travel	11.2
	Contractual Services	126.9
	Supplies and Materials	26.7
	Capital Outlay	23.0
	Other Items	61.8
	Sub-Total	\$ 1,154.4
	Debt Service	\$ 201.5
	TOTAL -- Office of the President	\$ 1,355.9

(90-04-002) Southern Campus

(27)	Salaries (134.0)	\$ 3,072.1
	Other Employment Costs	689.3
	Travel	12.9
	Contractual Services	987.3
	Supplies and Materials	140.8
	Capital Outlay	190.9
	Other Items	38.0
	Sub-Total	\$ 5,131.3
	Debt Service	\$ 353.2
	TOTAL -- Southern Campus	\$ 5,484.5

(90-04-004) Wilmington Campus

(17)	Salaries (99)	\$ 2,220.2
	Other Employment Costs	515.7
	Travel	8.3
	Contractual Services	966.0
	Supplies and Materials	86.1
	Capital Outlay	32.8
	Other Items	40.0
	Sub-Total	\$ 3,869.1
	Debt Service	\$ 464.2
	TOTAL -- Wilmington Campus	\$ 4,333.3

(90-04-005) Stanton Campus

(28)	Salaries (129)	\$ 3,010.3
	Other Employment Costs	707.9
	Travel	11.2
	Contractual Services	545.5
	Supplies and Materials	178.5
	Capital Outlay	82.6
	Other Items	30.0
	Sub-Total	\$ 4,566.0
	Debt Service	\$ 760.5
	TOTAL -- Stanton Campus	\$ 5,326.5

(90-04-006) Terry Campus

(20)	Salaries (78)	\$ 1,762.9
	Other Employment Costs	374.1
	Travel	6.6
	Contractual Services	412.1
	Supplies and Materials	87.9

	Capital Outlay	40.0
	Other Items	<u>22.0</u>
	Sub-Total	\$ 2,705.6
	Debt Service	\$ <u>410.5</u>
	TOTAL -- Terry Campus	\$ <u>3,116.1</u>
	TOTAL -- Delaware Technical and Community College	\$ 19,616.3
	<u>(90-05-001) Delaware Postsecondary Education Commission</u>	
(2.5)	Salaries (2.0)	\$ 48.1
	Other Employment Costs	10.9
	Travel	1.7
	Contractual Services	14.4
	Supplies and Materials	1.7
	Grants and Subsidies	<u>428.4</u>
	TOTAL -- Delaware Postsecondary Education Commission	\$ 505.2
	<u>(90-07-001) Delaware Institute of Veterinary Medical Education</u>	
	Other Items	\$ <u>147.0</u>
	TOTAL -- Delaware Institute of Veterinary Medical Education	\$ <u>147.0</u>
	TOTAL -- HIGHER EDUCATION	\$ 80,253.5
	<u>(95-00-000) PUBLIC EDUCATION</u>	
	<u>(95-01-000) State Board of Education and State Board for Vocational Education</u>	
	<u>(95-01-001) State Board of Education and Superintendent</u>	
(4.3)	Salaries (3.7)	\$ 107.9
	Other Employment Costs	24.1
	Travel	7.4
	Contractual Services	42.3
	Supplies and Materials	4.8
	Capital Outlay	5.9
	Data Processing	35.3
	Other Items	<u>21.3</u>
	TOTAL -- State Board of Education and Superintendent	\$ 249.0
	<u>(95-01-002) Administrative Services</u>	
(11.0)	Salaries (20)	\$ 385.4
	Other Employment Costs	97.6
	Travel	1.1
	Contractual Services	15.9
	Supplies and Materials	4.7
	Capital Outlay	6.2
	Other Items	<u>22.0</u>
	TOTAL -- Administrative Services	\$ 532.9
	<u>(95-01-003) Auxiliary Services</u>	
(13.5)	Salaries (11.5)	\$ 281.3
	Other Employment Costs	68.5
	Travel	.8
	Contractual Services	15.3
	Supplies and Materials	5.0
	Capital Outlay	6.3
	Other Items	<u>285.1</u>

TOTAL -- Auxiliary Services	\$ 662.3
<u>(95-01-004) Instructional Services</u>	
(46.5) Salaries (24.5)	\$ 663.8
Other Employment Costs	159.6
Travel	2.8
Contractual Services	50.1
Supplies and Materials	16.4
Capital Outlay	13.2
Other Items	94.5
TOTAL -- Instructional Services	\$ 1,000.4
<u>(95-01-005) Educational Contingency</u>	
Other Employment Costs	\$ 53.1
Other Items	
Pension - Retired and Disabled Teachers	70.5
Health Insurance - Retired and Disabled Teachers	3.7
General Contingency	225.0
Support Services for the Autistic	142.8
Delmar Tuition	140.6
Contingency - Desegregation Monitoring	150.0
Sub-Total	\$ 785.7
Debt Service	\$ 2,287.6
TOTAL -- Educational Contingency	\$ 3,073.3
<u>(95-01-006) Pass Through/K-12 Programs</u>	
Other Employment Costs	\$ 1,016.2
Other Items	
Pregnant Students Program	111.7
Related Services for the Handicapped	463.9
Private Placement of the Handicapped	1,463.2
Youth Organizations	43.0
Gifted and Talented Units	722.1
Summer School - Gifted and Talented	75.3
Fundamental Schools	30.0
Homebound Instruction Program	264.5
Substitutes in Districts	906.3
Division III - Equalization	7,768.5
Basic Skills Units	1,576.0
Non-Public and Summer Driver Education	243.4
Operation and Maintenance - Driver	
Education Cars	138.5
Computer Education	66.0
Career Guidance System	10.5
Summer School - Occupational and	
Vocational Education	441.7
Student Work Study	26.0
Center for Economic Education	39.2
Educational Resources Program	70.0
Exceptional Student Unit - Vocational	125.0
Aides - Partially Sighted	43.8
Contingency - Administrators' Salary	177.9
TOTAL -- Pass Through/K-12 Programs	\$ 15,822.7
<u>(95-01-007) Pass Through/Adult Programs</u>	
Other Employment Costs	\$ 203.1
Other Items	
Adult Trade Extension	390.0
Apprentice Program	302.0
James H. Groves High School	453.4
Adult Basic Education	73.8
TOTAL -- Pass Through/Adult Programs	\$ 1,422.3

(95-01-008) Pupil Transportation

Other Employment Costs	\$ 607.2
School Pupil Transportation (1)	<u>23,257.4</u>

TOTAL -- Pupil Transportation	\$ <u>23,864.6</u>
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TOTAL -- State Board of Education and State Board for Vocational Education	\$ 46,627.5
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(95-04-001) Advisory Council on Career and Vocational Education

(1.5) Salaries (1.5)	\$ 43.2
Other Employment Costs	<u>9.1</u>

TOTAL -- Advisory Council on Career and Vocational Education	\$ 52.3
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(95-10-000) Caesar RodneyDivision I - Salaries

Chief School Officer (1)	\$ 28.4
Assistant Superintendent (.93)	23.3
Directors (1.8)	42.9
Supervisors (1.87)	33.5
Principals (7)	147.1
Assistant Principals (6)	113.9
Administrative Assistant (1)	21.7
Clerical (24)	249.8
Teachers (256)	3,581.4
Teacher Psychologists (1.87)	27.7
Teachers - Speech and Hearing (2)	23.5
Teachers - Visiting (1)	14.9
Teachers - Drivers Education (3)	43.6
Custodial (46)	435.2
Nurses (6)	74.7
Cafeteria Managers (1.75)	17.7
Americanization Program (4)	4.4
Supervisor of Transportation (.59)	11.5
Supervisor of School Lunch (1)	15.2
Cafeteria Workers	<u>53.4</u>

TOTAL -- Division I	\$ 4,963.8
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Other Employment Costs	1,309.9
Employment Costs - State Liability/Local Salaries	<u>158.3</u>

TOTAL -- Division I and Other Employment Costs	\$ 6,432.0
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Division II - (281)

Energy Costs	\$ 503.9
Other Costs	412.5
Americanization Program	<u>3.0</u>

All Other Costs

Debt Service	
Principal	\$ 353.5
Interest	<u>91.5</u>

TOTAL -- All Other Costs	\$ <u>1,364.4</u>
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TOTAL -- Caesar Rodney	\$ 7,796.4
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(95-11-000) John S. Charlton School
(Administered by Caesar Rodney School District)

Division I - Salaries

Principal (1)	\$ 20.7
Clerical (1)	9.0
Teachers (12)	154.0
Custodial (2)	18.2
Nurse (1)	12.9
Aides and Attendants (12)	91.1
Therapists - (2.2)	<u>24.3</u>
TOTAL -- Division I	\$ 330.2
Other Employment Costs	85.6
Employment Costs - State Liability/Local Salaries	<u>10.1</u>
TOTAL -- Division I and Other Employment Costs	\$ 425.9
<u>Division II (17)</u>	
Energy Costs	\$ 30.5
Other Costs	25.0
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 12.0
Interest	<u>.6</u>
TOTAL -- All Other Costs	\$ <u>68.1</u>
TOTAL -- John S. Charlton School	\$ 494.0

(95-13-000) CapitalDivision I - Salaries

Chief School Officer (1)	\$ 28.4
Assistant Superintendent (1)	25.5
Directors (2)	46.5
Supervisors (2)	36.5
Principals (8)	163.7
Assistant Principals (7)	137.9
Administrative Assistant (1)	21.7
Clerical (27)	271.2
Teachers (305)	4,472.8
Teacher Psychologists (2)	32.0
Teachers - Speech and Hearing (2)	31.1
Teacher - Visiting (1)	14.8
Teachers - Driver Education (4)	59.2
Custodial (64)	607.6
Nurses (8)	98.7
Cafeteria Managers (2.25)	22.2
Aides and Attendants (11)	82.5
Supervisor of Transportation (.731)	11.5
Supervisor of School Lunch (1)	16.5
Cafeteria Workers	48.3
Therapist - (.96)	<u>14.4</u>
TOTAL -- Division I	\$ 6,243.0
Other Employment Costs	1,678.0
Employment Costs - State Liability/Local Salaries	<u>340.8</u>
TOTAL -- Division I and Other Employment Costs	\$ 8,261.8

Division II (318)

Energy Costs	\$ 570.1
Other Costs	466.8

All Other Costs

Debt Service

Principal	\$ 111.5
Interest	<u>443.0</u>
TOTAL -- All Other Costs	\$ <u>1,591.4</u>
TOTAL -- Capital	\$ 9,853.2

(95-15-000) Lake ForestDivision I - Salaries

Chief School Officer (1)	\$ 26.6
Supervisor (1)	17.9
Principals (5)	103.8
Assistant Principals (2)	40.1
Administrative Assistant (1)	21.7
Clerical (16)	163.6
Teachers (168)	2,356.9
Teacher Psychologist (1)	16.0
Teacher - Speech and Hearing (1)	14.0
Teacher - Visiting (.69)	9.8
Teachers - Driver Education (2)	28.4
Custodial (31)	293.8
Nurses (4)	47.6
Cafeteria Managers (1)	10.4
Supervisor of Transportation (.424)	8.3
Supervisor of School Lunch (1)	15.2
Cafeteria Workers	<u>33.1</u>
TOTAL -- Division I	\$ 3,207.2
Other Employment Costs	850.9
Employment Costs - State Liability/Local Salaries	<u>95.3</u>
TOTAL -- Division I and Other Employment Costs	\$ 4,153.4

Division II (189)

Energy Costs	\$ 338.8
Other Costs	277.5

All Other Costs

Debt Service	
Principal	\$ 228.8
Interest	<u>109.2</u>
TOTAL -- All Other Costs	\$ <u>954.3</u>
TOTAL -- Lake Forest	\$ 5,107.7

(95-16-000) LaurelDivision I - Salaries

Chief School Officer (1)	\$ 28.3
Supervisor (1)	13.7
Principals (3)	64.9
Assistant Principals (3)	57.4
Administrative Assistant (1)	29.2
Clerical (10)	104.4
Teachers (103)	1,472.4
Teacher Psychologist (1)	11.6
Teacher - Speech and Hearing (1)	15.2
Teacher - Driver Education (1)	15.7
Custodial (26)	248.0
Nurses (2)	26.3
Cafeteria Managers (.75)	7.2
Supervisor of School Lunch (1)	12.9
Cafeteria Workers	<u>24.9</u>
TOTAL -- Division I	\$ 2,132.1

Other Employment Costs	533.2
Employment Costs - State Liability/Local Salaries	<u>50.9</u>
TOTAL -- Division I and Other Employment Costs	\$ 2,716.2
<u>Division II (115)</u>	
Energy Costs	\$ 206.2
Other Costs	168.2
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 131.5
Interest	<u>72.5</u>
TOTAL -- All Other Costs	\$ <u>578.4</u>
TOTAL -- Laurel	\$ 3,294.6

(95-17-000) Cape HenlopenDivision I - Salaries

Chief School Officer (1)	\$ 27.8
Supervisor (1)	20.3
Principals (7)	149.9
Assistant Principal (1)	20.8
Administrative Assistant (1)	22.8
Clerical (16)	168.0
Teachers (172)	2,485.2
Teacher Psychologist (1)	16.0
Teacher - Speech and Hearing (1)	11.0
Teacher - Visiting (1)	14.0
Teachers - Driver Education (2)	30.9
Custodial (42)	392.4
Nurses (4)	46.7
Cafeteria Managers (1.5)	14.5
Aides and Attendants (2)	12.6
Supervisor of Transportation (.929)	15.0
Supervisor of School Lunch (1)	16.5
Cafeteria Workers	<u>53.9</u>
TOTAL -- Division I	\$ 3,518.3

Other Employment Costs	941.2
Employment Costs - State Liability/Local Salaries	<u>256.5</u>

TOTAL -- Division I and Other Employment Costs	\$ 4,716.0
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Division II (187)

Energy Costs	\$.335.4
Other Costs	274.5

All Other Costs

Debt Service	
Principal	\$ 320.5
Interest	<u>217.9</u>
TOTAL -- All Other Costs	\$ <u>1,148.3</u>
TOTAL -- Cape Henlopen	\$ 5,864.3

(95-18-000) MilfordDivision I - Salaries

Chief School Officer (1)	\$ 26.9
Supervisor (1)	17.7

Principals (4)	84.6
Assistant Principal (4)	78.6
Administrative Assistant (1)	21.7
Clerical (16)	160.8
Teachers (172)	2,443.0
Teacher Psychologist (1)	14.4
Teacher - Speech and Hearing (1)	11.4
Teacher - Visiting (.1)	14.3
Teachers - Driver Education (1.6)	20.3
Custodial (33)	317.0
Nurses (4)	46.7
Cafeteria Managers (1)	10.8
Supervisor of School Lunch (1)	16.1
Cafeteria Workers	31.2
TOTAL -- Division I	\$ 3,315.5
Other Employment Costs	832.9
Employment Costs - State Liability/Local Salaries	115.7
TOTAL -- Division I and Other Employment Costs	\$ 4,264.1
<u>Division II (191)</u>	
Energy Costs	\$ 342.1
Other Costs	280.4
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 193.9
Interest	70.5
TOTAL -- All Other Costs	\$ 886.9
TOTAL -- Milford	\$ 5,151.0
<u>(95-23-000) Seaford</u>	

Division I - Salaries

Chief School Officer (1)	\$ 26.9
Supervisor (1)	19.2
Principals (5)	103.8
Assistant Principals (3)	58.4
Administrative Assistant (1)	21.7
Clerical (16.5)	166.4
Teachers (176)	2,444.0
Teacher Psychologist (1)	16.0
Teacher - Speech and Hearing (1)	10.6
Teacher - Visiting (1)	12.9
Teachers - Driver Education (1.6)	21.7
Custodial (32)	309.8
Nurses (4.6)	55.7
Cafeteria Managers (1)	9.6
Aides and Attendants (6)	43.5
Supervisor of Transportation (1)	20.9
Supervisor of School Lunch (1)	15.2
Cafeteria Workers	32.9
TOTAL -- Division I	\$ 3,389.2
Other Employment Costs	894.0
Employment Costs - State Liability/Local Salaries	120.1
TOTAL -- Division I and Other Employment Costs	\$ 4,403.3
<u>Division II (203)</u>	
Energy Costs	\$ 364.0
Other Costs	298.0

All Other Costs

Debt Service	
Principal	\$ 129.4
Interest	<u>32.0</u>
TOTAL -- All Other Costs	\$ <u>823.4</u>
TOTAL -- Seaford	\$ 5,226.7

(95-24-000) SmyrnaDivision I - Salaries

Chief School Officer (1)	\$ 25.1
Supervisor (1)	18.1
Principals (5)	104.5
Assistant Principals (2)	39.1
Administrative Assistant (1)	21.7
Clerical (13)	136.8
Teachers (143)	1,986.9
Teacher Psychologist (.97)	15.2
Teacher - Speech and Hearing (1)	13.5
Teacher - Visiting (.58)	8.8
Teachers - Driver Education (1.6)	22.6
Custodial (30)	296.3
Nurses (3)	39.4
Cafeteria Managers (1.25)	11.9
Supervisor of Transportation (.292)	5.9
Supervisor of School Lunch (1)	15.2
Cafeteria Workers	<u>32.0</u>
TOTAL -- Division I	\$ 2,793.0
Other Employment Costs	733.2
Employment Costs - State Liability/Local Salaries	<u>95.7</u>
TOTAL -- Division I and Other Employment Costs	\$ 3,621.9

Division II (157)

Energy Costs	\$ 281.5
Other Costs	230.5

All Other Costs

Debt Service	
Principal	\$ 222.6
Interest	<u>103.6</u>
TOTAL -- All Other Costs	\$ <u>838.2</u>
TOTAL -- Smyrna	\$ 4,460.1

(95-29-000) AppoquiniminkDivision I - Salaries

Chief School Officer (1)	\$ 25.5
Supervisor (1)	17.8
Principals (4)	85.9
Assistant Principals (3)	53.8
Administrative Assistant (1)	20.2
Clerical (12)	122.0
Teachers (126)	1,773.3
Teacher Psychologist (.87)	12.8
Teacher - Speech and Hearing (.93)	11.7
Teacher - Visiting (.52)	7.0
Teachers - Driver Education (1.4)	14.5
Custodial (25)	245.5
Nurses (3)	37.9
Cafeteria Managers (1)	10.4

Supervisor of Transportation (.257)	4.9
Supervisor of School Lunch (1)	15.0
Cafeteria Workers	19.7
TOTAL -- Division I	\$ 2,477.9
Other Employment Costs	651.8
Employment Costs - State Liability/Local Salaries	88.9
TOTAL -- Division I and Other Employment Costs	\$ 3,218.6
<u>Division II (142)</u>	
Energy Costs	\$ 254.6
Other Costs	208.5
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 284.2
Interest	195.0
TOTAL -- All Other Costs	\$ 942.3
TOTAL -- Appoquinimink	\$ 4,160.9
<u>(95-35-000) Woodbridge</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 25.5
Supervisor (.67)	11.4
Principals (3)	63.1
Assistant Principals (2)	35.3
Administrative Assistant (1)	22.1
Clerical (10)	103.3
Teachers (102)	1,366.3
Teacher Psychologist (.67)	8.6
Teacher - Speech and Hearing (.71)	8.2
Teacher - Driver Education (1)	14.0
Custodial (15)	148.0
Nurses (2)	25.7
Cafeteria Managers (.75)	7.6
Cafeteria Workers	22.8
TOTAL -- Division I	\$ 1,861.9
Other Employment Costs	479.9
Employment Costs - State Liability/Local Salaries	60.6
TOTAL -- Division I and Other Employment Costs	\$ 2,402.4
<u>Division II (114)</u>	
Energy Costs	\$ 204.6
Other Costs	167.4
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 44.5
Interest	6.5
TOTAL -- All Other Costs	\$ 423.0
TOTAL -- Woodbridge	\$ 2,825.4
<u>(95-36-000) Indian River</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 27.6

Assistant Superintendent (1)	24.7
Directors (2)	46.9
Supervisors (2)	35.8
Principals (9)	186.9
Assistant Principals (6)	105.6
Administrative Assistant (1)	21.3
Clerical (28)	285.4
Teachers (321)	4,413.3
Teacher Psychologists (2)	30.6
Teacher - Speech and Hearing (2)	23.7
Teacher - Visiting (1)	13.5
Teachers - Driver Education (3.8)	54.6
Custodial (47)	457.7
Nurses (8)	102.7
Cafeteria Managers (2.25)	22.1
Supervisor of Transportation (.796)	15.4
Supervisor of School Lunch (1)	17.4
Cafeteria Workers	67.2
TOTAL -- Division I	\$ 5,952.4
Other Employment Costs	1,513.2
Employment Costs - State Liability/Local Salaries	191.0
TOTAL -- Division I and Other Employment Costs	\$ 7,656.6
<u>Division II (373)</u>	
Energy Costs	\$ 669.2
Other Costs	547.6
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 200.6
Interest	100.6
TOTAL -- All Other Costs	\$ 1,518.0
TOTAL -- Indian River	\$ 9,174.6
<u>(95-37-000) Delmar</u>	
<u>Division I - Salaries</u>	
Chief School Officer (1)	\$ 23.6
Principal (1)	21.7
Assistant Principal (1)	16.1
Administrative Assistant (1)	21.3
Clerical (4)	44.0
Teachers (42)	587.5
Teacher - Driver Education (.8)	10.8
Custodial (8)	77.6
Nurse (1)	10.0
Cafeteria Managers (.25)	2.4
Cafeteria Workers	9.0
TOTAL -- Division I	\$ 824.0
Other Employment Costs	210.1
Employment Costs - State Liability/Local Salaries	19.0
TOTAL -- Division I and Other Employment Costs	\$ 1,053.1
<u>Division II (52)</u>	
Energy Costs	\$ 93.3
Other Costs	76.3
<u>All Other Costs</u>	
Debt Service	

Principal	\$ 38.8
Interest	<u>21.9</u>
TOTAL -- All Other Costs	\$ <u>230.3</u>
TOTAL -- Oelmar	\$ 1,283.4

(95-38-000) New Castle Vocational-TechnicalDivision I - Salaries

Chief School Officer (1)	\$ 28.4
Director (1)	23.6
Supervisor (1)	17.3
Principal (3)	65.3
Assistant Principals (9)	176.8
Administrative Assistant (1)	21.7
Clerical (22)	222.6
Teachers (253)	3,679.4
Teacher - Psychologist (1)	15.7
Teacher - Speech and Hearing (1)	13.8
Teacher - Visiting (1)	12.5
Teachers - Driver Education (6)	83.4
Custodial (58)	547.6
Nurses (6)	72.4
Cafeteria Managers (.25)	2.5
Supervisor of Transportation (.519)	10.8
Supervisor of School Lunch (1)	14.8
Cafeteria Workers	<u>11.9</u>
TOTAL -- Division I	\$ 5,020.5
Other Employment Costs	1,283.7
Employment Costs - State Liability/Local Salaries	<u>383.3</u>

TOTAL -- Division I and Other Employment Costs \$ 6,687.5

Division II (515)

Energy Costs	\$ 924.0
Other Costs	756.0

All Other Costs

Debt Service	
Principal	\$ 1,567.4
Interest	<u>1,152.8</u>
TOTAL -- All Other Costs	\$ <u>4,400.2</u>
TOTAL -- New Castle Vocational-Technical	\$ 11,087.7

(95-39-000) Kent Vocational-TechnicalDivision I - Salaries

Chief School Officer (1)	\$ 23.6
Principals (2)	40.6
Administrative Assistant (1)	21.7
Clerical (4)	43.1
Teachers (38)	557.6
Custodial (18)	171.6
Nurses (2)	27.0
Cafeteria Managers (.5)	5.2
Cafeteria Workers	<u>7.9</u>
TOTAL -- Division I	\$ 898.3
Other Employment Costs	241.5
Employment Costs - State Liability/Local Salaries	<u>20.7</u>
TOTAL -- Division I and Other Employment Costs	\$ 1,160.5

Division II (110)

Energy Costs	\$ 197.1
Other Costs	161.5

All Other Costs

Debt Service	
Principal	\$ 478.1
Interest	325.8

TOTAL -- All Other Costs	\$ 1,162.5
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TOTAL -- Kent Vocational-Technical	\$ 2,323.0
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(95-40-000) Sussex Vocational-TechnicalDivision I - Salaries

Chief School Officer (1)	\$ 21.7
Principal (1)	21.7
Assistant Principal (1)	20.0
Administrative Assistant (1)	21.7
Clerical (4)	44.4
Teachers (42)	633.2
Custodial (12)	118.6
Nurse (1)	13.5
Cafeteria Workers	1.4

TOTAL -- Division I	\$ 896.2
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Other Employment Costs	237.2
Employment Costs - State Liability/Local Salaries	22.4

TOTAL -- Division I and Other Employment Costs	\$ 1,155.8
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Division II (117)

Energy Costs	\$ 209.9
Other Costs	171.8

All Other Costs

Debt Service	
Principal	\$ 169.4
Interest	85.9

TOTAL -- All Other Costs	\$ 637.0
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TOTAL -- Sussex Vocational-Technical	\$ 1,792.8
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(95-43-000) Howard I. Ennis, Sr. Trainable
(Administered by Indian River)Division I - Salaries

Principal (1)	\$ 21.3
Assistant Principal	18.4
Clerical (1)	10.1
Teachers (33)	489.6
Custodial (2)	19.5
Nurse (1)	12.9
Aides and Attendants (32)	286.5
Therapists - (6)	90.3

TOTAL -- Division I	\$ 948.6
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Other Employment Costs	242.4
Employment Costs - State Liability/Local Salaries	20.4

TOTAL -- Division I and Other Employment Costs	\$ 1,211.4
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Division II (41)

Energy Costs	\$	73.6
Other Costs		60.2

All Other Costs

Debt Service		
Principal	\$	29.0
Interest		<u>16.3</u>

TOTAL -- All Other Costs	\$	<u>179.1</u>
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TOTAL -- Howard T. Ennis, Sr. Trainable	\$	1,390.5
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(95-50-000) New Castle County School DistrictDivision I - Salaries

Chief School Officer (4)	\$	113.6
Assistant Superintendent (8)		203.8
Directors (26)		609.3
Supervisors (18)		340.8
Principals (73)		1,509.9
Assistant Principals (60)		1,149.6
Administrative Assistant (4)		88.4
Clerical (241)		2,480.3
Teachers (2,815)		42,886.9
Teacher Psychologists (18)		276.8
Teachers - Speech and Hearing (21)		287.8
Teachers - Visiting (10)		145.6
Teachers - Drivers Education (35)		500.9
Custodial (548)		5,360.1
Nurses (75)		965.6
Cafeteria Managers (18)		185.2
Americanization of Foreign Born		62.8
Supervisors of Transportation (5)		92.2
Supervisors of School Lunch (4)		62.6
Cafeteria Workers		<u>412.8</u>

TOTAL -- Division I	\$	57,735.0
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Other Employment Costs		14,991.1
Employment Costs - State Liability/Local Salaries		<u>5,133.7</u>

TOTAL -- Division I and Other Employment Costs	\$	77,859.8
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Division II - (3,135)

Energy Costs	\$	5,619.9
Other Costs		4,602.2
Americanization Program		7.0

All Other Costs

Debt Service		
Principal	\$	5,567.5
Interest		<u>2,229.9</u>

TOTAL -- All Other Costs	\$	<u>18,026.5</u>
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TOTAL -- New Castle County School District	\$	95,886.3
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(95-51-000) Margaret S. Sterck
(Administered by New Castle County School District)Division I - Salaries

Principal (1)	\$	21.4
Clerical (2)		20.8
Teachers (24)		385.5

Teacher - Psychologist (2)	32.7
Teacher - Speech and Hearing (1)	13.3
Teacher - Audiologist (1)	15.0
Teachers - Resource (2)	27.0
Teacher - Coordinator (1)	14.7
Custodial (3)	29.5
Nurses (1)	13.7
Cafeteria Managers (.25)	1.4
Aides and Attendants (24)	173.8
Salaries - Resident Supervision (11)	132.3
Therapists - Speech (3)	39.8
Therapists - Deaf/Blind (2.67)	46.3
Interpreter/Tutor (12)	133.3
Cafeteria Workers	<u>3.1</u>

TOTAL -- Division I \$ 1,103.6

Other Employment Costs 306.0
 Employment Costs - State Liability/Local Salaries 44.0

TOTAL -- Division I and Other Employment Costs \$ 1,453.6

Division II (25)

Energy Costs	\$ 44.9
Other Costs	36.7
Residence - Other Costs	71.7
Consultant Services	<u>11.0</u>

All Other Costs

Debt Service	
Principal	\$ 49.6
Interest	<u>20.1</u>

TOTAL -- All Other Costs \$ 234.0

TOTAL -- Margaret S. Sterck \$ 1,687.6

(95-52-000) Charles W. Bush Trainable
(Administered by New Castle County School District)

Division I - Salaries

Assistant Principal (1)	\$ 19.6
Clerical (1)	10.6
Teachers (12)	204.4
Custodial (2)	19.7
Nurse (1)	16.2
Cafeteria Managers (.25)	1.7
Aides and Attendants (5)	46.0
Therapists (1)	<u>15.0</u>

TOTAL -- Division I \$ 333.2

Other Employment Costs 88.0
 Employment Costs - State Liability/Local Salaries 22.0

TOTAL -- Division I and Other Employment Costs \$ 443.2

Division II (14)

Energy Costs	\$ 25.1
Other Costs	<u>20.6</u>

All Other Costs

Debt Service	
Principal	\$ 44.5
Interest	<u>18.8</u>

TOTAL -- All Other Costs \$ 109.0

TOTAL -- Charles W. Bush Trainable \$ 552.2

(95-53-000) John G. Leach
(Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$ 18.3
Clerical (2)	18.3
Teachers (21)	316.3
Custodial (2)	19.5
Nurse (1)	12.9
Aides and Attendants (20)	<u>150.9</u>

TOTAL -- Division I \$ 536.2

Other Employment Costs	152.1
Employment Costs - State Liability/Local Salaries	<u>38.5</u>

TOTAL -- Division I and Other Employment Costs \$ 726.8

Division II (22)

Energy Costs	\$ 39.5
Other Costs	<u>32.3</u>

TOTAL -- All Other Costs \$ 71.8

TOTAL -- John G. Leach \$ 798.6

(95-54-000) Meadowood Trainable
(Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$ 21.1
Clerical (1)	10.3
Teachers (15)	256.8
Custodial (3)	29.1
Nurse (1)	16.2
Cafeteria Manager (.25)	2.0
Aides and Attendants (14)	130.1
Therapists - (3)	41.3
Cafeteria Workers	<u>1.6</u>

TOTAL -- Division I \$ 508.5

Other Employment Costs	137.2
Employment Costs - State Liability/Local Salaries	<u>33.0</u>

TOTAL -- Division I and Other Employment Costs \$ 678.7

Division II (19)

Energy Costs	\$ 34.1
Other Costs	<u>27.9</u>

All Other Costs

Debt Service	
Principal	\$ 10.0
Interest	<u>.9</u>

TOTAL -- All Other Costs \$ 72.9

TOTAL -- Meadowood Trainable \$ 751.6

(95-55-000) Wallace Wallin School for Trainables
(Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$ 20.3
Clerical (1)	10.6
Teachers (11)	171.3
Custodial (2)	14.6
Nurse (1)	16.2
Cafeteria Managers (.25)	2.0
Aides and Attendants (10)	<u>85.6</u>
TOTAL -- Division I	\$ 320.6
Other Employment Costs	83.4
Employment Costs - State Liability/Local Salaries	<u>27.5</u>
TOTAL -- Division I and Other Employment Costs	\$ 431.5
<u>Division II (17)</u>	
Energy Costs	\$ 32.3
Other Costs	26.4
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 20.0
Interest	<u>10.1</u>
TOTAL -- All Other Costs	\$ <u>88.8</u>
TOTAL -- Wallace Wallin School for Trainables	\$ 520.3
<u>(95-56-000) Joseph E. Douglass School</u>	
<u>(Administered by New Castle County School District)</u>	
<u>Division I - Salaries</u>	
Assistant Principal (1)	\$ 19.6
Clerical (1)	10.6
Teachers (12)	210.8
Custodial (2)	19.7
Nurse (1)	16.2
Cafeteria Manager (.25)	1.3
Aides and Attendants (10)	92.0
Therapists - (2)	33.2
Cafeteria Workers	<u>6.1</u>
TOTAL -- Division I	\$ 409.5
Other Employment Costs	110.0
Employment Costs - State Liability/Local Salaries	<u>27.5</u>
TOTAL -- Division I and Other Employment Costs	\$ 547.0
<u>Division II (14)</u>	
Energy Costs	\$ 25.1
Other Costs	20.6
<u>All Other Costs</u>	
Debt Service	
Principal	\$ 82.0
Interest	<u>78.5</u>
TOTAL -- All Other Costs	\$ <u>206.2</u>
TOTAL -- Joseph E. Douglass School	\$ 753.2

(95-57-000) Area I Intensive Learning Center
(Administered by New Castle County School District)

Division I - Salaries

Principal (1)	\$ 19.1
Clerical (2)	18.5
Teachers (23)	300.3
Custodial (5)	<u>47.4</u>
TOTAL -- Division I	\$ 385.3
Other Employment Costs	99.9
Employment Costs - State Liability/Local Salaries	<u>38.5</u>
TOTAL -- Division I and Other Employment Costs	\$ 523.7
<u>Division II (23)</u>	
Energy Costs	\$ 33.1
Other Costs	<u>42.0</u>
TOTAL -- All Other Costs	\$ <u>75.1</u>
TOTAL -- Area I Intensive Learning Center	\$ 598.8

(95-58-000) Area II Intensive Learning Center
(Administered by New Castle County School District)

<u>Division I - Salaries</u>	
Principal (1)	\$ 19.5
Assistant Principal (1)	18.4
Clerical (3)	28.2
Teachers (38)	468.5
Custodial (4)	<u>38.1</u>
TOTAL -- Division I	\$ 572.7
Other Employment Costs	159.7
Employment Costs - State Liability/Local Salaries	<u>66.0</u>
TOTAL -- Division I and Other Employment Costs	\$ 798.4
<u>Division II (41)</u>	
Energy Costs	\$ 73.6
Other Costs	<u>60.2</u>
TOTAL -- All Other Costs	\$ <u>133.8</u>
TOTAL -- Area I Intensive Learning Center	\$ 932.2

(95-59-000) Area III Intensive Learning Center
(Administered by New Castle County School District)

<u>Division I - Salaries</u>	
Principal (1)	\$ 21.7
Assistant Principal (1)	18.4
Clerical (3)	26.1
Teachers (38)	535.0
Custodial (2)	17.4
Aides and Attendants (6)	<u>49.9</u>
TOTAL -- Division I	\$ 668.5
Other Employment Costs	183.2
Employment Costs - State Liability/Local Salaries	<u>66.0</u>
TOTAL -- Division I and Other Employment Costs	\$ 917.7
<u>Division II (40)</u>	
Energy Costs	\$ 71.8
Other Costs	<u>58.7</u>

TOTAL -- All Other Costs	\$ <u>130.5</u>
TOTAL -- Area I Intensive Learning Center	\$ 1,048.2
<u>TOTALS</u>	
TOTAL -- DEPARTMENTS	\$ 331,142.1
TOTAL -- HIGHER EDUCATION \$ 80,253.5	
TOTAL -- PUBLIC EDUCATION <u>231,495.1</u>	
TOTAL -- EDUCATION	\$ <u>311,748.6</u>
GRAND TOTAL -- DEPARTMENTS AND EDUCATION	\$ <u><u>642,890.7</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. All entitlement payments from the Federal Revenue Sharing Funds received by the State during fiscal year ending June 30, 1982, 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 6. (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 \$5.7 for such new vehicles purchased during the fiscal year ending June 30, 1982.

(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 \$5.7 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 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, 1982.

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 upon request, the Controller General and the Auditor of Accounts, and copies shall be made available to the public.

Section 10. For the Fiscal Year ending June 30, 1982, 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	41.9	
(10-03-001)	Director - Office of Management, Budget and Planning	22.4	22.5

(10-04-001)	Personnel Commissioners	6.0	
(10-04-001)	Personnel Director	31.4	
(10-06-001)	Director - Highway Safety	26.1	
(12-01-001)	Lieutenant Governor	15.5	
(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	33.3	
(15-03-001)	Board Members - Parole	13.0	
(15-03-001)	Parole Board Chairman	33.3	
(20-01-001)	Secretary of State	41.9	
(20-01-001)	Assistant Secretary of State	21.5	
(20-06-001)	Director - Historical and Cultural Affairs	27.4	6.9
(25-01-001)	Secretary - Finance	46.2	
(25-05-001)	Director - Accounting	37.5	
(25-06-001)	Board Members - Revenue	23.0	
(25-06-001)	Director - Revenue	43.7	
(25-07-001)	Director - State Lottery		44.5
(30-01-001)	Secretary - Administrative Services	\$ 35.3	
(30-03-001)	Board Members - Alcoholic Beverage Control Commission	9.6	
(30-03-001)	Executive Secretary - Alcoholic Beverage Control Commission	31.4	
(30-04-004)	Director - Support Operations		28.5
<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(30-05-001)	Director - Facilities Management	39.2	
(30-05-010)	Executive Secretary - Architectural Accessibility Board	25.4	
(30-05-010)	Board Members - Architectural Accessibility Board	2.7	
(30-06-001)	Director - Purchasing	31.0	
(30-07-001)	Director - Central Data Processing (Memo)	43.2	
(30-08-001)	Director - Occupational Licensing	23.7	
(30-08-001)	Board Members - Occupational Licensing	14.2	

(30-08-002)	Board Members - Health Licensing	25.7	
(30-08-014)	Director - Standardbred Development Fund		20.8
(30-11-001)	Board Members - Public Utilities Commission		30.0
(30-11-001)	Director - Public Utilities Control		29.6
(30-15-001)	State Banking Commissioner		39.3
(35-01-001)	Secretary - Health and Social Services	44.5	
(35-02-001)	Director - Business Administration and General Services	29.5	5.5
(35-03-001)	Director - Planning, Research and Evaluation	31.6	
(35-04-001)	Chief Medical Examiner	57.2	
(35-05-001)	Director - Public Health	58.1	
(35-06-001)	Director - Mental Health	44.4	
(35-06-008)	Chief - Substance Abuse	30.3	
(35-07-001)	Director - Social Services	14.7	22.0
(35-11-001)	Director - Mental Retardation	50.1	
(35-12-001)	Director - State Service Centers	30.0	
(35-14-001)	Director - Aging	6.3	19.0
(38-01-001)	Commissioner - Correction	46.1	
(38-08-001)	Institutional Classification Board	9.0	
(38-08-001)	Bureau Chief - Adult	38.2	
(38-13-001)	Bureau Chief - Juvenile	34.6	
(40-01-001)	Secretary - Natural Resources and Environmental Control	41.9	
<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(40-05-001)	Director - Fish and Wildlife	15.3	15.2
(40-06-001)	Director - Parks and Recreation	\$ 31.0	
(40-07-001)	Director - Soil and Water Conservation	27.3	
(40-08-001)	Director - Environmental Control	21.3	21.3
(45-01-001)	Secretary - Public Safety	41.9	
(45-06-001)	Superintendent - State Police	38.0	
(45-06-001)	Assistant Superintendent - State Police	34.8	
(45-07-001)	Director - Motor Vehicles	35.5	
(45-08-001)	Director - Emergency Planning and Operations	11.4	11.4

(45-09-001)	Director - Boiler Safety	24.9	
(50-01-001)	Secretary - Community Affairs and Economic Development	48.6	
(50-01-003)	Director - Office of Economic Opportunity	27.5	
(50-01-005)	Public Advocate	35.5	
(50-06-001)	Director - Human Relations	27.6	
(50-08-001)	Director - Industrial Development and Management	27.6	
(50-09-001)	Director - Housing		38.1
(50-10-001)	State Librarian	27.0	
(50-11-001)	Director - Consumer Affairs	27.6	
(55-01-001)	Secretary - Transportation	43.2	
(55-02-001)	Chief - Administration	33.8	
(55-05-001)	Director - Highways	45.7	
(55-06-001)	Director - Delaware Transportation Authority	36.2	
(60-01-001)	Secretary - Labor	5.6	31.7

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(60-07-001)	Director - Industrial Affairs	\$ 29.6	
(60-07-002)	Board Members - Industrial Accident Board	40.0	
(65-01-001)	Secretary - Agriculture	27.8	
(65-03-001)	Director - Standards and Inspections	25.3	
(65-04-001)	Director - Production and Promotion	27.3	
(70-01-001)	Election - Commissioner	26.0	
(70-02-001)	Board Members - New Castle County Elections	10.5	
(70-02-001)	Administrative Director - New Castle County Elections	22.8	
(70-02-001)	Deputy Administrative Director - New Castle County Elections	22.3	
(70-03-001)	Board Members - Kent County Elections	6.5	
(70-03-001)	Administrative Director - Kent County Elections	21.6	
(70-03-001)	Deputy Administrative Director - Kent County Elections	21.1	
(70-04-001)	Board Members - Sussex County Elections	6.5	
(70-04-001)	Administrative Director - Sussex County Elections	21.6	

(70-04-001)	Deputy Administrative Director - Sussex County Elections	21.1	
(75-01-001)	Fire Marshal	26.7	
(75-02-001)	Director - Fire School	26.7	
(76-01-001)	Adjutant General	32.3	
(90-05-001)	Executive Director - Postsecondary Education Commission	17.2	17.3
(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	45.9	18.6
(95-04-001)	Executive Secretary - Advisory Council on Career and Vocational Education	24.2	24.2

Section 11. (a) The amount appropriated by Section 1 of this Act for salaries includes the estimated amount needed to provide for an 8% salary adjustment to each existing pay plan for State employees, unless as otherwise excepted by subsections of this section. This 8% salary increase is to be provided as follows:

- (1) Normal steps or increments included in existing pay plans shall be given July 1st, except those employees who are employed under contract.
- (2) General Salary Adjustment:
 - (a) Each pay plan shall be increased by a percentage rate that is equal to the difference between 8% and the increment percentage for each step of the pay plan, rounded to the nearest dollar.
 - (b) No additional steps shall be added to any existing pay plans.
 - (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.
- (3) Employees, who are not covered by an existing pay plan or employees, who are not covered by subsections (b), (c) and (h) of this section, shall also receive an annual salary increase of 8% over the salary in effect on June 30, 1981.
- (4) 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, 1981, for all other employees.
- (5) 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 Delaware State College, Uniformed State Police, employees of the University of Delaware, Governor, Attorney General, Deputy Attorneys General, Assistant Public Defenders, 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 an 8% increase in salary schedules 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 8% 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 not include an additional or new step (years of experience). During the fiscal year ending June 30, 1982, employees entitled to salary payments under Sections 1306(a), 1307(1), 1307(3), or 1321(c), Title 14, Delaware Code, shall receive an additional \$300 beyond the annual salary computed by this Section.

(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) The provisions of this section shall not apply to salaries of the two (2) Administrative Assistant positions in the House of Representatives and to salaries of the two (2) Administrative Assistant positions in the Senate.

Section 12. (a) The FY 1982 Operating Budget contemplates receipt of federal funds and State special funds for certain programs or functions administered by departments/agencies. Funds herein appropriated in Section 1 of this Act to match the federal or State special funds shall be expended only to the extent that federal or State special funds shall have been made available as matching funds.

(b) Upon being informed that such program or function is terminated or funds therefor are reduced, the head of the department/agency shall immediately notify, in writing, the people identified in this subsection and promptly:

- (i) Reduce proportionately the expenditure of funds from the matching general funds of the State appropriated to match such federal or State special funds; and
- (ii) Submit, in writing, to the Governor, Chairman and Vice Chairman of the Joint Finance Committee, Controller General, Budget Director, and Secretary of Finance a plan describing how each individual program or function will be accomplished, including general fund operating budget line item expenditure reductions.

(c) Upon notification that the federal or State special funds are reduced or terminated when the General Assembly is duly convened, the Governor or the Joint Finance Committee may propose legislation for consideration by the General Assembly to continue the program or function. In the event the General Assembly does not authorize continuation of the program or function, the Budget Director is hereby directed to revert the remaining matching general funds.

(d) Any personnel employed by a department/agency to implement a program funded by federal funds or 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. 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 13. 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 14. 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, 1981.

Section 15.(a) 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 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.

(b) The remaining balances of the Office of Research Director from the fiscal year 1981 appropriations for Desegregation Committee expenses and for Reapportionment expenses shall be continuing appropriations, respectively, for fiscal year 1982 and shall not be subject to reversion until June 30, 1982.

Section 16. 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 \$11,400, 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 17. 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 \$ 90.40
- (2) Speaker of the House of Representatives 90.40
- (3) Majority and Minority Leader of the Senate 75.35
- (4) Majority and Minority Leader of the House 75.35
- (5) Chairman and Vice Chairman of the Joint Finance Committee 75.35
- (6) Majority and Minority Whip of the Senate 60.25
- (7) Majority and Minority Whip of the House 60.25
- (8) Members of the Joint Finance Committee 30.15

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 or 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 18. 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 19. The Delaware Foster Care Review Board (02-17-003) 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 20. Section 1 of this Act provides an appropriation for Contractual Services in Public Guardian (02-02-002) for the fiscal year ending June 30, 1982. None of this appropriation shall be used for the payment of legal services.

Section 21.(a) Section 1 of this Act authorizes 188 General Fund positions for the Justice of the Peace Courts. Of the new positions for FY 1982, one (1) shall be a Constable assigned to Sussex County, and one (1) shall be a Clerk assigned to Sussex County, one (1) shall be a Constable assigned to New Castle County, and one (1) shall be a Clerk assigned to New Castle County.

(b) Of the amount appropriated for Contractual Services in Section 1 of this Act to (02-13-001) Justice of the Peace Courts, \$12,000 is for the rental of two computer terminals. One terminal will be located at Court #7 in Dover and the other terminal will be located at Court #4 in Seaford.

Section 22. No funds have been authorized in Section 1 of this Act to implement the LEXIS Program in the Courts.

Section 23. Of the total General Fund positions authorized in Section 1 of this Act for the Administrative Office of the Courts (02-17-001), one (1) new position shall be a Court Reporter for use in the Delaware State Judicial System.

Section 24. For the fiscal year ending June 30, 1982, the remaining balances of the Office of Budget from fiscal year 1981 appropriations for Management Improvement Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1982. 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.

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. No additional energy funds will be extended to the University of Delaware and Public School districts.

Section 27. (a) 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 and subsections (d) and (e) of Section 11 of this Act.

(b) Section 1 of this Act provides appropriations in agencies' budgets for Contractual Services, which include funds for energy. The Budget Director shall promptly allocate the energy funds from the appropriations for Contractual Services among the object code items, i.e. Electricity, Gas, or Heating Fuels, in each agency's budget. Once allocated, no funds shall be transferred between the object code 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, 1982, 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, 1982. 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, 1982, 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, 1982, provided that the funds for such changes shall be appropriated.

(b) During the fiscal year ending June 30, 1982, 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 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 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 Office of State Personnel from the Special Funds a prorated share of the expense of the Office of State 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 33. (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 34. The sums appropriated in fiscal year 1981 to Delaware Criminal Justice Planning Commission for criminal justice planning grants to State agencies to provide funds to match grants from the federal government, which are not disbursed on June 30, 1981, are hereby transferred to the Office of Management, Budget and Planning and shall continue to be available on a matching basis for the life of each criminal justice 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 35. 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 the Office of Management, Budget and Planning, 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 36. 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 1982 which positions were funded with Federal Funds during the fiscal year ending June 30, 1981. 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 1982. 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 37. For the fiscal year ending June 30, 1982, all powers, duties, and functions set forth in Chapter 87, Title 11, Delaware Code, shall vest with the Director of Office of Management, Budget and Planning.

Section 38. The appropriations in Section 1 of this Act for the Office of Management, Budget and Planning (10-03-001) include funds for the Statistical Analysis Center function and three (3) positions which were transferred from Delaware Criminal Justice Planning agency effective July 1, 1981.

Section 39. Of the total Special Fund positions authorized in Section 1 of this Act to the Office of Management, Budget and Planning (10-03-001), four (4) shall be used to provide grant management for Criminal Justice funds that continue into fiscal year 1982.

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, including school local funds and/or Division III funds, 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, Health Insurance, and Workmen's Compensation Insurance.

(c) All appropriations for "Employment Costs - State Liability/Local Salaries" shall be available to local school districts periodically in the same number of equal amounts over the fiscal year as are the number of regular payments determined pursuant to subsection (b) of this section. A local school district may expend or encumber such periodic amount provided, however, that it has made its regular scheduled payment under subsection (b) of this section.

(d) The State Treasurer is hereby directed to collect on a regularly scheduled basis, as determined by the Secretary of Finance, all the Other Employment Costs from non-state funds.

Section 41. Amend Chapter 51, Title 29, Delaware Code, by adding the following new section:

"§5114. Membership in Blood Bank of Delaware, Inc.

(a) The State shall pay the annual dues for membership in Blood Bank of Delaware for each officer, employee and retiree of the State not otherwise covered under an individual or group program of Blood Bank of Delaware. Officers, employees and retirees, otherwise covered by an

individual or group plan may elect the benefits provided by this section.

(b) For the purpose of this section, an employee is one who works at least 30 hours per week, 130 hours per month or the regularly scheduled full-time hours of the employing agency.

(c) Membership in Blood Bank of Delaware provides dependent coverage; therefore, where husband and wife are employees or retirees of the State, either may choose membership and no monetary benefit shall accrue to the other spouse.

(d) All persons receiving the benefits of this section must comply with Blood Bank of Delaware membership obligations.

(e) The State Treasurer shall be responsible for the administration of this section."

Section 42. 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 43. (a) If, at any time during the fiscal year ending June 30, 1982, but prior to June 15, 1982, 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, 1982, but prior to June 15, 1982, 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, 1982.

Section 44. 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 45. Amend Section 6407, Chapter 64, Title 7, Delaware Code, by striking subsection (f) in its entirety.

Section 46. (a) The appropriation for salaries to the Insurance Commissioner (12-03-001) in Section 1 of this Act provides one (1) exempt position - Insurance Actuary for rate cases.

(b) The appropriation for contractual services to the Insurance Commissioner (12-03-001) in Section 1 of this Act shall not be used for "public relations" related activities.

Section 47.(a) The General Assembly hereby declares, effective July 1, 1981, that:

(1) Estimates of anticipated General Fund revenues shall be reflected by major categories for the current and next immediate fiscal years;

(2) Anticipated General Fund revenue estimate figures shall be reported as net, i.e., anticipated refunds for overpayments of taxes and fees required by Delaware State Law shall be subtracted by major categories for the current and next immediate fiscal years from gross estimates of anticipated General Fund revenues; and

(3) The Secretary of Finance shall report such revenue refund disbursements on all financial statements issued by the Department of Finance. Further, estimates of fiscal year revenues and disbursements prepared by the Delaware Economic and Financial Advisory Council shall follow this procedure.

(b) There is hereby established a Revenue Refund Account within the Office of the State Treasurer. Prior to depositing receipts and monies of this State to the credit of the State Treasurer in the General Fund, the State Treasurer and the Secretary of Finance shall determine the appropriate refund amounts by major categories and pay same into the Revenue Refund Account.

(c) The General Assembly hereby appropriates such sums as are on deposit in the Revenue Refund Account for the purpose of making refunds for overpayment of taxes and fees. Payment of refunds for overpayments of taxes and fees required by Delaware State Law shall be made within the applicable period of limitations by the State Treasurer, in accordance with established procedures and practices and the provisions of the Delaware Code.

(d) The State Treasurer shall prepare and issue reports periodically, upon request, as follows:

(1) Estimates of refund disbursements for the current fiscal year and next succeeding fiscal year by major categories for use by the Delaware Economic and Financial Advisory Council and/or members thereof; and

(2) Status of Revenue Refund Account by major categories at the close of business for each month for use by the Secretary of Finance, the Budget Director, and the Controller General.

(e) Total refunds of overpayments of taxes and fees required by Delaware State Law to be paid during any fiscal year, as certified by the State Treasurer and the Secretary of Finance as necessary for such payments, shall not exceed the estimate adopted by the Delaware Economic and Financial Advisory Council as of each reporting date.

Section 48. 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 \$13,570 for serving as President of the Senate, plus an additional sum of \$1,898 annually for performing his other duties, commencing with the day he assumes office."

Section 49. 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, 1982.

Section 50.(a) Section 1 of this Act authorized \$519.0 in Contractual Services for the Office of the Attorney General (15-01-001). Of this amount, \$235.0 shall be used for the purpose of providing services covering family violence in New Castle County and in Kent and Sussex Counties.

(b) Of the total positions authorized in Section 1 of this Act for (15-01-001) Office of the Attorney General, 3.5 are new General Fund positions. Of these positions, two (2) shall be deputy attorneys general and one (1) shall be a Legal Steno I for use in the Post Arrest Processing Center.

Section 51. All agency appropriations as set forth in Contractual Services or Other Items 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, shall pay for such services from said funds.

Section 52. (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, the total operating budget for the fiscal year ending June 30, 1982, 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 53. Amend §5933, Chapter 59, Title 29, Delaware Code, by striking the second sentence therefrom and substituting in lieu thereof the following:

"Whenever an officer or employee of the State, including those exempt from the classified service, qualifies for Workmen's Compensation benefits, such officer or employee, for a period not to exceed three months from the date such compensation begins, shall not be charged sick leave and shall receive from the State the difference, if any, between the total of: a) the amount of such compensation; b) any disability benefits received under the Federal Social Security Act; and c) any other employer supported disability program, and the amount of wages to which the officer or employee is entitled on the date such compensation begins, provided the injury or disease for which such compensation is paid is not the direct result of such officer or employee's misconduct and occurs during a period of employment for which the employee is entitled to receive wages."

Section 54. The Secretary of Finance shall enforce the provisions of Title 29, Chapter 65, Section 6521.

Section 55. (a) Any document, notably Department of Finance Form AD-1, that recodes encumbrances or disbursements from special to general funds and is approved by the Secretary of Finance or his designee, shall be submitted to the Controller General for review before further processing.

(b) Whenever any document is determined by the Controller General to be at variance with any appropriation act, it shall be returned to the Secretary with appropriate comments in memo form.

(c) Copies of memos described in subsection (b) will be sent to the Speaker of the House, President Pro Tempore of the Senate, Chairman and Vice Chairman of the Joint Finance Committee, and the Budget Director.

(d) No document shall be approved by the Secretary of Finance or his designee if, in his opinion, the transaction should have been initiated by the submission of a Request for Transfer - Budget Director Form TF-1. The Secretary or his designee may submit any document, subject to this subsection, to the Budget Director for his opinion, which shall be binding.

(e) A copy of any document which recodes revenue from general to special funds and is approved by the Secretary of Finance or his designee shall be furnished the Controller General upon request.

Section 56.(a) Chapter 94, Title 29, Delaware Code, is hereby repealed.

(b) The total special fund positions authorized in Section 1 of this Act to (30-05-001) Division of Facilities Management, Department of Administrative Services, will allow the continued operation in fiscal year 1982 of federally funded energy grants, previously operated by the former Delaware Energy Office:

<u>Grant Name</u>	<u>Termination Date of Grant</u>
Energy Extension Service (EES)	February, 1982
Southern Solar Energy Center (SSEC)	September, 1981
State Energy Conservation Plan (SECP)	February, 1982
Supplemental State Energy Conservation Plan (SSECP)	February, 1982
Institutional Conservation Program (ICP)	September, 1981
Emergency Energy Conservation Act (EECA)	Continues into Fiscal Year 1982
Geothermal Survey	July, 1981

(c) As the federally funded grants are terminated, the Division of Facilities Management shall reduce the number of special fund positions proportionately to the grant management requirements.

Section 57. All State agencies, except for the Department of Administrative Services, are prohibited from renting parking spaces in the underground parking facility at the Carvel State Office Building. It is the intent of this section to clearly establish that 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 58. 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 Carvel 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 59. 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 60. Five hundred thousand dollars (\$500.0) is hereby advanced from the General Fund of the State to the Division of Support Operations (30-04-000) in order that telephone charges can be paid on a reasonable timely basis.

Section 61. Sixty-five thousand dollars (\$65.0) is hereby advanced from the General Fund of the State to the Division of Support Operations (30-04-000), in order that postage charges can be paid on a reasonable timely basis.

Section 62. 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 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 63. (a) The appropriation in Section 1 of this Act of \$1,102.8 to the Office of Secretary, Department of Administrative Services (30-01-001), contemplates data processing services for State Department/Agencies on the following projects:

<u>Department/Agency</u>	<u>Project</u>
State	Design & Development Integrated DP System
Finance	
a) Division of Accounting	1) Payroll/Personnel System 2) State Accounting System
b) Division of Revenue	Revenue Management System
Health & Social Services	
a) Division of Social Services	Welfare/Food Stamps/Medicaid Eligibility
b) Planning, Research & Evaluation	Patient Accounting/Tracking
c) Office of Secretary	Child Abuse Project/ Foster Care Project
Natural Resources And Environmental Control	Hazardous Waste

Allocation of the funds appropriated for this purpose shall be made by the Secretary of the Department of Administrative Services in consultation with the affected department/agency head. In the event there are federal funds available for match in support of a project or projects,

the Budget Director and the Controller General may transfer such funds as are necessary for matching purposes to the department/agency involved.

(b) No computer or computer-programming related systems project identified in subsection (a) of this section may be initiated by the department/agencies in fiscal year 1982 unless covered by a formalized plan approved by the department/agency head and the Secretary of the Department of Administrative Services. Such project will be in the form approved by the Secretary of the Department of Administrative Services, or the designee, and shall include:

- (i) statement of work to be done;
- (ii) existing work to be modified or displaced;
- (iii) total cost of systems development and conversion effort, including systems analysis and programming cost, establishment of master files, testing, documentation, special equipment costs, including full overhead, savings or added operating costs that will result after development or conversion;
- (iv) other advantages or reasons that justify the work;
- (v) source of funding for the work and whether or not work is within scope of work envisioned under this section;
- (vi) estimated costs of such project shall include a three-year projection, i.e., current fiscal year, and two succeeding fiscal years.

(c) No project is to be undertaken which is beyond the scope of work approved by the department/agency head and the Secretary of the Department of Administrative Services. This requirement applies to all computer or computer-programming related systems development performed by the Division of Central Data Processing, department/agency itself or an outside consultant or contractor. Further, this requirement applies to new computer programs or systems purchased or otherwise acquired and placed in use.

(d) Status reports, sufficiently descriptive in nature, of each project shall be prepared by each department/agency and provided periodically to the Secretary of the Department of Administrative Services, the Budget Director, and the Controller General.

(e) 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 64. Section 1 of this Act provides a memorandum budget for Graphics and Printing (30-04-004). In the event the revenue available to 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 65. 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 66. The appropriation for salaries in Section 1 of this Act to the Department of Administrative Services, Division of Support Operations, Telephone Services (30-04-003), provides for three (3) positions of State Operator II and one (1) Telephone Services Supervisor. Of these positions, one (1) State Operator II position shall be located in each county.

Section 67. The Department of Administrative Services shall continue to evaluate the appropriateness of implementing a fleet management policy for State Government and shall provide a report on or before February 1, 1982, to members of the General Assembly and the Controller General, which report shall include consideration of the following:

- (a) Fleet management program and plan of implementation, including costs; and
- (b) Rules and regulations to assure an economical and efficient use of passenger vehicles in all State agencies..

Section 68. Sections 6603 and 6604, Chapter 66, Title 29, Delaware Code, stipulate that the Director of the Division of Central Data Processing shall exercise certain approval or disapproval authority. For the fiscal year ending June 30, 1982, this power, duty and function of the Director shall vest with the Secretary of the Department of Administrative Services.

Section 69. Amend Section 6912 (a), Chapter 69, Title 29, Delaware Code, by striking the figure "\$2,000" in its entirety as it appears in said Section 6912 (a) and substituting in lieu thereof the figure "\$5,000".

Section 70. Section 1 of this Act provides an appropriation to the Department of Administrative Services, Division of Facilities Management, Carvel State Building (30-05-004) for supplies and materials. Of the amount appropriated, \$1.0 shall be used to purchase coat racks for the Carvel State Office Building.

Section 71. (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 provided for within the State Plan under Title XIX of the Social Service Act and 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) Rural health clinics services with limitations
 - (4) Laboratory and X-ray services
 - (5) Skilled nursing facility services
 - (6) Early and periodic screening, diagnosis, and treatment services
 - (7) Family planning services
 - (8) Physician services
 - (9) Home health services
 - (10) Other licensed practitioners with limitations
 - (11) Clinic services
 - (12) Prescribed drugs with limitations
 - (13) Services for individuals, age 65 or older, in institutions for mental disease
 - (14) Intermediate care facility services
 - (15) Emergency hospital services
 - (16) Transportation
 - (17) Co-insurance and deductibles for Title XVIII/XIX recipients
 - (18) Limited services in the following areas:
 - Prosthetic devices
 - Diagnostic services
- as defined in 42 CFR 5440, Sub-part A and as limited by the Medicaid State Plan.

(b) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for Title XIX - State Institutions shall be expended solely in accordance with the following conditions and limitations:

- (i) Such 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.

(c) Patients who reside in skilled care nursing homes, intermediate care 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 72. 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, 1982. 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 73. For the fiscal year ending June 30, 1982, 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 74. If, at any time during the fiscal year ending June 30, 1982, 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 shall be advanced 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 advance of funds for the purpose described above, if all such previous advancements have not been fully reimbursed.

Section 75. 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, 5.5 General Fund and 5.5 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, the Director of Research of Legislative Council, members of the Joint Finance Committee, 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 76. Section 1 of this Act provides for an appropriation of \$5.0 to Community Health (35-05-002) in Contractual Services 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 77. Of the total amount appropriated to Contractual Services in Section 1 of this Act to Community Health (35-05-002), Division of Public Health, \$45.0 is appropriated for the purpose of providing school nursing services two days a week to non-public schools in New Castle County.

Section 78. The error reduction unit funded in the Division of Social Services (35-07-001) shall report directly to the Director of the Division of Social Services.

Section 79. 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 80. The Department of Health & Social Services is hereby authorized to implement the provisions of Merit Rule 12.0300 in the employment of Registered Nurses and Licensed Practical Nurses pending certification, providing such employment is at the first step of the appropriate pay grade.

Section 81.(a) Of the amount appropriated in Section 1 of this Act to (35-01-001) Office of the Secretary, Department of Health and Social Services, for Contractual Services, \$30.0 shall be allocated for the purpose of developing a program to serve the needs of troubled adolescents.

(b) Of the total amount appropriated in Section 1 of this Act to (35-05-002) Community Health, Division of Public Health, \$14.8 is allocated as follows for the staffing of the high risk infant program:

Salaries	\$11.7
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.5 Public Health Nurse II	
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.5 Senior Clerk Typist	
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Other Employment Costs	2.6
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Contractual Services	.5
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(c) Of the total amount appropriated in Section 1 of this Act to Community Health (35-05-002), Division of Public Health, \$137.0 is allocated for the Renal Disease Program.

(d) Of the total amount appropriated to (35-06-008) Bureau of Substance Abuse, Division of Mental Health, for Contractual Services, the following allocations shall be made:

(i) \$80.0 shall be used for the continuation and expansion of the Drug Education and Prevention Program; and

(ii) \$16.0 for drug counseling, \$8.0 of which shall be for services to be provided by Kent County Counseling Services, and the remaining \$8.0 shall be for services to be provided by Peoples Place II.

Section 82. Section 1 of this Act provides an appropriation for Contractual Services to (35-12-001) Division of State Service Centers, Department of Health & Social Services. Of this amount, \$30.0 shall be used for "Information Services."

Section 83.(a) Section 1 of this Act provides an appropriation for Contractual Services to (35-14-001) Division of Aging, Department of Health & Social Services. Of this amount, \$5.0 shall be used to provide for transportation and maintenance for the Kent County Adult Day Care Center.

(b) Of the amount appropriated to (35-14-001) Division of Aging, Department of Health and Social Services, for Grants and Subsidies, \$6.2 shall be disbursed pursuant to a contract between

the Division and the Mid-County Senior Center covering supplies and materials and relocation costs.

Section 84. (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 85. Of the total General Fund positions authorized in Section 1 of this Act for the Ferris School for Boys (38-13-002), three (3) new positions shall be Counselors for the purpose of advancing the program "Because We Care".

Section 86.(a) Of the total positions authorized in Section 1 of this Act for (38-08-010) Kent Correctional Center, one (1) new position shall be used to expand the existing highway beautification project in the Central District.

(b) Of the total positions authorized in Section 1 of this Act for (38-08-003) Delaware Correctional Center, two (2) new positions shall be used to expand the existing highway beautification project in the Northern District.

Section 87. Section 1 of this Act provides an appropriation to (40-06-003) 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 88. Section 1 of this Act appropriates Salaries to the Division of State Police (45-06-000). For the fiscal year ending June 30, 1982, \$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 89. 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 90. Section 1 of this Act provides appropriations to Aviation (45-06-006) and Communications (45-06-010) in the Division of State Police. It is the legislative intent that no uniformed positions shall be changed to civilian positions and placed in charge of either of the aforementioned budget units.

Section 91. Section 1 of this Act appropriates funds and positions to the various budget units within the Division of State Police. The Superintendent of the State Police shall transfer four (4) troopers from among the various sections in the Division of State Police, to the already existing Investigative Strike Force.

Section 92. Section 1 of this Act provides an appropriation to the Department of Community Affairs and Economic Development, Division of Consumer Affairs (50-11-001) for Salaries - Board Members. Provisions of the Delaware Code to the contrary notwithstanding, the Chairman of the Board shall be paid \$150 per meeting and the Members of the Board shall be paid \$100 per meeting. In no event shall the total payments exceed the appropriation provided in Section 1 of this Act.

Section 93. (a) The \$90.0 appropriated to the Department of Community Affairs and Economic Development is to be used for a youth work program for a period of six weeks

commencing July 15, 1981 and is to be allocated in the following manner:

\$27.9	New Castle County (outside the City of Wilmington)
27.9	City of Wilmington
17.1	Kent County
<u>17.1</u>	Sussex County
\$90.0 - TOTAL	

(b) 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 annual income does not exceed \$11.0. Two parent family annual income shall not exceed \$19.0.

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 \$2.0 shall be expended for administrative purposes and no more than \$1.0 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.

Section 94. Section 1 of this Act provides an appropriation to the Division of Economic Development, Department of Community Affairs and Economic Development (50-08-001) for Other Items. Of that amount, \$10.0 will be made available for use by the "Why Not Delaware Committee."

Section 95. All monies received by the Division of Highways (55-04-070) 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 96. 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 97. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act for the fiscal year ending June 30, 1982, shall be expended in accordance with the following conditions and limitations:

(a) Delaware Turnpike Debt Service estimates are in anticipation of projected financing as authorized by Chapter 13, Title 2, Delaware Code. The actual payments will depend on conditions at the time of the sale.

(b) Funds provided for "Dover Transportation" are intended to be provided as aid to the elderly and handicapped transportation system operated by the City of Dover. The funds may not be used to provide more than 50 percent of the total operating costs of the system during the year.

(c) Funds provided for "Dover Capital" are intended to be provided as aid to elderly and handicapped transportation systems operated by the City of Dover. The funds may be used to provide up to 100 percent of the cost of capital needs of the system.

(d) Funds provided for "Kent/Sussex Transportation" are intended to be provided for continuation of specialized transportation service for the elderly and handicapped in Kent and Sussex Counties at a level of service approximately equal to what was provided in the fiscal year ending June 30, 1981. It is intended that management and direction of the service will reside with the Delaware Transportation Authority who may contract for services as they see fit, and that Kent and Sussex County Governments will review and approve allocation of the service levels within each County.

(e) 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.

(f) It is intended that funds for "Taxi Service Support", along with any carryover funds available for the Taxi Services Support Program will be maintained at least at the same service level as fiscal year 1981. It is intended that management and direction of these services shall reside with the Delaware Transportation Authority.

(g) Funds of the Delaware Transportation Authority may not be provided as aids to local governments for transportation systems which restrict passengers because of residential requirements. Nothing in this section is meant to require that local governments must operate these transportation systems outside their political boundaries.

Section 98. Section 1 of this Act provides an appropriation for Contractual Services to the Bureau of Traffic (55-04-050), Department of Transportation. Of that amount, \$29.0 shall be for a traffic control device at Casho Mill Road and Barksdale Road in Newark; and \$40.0 shall be used for a traffic control device on Lancaster Avenue in Wilmington.

Section 99. Section 1 of this Act provides an appropriation for Contractual Services to the Bureau of Maintenance (55-04-070), 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; and \$27.0 shall be used for the installation of manual pedestrian control of traffic control devices.

Section 100. 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 101. Of the total appropriation in Section 1 of this Act to the Department of Labor, Division of Unemployment Insurance (60-06-001) for Unemployment Compensation, \$19.0 represents an allocation to cover claims, if any, from former employees of Delaware State College.

Section 102. For fiscal year 1982, State owned vehicles in the Department of Agriculture used for inspection purposes shall be exempted from the provisions of Section 7106, Chapter 71, Title 29, Delaware Code.

Section 103. Section 1 of this Act provides an appropriation for Contractual Services to (65-03-007) Division of Standards and Inspection - Plant Industry, Department of Agriculture. Of this amount, \$15.0 shall be used for research and minimal spraying for the Gypsy Moth Program.

Section 104. (a) Section 1 of this act provides \$39,928.8 for "Operations" of the University of Delaware and \$384.9 for "Operations" of the Delaware Geological Survey. This figure includes total state assistance for college operations costs as well as funds required to be appropriated by Section 5505 (6), Title 29, Delaware Code.

(b) The University of Delaware shall pay, on a regularly scheduled basis as determined by the Secretary of Finance, to the State Treasurer at a rate determined under Section 6340, Title 29, Delaware Code, or otherwise by the Secretary of Finance, the amount of all fringe benefits applicable to salaries and wages paid to employees of the University of Delaware as the term employee is defined in Sections 5501 (a) and 5505 of Title 29, Delaware Code or any other fringe benefit costs applicable to the University of Delaware.

Section 105. Beginning with fiscal year 1983, the Delaware Institute for Medical

Education and Research budget for Subvention Allowance will provide funding for 19 first year students at Jefferson Medical College.

Section 106.(a) Tuition for students at Delaware Technical and Community College shall be increased by an amount yielding at least \$171.4 in general fund revenue.

(b) Section 1 of this Act makes an appropriation to (90-04-006) Terry Campus, Delaware Technical and Community College, for Contractual Services. Of that amount, \$5.0 shall be used to initiate a study to review the impact of the recent Title VI agreement, between the State of Delaware and the three state supported institutions of higher education, and any effect that agreement may have upon a proposed College Parallel Program of Study in Kent County.

Section 107. (a) In order that the children from whom the learning disability and socially or emotionally maladjusted units were devised shall be the sole beneficiaries of all funds available for such children, the State Board of Education shall require strict adherence to approved guidelines before release of any funds designated for such children. The State Board of Education shall particularly ascertain that no educable mentally retarded are being classified as learning disabled; and that strict guidelines are developed for determining eligibility of socially or emotionally maladjusted children so that this category does not become a 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, except psychological evaluation shall be made at least every three (3) years.

(b) The total amount of \$906.3 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, 1981. 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 108. (a) The sums appropriated in Section I 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.

(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 qualifying nonpublic, nonprofit schools, based on the formula adopted by the Joint Finance Committee on April 16, 1981. The allocation shall not exceed \$2,448.2.

(c) Of the allocation of transportation funds for nonpublic schools in subsection (b) of this section, the State Board of Education is hereby authorized and directed to provide the appropriate reimbursement for nonpublic pupils attending the Caravel Academy.

(d) 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 December 18, 1980, and as amended by the Joint Finance Committee on April 16, 1981, and shall not exceed \$20,809.2.

(e) The State Board of Education shall not change the transportation formula, except for the change in the price of gasoline and for the adjustments of those items changed by State or Federal laws, adopted by the Joint Finance Committee, unless a change has been authorized by the General Assembly and an appropriation therefor has been made by the General Assembly.

Section 109. (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, 1981, 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, 1982, 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. 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 110. During the fiscal year ending June 30, 1982, 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.

(f) Students attending Newark High School who live in Windy Hills and are forced to walk along Kirkwood Highway with a constant threat of injury.

(g) Students attending schools in Laurel living in the areas of Lakeside Manor, Route 24 east of Laurel town limits, and Dogwood Acres.

(h) Students attending Delcastle Technical High School who live in Newport and are forced to walk along Centerville Road (Rt. 141) with a constant threat of injury.

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 111. General Contingency line item funds under (95-01-005) Educational Contingency in Section 1 of this Act are to cover adjustments in the budget units of the State Board of Education, the State Board for Vocational Education, or the local school districts. 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 112. Amend Section 131 of Chapter 277, Volume 62, Laws of Delaware, as amended by Chapter 423, Volume 62, Laws of Delaware, by deleting subsection (f) in its entirety as it appears in said Section 131 and substituting in lieu thereof a new subsection (f) to read as follows:

"(f) The provisions of subsections (a), (b), (c), and (d) of this Section shall become effective July 1, 1982. The provisions of subsection (e) of this Section shall become effective July 1, 1981."

Section 113. During the fiscal year ending June 30, 1982, no student enrolled in the Meadowood Trainable, Bush Trainable, Douglass School and Wallin School for Trainables 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, Bush Trainable, Douglass School, and Wallin School for Trainables 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 114. Section 1 of this Act provides an appropriation to Educational Contingency (95-01-005) for General Contingency. Of this appropriation, \$55.0 shall be allocated immediately for the continuation of the services of the Parent Early Education Center in the New Castle County School District.

Section 115. Section 1 of this Act provides an appropriation of \$441.7 to the State Board of Education, Pass Through/K-12 Programs (95-01-006) for Summer School - Occupational and Vocational Education. Of that amount \$101.1 shall be allocated to programs in school districts in Kent County and \$103.6 shall be allocated to programs in school districts in Sussex County.

Section 116. Amend §1703, Chapter 17, Title 14, Delaware Code, by striking subsection (a) in its entirety as it appears in said §1703 and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) 'Unit' or 'unit of pupils' is defined according to this schedule of numbers of pupils for elementary schools:

Beginning	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6
July 1, 1977	25	25	25	25	25	25
July 1, 1978	24	24	24	25	25	25
July 1, 1979	23	23	23	24	24	24
July 1, 1980	22	22	22	23	23	23
July 1, 1982	21	21	21	22	22	22
July 1, 1983	20	20	20	21	21	21
July 1, 1984	20	20	20	20	20	20

In grades 7 through 12, the unit is defined as 20 pupils. A major fraction shall be considered a unit and shall be considered any fraction greater than one half of the total number of pupils authorized per unit for a given year."

Section 117. The appropriation of \$125.0 in Section 1 of this Act to the State Board of Education (95-01-006) for Exceptional Vocational Units shall be used to establish a pilot program of vocational education for handicapped students. The funds appropriated shall provide for the Division I, II, and III funding for a maximum of four units in a single program. The unit shall be based upon 13,500 pupil minutes per week of instruction or major fraction thereof after the first full unit and shall be in addition to the funding otherwise provided under Delaware Code, Title 14, Section 1703. The deduct contained in Delaware Code, Title 14, Section 1703(l) shall not apply to the units authorized by this section.

Section 118. Amend §1324(a) of Chapter 13, Title 14, Delaware Code, by inserting after the word "hearing" and before the words "the deaf" the words "the partially sighted, blind".

Section 119. Section 1 of this Act provides appropriations and authorizes General and Special fund positions for Budget Units (95-01-001), (95-01-002), (95-01-003), and (95-01-004), State Board of Education and State Board for Vocational Education. Anticipated reduction in Federal funds available for Fiscal Year 1982 has required the State Board of Education to reorganize the Department of Public Instruction and to eliminate a certain number of positions. However, as of July 1, 1981, the status of Federal grants available to the Department of Public Instruction for centrally administered programs will be in doubt; therefore, the State Board of Education is hereby directed to submit a listing of positions by title and salaried amount, including the corresponding sources of funding, to the Budget Director and the Controller General on or before August 15, 1981. This listing will serve as the authorized number of positions for Fiscal Year 1982. Any increase between the number of special fund positions above the certified list of August 15, 1981 and the number authorized by law after that date must be approved in writing by the Budget Director and the Controller General.

Section 120. Of the total positions authorized in Section 1 of this Act for (15-02-001) Public Defender, one (1) new position, designated as Clerk II shall be assigned to the Sussex County Office of the Public Defender.

Section 121. Section 1 of this Act provides line item appropriations to (95-01-005) Educational Contingency. Of these appropriations, \$20.0 shall be allocated for the continuance of the study of Equity in Financing of Public Education.

Section 122. Section 1 of this Act provides certain appropriations to school districts in the State for the fiscal year ending June 30, 1982. Section 1704, Chapter 17, Title 14, Delaware Code, provides the method of determining the appropriate number of pupil units for each school district, based on the September 30, 1981, enrollment. If it is determined that certain appropriations are in excess of the requirement determined to fund the appropriate number of pupil units, such excess appropriations shall be transferred promptly by the Department of Public Instruction to the Unit Control Account in (95-01-005) Educational Contingency. Any transfers from the Unit Control Account shall be approved by the Budget Director and the Controller General.

Section 123. Section 1 of this Act provides an appropriation to General Contingency in (95-01-005) Educational Contingency. Of this appropriation, \$85.0 shall be allocated promptly for the continuation of the Skills Training Employment Program at Women's Correctional Institution.

The program shall be operated by the New Castle Vocational Technical School District.

Section 124. No monies appropriated by Section 1 of this Act for Pupil Transportation (95-01-008), Public Education shall be used to expand school bus driver training beyond the present eight hours of pre-service training.

Approved July 1, 1981.

CHAPTER 81

FORMERLY

SENATE BILL NO. 211
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER I, CHAPTER 49, TITLE 10, OF THE DELAWARE CODE RELATING TO EXEMPTIONS IN BANKRUPTCY AND INSOLVENCY.

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

Section 1. Amend Subchapter I, Chapter 49, Title 10 of the Delaware Code by adding a new Section 4914 thereto as follows:

"§4914. Exemptions in Bankruptcy and Insolvency

(a) In accordance with Section 522(b) of the Bankruptcy Reform Act of 1978 (11 U.S.C. §522(b)), in any bankruptcy proceeding, an individual debtor domiciled in Delaware is not authorized or entitled to elect the federal exemptions as set forth in Section 522(d) of the Bankruptcy Reform Act of 1978 (11 U.S.C. §522(d)) and may exempt only that property from the estate as set forth in subsection (b) of this Section.

(b) In any federal bankruptcy or State insolvency proceeding, an individual debtor domiciled in Delaware shall be authorized to exempt from the bankruptcy or insolvency estate property having an aggregate fair market value of not more than \$5,000.00.

(c) This Section shall apply separately with respect to each debtor in a joint proceeding."

Approved July 1, 1981.

CHAPTER 82

FORMERLY

HOUSE BILL NO. 22
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO EXPENDITURES FROM THE REAL ESTATE GUARANTY FUND.

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

Section 1. Amend §2921, Chapter 29, Title 24 of the Delaware Code by striking the last line of subsection (c) and inserting in lieu thereof the following:

"to defray the costs of administering the Fund, for seminars within the State of Delaware and for continuing education for licensees within the State of Delaware."

Approved July 7, 1981.

CHAPTER 83

FORMERLY

HOUSE BILL NO. 48

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

AN ACT TO AMEND CHAPTER 33, TITLE 16 OF THE DELAWARE CODE RELATING TO ADULTERATION AND MISBRANDING OF DRUGS.

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 §3303(2) Chapter 33, Title 16, Delaware Code by deleting the existing subsection in its entirety and substituting in its place the following:

"(2) If its strength or purity falls above or below the professed quality under which it is sold."

Section 2. Amend §3303, Title 16 of the Delaware Code by adding a new subsection (3) to read as follows:

"(3) If it violates the definition of adulteration as stated in the Federal Food, Drug and Cosmetic Act."

Section 3. Amend §3308, Title 16 of the Delaware Code by adding a new subsection (3) to read as follows:

"(3) If its package or label bears any statement, design or device regarding such article, or the ingredients or substances contained therein which is false or misleading in any particular way."

Section 4. Amend §3308, Title 16 of the Delaware Code by adding a new subsection (4) to read as follows:

"(4) If it is included in the definition of Misbranding in the Federal Food, Drug and Cosmetic Act."

Approved July 7, 1981.

CHAPTER 84

FORMERLY

HOUSE BILL NO. 90

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 and 2

AN ACT TO AMEND CHAPTER 19, TITLE 24 OF THE DELAWARE CODE RELATING TO EXAMINATION AND LICENSING OF NURSES.

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. Amend Chapter 19, Title 24 of the Delaware Code by striking subsection (d) of Section 1908 and substituting in lieu thereof the following:

"(d) Each applicant for examination and licensing shall submit to the Board an application and pay a fee, not to exceed \$50, to be determined by the Board."

Approved July 7, 1981.

CHAPTER 85

FORMERLY

HOUSE BILL NO. 93

AN ACT TO AMEND TITLE 29, DELAWARE CODE, SECTION 4308, BY REQUIRING A NOTARY PUBLIC TO ENSURE THAT THE INDIVIDUAL WHOSE PRESENCE IS BEING CERTIFIED TO BY THE NOTARY, PROVIDE PROOF OF THEIR IDENTITY.

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

AMEND Title 29, Delaware Code, Section 4308, by adding a sentence as follows:

"The notary public must ensure, by requiring identification through use of a driver's license, personal identification by someone known to the notary, or other appropriate means, that the individual whose presence and signature is being certified, is in fact the person he or she claims to be."

Approved July 7, 1981.

CHAPTER 86

FORMERLY

HOUSE BILL NO. 116

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO ADMISSIBILITY IN EVIDENCE OF RESULTS OF CHEMICAL TEST.

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

Section 1. Amend Chapter 27, of Title 21 of the Delaware Code by adding a new Section 2750 to read as follows:

"Section 2750. Admissibility in Evidence of Results of Chemical Test.

Upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person while driving a motor vehicle in the State while under the influence of intoxicating liquor the court shall admit the results of a chemical test of the person's breath, blood or urine for the purpose of determining the alcoholic content of his blood according to the following standards:

(1) In a prosecution for violation of §4177 of this title the admissibility of said evidence shall be determined according to normal rules of search and seizure law unless the person was originally arrested for violation of §4177 in which case the provisions of this chapter concerning the administration of such tests, including the informing of the accused concerning the Implied Consent Law, shall apply.

(2) In a prosecution for any offense other than violation of §4177 of this title, the admissibility of said evidence shall be determined according to normal rules of search and seizure law. The determination of the admissibility of said evidence shall be made by the court based upon a determination as to the existence of probable cause, at the time of the test, to believe that the results of said test would constitute evidence of the person's commission of an offense. The fact that the defendant was initially arrested for a violation of §4177 of this title shall not render compliance with the provisions of this Chapter concerning the administration of such tests relevant to any question of admissibility when the prosecution is for an offense other than §4177. The admissibility of the results of any chemical test of blood, breath or urine will still be subject to any rules of evidence or procedures which effect the accuracy of the test results.

(3) The provisions of Title 24, Delaware Code §1703(g) shall not apply to the disclosure to law enforcement personnel nor the admissibility into evidence in any criminal proceeding of the results of a chemical test of a person's blood, breath or urine for the purpose of determining the alcohol content of his blood irrespective of whether such test was done at the request of a treating physician, other medical personnel or a peace officer.

Approved July 7, 1981.

CHAPTER 87

FORMERLY

HOUSE BILL NO. 120
AS AMENDED BY
HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE, RELATING TO ADJUDICATION PROCEDURE IN THE INTEREST OF A CHILD.

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, Title 10 of the Delaware Code, by redesignating subsections (d), (e) and (f) as subsections (e), (f) and (g) and by further adding a new subsection (d) to read as follows:

"(d) Following adjudication or election by the juvenile in lieu of trial pursuant to Title 21, Delaware Code §4177B, the Court must:

(1) Order the Motor Vehicle Division of the Department of Public Safety after an adjudication of delinquency in violation of Title 21, Delaware Code, §4177 or election by the juvenile in lieu of trial pursuant to Title 21, Delaware Code §4177B to:

(a) Revoke or suspend the driving privileges or operator's license possessed by such child until that child reaches the age when he may legally consume intoxicating liquor. This revocation or suspension shall not be subject to waiver except after a minimum period of (6) months from the date the license is received by the Motor Vehicles Division, and then only if the child successfully completes a course of instruction similar to that required by Title 21, Delaware Code §4177B and has demonstrated a critical need for the return of restricted driving privileges.

(b) A critical need shall include loss of a meaningful employment opportunity, or loss of a school opportunity, or any other urgent need of the child or the child's immediate family the continuation of which is critical to the best interests of the child but only if and for so long as no other member of the immediate family is realistically capable of satisfying such urgent need.

(c) The Division of Motor Vehicles shall promulgate such rules and regulations as are necessary to verify the existence of a critical need, to permit the return of only so much of the privileges as are necessary to reasonably satisfy such critical need.

(d) Any person whose driver's license has been revoked and to whom a conditional/restricted license has been issued, under the provisions of this Chapter, and who drives any motor vehicle upon the highways of this State contrary to the conditions placed upon such conditional/restricted license during the period of such conditional/restricted license, upon conviction thereof, shall be fined not less than \$25 or more than \$200.

(e) The Department, upon receiving a record of conviction of any person upon the charge of operating a motor vehicle in violation of the conditions imposed upon said conditional/restricted license during the period of such conditional/restricted license, shall forthwith direct such person to surrender said conditional/restricted license to the Department until the age when he may legally consume intoxicating liquor."

Section 2. This Act shall become effective 90 days after it becomes law.

Approved July 7, 1981.

CHAPTER 88
FORMERLY
HOUSE BILL NO. 121

AN ACT TO AMEND CHAPTER 6, TITLE 11 OF THE DELAWARE CODE RELATING TO VEHICULAR HOMICIDES AND ASSAULTS AND TO AMEND CHAPTER 12 OF TITLE 11 RELATING TO CIVIL IMMUNITY, AND TO AMEND CHAPTER 2 OF TITLE 11 IN ORDER TO PROVIDE A DEFINITION OF NEGLIGENCE.

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 6, Title 11 of the Delaware Code by adding a new Section 628 to read as follows:

"Section 628. Vehicular Assault in the Second Degree

A person is guilty of vehicular assault in the second degree when:

(1) While in the course of driving or operating a motor vehicle, his criminally negligent driving or operation of said vehicle causes serious physical injury to another person or:

(2) While in the course of driving or operating a motor vehicle and under the influence of alcohol or drugs, as defined by 21 Del. C. §4177, his negligent driving or operation of said vehicle causes physical injury to another person.

Vehicular Assault in the Second Degree is a Class B Misdemeanor."

Section 2. Amend Chapter 6, Title 11 of the Delaware Code by adding a new Section 629 to read as follows:

"Section 629. Vehicular Assault in the First Degree.

A person is guilty of vehicular assault in the first degree when while in the course of driving or operating a motor vehicle and under the influence of alcohol or drugs, as defined by 21 Del. C. §4177, his criminally negligent driving or operation of said vehicle causes serious physical injury to another person.

Vehicular Assault in the First Degree is a Class A Misdemeanor."

Section 3. Amend Chapter 6, Title 11 of the Delaware Code by adding a new Section 630 to read as follows:

"Section 630. Vehicular Homicide in the Second Degree.

A person is guilty of vehicular homicide in the second degree when:

(1) While in the course of driving or operating a motor vehicle, his criminally negligent driving or operation of said vehicle causes the death of another person; or

(2) While in the course of driving or operating a motor vehicle, under the influence of alcohol or drugs, as defined by 21 Del. C. §4177, his negligent driving or operation of said vehicle causes the death of another person.

Vehicular Homicide in the Second Degree is a Class E Felony."

Section 4. Amend Chapter 6, Title 11 of the Delaware Code by adding a new Section 630A to read as follows:

"Section 630A. Vehicular Homicide in the First Degree

A person is guilty of vehicular homicide in the first degree when while in the course of driving or operating a motor vehicle under the influence of alcohol or drugs, as defined by 21 Del. C. §4177, his criminally negligent driving or operation of said vehicle causes the death of another person.

Vehicular Homicide in the First Degree is a Class D Felony."

Section 5. Nothing in Sections 628, 629, 630 or 630A of this Title shall be deemed to preclude prosecution under any other Titles of the Delaware Code nor shall these Sections be deemed to repeal any other Sections of the Delaware Code.

Section 6. Amend Title 11 Section 231 of the Delaware Code by adding new subsection (e) to read as follows:

"(e) "Negligence" - A person acts with negligence with respect to an element of an offense when he fails to exercise the standard of care which a reasonable person would observe in the situation."

Section 7. Amend Title 11, Section 1242 of the Delaware Code by designating the existing paragraph as subsection (a) and adding a new subsection (b) to read as follows:

"(b) A duly licensed physician, medical technician, or registered nurse requested to withdraw blood from a person by a police officer so as to prevent the loss of evidence of blood alcohol content or the presence of drugs in the blood stream, and a hospital employing such physician, technician, or nurse shall not be liable for civil damages for any acts or omissions arising out of the taking of such sample, or the reporting of the results to law enforcement officials."

Approved July 7, 1981.

CHAPTER 89
FORMERLY
HOUSE BILL NO. 152

AN ACT TO AMEND TITLE 12, CHAPTER 39 OF THE DELAWARE CODE RELATING TO GUARDIAN AND WARD.

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

Section 1. Amend Title 12, Chapter 39 of the Delaware Code, Section 3914 by adding the following at the end of subsection (a):

"Any person not a resident of this State, but who owns property in this State, may have a Guardianship of Property proceeding initiated in their behalf which shall be in the same manner as prescribed for a resident. The person may file their petition in any County in which property may be located."

Approved July 7, 1981.

CHAPTER 90
FORMERLY
HOUSE BILL NO. 179

AN ACT TO AMEND CHAPTER 3, TITLE 29, OF THE DELAWARE CODE DESIGNATING THE WEAKFISH (ALSO KNOWN AS THE SEA TROUT) AS THE OFFICIAL STATE FISH.

WHEREAS, the weakfish, also known as the sea trout, is the only fish with a World Class Tournament structured around it, and

WHEREAS, the Annual World Championship Weakfish Tournament was originated and coordinated in Milford by the Greater Milford Chamber of Commerce, and

WHEREAS, in 1980 this Tournament had approximately one thousand (1,000) participants from 11 states and 158 communities that came to Delaware for this week-long event.

NOW, THEREFORE:

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

Section 1. Amend Chapter 3, Title 29, of the Delaware Code by adding a new Section designated as Section 311 to read as follows:

"Section 311. State Fish

The Weakfish (Cynoscion genus) is the official fish of the State."

Approved July 7, 1981.

CHAPTER 91

FORMERLY

HOUSE BILL NO. 189

AN ACT TO AMEND CHAPTER 43, TITLE 31, OF THE DELAWARE CODE RELATING TO THE INDEBTEDNESS OF THE HOUSING AUTHORITY.

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

Section 1. Amend §4320, Title 31 of the Delaware Code by striking the phrase "not exceeding 6% per annum" as the same appears therein and substitute in lieu thereof the following:

"not in excess of 4% over the discount rate charged by the Federal Reserve Board of Governors to its members banks,".

Approved July 7, 1981.

CHAPTER 92

FORMERLY

HOUSE BILL NO. 242

AN ACT TO AMEND CHAPTER 2, OF TITLE 11, OF THE DELAWARE CODE RELATING TO A DEFINITION OF WHAT CONSTITUTES AN ORDINARY POCKETKNIFE.

WHEREAS, the law of Delaware presently makes it a crime to carry a concealed deadly weapon; and

WHEREAS, a deadly weapon is defined as "a knife of any sort (other than an ordinary pocketknife carried in a closed position)"; and

WHEREAS, there is no definition of what is an ordinary pocketknife;

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

Section 1. Amend §222(5), Chapter 2, Title 11 of the Delaware Code by adding the following:

"For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than three (3) inches in length."

Approved July 7, 1981.

CHAPTER 93

FORMERLY

HOUSE BILL NO. 243

AN ACT TO AMEND CHAPTER 9, TITLE 10, OF THE DELAWARE CODE RELATING TO EXCLUSIVE ORIGINAL CRIMINAL JURISDICTION OF THE FAMILY COURT.

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

Section 1. Amend Section 922, Title 10 of the Delaware Code by striking the present paragraph (18) in its entirety and renumbering the remaining paragraphs accordingly.

Approved July 7, 1981.

CHAPTER 94

FORMERLY

HOUSE BILL NO. 245

AN ACT TO AMEND TITLE 11, SECTION 1336 OF THE DELAWARE CODE RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE.

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

Section 1. Amend Section 1336 of Title 11 of the Delaware Code by redesignating the present subsection (x) (1) and (2) as subsection (y) (1) and (2) and substituting a new subsection (x) to read as follows:

"(x)(1). Power to Issue Orders for Pen Register Installation and Use.

The Superior Court shall have the power to issue orders authorizing the installation and use of a Pen Register device or touch tone decoder. Such order shall be issued when the court is satisfied that an investigative or law enforcement agency requesting the order is engaged in an investigation of possible criminal activity within the jurisdiction of the agency and that the requested Pen Register or touch tone decoder is reasonably calculated to further the investigation.

(2) An order authorizing the installation and use of a Pen Register shall, upon request of the applicant, direct that a communication carrier, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with minimum of interference with the services that such carrier, landlord, custodian or other person is according the person whose communications are to be intercepted. Also any communication carrier, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefore by the applicant at the prevailing rates."

Approved July 7, 1981.

CHAPTER 95

FORMERLY

HOUSE BILL NO. 277

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO EMPLOYMENT OF PERSONS EIGHTEEN YEARS OF AGE OR OLDER IN LIQUOR STORES.

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

Section 1. Amend §904, Title 4 of the Delaware Code by adding a new subsection (m) to read as follows:

"(m) Nothing in this Section shall prevent the employment in a store by a retailer of his son or daughter who has reached the age of 18 years, under such conditions as the Commission may by rule prescribe; provided, however, that no such minor shall sell or serve alcoholic liquors."

Approved July 7, 1981.

CHAPTER 96
FORMERLY
HOUSE BILL NO. 330

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

(a) The Sheriff in New Castle County shall only receive compensation for the performance of his official duties in the form of an annual salary 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;

(b) The Sheriffs in Kent and Sussex Counties shall receive annual salaries as listed below:

(1) In Kent County,	\$	9,000.00
(2) In Sussex County,	\$	6,000.00

(c) The Sheriff in New Castle County shall henceforth not be allowed to keep or retain as additional compensation any fees, costs, allowances and other perquisites paid to or collected by him for any official service rendered by him as a county officer."

Section 2. This Act will take effect on the first Tuesday in January in the year 1983.

Approved July 7, 1981.

CHAPTER 97
FORMERLY
HOUSE BILL NO. 360

AN ACT TO AMEND CHAPTER 663, VOLUME 60, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 400, 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 400, Volume 62, by striking therefrom the phrase "July 1, 1981", and inserting in lieu thereof the phrase "July 1, 1982".

Section 2. Amend Section 2, Chapter 663, Volume 60, Laws of Delaware, as amended by Chapter 400, Volume 62, by striking the phrase "June 30, 1981", and inserting in lieu thereof the phrase "June 30, 1982".

Approved July 7, 1981.

CHAPTER 98

FORMERLY

SENATE BILL NO. 45

AN ACT TO AMEND CHAPTER 143, VOLUME 57, LAWS OF DELAWARE, RELATING TO AN ACT ENTITLED: "AN ACT TO INCORPORATE THE TOWN OF SOUTH BETHANY;" AND PROVIDING CERTAIN AMENDMENTS THERETO.

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 143, Volume 57, Laws of Delaware, by striking Section 13 in its entirety, and substituting in lieu thereof the following:

"Section 13. Compensation

Each Commissioner shall receive compensation in the amount of ten dollars (\$10) for each scheduled monthly Council meetings attended by the Commissioner. Any additional compensation to any Commissioner for special services rendered apart from monthly meetings shall be determined by the Council. The total compensation, including any additional compensation for special services, shall not exceed two hundred dollars (\$200.00) per calendar year for any Commissioner except the Mayor. The Mayor shall receive not more than three hundred dollars (\$300.00)."

Section 2. Amend Section 15, Chapter 143, Volume 57, Laws of Delaware, by adding thereto a new subsection, designated as subsection (c), which new subsection shall read as follows:

"(c) The Council shall have authority to remove from office any Commissioner who, without good cause, misses three regularly scheduled Council meetings per year. The Council shall then appoint a new Commissioner to complete the term of the Commissioner who has been removed."

Section 3. Amend Section 20, Chapter 143, Volume 57, Laws of Delaware, by striking said section in its entirety, and substituting in lieu thereof the following:

"Section 20. Constables and Alderpersons

(a) Town Council may appoint suitable persons to serve as Alderperson and Assistant Alderperson who may or may not be a resident of South Bethany, but shall live within five miles of the limits of said Town, and who shall serve as such for one year, or until their successors shall be duly appointed, subject, however, to be removed from office at any time by a majority vote of the Town Council. The Alderperson and Assistant Alderperson/s shall be sworn or affirmed by the Mayor to perform the duties of their perspective offices honestly, faithfully, and diligently. The Assistant Alderperson shall perform the functions of the Alderperson if the Alderperson is unavailable and at such other times as may be designated by the Mayor. During such periods of times, the Assistant Alderperson shall have all the duties and the power of the Alderperson. It shall be the duty of the Alderperson and Assistant Alderperson to enforce all laws enacted for the government of the Town of South Bethany and to carry into effect all orders and directions of the Town Council made in pursuance of any law of this State, and to carry into effect any ordinances which the Town Council may legally make or establish. The Mayor shall procure a suitable record for the use of the Alderperson and the Assistant Alderperson. Such records shall be known as the "Alderperson's Doeket." The Alderperson and Assistant Alderperson shall keep all official acts and proceedings in the "Alderperson's Doeket."

(b) The Alderperson and Assistant Alderperson shall have jurisdiction and cognizance of all breaches of peace and other offenses committed within the limits of the Town of South Bethany and within one mile of the limits and territory of the Town of South Bethany so far as to arrest and hold for bail or to fine and imprison offenders: of all fines, penalties and forfeiture described by this Charter, ordinances enacted hereunder, or any law of the State of Delaware: of all neglects, omissions or defaults of any member of the Town police force, or of any other Town officer, agent or employee; provided that he shall impose no fine or penalty in excess of that fixed by law or ordinance exclusive of costs and no term of imprisonment in excess of sixty (60) days, except as otherwise provided in this Charter.

(c) The Town Council shall establish the amount of compensation and the hours of operation for the Alderperson's Court. The Alderperson shall be bonded by a company duly authorized to do business in the State of Delaware in such amount as the Town Council determines.

(d) If any Alderperson or Assistant Alderperson shall be removed from office as hereinbefore provided, he or she shall deliver to the Mayor, within two (2) days after his or her removal from office, all books and papers belonging to his office, and shall pay over to the Treasurer all monies in his or her hands within five (5) days after receiving the notice of his or her removal from office. Immediately after receipt of the books and papers belonging to the office of either Alderperson or the Assistant Alderperson, the Mayor shall require the auditor of the Town to make an audit of the books and papers of the official so removed from office. Upon the neglect or failure to deliver all books and papers to the Mayor within the time specified by this Charter, or to pay over all monies to the Treasurer within the time specified, the Alderperson or Assistant Alderperson, so removed, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty Dollars (\$20.00) and no more than One Hundred Dollars (\$100.00) for each day that he fails to deliver the books and papers to the Mayor or to pay over all monies to the Treasurer. The Alderperson and Assistant Alderperson shall report to the Town Council all fines and penalties and pay the same to the Treasurer, and at such times as the Town Council may order and direct."

Section 4. Amend Section 21 and Section 22, Chapter 143, Volume 57, Laws of Delaware, by striking each section in its entirety, and substituting in lieu thereof the following:

"Section 21. Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Town Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 29 of the Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it was introduced, but the majority vote of all Town Council members present shall be required for adoption.

After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, shall automatically stand repealed as of the 90th day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for the adoption of emergency ordinances."

Approved July 7, 1981.

CHAPTER 99

FORMERLY

SENATE BILL NO. 54

AN ACT TO AMEND CHAPTER 31, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE.

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

Section 1. Amend §3108, Chapter 31, Title 18, Delaware Code, by striking the figures "2,000" and "1,000", and "100" as they appear in the first sentence of subsection (a) and substituting in lieu thereof the figures "5,000" and "2,000" and "500" respectively.

Approved July 7, 1981.

CHAPTER 100

FORMERLY

SENATE BILL NO. 56

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

AN ACT TO AMEND CHAPTER 32, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES.

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

Section 1. Amend §3205, Chapter 32, Title 18 of the Delaware Code, by striking the figure "20,000" as the same appears in the first sentence of said section and substituting in lieu thereof the figure "35,000".

Section 2. This Act shall become effective January 1, 1982.

Section 3. Strike §3206, Chapter 32, Title 18 of the Delaware Code in its entirety and insert in lieu thereof the following:

"There shall be a State Group Life Insurance Committee which shall be composed of the following members: Insurance Commissioner, Controller General, Budget Director, Director of State Personnel Office, and the State Treasurer. The Committee shall be empowered to elect its own Chairman and to adopt rules and regulations which it deems necessary for the administration of the program. The Director of Insurance Coverage shall serve as Secretary to the Committee.

After reviewing competitive group plans, the Committee shall elect a Carrier deemed to offer the best plan to satisfy the interests of the State and of its employees in carrying out the intent of this Chapter. Such contract shall be for a uniform term of at least one year, but may be continued automatically at the option of the Group Life Insurance Committee from term to term in accordance with recognized group life insurance practices."

Approved July 7, 1981.

CHAPTER 101

FORMERLY

SENATE BILL NO. 96

AN ACT TO AMEND CHAPTER 27, TITLE 24 OF THE DELAWARE CODE, RELATING TO PROFESSIONAL LAND SURVEYORS.

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

Section 1. Amend §2702, Chapter 27, Title 24 of the Delaware Code by striking subsection (b) and subsection (c), and substituting in lieu thereof the following:

"(b) the Board shall consist of four professional land surveyors and one public member, all of whom shall be appointed by the Governor. At least one member of the Board, but not more than two, shall be appointed from each of the three counties of this State. Not more than three members shall be appointed from any one political party. The public member of the Board shall:

(1) Be a citizen of the United States and a resident of this State at the time of his appointment, and for the duration of his tenure;

(2) Be at least twenty-five years of age; and

(3) Not be involved in nor ever have had any material financial interest in the providing of surveying, engineering, architectural or survey-related services.

(c) Each land surveyor member of the Board shall:

(1) Be a citizen of the United States and a resident of this State at the time of his appointment, and for the duration of his tenure;

(2) Have been engaged in the practice of land surveying as a professional land surveyor for at least ten consecutive years immediately preceding his appointment; and

(3) Have been in responsible charge of land surveying projects for at least six consecutive years immediately preceding his appointment."

Section 2. Amend §2702, Chapter 27, Title 24 of the Delaware Code by striking subsection (f) of said section, and substituting in lieu thereof the following:

"(f) Whenever a vacancy among the professional land surveyor members of the Board occurs, the Board may offer a list of suggested replacements to the Governor but the Governor shall be in no way limited to the candidates suggested by the Board."

Section 3. Amend subsection (f), Section 2706, Chapter 27, Title 24 of the Delaware Code by striking paragraph (8) of said subsection, and by redesignating present paragraph (9) as new paragraph (8).

Section 4. Amend §2726, Chapter 27, Title 24 of the Delaware Code by striking the word "unrevoked" as the same appears in subsection (b), and substituting the words "unrevoked, unsuspended" in lieu thereof.

Section 5. Amend §2728, Chapter 27, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

§2728. Injunctions

The Court of Chancery shall have jurisdiction to issue temporary restraining orders, preliminary injunctions and permanent injunctions to enjoin any violations of this Chapter in actions brought by the Board or by the Attorney General of this State."

Section 6. Amend §2730, Chapter 27, Title 24 of the Delaware Code by striking the title of said section, and substituting in lieu thereof the following:

"Revocation or Suspension of Certificate.

Section 7. Amend §2730, Chapter 27, Title 24 of the Delaware Code by adding the words "or suspend" immediately after the word "revoke" as the same appears in subsection (a).

Section 8. Amend §2730, Chapter 27, Title 24 of the Delaware Code by adding the words "or suspend" immediately after the word "revoke" as the same appears in subsection (e).

Section 9. Amend §2732, Chapter 27, Title 24 of the Delaware Code by striking the word "denying" as the same appears in said section, and substituting the words "denying, suspending" in lieu thereof.

Section 10. Amend §2733, Chapter 27, Title 24 of the Delaware Code by striking subsection (3) in its entirety; by redesignating present subsection (4) as new subsection (3); and by redesignating present subsection (5) as new subsection (4).

Approved July 7, 1981.

CHAPTER 102

FORMERLY

SENATE BILL NO. 103

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

AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE TO PROVIDE THAT THE GOVERNOR SHALL APPOINT SENIOR CITIZENS TO CERTAIN UNITS.

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

Section 1. Amend Chapter 79, Title 29 of the Delaware Code by inserting after §7915 the following:

"§7915A. Appointments To Commissions, Boards, and Committees Involved With The Elderly

(a) The Governor, when making appointments to any advisory commission, board or committee, created by this Chapter, which does or may have jurisdiction over or advisory status with state-assisted activities for the elderly, shall appoint at least one senior citizen. For the purpose of this section a senior citizen shall be a person who was 62 years of age or more on his/her last birthday."

Approved July 7, 1981.

CHAPTER 103

FORMERLY

SENATE BILL NO. 128

AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO THE ACQUISITION AND SALE OF REAL PROPERTY BY THE DEPARTMENT OF TRANSPORTATION.

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

Section 1. Amend §137(b), Chapter 1, Title 17 of the Delaware Code by deleting said subsection and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) When any property heretofore or hereafter acquired either by gift, purchase, or condemnation, is no longer needed for highway purposes, the Department may sell the same, at a price to be determined by an approved unbiased fee appraisal, granting and conveying to the purchaser thereof a fee simple title thereto."

Approved July 7, 1981.

CHAPTER 104

FORMERLY

SENATE BILL NO. 133

AN ACT TO AMEND CHAPTER 79, TITLE 3, DELAWARE CODE, RELATING TO IMPOUNDMENT AND DISPOSITION OF ANIMALS.

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

Section 1. Amend Chapter 79 of Title 3, Delaware Code by adding thereto a new section to be designated as §7907 to read as follows:

"§7907. Impoundment and Disposition of Animals

Any agent in Sussex and New Castle Counties of this State, so appointed by the Delaware Society for the Prevention of Cruelty to Animals or in Kent County of this State, so appointed by the Kent County Society for the Prevention of Cruelty to Animals may, in instances of alleged acts of animal cruelty and as provided for by the laws of Delaware relating to seizure of property, impound in the appropriate S.P.C.A. shelter or, if required, in an appropriate veterinarian facility, any animal subjected to cruel mistreatment or cruel neglect. Should the owner or custodian of an animal not be available at or near the premises where the animal is located, upon taking an animal under the provisions of this section the agent shall leave in an appropriate place written notice to the animal's owner or custodian of such action. Societies for the prevention of cruelty to animals shall take all reasonable action to insure that owners or custodians of an animal, impounded under the provisions of this section, shall have received notice of such action as soon as possible and no later than 24 hours after the impoundment.

An animal impounded under the provisions of this section shall not remain in the custody of the appropriate Society for the Prevention of Cruelty to Animals longer than 48 hours and shall be returned to its owner or custodian unless a complaint is filed within the 48 hour period in the appropriate court under the animal cruelty laws against the owner or custodian. When a complaint is filed in the appropriate court, the impounded animal shall remain in the custody of the appropriate Society for the Prevention of Cruelty to Animals pending the outcome of the action. If the owner or custodian is found to be in violation of the animal cruelty laws the court shall make a final determination as to the disposition of the animal. Should the complaint be withdrawn, prior to a court hearing, the animal shall be immediately made available to its owner or custodian.

An owner or custodian of an animal impounded under the provision of this section who is found guilty of cruelty to the animal and the court orders the animal returned to such owner or custodian, shall prior to taking the animal, reimburse the appropriate Society for the Prevention of Cruelty to Animals its regular standard fees charged for the care of animals while in the Society's custody plus any veterinary fees incurred for the animal during the period of impoundment. Failure of the animal's owner or custodian to pay such fees within five (5) days after a finding of guilty, will result in ownership of the animal reverting to the appropriate S.P.C.A.. The S.P.C.A. may then dispose of the animal in accord with its procedures for such disposition.

Should an animal which has been impounded under the provisions of this section expire while in the custody of the Society for the Prevention of Cruelty to Animals, the animal shall, as soon as possible, be turned over to the State Veterinarian at the Department of Agriculture. The State Veterinarian shall take whatever action necessary, including autopsy if required, to determine cause of the animal's death and shall record such cause. The cause of death shall, if requested, be furnished to the animal's owner and to the court handling the complaint relative to the animal. Disposition of the animal's remains shall be coordinated with the animal's owner and, provided a complaint has been filed, with the court handling the complaint.

Approved July 7, 1981.

CHAPTER 105

FORMERLY

SENATE BILL NO. 142
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 31, TITLE 16, OF THE DELAWARE CODE, RELATING TO THE REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, DIVORCES, ANNULMENTS, AND ADOPTIONS.

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

Section 1. Amend §3137 of Title 16 of the Delaware Code, by deleting subsection (a) thereof and inserting instead the following:

"(a) The State Board of Health shall receive for searches of records and the issuance of certificates an reasonable fee not to exceed \$10 established by the Board of Health to reflect documented costs of doing such work."

Section 2. This act shall take effect July 1, 1981.

Approved July 7, 1981.

CHAPTER 106

FORMERLY

SENATE BILL NO. 146
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 94, TITLE 16 OF THE DELAWARE CODE, RELATING TO THE STATE ADVISORY COUNCIL FOR THE COORDINATION OF SERVICES TO THE HANDICAPPED.

WHEREAS, the Division of Public Health has many programs for the handicapped and thus the Division is particularly able to provide input as to the needs of handicapped individuals and the programs available to meet those needs.

NOW, THEREFORE:

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

Section 1. Amend §9402 A (5), Title 16 of the Del. C., by adding thereto a new subparagraph, designated as subparagraph j, which new subparagraph shall read as follows:

"j. Council on Public Health"

Approved July 7, 1981.

CHAPTER 107

FORMERLY

SENATE BILL NO. 152

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO INCREASE THE SALARY OF THE MAYOR AND MEMBERS OF THE TOWN COUNCIL AND TO PROVIDE FOR NOTICE TO PERSONS WHOSE NAMES ARE REMOVED FROM THE BOOKS OF REGISTERED VOTERS.

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

Section 1. Paragraph 10, Section 7, Chapter 277, Volume 49, Laws of Delaware, as amended, is amended by striking said Paragraph 10 in its entirety, and substituting in lieu thereof a new Paragraph 10 to read as follows:

"The Mayor shall receive Fifty Dollars (\$50.00) for each meeting of the Town Council which he attends, whether such meeting be a regular meeting, special meeting or a workshop meeting, the time of payment to be determined by the Town Council but in no event shall such salary be paid less frequently than quarterly; provided, however, that he shall not be paid for more than 15 such special or workshop meetings in any calendar year."

Section 2. Paragraph 11, Section 7, Chapter 277, Volume 49, Laws of Delaware, as amended, is amended by striking said Paragraph 11 in its entirety and substituting in lieu thereof a new Paragraph 11 to read as follows:

"Each member of the Town Council shall receive Twenty-Five dollars (\$25.00) for each meeting of the Town Council which he attends whether such meeting be a regular meeting, special meeting or a workshop meeting, the time of payment to be determined by the Town Council and to be the same as the time of payment of the salary of the Mayor, but in no event shall such salary be paid less frequently than quarterly; provided, however, that he shall not be paid for more than 15 such special or workshop meetings in any calendar year."

Section 3. Section 13, Chapter 277, Volume 49, Laws of Delaware, as amended, is amended by striking the fifth sentence of the fourth paragraph as it appears in said Section and substituting in lieu thereof a new sentence to read as follows:

"A person shall only be required to register one time; provided however, that if a registered voter fails to vote in two (2) consecutive General Municipal Elections, his name shall be removed from the "Books of Registered Voters" and notice sent to the said registered voter at his last known address 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 vote in the General Municipal Election."

Approved July 7, 1981.

CHAPTER 108

FORMERLY

SENATE BILL NO. 153
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 22, TITLE 16, DELAWARE CODE, RELATING TO THE UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT.

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

Section 1. Amend §2203, Chapter 22, Title 16, Delaware Code, by adding thereto a new paragraph (16) to read as follows:

"(16) 'Emergency Service Patrol' means a patrol established under §2205A."

Section 2. Amend Chapter 22, Title 16, Delaware Code by adding thereto a new section to be designated as §2205A to read as follows:

"§2205A. Emergency Service Patrols

(a) The Bureau may establish its own emergency service patrols and may establish emergency service patrols in cooperation with any county or any municipality which has the power under its charter to establish such patrols. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated. Members of an emergency service patrol shall be capable of providing first aid in emergency situations and shall transport intoxicated persons to their homes and to and from public treatment facilities.

(b) The Chief shall adopt rules for the establishment, training, and conduct of emergency service patrols."

Section 3. Amend §2211(a), Chapter 22, Title 16, Delaware Code by striking the period "," immediately after the words "enforcement officer" and inserting the following:

"or the emergency service patrol."

Section 4. Amend §2211(b), Chapter 22, Title 16, Delaware Code, by striking the comma "," after the word "custody" as the same appears in the first sentence and inserting the following:

"by the police or emergency service patrol,"

Section 5. Amend §2211(f), Chapter 22, Title 16, Delaware Code, by inserting between the word "officers" and the word "who" in the first sentence the following:

"and members of the emergency service patrol".

Section 6. Amend §2212(c), Chapter 22, Title 16, Delaware Code, by inserting the words "emergency service patrol," immediately after the words "health officer" as they appear in the first sentence of said subsection c.

Section 7. Amend §2213(a)(1), Chapter 22, Title 16, Delaware Code, by striking said subparagraph (1) and inserting a new subparagraph (1) to read as follows:

"(1) Has threatened, attempted, or inflicted physical harm on himself or another person or property and that unless committed he is likely to inflict physical harm on himself or another person or property."

Approved July 7, 1981.

CHAPTER 109

FORMERLY

SENATE BILL NO. 160
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 6 TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT BY REQUIRING NOTIFICATION OF THE GOVERNOR AND GENERAL ASSEMBLY OF RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES.

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

Section 1. Amend Chapter 6 Title 29, Delaware by adding thereto a new section §604 to read as follows:

"§604. Notification of the Governor and General Assembly of Rules and Regulations Promulgated by State Agencies

In the event any agency of the state, which has the power to adopt rules and regulations which have the effect of law, adopts a rule or regulation, such rule or regulation shall be effective after the same has been delivered to the Governor and the Director of Research of Legislative Council. Delivery shall be deemed to be made when a copy of such rule or regulation has been deposited in the U. S. mail, postage prepaid, addressed to the Governor and the Director of Research of Legislative Council at Legislative Hall, Dover, Delaware, with the appropriate zip code or other U. S. Postal Service mailing code.

Notice of the adoption of the above rules and regulations shall be given to each member of the General Assembly concurrent with the delivery of said rules and regulations to the Governor but copies shall not be forwarded to members of the General Assembly except upon request."

Section 2. Within 30 days after the effective date of this act each state agency which has the power to adopt rules and regulations which have the effect of law and has done so, shall deliver a copy of the same to the Director of Research of Legislative Council.

Approved July 7, 1981.

CHAPTER 110

FORMERLY

SENATE BILL NO. 200

AN ACT TO AMEND AN ACT, BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE AMOUNT WHICH MAY BE RAISED FROM THE TAXATION OF REAL ESTATE.

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

Section 1. Subsection 30, Section 29, Chapter 170, Volume 57, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the words and figures, "Two Hundred Thousand Dollars (\$200,000.00)" as they appear in said Subsection 30 and substituting in lieu thereof the words and figures, "Three Hundred Thousand Dollars (\$300,000.00)."

Approved July 7, 1981.

CHAPTER 111

FORMERLY

SENATE BILL NO. 245
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, SUBCHAPTER VII, SUBPART C, TITLE 11 OF THE DELAWARE CODE PROVIDING CERTAIN PUNISHMENTS UPON CONVICTION FOR THE CRIME OF OBSCENITY; AND RELATING TO THE DEFINITION THEREOF.

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

Section 1. Amend §1361, Chapter 5, Title 11 of the Delaware Code by striking the phrase "class A misdemeanor" in the catch-line of said section and substituting in lieu thereof the phrase "class E felony."

Section 2. Amend §1361 (b), Chapter 5, Title 11 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) Obscenity is a class D felony if a person sells, delivers or provides any obscene picture, writing, record or other representation or embodiment of the obscene to a person under the age of 18, which notwithstanding Chapter 42 of this title shall be punishable by a fine in the amount of \$2,000, imprisonment for a minimum period of 6 months, no portion of which may be suspended or reduced in any manner whatsoever, and probation for a period of one year. In all other cases, obscenity is a class E felony, which notwithstanding Chapter 42 of this title shall be punishable by a fine of \$1,000, imprisonment for a minimum period of incarceration for 3 months, no portion of which may be suspended or reduced in any manner, and probation for a period of six months. In addition to the above penalties, upon conviction of obscenity involving live conduct as defined in §1364 of this subpart, the court shall order the business or establishment which presented, displayed or exhibited such conduct closed for a period of six months."

Section 3. Amend §1361 (c), Chapter 5, Title 11 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(c) Notwithstanding Chapter 42 of this title, the minimum sentence for a subsequent violation of this section for class E felony obscenity occurring within 5 years of a former conviction shall be a fine in the amount of \$5,000, imprisonment for a minimum period of 9 months, no portion which may be suspended or reduced, and probation for a period of two years; provided, however, that where the defendant is a corporation, the fine shall be \$10,000. In addition to the above penalties, upon conviction of obscenity involving conduct as defined in §1364 of this subpart, the court shall order the business or establishment which presented, displayed or exhibited such conduct closed for a period of two years."

Section 4. Amend §1364, Chapter 5, Title 11 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"Material or live conduct is obscene if:

(1) The average person applying contemporary community standards would find the material or conduct, taken as a whole, appeals to the prurient interests; and

(2) The material depicts or describes or the live conduct portrays;

(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or

(b) Patently offensive representations or descriptions of masturbation, excretory functions, and/or lewd exhibitions of the genitals; and

(3) The work or conduct taken as a whole lacks serious literary, artistic, political or scientific value."

Approved July 7, 1981.

CHAPTER 112

FORMERLY

SENATE BILL NO. 259

AN ACT TO AMEND SECTION 1104, ARTICLE XI, OF THE CHARTER OF THE CITY OF NEWARK, DELAWARE, BY REMOVING THE PROHIBITION AGAINST POLITICAL ACTIVITY BY PERSONS HOLDING UNPAID APPOINTIVE CITY POSITIONS.

WHEREAS, Section 1104 of the Charter of the City of Newark provides that no person who holds an appointive position in the City may contribute to political campaigns for offices in City government, or take part in such political campaigns, or take part in any political campaign whatsoever within the City boundaries; and

WHEREAS, this provision severely deters the acceptance of unpaid appointive positions by qualified persons; and

WHEREAS, no conflict of interest exists insofar as unpaid appointive positions are concerned; and

WHEREAS, it was not the legislative intent, when the Charter was adopted, to prohibit political activity on the part of persons holding unpaid appointive positions:

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 Section 1104, Article XI, of the Charter of the City of Newark, Delaware, by deleting therefrom the fifth paragraph in its entirety and substituting therefor a new paragraph to read as follows:

"No person who holds any paid appointive City position shall make, solicit or receive, or be in any manner concerned in the making, soliciting or receiving of any assessment, subscription or contribution to any candidate for public office in the City government, nor shall any such person take part in any political campaigns for said offices."

Section 2. This amendment to the Charter shall be filed with the Secretary of State and with the Director of the Legislative Council (formerly Legislative Reference Bureau) pursuant to the provisions of Section 836, Title 22, Delaware Code.

Approved July 7, 1981.

CHAPTER 113

FORMERLY

SENATE BILL NO. 283

AN ACT TO AMEND CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO THE FAMILY COURT OF THE STATE OF DELAWARE AND METHODS FOR ACQUIRING PERSONAL JURISDICTION OVER PARTIES.

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

Section 1. Amend Chapter 9, Title 10, Delaware Code, by adding thereto a new section, designated §974, reading as follows:

"§974. Obtaining Personal Jurisdiction Over a Party.

(a) Jurisdiction shall be acquired over a party in any civil action by transmitting to the party a copy of the summons and the petition or complaint (the papers) by any of the following methods:

- (1) By personal service; or
- (2) By leaving a copy at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing there; or
- (3) By any form of mail; or
- (4) In the manner prescribed by court rule; or
- (5) In the manner directed by the court, including publication, if other methods of service have failed or are deemed to have been inadequate.

(b) If a party to whom papers have been transmitted by ordinary mail shall fail to appear in the action and there shall be no reliable proof that such party has received notice thereof, then the court shall order that further effort be made to provide notice to that party which may include notice by certified or registered mail, or by any other method for providing notice specified in (a) above.

(c) Jurisdiction shall be acquired over a minor by any of the above methods directed to the minor and to the minor's parent, custodian or guardian.

(d) If, for any particular action, another statute or rule adopted pursuant to statute prescribes a method or methods for acquiring jurisdiction over a party, then jurisdiction shall be acquired thereby.

(e) It is not necessary to transmit papers or otherwise provide notice to a party who has entered an appearance in the action."

Section 2. This act shall become effective on the day it is enacted into law.

Approved July 7, 1981.

CHAPTER 114

FORMERLY

SENATE BILL NO. 287

AN ACT TO AMEND CHAPTER 138, VOLUME 41, LAWS OF DELAWARE, AS AMENDED BEING "AN ACT TO REINCORPORATE THE TOWN OF CLAYTON" BY PERMITTING THE TOWN OF CLAYTON TO LEVY A SEPARATE GARBAGE 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 Section 7 of Chapter 138, Volume 41, Laws of Delaware by adding thereto a new paragraph to read as follows:

"In addition to the powers set forth in Section 7 of the aforesaid Charter, Council shall have the power, by ordinance or resolution to promulgate an assessment for the collection of a garbage collection fee for the reasonable value of any service provided by the Town itself or through a contract or other award for the collection of garbage through a private vendor. The Town may assess a collection fee based upon a garbage collection unit which may be residential, or commercial as Council deems appropriate, and said collection fee may be levied, assessed and collected at the same time and in same manner as the regular annual property tax for each garbage collection unit pursuant to the Town Charter and may be placed on an annual tax bill for each tax collection unit as a separate item or may be imposed on a monthly or quarterly basis."

Approved July 7, 1981.

CHAPTER 115

FORMERLY

SENATE BILL NO. 298

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24, CHAPTERS 11 AND 21 TO PERMIT THE RENDERING OF DENTAL AND OPTOMETRIC SERVICES IN NON-PROFIT CLINICS OPERATED IN AFFILIATION WITH HOSPITALS.

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

Section 1. Amend subsection (i) of Section 1121, Title 24 of the Delaware Code by deleting said Subsection in its entirety and inserting in lieu thereof the following:

(i) Is a manager, proprietor, operator or conductor of a place for performing dental operations; provided however, that this subsection shall not prevent the rendering of dental services by a person otherwise qualified under this chapter in a non-profit, tax exempt organization as described in Section 501 (c) (3), Section 509 (a) (i) and Section 170 (b) (1) (A) (iii) of the Internal Revenue Service Code, that does not charge for its services and is affiliated with a hospital which is licensed by the State Board of Health and which is accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association.

Section 2. Amend paragraph (n) of Subsection (7) of Section 2113, Title 24 of the Delaware Code by striking said paragraph in its entirety and inserting in lieu thereof the following:

(n) Practicing for or in conjunction with, either directly or indirectly, a corporation or company, except that allowed under Chapter 6 of Title 8. Provided that the foregoing shall not prevent a person licensed pursuant to this Chapter from rendering optometric services at a non-profit clinic which is operated by a corporation or company that is affiliated with a hospital licensed by the State Board of Health and accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association.

Approved July 7, 1981.

CHAPTER 116

FORMERLY

SENATE BILL NO. 335

AN ACT TO AMEND CHAPTER 215, VOLUME 27, LAWS OF DELAWARE RELATING TO "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE."

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 19, Chapter 216, Volume 27, Laws of Delaware, by striking the second sentence of said section, and substituting in lieu thereof the following:

"In making such assessment, the Council may adopt by ordinance the rules and exemptions, in whole or in part, applicable by law to the making of the county assessment of persons and properties whenever the Council deems that such county rules and exemptions would best promote the public welfare of the City of New Castle. The Council may adopt by ordinance other rules and exemptions not applicable by law to the making of the county assessment whenever the Council deems that such other rules and exemptions will promote the public welfare of the City of New Castle."

Section 2. Amend Section 19, Chapter 216, Volume 27, Laws of Delaware (as amended by Section 1, Chapter 240, Volume 47, Laws of Delaware), by striking the word "male" as the same appears in the second to the last sentence of the first paragraph.

Section 3. Amend Section Chapter 216, Volume 27, Laws of Delaware by adding thereto a new section, designated as Section 19-A, which new section shall read as follows:

"Section 19-A.

(a) In addition to the annual assessment provided for by this Charter, the Council of the City of New Castle may, at its option, cause the City Assessor to prepare quarterly supplemental assessment rolls for the purpose of adding property not included on the last annual assessment roll; or increasing the assessed value of property included on the assessment roll, or for otherwise correcting errors on the prior assessment rolls. In the event that the Council shall have prepared and promulgated such a quarterly supplemental assessment roll, or in the event that the City Council of the City of New Castle shall have adopted the assessments and valuations made by the County Assessment Board of New Castle County for all real estate situated within the City of New Castle, and such County Assessment Board shall have prepared and promulgated a quarterly supplemental assessment roll which includes any taxable real estate situated within the City of New Castle, the Council of the City of New Castle shall be available for presentation of appeals as provided herein, but in no event earlier than the County Board might meet.

(b) On the date of certification of a supplemental tax roll to the Council: (1) the property owners listed thereon shall be liable to pay taxes equal to the assessed value of the property, multiplied by the tax rates for the then current fiscal year applicable to the property, reduced by 25% where the property is listed on the second supplemental assessment roll; by 50% where the property is listed on the third supplemental assessment roll; and by 75% where the property is listed on the fourth supplemental assessment roll; and (2) the amount of such tax shall be and remain a lien on such property, together with any penalties which might thereafter accrue, until such taxes and penalties are paid in full. Such tax rates shall include, without limitation, the tax rate imposed by any school boards for districts in which the property is located.

(c) In no case shall the supplemental assessment procedure be employed to impose taxes retroactively.

(d) Whenever the tax assessor places a property on a supplemental assessment roll, that person shall deposit notice thereof in the regular mail addressed to the owner of the property affected thereby at the address shown on the assessment rolls, or if the address of such owner does not appear on the assessment roll, then to the person occupying the property, or if there is no apparent occupant such notice shall be posted on the land. Such notice shall be given no later than the date on which the supplemental assessment roll on which the property appears is certified to the Council.

(e) The Council shall publish notice of the place where the supplemental assessment roll may be inspected together with a notice of the time and place of the sittings to hear appeals. The notices published by the Council shall also state the time and place for filing written

notices of appeal with the Council. Such notice shall appear at least once a week for two weeks in at least two newspapers in New Castle County. Such publication shall begin not later than the date on which the supplemental assessment roll was certified.

(f) Within thirty days from the date on which notice of supplemental assessment is sent by the tax assessor, the owner may appeal the supplemental assessment to the Council. The appeal shall be scheduled and heard by the Council prior to the time the tax imposed by the supplemental assessment is due, but after said appeal may be heard by the County if such an appeal is taken. Pending determination of such appeal, the owner may: (1) pay the tax imposed by the supplemental assessment, and if on appeal the assessment is reduced he shall be entitled to a refund of the taxes which he has overpaid plus interest thereon at the rate of 1% per month; or (2) not pay the tax imposed by the supplemental assessment, in which case penalties shall accrue at the rate of 1% per month on the amount of taxes computed in accordance with the determination of the appeal, and no action to collect the tax shall be taken until the appeal is determined. Such interest and penalties shall begin to accrue upon the expiration of three months from the date on which the unpaid tax became due and payable."

Section 4. Amend Chapter 216, Volume 27, Laws of Delaware by adding thereto a new section, designated as Section 19-B, which new section shall read as follows:

"Section 19-B.

(a) In order to provide for the payment of its debt and expenses the Council of the City, in addition to the powers now conferred upon it, shall have power and authority by ordinance or ordinances to issue licenses to and to require and receive a license fee from the owner or owners of any vehicle, business, avocation, profession, pursuit, or calling, in addition to any traveling show or business operated, carried on, or engaged in within the corporate limits of the City, including business occupations, animals and things not now exempted by law from tax in this State; provided however, that no license shall be required from the owner of any vehicle who is not a resident of the City nor shall anything in this Chapter apply to or affect any case wherein under existing laws a gross sum is paid to the State in lieu of all taxes under any and all laws of this State not to any railroad company engaged in operating any railroad in this State under a lease or stock ownership thereof authorized by existing law. And provided further, that this section shall not be construed as authorizing the said Council to levy any license fee which shall bring or may have the effect of bringing into operation any retaliatory or reciprocal tax or license laws of any other state or country as against corporations organized under the laws of the State.

(b) The Council of the City, in addition to the powers now conferred upon it, shall have the power and authority by ordinance or ordinances to levy, assess collect or provide for the levying, assessment and collection of such taxes as it shall determine to be paid by the transferor and/or transferee as determined by it upon the transfer of real property or of any interest in real property, situate within the corporate limits of the City regardless of where the instruments making the transfers occur; provided, however, no tax levied under this section shall exceed two percent (2%) of the sales price (including the value of assumed mortgages) or fair market value of the real property and providing further that no tax shall be levied on an organization exempted from ad valorem real estate taxes."

Section 5. Amend Section 20, Chapter 216, Volume 27, Laws of Delaware (as amended by Section 1, Chapter 173, Volume 47, Laws of Delaware), by striking the last paragraph of said section, and substituting in lieu thereof the following:

"(d) The Collector of Taxes shall allow whatever abatement or discount upon any tax required to be collected by him as may be authorized by ordinance of City Council. Any Council may by ordinance establish the interest to be paid on taxes unpaid after September 30 of each year."

Section 6. Amend Section 20, Chapter 216, Volume 27, Laws of Delaware, by striking the fourth paragraph of said section, and substituting in lieu thereof the following:

"In addition to all existing methods and authority for collection of taxes due to the City, the City may file or cause to be filed a praecipe in the Office of the Prothonotary of the Superior Court in and for New Castle County.

The praecipe shall contain the name of the person against whom the taxes sought to be collected were assessed, a copy of the bill or bills showing the amount of taxes due, and the property against which the taxes were assessed. The description of the property, as the same appears upon the assessment rolls of the City, shall be sufficient identification and description of the property. The City shall also cause notice to be given to the person against whom the taxes sought to be collected were assessed by mailing certified mail (return receipt requested) to the said person at the best available address for such person a copy of the praecipe with instructions that, unless payment is made or an appearance otherwise entered on behalf of said person within thirty (30) days of

mailing, judgment shall be entered against the property. When a copy of the praecipe with instructions has been so mailed, the City shall file or cause to be filed an affidavit of mailing in the Office of the Prothonotary. The mailing of the praecipe with instructions and the filing of the affidavit shall be deemed to be a complete discharge of the City's duty to give notice to the person against whom taxes are sought to be collected, whether or not the receipt of the registered mailing is returned. If no payment or appearance is thereafter made within thirty (30) days of mailing, the Prothonotary shall make a record of the same on a special judgment docket of the Superior Court, against the property mentioned or described in the praecipe, which record shall consist of the following:

- (1) The name of the person in whose name the assessment was made;
- (2) The description of the property as the same shall appear upon the assessment rolls;
- (3) The year or years for which the taxes are due and payable;
- (4) The date of the filing of such praecipe; and
- (5) The amount of the judgment, the same being the amount set forth in the praecipe.

Such judgment shall be indexed in the appropriate judgment docket.

Thereafter upon a praecipe for monition filed in the Office of the Prothonotary by the City, a monition shall be issued by the Prothonotary to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the taxes due and the years thereof, together with a brief description of the property upon which the taxes are a lien. A description of such property as same shall appear upon the assessment rolls so prepared shall be a sufficient description.

The monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessment stated herein is paid within twenty (20) days after the date hereof, or within such period of twenty (20) days evidence of the payment of taxes herein claimed is filed in the Office of the Prothonotary, which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the Office of the Prothonotary for New Castle County, the City of New Castle may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated.

Name of person in whose name property is assessed	Description of Property	Years or Years	Amount of Judgment
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The monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which the judgment for the taxes or assessment is a lien, and the Sheriff shall make due and proper return of his proceedings under the monition to the Prothonotary, within ten (10) days after the posting of the monition.

Alias or pluries monition may issue upon like praecipe. The posting of the notice as herein required shall constitute notice to the owner or owners and all persons having any interest in the property.

At any time after the expiration of twenty (20) days next following the return of the Sheriff upon the monition, unless the judgment together with costs has been paid prior to the expiration of the twenty days, evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of the lien for record in the Office of the Prothonotary, then upon application in writing by the City of New Castle, a writ of venditioni exponas shall issue out of the Office of the Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in the writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of venditioni exponas issued out of the Superior Court. The property shall be described in the writ under the description thereof as it appears on the assessment rolls and by metes and bounds where obtainable, but nothing herein contained shall be construed to invalidate a writ or a sale pursuant thereto containing only the description as it appears on the assessment rolls or a writ bearing only a description by metes and bounds. The writ shall be substantially in the following form:

NEW CASTLE COUNTY, SS

The State of Delaware

TO THE SHERIFF OF NEW CASTLE COUNTY,

GREETINGS:

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington the _____ day of _____, A.D. 19 __, IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said posting.

That on the _____ day of _____, A.D. 19 __, you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the _____ day of _____, A.D., 19 __.

We therefore now command you to expose to public sale, the real estate mentioned and described in said Monition as follows:

[description]

....and that you should cause to be made as well a certain debt of _____ Dollars (\$ _____) lawful money of the United States, which to the said City of New Castle is due and owing, as also the sum of _____ Dollars (\$ _____) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said _____ was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday the _____ day of _____, next, to render to the said City of New Castle as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable _____, at Wilmington _____ day of _____ A.D., 19 __.

Prothonotary

Any real estate or interest therein sold under the provisions of this Charter shall vest in the purchaser all the right, title and interest of persons in whose name the property was assessed, and/or all right, title and interest of the person or persons who are the owners thereof, and likewise freed and discharged from any liens and encumbrances dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate, in or to the real estate.

If the owner of the property and/or his legal representatives fail to redeem the property as provided in this Charter, the purchaser of the property or his legal representatives, successors or assigns may present a petition to the Superior Court setting forth the appropriate facts in conformity with this Charter and pray that the Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to the property to the petitioner; and thereupon the Superior Court shall have the power, after a hearing upon the petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in the petition. A description of the property as the same shall appear upon the assessment rolls, or a description by metes and bounds where obtainable shall be a sufficient description in any such deed.

The owner of any such real estate sold under this Charter or his legal representatives may redeem the same at any time within sixty (60) days from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen percent (15%) in addition thereto, together with all costs incurred in the cause, or if the purchaser or his legal representatives, successors or assigns, refuse to receive the same, or do not reside or cannot be found within the City of New Castle, by paying the amount into the Court for the use of the purchaser, his legal representatives or assigns.

If the owner of any real estate sold under an order of sale or his legal representative redeems the real estate, he may present to the Superior Court a petition setting forth that fact and thereupon the Superior Court, after hearing and determining the facts set forth in the petition, shall have power to cause to be entered upon the record of the judgment, under which the real estate was sold, a memorandum that the real estate described in the proceedings upon which the judgment was entered has been redeemed. Thereafter the owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, except insofar as the liens have been discharged or reduced by the application of the proceeds by the Sheriff from the sale.

Upon the return of the proceedings under a writ of venditioni exponas, the Superior court may inquire into the regularity of the proceedings thereunder and either approve the sale or set it aside.

No monition proceedings shall be brought under this Charter unless the tax or assessment sought to be collected hereunder shall at the time of the filing of the praecipe in the Office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

Whenever the Superior Court is mentioned in this Charter, the same shall be held to embrace the Judges or any Judge thereof, and any Act required or authorized to be done under this Charter may be done by the Superior Court or any Judge thereof in vacation thereof, as well as in term time.

The fees and costs to be taxed in all proceedings under this Section, where not otherwise provided for, shall be set by the Council by ordinance."

Section 7. (a) The qualified voters of the City of New Castle may by referendum approve or reject this Act, or any section or provision of this Act if:

(1) a petition, requesting that a referendum be held, is delivered to the City Council or to the City Clerk or other officer of the City on behalf of the Council, within 30 days from the time this Act becomes law; and

(2) The petition indicates, with reasonable clarity, those provisions or amendments which are to be presented to the voters for their approval or rejection; and

(3) The petition contains the signatures of 500 or more persons who are qualified to vote for members of the City Council.

(b) The legal effectiveness of any Charter section, provision or amendment which is the subject of a petition delivered to the City Council, or delivered to any person on its behalf, shall be suspended upon such delivery and the said section, provision or amendment shall not again become effective unless it receives the approval of a majority of those participating in the referendum vote. The City Council shall designate a time, date and place for the referendum, which shall be held not more than sixty days following delivery of the petition. Notice of the referendum shall contain the affected section, provision, or amendment; and shall contain the time, date and place of the election.

(c) During the 60-day period, notice of the referendum shall be published in three separate issues of the New Castle Gazette or its successor; and shall be published in a daily newspaper of general circulation at least three times. The last publication of each newspaper shall be within the week immediately prior to the referendum. The choice for voters in the referendum shall be "approve" or "reject". Any section, provision or amendment rejected by the voters shall be deemed to have become null and void at the close of the polls. When a section, provision or amendment has been rejected, the Council shall prepare and forward to the Legislative Council of Delaware a Notice of Rejection which shall set forth the full text of the rejected section, provision or amendment. The Director of Research shall cause such Notice of Rejection to be printed in the Laws of Delaware, unless instructed otherwise by the Legislative Council.

Approved July 7, 1981.

CHAPTER 117
FORMERLY
HOUSE SUBSTITUTE NO. 1

TO

HOUSE BILL NO. 3
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO REGULATION AND SALE OF
PORTABLE OIL FUELED HEATERS.

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

Section 1. Amend Chapter 73, Part VI, Title 16 of the Delaware Code by striking the title of the said chapter, and substituting in lieu thereof the following:

"CHAPTER 73. PRODUCTS UTILIZING PETROLEUM DERIVATIVES"

Section 2. Amend Chapter 73, Part VI, Title 16, Delaware Code by deleting the present Section 7305.

Section 3. Amend Chapter 73, Part VI, Title 16, Delaware Code by adding thereto a new Section 7305, to read as follows:

"§7305. Statement of Purpose and Intent

It is hereby declared that modern, efficient, safety-tested portable oil fueled heaters may be offered for sale, sold, and used in this state. However, fire hazards and other dangers to the health, safety and welfare of the inhabitants of state may exist in the absence of legislation the purpose of which is to reasonably assure that portable oil fueled heaters offered for sale to, sold to and used by inhabitants of this state are modern, efficient and safety-tested. It is the intent of the legislature to hereinafter set forth such legislation."

Section 4. Amend Chapter 73, Part VI, Title 16, Delaware Code by adding thereto a new §7306, to read as follows:

"§7306. Definitions

As used in this Chapter:

(a) "Portable Oil Fueled Heater" means any nonflue-connected, self-contained, self-supporting, oil-fueled, heating appliance equipped with an integral reservoir, designed to be carried from one location to another.

(b) "Oil" means any liquid fuel with a flash point of greater than 100 degrees fahrenheit, including but not limited to kerosene.

(c) "Listed" means any portable oil fueled heater which has been evaluated with respect to reasonably foreseeable hazards to life and property by any one of the following nationally recognized testing or inspection agencies: Underwriters Laboratories, Inc., Canadian Standards Association, Factory Mutual System, Applied Research Laboratories of Florida, Inc., Electrical Testing Laboratory and which has been authorized by the State Fire Prevention Commission as being reasonably safe for its specific purpose and shown in a list published by such agency and bears the mark, name or symbol of such agency as indication that it has been so authorized. Such evaluation shall include but not be limited to evaluation of the requirements hereinafter set forth. Similar evaluations by a nationally recognized testing or inspection agency other than the above mentioned which are approved by the State Fire Marshall may be listed as well.

(d) "Approved" means acceptable to the authority having jurisdiction over the sale and use of portable oil fueled heaters as hereinafter set forth.

(e) "Structure" means any building or completed construction of any kind, including but not limited to, private dwellings or to any structure used for business, commercial or industrial purposes, but not including buildings under construction or buildings used solely for agricultural purposes.

Section 5. Amend Chapter 73, Part VI, Title 16, Delaware Code, by adding thereto a new §7307 to read as follows:

"§7307. Sale and Use of Approved Portable Oil Fueled Heaters

Approved portable oil fueled heaters may be offered for sale, sold and used in structures in this State, however the use of a portable oil fueled heater in multi-unit residential buildings is specifically prohibited. Any portable oil fueled heaters which are not approved may not be offered for sale, sold or used in structures in this State. Any portable oil fueled heater may be offered for sale, sold and used in locations other than structures unless specifically prohibited by legislation of this State. Any listed portable oil fueled heater shall be approved if it satisfies the requirements hereinafter set forth and if the supplier has certified to the State Fire Prevention Commission that it is listed and in compliance herewith."

Section 6. Amend Chapter 73, Part VI, Title 16, Delaware Code, by adding thereto a new §7308 to read as follows:

"§7308. Requirements for Approved Portable Oil Fueled Heaters

Approved portable oil fueled heaters must adhere to the following requirements:

(a) Approved portable oil fueled heaters must have labeling affixed thereto such as to caution and inform concerning:

(i) Provision of an adequate source of ventilation when the heater is in operation;

(ii) Use of only suitable fuel for the heater;

(iii) Proper manner of refueling;

(iv) Proper placement and handling of the heater when in operation and

(v) Proper procedures for lighting, flame regulation, and extinguishing the heater.

(b) Approved portable oil fueled heaters must be packaged with instructions such as to inform concerning proper maintenance and operation.

(c) Approved portable oil fueled heaters must be constructed with a low center of gravity and minimum tipping angle of 33 degrees from the vertical with an empty reservoir.

(d) Approved portable oil fueled heaters must have:

(i) An automatic safety shut-off device or inherent design feature which eliminates fire hazards in the event of tipover and otherwise conform with the standards set forth in National Fire Protection Association (NFPA) No. 31;

(e) Approved portable oil fueled heaters must not produce carbon monoxide at rates which create a hazard when operated as intended and instructed."

Section 7. Amend Chapter 73, Part VI, Title 16, Delaware Code by adding thereto a new §7309 and §7310 to read as follows:

"§7309. Storage of Kerosene

Any portable containers in which kerosene is stored must not be red in color, nor may they be made of glass. They must be clearly marked "kerosene."

"§7310. Authority Having Jurisdiction

The State Fire Prevention Commission shall be the authority having jurisdiction over the sale and use of portable oil fueled heaters and only this Chapter shall govern the sale and use of portable oil fueled heaters in this State."

Section 8. Amend Chapter 73, Part VI, Title 16, Delaware Code, by adding thereto a new §7311 to read as follows:

"§7311. Penalties

Whoever violates this Chapter shall be fined not more than \$200 for each offense. The Superior Court shall have jurisdiction to adjudicate offenses under this Chapter."

Approved July 7, 1981.

CHAPTER 118

FORMERLY

HOUSE BILL NO. 307

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE BY PROVIDING FOR AGRICULTURAL LANDS PRESERVATION AND TO AMEND CHAPTER 81 OF TITLE 29 OF THE DELAWARE CODE BY ADDING AN AGRICULTURAL LANDS PRESERVATION SECTION.

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

Section 1. Amend Part I of Title 3 of the Delaware Code by adding thereto a new chapter, designated as Chapter 9, which new chapter shall read as follows:

"Chapter 9, Agricultural Lands Preservation

§901. Short Title

This Act shall be known and may be cited as the Delaware Agricultural Lands Preservation Act of 1981.

§902. Statement of Legislative Finding

(a) The General Assembly finds and declares that the State's farmlands are dwindling at an alarming rate, having decreased by approximately 200,000 acres in the past twenty-five years; and that the continued loss of farmland, in Delaware and elsewhere, threatens our national economic and social interests; and that the Governor's Advisory Committee on Farmland Preservation, established by Executive Order Number Eighty-four, dated March 12, 1980, has completed its work and recommended a course of action.

(b) The General Assembly further finds that maintenance of a viable agricultural base requires the protection and preservation of those areas best suited for agricultural production.

§903. Statement of Policy

The following shall be State policy as relating to the preservation of agricultural lands:

(a) It shall be state policy that (1) agricultural activities have a primary relationship to the maintenance of the quality of life and a desirable standard of living in Delaware; (2) farming is the highest priority use of those areas best suited for agricultural production; (3) public actions which adversely impact agriculture shall be avoided without an ample finding of public need; and (4) preservation of the State's farmlands and woodlands is clearly in the public interest;

(b) It shall be state policy to conserve, protect and enhance the State's agricultural economic base for production of food, fiber, and fuel, and to preserve these resources for their natural and ecological values for open spaces, recreational uses, wildlife habitats, and aesthetic purposes;

(c) It shall be State policy to encourage the improvement of agricultural operations in order to maintain agriculture as a viable industry and an important contributor to Delaware's economy.

§904. Duties and Responsibilities of the Department of Agriculture and Other Agencies.

(a) The Department of Agriculture, in consultation with the Office of Management, Budget, and Planning, shall carry out the policies set forth in this Chapter;

(b) The Department of Agriculture, in cooperation with the Office of Management, Budget, and Planning, shall identify and map those farmlands which, because of their soil type, current or potential productivity, ownership, or location are of concern to preservation and shall routinely collect, analyze and report on the extent, location, and causes of farmland loss;

(c) The Department of Agriculture and the Office of Management, Budget, and Planning shall cooperatively review the data collected and recommend techniques to maintain agriculture as an important and viable economic activity in Delaware. The Department of Agriculture and the Office of Management, Budget and Planning shall assist other public agencies in the development of facility plans and programs in order to minimize adverse impacts on agriculture in accordance with the State policies;

(d) All other State departments and agencies shall, to the maximum extent permissible under State law, cooperate with the Department of Agriculture in carrying out the State policies on the maintenance and preservation of agricultural activities;

(e) The Department of Agriculture and the Office of Management, Budget, and Planning shall encourage the active participation of agricultural and other interests, county and local governments, and the general public in activities which will be supportive of these State policies; and

(f) The Department of Agriculture and the Office of Management, Budget, and Planning are hereby specifically authorized and instructed to develop administrative agreements or other evidence of understanding setting forth their respective duties and responsibilities.

§905. Reports

The Secretary of Agriculture shall report at least annually to the Governor, the General Assembly, and the Governor's Council on Agriculture on the extent, location, and causes of farmland loss.

Section 2.

(a) Amend Section 8103 of Title 29 of the Delaware Code by inserting a new subsection 8103(3) to read:

"(3) Establish an Agricultural Lands Preservation Section within the Office of the Secretary and appoint such personnel as may be necessary for the administration of the duties set forth in Chapter 9 of Title 3 of the Delaware Code as enacted by this Act. Employees of this Section shall be entitled to the provisions of Chapter 59, Title 29, of the Delaware Code."

(b) Amend Section 8103 of Title 29 of the Delaware Code by redesignating subsections 8103(3) through 8103(9) as subsections 8103(4) through 8103(10).

Section 3.

This Act shall become effective when signed by the Governor."

Approved July 7, 1981.

CHAPTER 119

FORMERLY

SENATE BILL NO. 333

AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO PRIVATE SUBDIVISION STREETS BEING RECONSTRUCTED TO STATE STANDARDS PRIOR TO THEIR ACCEPTANCE FOR 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 §19, Article II of the Constitution of the State of Delaware by adding thereto a new paragraph to said section which shall read as follows:

"No road, highway or street, intended to be dedicated to public use and maintained at public expense, shall be constructed except in conformance with standards adopted by the agency charged with construction, reconstruction or maintenance of such road, highway, or street. Any road or street, constructed solely for private use, shall only be maintained at State expense after it has been constructed or reconstructed according to the standards established by the agency charged with the duty of maintaining such roads or streets."

Approved June 30, 1981.

CHAPTER 120
FORMERLY
HOUSE SUBSTITUTE No. 1

FOR

HOUSE BILL NO. 1
AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2, 3, 4 AND 5

AN ACT TO AMEND DELAWARE CODE, TITLE 14, RELATING TO THE METHOD OF CALCULATING PUPIL UNITS IN ORDER TO DETERMINE THE AMOUNT OF STATE FINANCIAL SUPPORT TO THE PUBLIC SCHOOLS.

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

Section 1. Amend Delaware Code, Title 14, §1704 by adding:

"§1704.A Number of units in a school district; method of calculation; guaranteed number of units

The number of units to be used in determining state financial support in each school district shall be calculated by the State Board of Education each year in the following manner:

(a) The number of units shall be calculated based upon the total enrollment of pupils in each school district as of the last school day of September. The number of units so determined shall be known as the 'actual unit count'.

(b) The actual unit count so determined shall be categorized as follows: kindergarten, elementary (grades 1-6), secondary (grades 7-12), net vocational (vocational units less vocational deduct), and special, according to definitions contained in this title. Each of these categories of units in each school district shall be multiplied by .93 (93%). The product of this multiplication for each category shall be known as the 'guaranteed unit count'. The guaranteed unit counts shall be used by the school districts in planning for the conduct of schools in September of the year following the date of the calculation.

(c) The State Board of Education shall annually (after September 30) certify and report the number of units as required in §1710 of this Chapter, by certifying for each category of unit, whichever is higher at the time of that certification - i.e., the 'actual unit count' for the current year or the 'guaranteed unit count' calculated on the basis of the 'actual unit count' of the previous September.

(d) The initial calculation of a 'guaranteed unit count' shall be determined by the State Board of Education on the basis of the 'actual unit count' for September 1981 and shall be applicable in determining the certified count of units after the last school day of September 1982."

Section 2. In no case shall the expenditure for additional units to be gained as a result of this Act exceed \$550,000 in any single fiscal year.

Section 3. In the event that the total number of units used in determining state financial support under the provisions of this Act is calculated to require an additional expenditure in excess of \$550,000 in a fiscal year, then the maximum of \$550,000 shall be prorated uniformly on a per unit basis among all eligible school districts.

(e) The implementation of this Section shall be subject to specific annual appropriation in the annual operating budget.

Section 4. The provisions of this Act shall take effect immediately upon its enactment into law.

Approved July 7, 1981.

CHAPTER 121

FORMERLY

HOUSE BILL NO. 94
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO DRUGS, DANGEROUS INSTRUMENTS, AND DEADLY WEAPONS ON SCHOOL PREMISES.

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 adding thereto a new subsection, designated as subsection (c), which new subsection shall read as follows:

"(c) Student Possession of Weapons and Unlawful Drugs;

Mandatory Complaints.

In any instance where a school employee reports to the superintendent any incident where a pupil has on his person, or concealed among his possessions, or placed elsewhere on the school premises any controlled drug (as prohibited by Title 16) dangerous instrument or deadly weapon (as prohibited by Title 11), 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 report such incident to the police department having jurisdiction over the offense. 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. Amend §4112, Title 14 of the Delaware Code by adding a new subsection (d) to read as follows:

"(d) A school employee, superintendent or his designee who causes or provides information leading to the arrest of any person under subsection (b) or (c) of the Section, shall not be held civilly or criminally liable for such arrest provided he had, at the time of such arrest, probable cause to believe that the person committed the crime as defined in either subsection (b) or (c) of this Section."

Approved July 9, 1981.

CHAPTER 122

FORMERLY

HOUSE BILL NO. 196

AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF RESIDENT INDIVIDUAL FOR PERSONAL INCOME TAX PURPOSES, AND TO CLARIFY THE DEDUCTION FOR TAXES PAID TO A FOREIGN COUNTRY.

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

Section 1. Amend Section 1103, Chapter 11, Title 30, Delaware Code, by striking said section in its entirety and substituting in lieu thereof a new Section 1103 to read as follows:

"Section 1103. Resident Individual Defined.

A resident individual of this State means an individual:

(1) Who is domiciled in this State to the extent of the period of such domicile, provided however, an individual who (a) is present in a foreign country or countries for at least 495 full days in any consecutive 18 month period, and (b) during such period of 18 consecutive months is not present in this State for more than 45 days, and does not maintain a permanent place of abode in this State at which his spouse, children or parents are present for more than 45 days, and (c) is not an employee of the United States, its agencies or instrumentalities (including members of the Armed Forces) shall not be considered a resident of this State during such period; or

(2) Who maintains a place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State.

Section 2. Amend subsection (a) of Section 1109, Chapter 11, Title 30, Delaware Code, by striking the words "or, if the standard deduction was claimed on his Federal income tax return, the sum of the itemized deductions to which he would have been entitled had he itemized his deductions, reduced by:" as the same appear therein and substituting in lieu thereof the following words:

"or, if he does not itemize deductions or elects the credit for foreign taxes paid on his Federal return, the sum of the itemized deductions to which he would have been entitled had he itemized his deductions (including the deduction for foreign taxes paid) on his Federal return, reduced by:"

Section 3. This Act shall become effective immediately upon its enactment into law and apply to tax years beginning on or after January 1, 1981.

Approved July 9, 1981.

CHAPTER 123

FORMERLY

HOUSE BILL NO. 233
AS AMENDED BY HOUSE AMENDMENT NO. 1AN ACT TO AMEND CHAPTERS 51 AND 55 OF TITLE 25 OF THE DELAWARE CODE RELATING TO
METERING AND CHARGES FOR UTILITY SERVICES BY LANDLORDS.

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

Section 1. Amend Chapter 51, Title 25 of the Delaware Code by adding thereto a new section to be designated as §5114 to read as follows:

"§5114. Metering and Charges for Utility Services

(a) A landlord who is the customer of a public utility which provides variable utility services in bulk to the landlord may install, operate and maintain meters or other appliances for measurement to determine the consumption of such utility services by each rental unit. Only if the rental agreement so provides, and in compliance with the provisions of this section, may a landlord charge a tenant separately for the utility services as measured by such meter or other appliance.

(b) A landlord who charges a tenant separately for utility services shall not charge or receive from tenants an amount for such utilities which exceeds the lesser of (i) the charge which would be paid if the tenant were a direct customer of the public utility, or (ii) the proportionate share of the bulk billing payable by the landlord, based upon the measurement in accordance with subsection (e) of this section.

(c) Any tenant who is charged and who pays for utility services separately to the landlord shall be entitled to inspect the bills and records upon which such charges were calculated, during landlord's regular business hours at landlord's regular business office. A landlord shall retain such bills and records for one year from the date upon which tenants were billed.

(d) Charges for utility services made by a landlord to a tenant shall be considered rent for all purposes under this Code, including with respect to security deposits, and unless the rental agreement otherwise provides, the rights and obligations of the parties as to payment and nonpayment of such charges shall be the same as the rights and obligations of the parties as to payment and nonpayment of rent. A landlord shall not discontinue or terminate utility service for nonpayment of rent, utility charges, or other breach.

(e) A landlord who charges separately for utilities in accordance with this section shall bill the tenant for such charges not less frequently than monthly, and shall use reasonable efforts to obtain actual readings of meters or appliances for measurements, which readings shall reasonably coincide with the landlord's bulk billing period. If despite reasonable efforts a landlord is unable to obtain an actual reading, the landlord may estimate the tenant's utility consumption and bill the tenant such estimated amount; provided, however, that a landlord may not send more than two consecutive estimated billings. Notwithstanding the foregoing, an actual reading shall be made upon the commencement of the lease and the expiration or termination of the lease.

(f) (1) A landlord, upon request by a tenant, shall cause to be examined or tested the meter or appliance for measurement. If the meter or appliance so tested or examined shall be found to be accurate within commercially reasonable limits, the costs and expenses of such test or examination shall be paid by the tenant as additional rent; but if the meter or appliance is not accurate as aforesaid, then the costs and expenses shall be borne by landlord who shall forthwith replace the inaccurate meter or other appliance;

(2) In addition to those rights, and powers vested by law in the Division of Consumer Affairs of the State or its successor agency, the Division may enter, by and through its agents, experts or examiners, upon any premises for the purpose of making the examination and tests provided for in this section and may set up and use on such premises any apparatus and appliances necessary therefor.

(g) A landlord who installs, operates and maintains meters or other appliances for measurement and who bills tenants separately for utilities shall not be deemed a public utility; nor shall the Public Service Commission have any authority, power or jurisdiction over such

landlords or their practices in connection with the installation, operation and maintenance of meters or other appliances for measurement, the reading of meters, calculation and determination of charges for utility services or otherwise.

Section 2. Amend §5513, Title 25 of the Delaware Code by adding a new subsection (c) thereto which shall read as follows:

"(c) The tenant shall permit the landlord to enter the rental unit at reasonable times in order to obtain readings of meters or appliances for measurement of utility consumption in accordance with Section 5114 of this Title."

Approved July 9, 1981.

CHAPTER 124

FORMERLY

HOUSE BILL NO. 422

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 5, CHAPTER 21 OF THE DELAWARE CODE RELATING TO SMALL LOAN COMPANIES.

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

Section 1. Amend subsection (b) of Section 2108, Title 5, Delaware Code as amended by Chapter 2, Volume 63, Laws of Delaware (previously House Bill No. 28 as amended), by striking the words "pursuant to subsection (d) of this section." which appear immediately after the word "loan" at the end of said subsection (b) and inserting a period (.) after the word "loan".

Approved July 9, 1981.

CHAPTER 125

FORMERLY

SENATE BILL NO. 67

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

AN ACT TO AMEND TITLE 14, DELAWARE CODE BY ESTABLISHING THE BOARD OF TRUSTEES OF THE DELAWARE INSTITUTE OF DENTAL EDUCATION AND RESEARCH FOR THE PURPOSE OF PROMOTING THE DENTAL RESIDENCY PROGRAM AT ANY GENERAL HOSPITAL IN THE STATE OF DELAWARE WITH AN ACCREDITED GENERAL PRACTICE RESIDENCY IN DENTISTRY.

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 to be designated as Chapter 88 to read as follows:

"CHAPTER 88. DELAWARE INSTITUTE OF DENTAL EDUCATION AND RESEARCH

§8801. Purpose

The purpose of this Act shall be to support, encourage, and promote:

(1) Accredited general practice residencies in dentistry at any general hospital in the State of Delaware that will provide a comprehensive post-graduate training program pursuant to the requirements of Chapter 11, Title 24, Delaware Code.

(2) Expansion of opportunities for Delaware residents to obtain post-graduate dental training.

(3) A strengthening of the factors favoring the decision of qualified dental personnel to practice in Delaware.

(4) Dental needs of the community at large and particularly those who do not have ready access to dental programs.

§8802. Definitions

As used in this Chapter:

'Board' means the Board of Trustees of the Dental Education and Research.

§8803. Creation of Board

There is hereby established a Board of Trustees of the Delaware Institute of Dental Education and Research which shall be a state agency.

§8804. Composition; Appointment; Term; Compensation; Vacancies; Quorum

(a) The Board shall consist of five (5) trustees.

(b) One of the trustees shall be a layman appointed by the Governor. One of the trustees shall be a member of the Board of Dental Examiners to be appointed by the Board of Dental Examiners. Two (2) of the trustees shall be members of the Delaware State Dental Society to be appointed by the Society. One of the trustees shall be a member of the Board of Directors of the Wilmington Medical Center to be appointed by the Board of Directors.

(c) One (1) member shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years and two (2) members for three (3) years. Thereafter members shall be appointed for three (3) year terms, subject to one consecutive appointment. Any member appointed to fill a vacancy shall be appointed only for the unexpired term.

(d) Three (3) members of the Board shall constitute a quorum. A majority of the members present at any meeting at which a quorum is present shall be sufficient for any action by the Board.

(e) No member of the Board shall receive any compensation for his duties in such capacity except that he may receive his actual travel expenses, including room and board.

(f) The Board shall elect a chairman from among its membership at the first annual meeting each year.

\$8805. Fiseal and Property

The Board may pay or contribute to the cost of any accredited general practice residency in dentistry at any general hospital in the State of Delaware; may contribute financially to the post-graduate dental education of qualified residents of Delaware and make such other payments as are required for the furtherance of the purposes of the Institute and the performance of the duties of the Board. May receive, hold, invest, re-invest and use on behalf of the Institute and for any of its purposes real property, personal property and monies, or any interest therein, and income therefrom, either absolutely or in trust. The Board may acquire such property or monies for such purposes by the acceptance of gifts, grants, appropriations, bequests and devices from any source, either public or private.

\$8806. Education and Research

The Board may foster and support educational opportunities for Delaware residents in dentistry and dental-related fields; may promote curricular and program studies designed to meet needs in the field of dentistry and oral hygiene; may pursue these and other similar aims through contracts or other appropriate means, in cooperation with the Federal government, the State government, and the political divisions thereof, educational institutions, health services, non-profit institutions and organizations, business enterprises and other persons concerned with the dental health of the citizenry and with scientific and technological research, development and education.

\$8807. Powers and Duties of the Board

For the effectuation of the purposes of this Chapter, the Board, in addition to the powers expressly granted to it by this Chapter, shall have the following powers:

- (1) To select such officers, in addition to the chairman, as it may deem desirable from among its own membership.
- (2) To adopt and use a seal.
- (3) To sue and be sued.
- (4) To adopt by-laws and to make and promulgate such rules and regulations as are necessary and proper for the conduct of the business of the Board.
- (5) To exercise all other powers not inconsistent with the provisions of this Chapter which may be reasonably necessary or incidental to effectuate the purposes of the Institute."

Section 2. The initial appointments to the Board of Trustees shall be as follows:

Governors' appointee (1) 3 year term

Board of Dental Examiners appointee (1) 3 year term

Delaware State Dental Society appointees (2) 2 year terms

Board of Directors of the Wilmington Medical Center appointee (1) 1 year term.

Section 2. The Board, as defined in Section 1 of this Act, does not have authority to incur obligations payable from State general fund revenue prior to July 1, 1982, and in any event only after a specific appropriation to the Board by the General Assembly.

Approved July 9, 1981.

CHAPTER 126

FORMERLY

SENATE BILL NO. 145
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER 1, TITLE 16, DELAWARE CODE, RELATING TO NEGLECT OF DUTY.

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 §107, Subchapter 1, Title 16, of the Delaware Code, by striking the phrase "not less than \$10 or more than \$50" as it appears in sentence 1, and substituting for it the phrase "not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000)".

Approved July 9, 1981.

CHAPTER 127

FORMERLY

SENATE BILL NO. 150
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SLAUGHTER BEACH", 37 DELAWARE LAWS CHAPTER 167, AS AMENDED BY PROVIDING FOR THE CLOSING OF STREETS, VACATING OR ABANDONMENT OF STREETS (INCLUDING THE AWARD OF COMPENSATION THEREFORE), MUNICIPAL TAX LIENS, AND REVISING THE LIMITATIONS OF THE TOWN'S TAXING POWER.

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 37 Delaware Laws Chapter 167, as amended by inserting in Section 6 thereof ("Officers of the Town") at the end of the subsection captioned "Town Collector", the following:

The provisions of Title 9, Chapter 87 of the Delaware Code shall be deemed and held to apply to all taxes levied and imposed under the provisions of this Act except that the lien for taxes as provided in §8705 (b) of said Chapter 87 shall for purposes of Town taxes, remain a lien for a period of five years from the date the Town Council delivers the transcript of the assessment list to the tax collector for collection of taxes in accordance therewith.

Section 2. Amend Chapter 37 Delaware Laws Chapter 167 as amended by deleting the words "Ten Thousand Dollars (\$10,000.00)" as they appear in Section 7 thereof and substituting in place thereof the words "a sum of money equal to 2% of the total assessed value of all the real estate subject to taxation located within the municipal limits."

Section 3. This Act shall become effective on August 1, 1981.

Approved July 9, 1981.

CHAPTER 128

FORMERLY

SENATE BILL NO. 171

AN ACT TO AMEND CHAPTER 65, TITLE 9, OF THE DELAWARE CODE, RELATING TO GRANTS FROM FEDERAL, STATE OR INTERSTATE AGENCIES TO SUSSEX COUNTY TO PERMIT BORROWING IN ANTICIPATION OF THE RECEIPT THEREOF.

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

Section 1. Amend §6516, Chapter 65, Title 9 of the Delaware Code by adding a new paragraph thereto which shall read as follows:

"In anticipation of the receipt of any grant or loan permitted herein, the county government may, by resolution, borrow money in such amounts as it may find necessary and authorize the issuance of negotiable notes therefor. Section 6102 of this Title is not applicable to funds borrowed under this Chapter."

Approved July 9, 1981.

CHAPTER 129

FORMERLY

SENATE BILL NO. 172

AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE CODE TO PROVIDE FOR THE COMPENSATION OF DEPUTIES AND CLERKS.

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

Section 1. Amend §2302(a), Chapter 23, Title 10, of the Delaware Code, by deleting from the first sentence the phrase appearing after the word "Prothonotary", "at an annual compensation to be set by such Judges."

Section 2. Amend §2302(a), Chapter 23, Title 10, of the Delaware Code, by deleting therefrom the last sentence thereof in its entirety and substituting therefor the following:

"The compensation of such Chief Deputy shall be as fixed by the New Castle County Government, the Sussex County Government, or the Levy Court of Kent County."

Approved July 9, 1981.

CHAPTER 130

FORMERLY

SENATE BILL NO. 220
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 17, AND CHAPTER 5, AND 96, TITLE 9, DELAWARE CODE RELATING TO THE JURISDICTION, POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION OVER ROADS AND STREETS WITHIN THE COUNTIES NOT DEDICATED TO THE PUBLIC USE AND TO THE RECORDING OF DEEDS TO REAL ESTATE FRONTING ON SUCH STREETS AND ROADS.

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

Section 1. Amend §131(e) of Subchapter III, Chapter 1, Title 17, Delaware Code by striking paragraph (e) in its entirety and substituting in lieu thereof a new paragraph (e) to read as follows:

"(e) All roads and streets not dedicated to the public use and intended to be private, situated in unincorporated suburban communities in Sussex County, which are constructed after the effective date of this section shall be so constructed in accordance with the 'Rules and Regulations for Private Subdivision Streets and Roads' as established by the Sussex County Council. These 'Rules and Regulations for Private Subdivision Streets and Roads' shall, in addition to specifying standards for the design and construction of private streets and roads, set up a mechanism to provide for the perpetual maintenance of such private streets and roads. In addition, the following provisions shall apply to all such streets and roads:

(1) In the event that the "Rules and Regulations for Private Subdivision Streets and Roads" have not been established by Sussex County Council or such rules and regulations have been established and there is no mechanism contained therein to provide for the perpetual maintenance of private subdivision streets and roads, all such roads or streets shall be constructed in accordance with standards set forth by the Department of Transportation, Division of Highways, for streets and roads dedicated to public use.

(2) Private roads or streets shall not be accepted for maintenance by the State until the right of way for the streets or roads has been dedicated to the public use, accepted by the State and the streets and roads constructed or reconstructed at the expense of the property owners in accordance with the standards established by the Department of Transportation, Division of Highways, for streets and roads dedicated to public use in accordance with Title 9, Chapter 5, Suburban Community Improvements of the Delaware Code.

(3) In the event any real property, with road frontage or a private road or street, constructed or reconstructed pursuant to this section, which road or street is not to be maintained by the State, is conveyed subsequent to such construction or reconstruction, the deed conveying such real property shall contain a statement that such private street or road is not maintained by the State."

Section 2. Amend Chapter 5, Title 9, Delaware Code, by adding thereto a new section as follows:

"§535. Suburban Community Streets and Roads

All roads and streets situated in unincorporated suburban communities in Sussex County shall henceforth be constructed or reconstructed in accordance with the requirements of Title 17 of the Delaware Code."

Section 3. Amend Chapter 96, Title 9, Delaware Code by adding thereto a new section to read as follows:

§9623. Deeds to Real Estate Fronting on Non-State Maintained Streets and Roads in Suburban Communities

In the event any real property in an unincorporated suburban community in Sussex County with road frontage on a private road or street, constructed or reconstructed pursuant to §131, Title 17, which road or street is not to be maintained by the State, is conveyed subsequent to such construction or reconstruction and the deed is presented for recordation, the recorder of Sussex County shall not record such deed unless the deed shall contain a statement that such private street or road is not maintained by the State.

Section 4. This Act shall become effective upon its enactment, except that, it shall only be effective for a period of 4 years thereafter unless during such 4 year period a constitutional amendment to the Delaware Constitution is enacted which provides that no road or street shall be accepted for State maintenance unless constructed or reconstructed to state specifications and standards.

Approved July 9, 1981.

CHAPTER 131

FORMERLY

SENATE BILL NO. 223

AN ACT TO AMEND SECTION 2510, TITLE 12, DELAWARE CODE, RELATING TO CHARGES OF THE REGISTER OF WILLS, IN AND FOR SUSSEX COUNTY.

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

Section 1. Amend Section 2510, Title 12, of the Delaware Code, by deleting subparagraph (b) as it appears therein and inserting in lieu thereof the following:

"(b) This section shall not apply to the Registers of Wills in New Castle and Sussex Counties."

Section 2. Amend Section 2510, Title 12, of the Delaware Code, by deleting subparagraph (c) as it appears therein and inserting in lieu thereof the following:

"(c) The fees of the Registers of Wills in New Castle County and Sussex County shall be established by ordinance of the governing body of New Castle County or the County government of Sussex County."

Section 3. This Act shall become effective on the date the governing body of New Castle County or the County government of Sussex County establishes, by ordinance, a fee schedule for the Register of Wills, in and for Sussex County.

Approved July 9, 1981.

CHAPTER 132

FORMERLY

SENATE BILL NO. 224

AN ACT TO AMEND TITLE 9, CHAPTER 96, AS IT RELATES TO THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY.

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

Section 1. Amend Title 9, Chapter 96, by deleting Section 9617 as it appears and substituting in lieu thereof the following:

"Section 9617. The fees of the Reorders of Deeds in New Castle and Sussex Counties shall be established by an ordinance."

Section 2. Amend Title 9, Chapter 96, by deleting Section 9718 as it appears therein in its entirety.

Section 3. This Act shall become effective immediately.

Approved July 9, 1981.

CHAPTER 133

FORMERLY

SENATE BILL NO. 247

AN ACT TO AMEND SECTION 925, TITLE 10, DELAWARE CODE, GIVING FAMILY COURT CONCURRENT JURISDICTION WITH THE COURT OF CHANCERY TO APPOINT GUARDIANS OF THE PERSON OVER MINORS UNDER 18 YEARS OF AGE.

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

Section 1. Amend Section 925, Title 10, Delaware Code, by adding a subsection (16) thereto, to read as follows:

"(16) To appoint guardians of the person over minors under 18 years of age."

Approved July 9, 1981.

CHAPTER 134

FORMERLY

SENATE BILL NO. 270
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE TO CREATE ENHANCED
PENALTIES FOR DRUG TRAFFICKING.

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

Section 1. Amend Chapter 47, Title 16 of the Delaware Code of 1974 as amended by adding a new Section 4753 B thereto which shall read as follows:

"Section 4753B. Trafficking; mandatory sentences; suspension or reduction of sentences

(1) Except as authorized in this chapter:

(a) Any person who, on any single occasion, knowingly sells, manufactures, delivers, or brings into this State, or who is knowingly in actual or constructive possession of, in excess of 50 pounds of marijuana is guilty of a Class B Felony, which felony shall be known as 'trafficking in marijuana.' If the quantity of marijuana involved:

1. Is in excess of 50 pounds, but less than 1,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and to pay a fine of \$50,000.

2. Is 1,000 pounds or more, but less than 5,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 years and to pay a fine of \$100,000.

3. Is 5,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and to pay a fine of \$400,000.

(b) Any person who, on any single occasion, knowingly sells, manufactures, delivers, or brings into this State, or who is knowingly in actual or constructive possession of, 15 grams or more of cocaine or of any mixture containing cocaine, as described in §4716(b) (4), is guilty of a Class B Felony, which felony shall be known as 'trafficking in cocaine.' If the quantity involved:

1. Is 15 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and to pay a fine of \$50,000.

2. Is 100 grams or more, but less than 250 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 years and to pay a fine of \$100,000.

3. Is 250 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and to pay a fine of \$400,000.

(c) Any person who, on any single occasion, knowingly sells, manufactures, delivers, or brings into this State, or who is knowingly in actual or constructive possession of 8 grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in §4714, or 8 grams or more of any mixture containing any such substance, is guilty of a Class B Felony, which felony shall be known as 'trafficking in illegal drugs.' If the quantity involved:

1. Is 8 grams or more, but less than 20 grams, which person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and to pay a fine of \$75,000.

2. Is 20 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 10 years and to pay a fine of \$150,000.

3. Is 50 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and to pay a fine of \$750,000.

(2) Notwithstanding the provisions of §4764, with respect to any person who is found to have violated this section, adjudication of guilt of imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole or release upon good time credits or in any other manner, nor shall such individual be eligible for work release, supervised custody, furlough or any other similar program, prior to serving the mandatory minimum term of imprisonment prescribed by this section.

(3) The Attorney General may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance.

(4) For purposes of this section with regard to the sentencing provisions, a year shall mean 365 days without any reductions for good time."

Approved July 9, 1981.

CHAPTER 135

FORMERLY

SENATE BILL NO. 325

AN ACT TO AUTHORIZE AND DIRECT THE TRANSFER OF CERTAIN DEPARTMENT OF CORRECTION PROPERTY TO CHILD, INC.

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

Section 1. The Commissioner of Correction is hereby authorized and empowered to execute and deliver, subject to the provisions of Section 2 hereof, a deed and such affidavits as are required by law, in the name of the State of Delaware to Child, Inc., conveying title to the property situated at 1300 West Seventh Street, Wilmington, Delaware.

Section 2. Such conveyance shall be subject to the following conditions:

- (a) The grantee shall pay to the State of Delaware the sum of one dollar (\$1.00);
- (b) The grantee shall have prepared at its own expense such affidavits and other documents as are required by law to transfer legal title and to comply with applicable recording statutes; and
- (c) The grantee shall use the property exclusively as a residential facility for children.
- (d) In the event the grantee ceases to use the property for the purpose indicated in section (2c), the property transferred and conveyed by this Act shall automatically revert to the State of Delaware, and the deed conveying said land shall contain a reverter provision to this effect.

Approved July 9, 1981.

CHAPTER 136

FORMERLY

SENATE BILL NO. 340

AN ACT TO AMEND CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE RELATING TO PROCUREMENT OF MATERIEL AND AWARD OF CONTRACT FOR PUBLIC WORKS BY STATE AGENCIES AS IT APPLIES TO NEW CASTLE COUNTY.

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

Section 1. Amend Subsection (a) (2) of Section 6903, Title 29, Delaware Code, by inserting the words "or county administrator" between the words "the Governor" and the words "declares an unusual emergency" as they appear therein.

Section 2. Amend Subsection (a) (3) of Section 6903, Title 29, Delaware Code, by inserting the words "or need to make equipment compatible" between the words "licensed franchise situation" and the words "the material or work" as they appear therein.

Section 3. Amend Subsection (a) (4) of Section 6903, Title 29, Delaware Code, by inserting the words "or supplemental agreements" between the words "change orders" and the words "or extra work" as they appear in the first sentence thereof and following the words "change order" and before the words "setting forth" as they appear therein.

Section 4. Amend Subsection (h) of Section 6903, Title 29, Delaware Code, by inserting the words "of the State or the purchasing supervisor of any County" between the words "Department of Adminis-Services" and the words "that the negotiated price" as they appear therein.

Section 5. Amend Subsection (a) of Section 6906, Title 29, Delaware Code, by inserting the words "or to the contracting County" following the words "sufficient bond to the State" and before the words "for the benefit of the agency" as they appear therein.

Section 6. Amend Subsection (b) of Section 6906, Title 29, Delaware Code, by inserting the words "or to the contracting County" between the words "to this State" and the words "for the benefit of the agency involved" as they appear therein.

Section 7. Amend Section 6907, Title 29, Delaware Code, by inserting the words "or the contracting County" between the words "the interest of the State" and the words "shall be better served" as they appear in three places.

Section 8. Amend Subsection (a) of Section 6908, Title 29, Delaware Code, by striking the words "provided, however, that all such contracts shall make provisions for all federal and State anti-pollution, conservation and environmental protection statutes, ordinances rules and regulations which would be involved in the execution of the contract" as they appear therein and substituting in lieu thereof "provided, however, that all such contracts shall make provisions for all federal and State anti-pollution, conservation, and environmental statutes, rules and regulations and County ordinances which will be involved in the execution of the contract."

Section 9. Amend Subsection (b) of Section 6908, Title 29, Delaware Code, by inserting the words "or contracting County" between the words "property of the State" and the words "for the benefit of the agency" and inserting the words "or director" between the words "with the secretary" and the words "of Finance" as they appear therein.

Section 10. Amend Subsection (a) of Section 6909, Title 29, Delaware Code, by inserting the words "or to the contracting County" after the words "bond to the State" and before the words "for the benefit of the agency" as they appear therein.

Section 11. Amend Subsection (b) of Section 6909, Title 29, Delaware Code, by inserting the words "or the contracting County" following the words "save harmless the State" and the words "and the agency" as they appear therein.

Section 12. Amend Subsection (c) of Section 6909, Title 29, Delaware Code, by inserting the words "or contracting County" between the words "the interest of the State" and the words "so require" and inserting the words "or Director" between the words "the Secretary" and the words "of Finance" as they appear therein.

Section 13. Amend Subsection (d) of Section 6909, Title 29, Delaware Code, by inserting the words "or the contracting county" between the words "name of the State" and the words "in any court" as they appear therein.

Section 14. Amend Chapter 69 of Title 29 of the Delaware Code by adding the following words to the Title of Chapter 69:

" , COUNTY AGENCIES, AND SCHOOL DISTRICTS."

Approved July 9, 1981.

CHAPTER 137

FORMERLY

SENATE BILL NO. 361

AN ACT TO AMEND CHAPTER 6, TITLE 24 OF THE DELAWARE CODE RELATING TO COSMETOLOGY "INSTRUCTOR" LICENSES.

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

Section 1. Amend §605, Chapter 6, Title 24 of the Delaware Code by striking subsection (7) in its entirety, and substituting in lieu thereof the following:

"(7) Instructors.

(a) Except as otherwise provided for in this Chapter, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person has been licensed as a cosmetologist at the time he received an instructor's license under this subsection, has paid the appropriate fee, and in addition shall have had:

(1) at least a six months' teacher's training course in cosmetology in a registered school of cosmetology. In no event shall more than nine months teacher's training be requisite for admission to an examination; or

(2) at least two years' experience as an active practicing cosmetologist, supplemented by not less than three months' teacher's training in cosmetology in a registered school of cosmetology. In no event shall more than five months teacher's training be requisite for admission for admission for examination.

(b) Any resident of this State who has held a teacher's license in another state of equal requirements on the effective date of this law may be licensed as an instructor. All practicing instructors must hold a valid instructor's license issued by the Delaware State Board of Cosmetology, regardless of where they are instructing. A person holding a valid instructor's license shall be allowed to teach cosmetology without renewing the initial cosmetologist's license."

Section 2. Amend §622, Chapter 6, Title 24 of the Delaware Code by adding to said section the following sentence:

"Any person who held a cosmetologist's license at the time such person received an instructor's license shall not be required to renew the cosmetologist's license; provided that as such person continues to renew the instructor's license in accordance with this chapter."

Approved July 9, 1981.

CHAPTER 138

FORMERLY

HOUSE BILL NO. 423

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 INCREASE THE AMOUNT WHICH MAY BE SPENT FOR MATERIALS OR SERVICES WITHOUT REQUIRING COMPETITIVE BIDDING.

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 43, Chapter 197, Volume 54, Laws of Delaware, as amended, is hereby further amended by striking out the words and figures "Two Thousand Dollars (\$2,000.00)" and substituting in lieu thereof the words and figures "Five Thousand Dollars (\$5,000.00)".

Approved July 13, 1981.

CHAPTER 139

FORMERLY

SENATE BILL NO. 184
AS AMENDED BY SENATE AMENDMENT NO. 1

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 six districts, hereinafter mentioned, the annexation 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 six districts."

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-Commeneing not later than 1971, and thereafter not less than one in every ten years, the aforesaid six districts shall be reapportioned and redistricted either by the Council or by amendment to this Charter, or as otherwise provided by law, 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 and as little change as practically possible shall be made in prior boundary lines.
3. Each District shall be so created as not to favor unduly any person or group of persons."

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-One Councilman shall be elected from each district. The elections for Councilmen from the third, fifth and sixth districts shall be held in even numbered years. The elections for Councilmen from the first, second, and fourth districts shall be held in odd numbered years."

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 and Councilmen shall be elected to serve a term of two years, all effective with the Organization Meeting following their election."

AMEND Article III of the City Charter of the City of Newark, Delaware, be deleting Section 304.5 thereof in its entirety.

Section 7. Amend Section 901 of the City Charter of the City of Newark, Delaware, by deleting the first paragraph thereof in its entirety and substituting in lieu thereof a new paragraph to read as follows:

Approved July 13, 1981.

CHAPTER 140

FORMERLY

SENATE BILL NO. 282

AN ACT TO AMEND CHAPTER 41, TITLE II OF THE DELAWARE CODE RELATING TO THE CREATION OF A SPECIAL LAW ENFORCEMENT ASSISTANCE FUND.

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

Section 1. Amend Chapter 41, Title II of the Delaware Code by designating the current Sections 4101 through 4105 as Sub-part A of said chapter and by adding the following sections to the designated as Sub-part B.

Section 4110. Declaration of Purpose.

The General Assembly hereby declares that in order to provide funds to combat organized crime, especially with respect to the unlawful trafficking in controlled substances, unlawful gambling activities, and unlawful pornographic and prostitution-related activities, it is necessary to establish a fund for the use of law enforcement agencies in the State. This special fund is hereby created and shall be known as the "Special Law Enforcement Assistance Fund."

Section 4111. Use of Funds.

The use of money from this special fund must be for the purposes declared herein as such requires the use of United States currency in undercover operations or which requires the reimbursement for payment of overtime to investigators working on organized crime investigations; provided, however, that such overtime may be paid by their agency only to officers of state and local law enforcement agencies or to auditors from the Office of Auditor of Accounts.

Section 4112. Creation of Fund.

Upon the forfeiture of any money in a criminal case in any court of this State, the same shall be paid over to the Prothonotary or Clerk of the Court, as the case may be, who shall collect the same and transmit it to the State Treasurer to be held as special funds for the purposes referred to in §4110 and §4111. The Special Law Enforcement Assistance Fund shall not include fines, court costs, or restitution ordered by the court in any criminal case, nor shall it include bail forfeitures. It shall, however, include any money or the proceeds obtained from the sale or other disposition of any property which is forfeited to the State by determination of the court that the property was (1) used for criminal purposes or (2) was obtained as the fruits of a criminal enterprise.

Section 4113. Disbursement of Funds.

(a) The disbursement of funds from this account shall be made by the State Treasurer to a law enforcement agency only upon written application by the agency and upon authorization by the Attorney General on a form designed for such purpose by the Attorney General and the State Treasurer.

(b) This application and authorization form must include the following information:

- (1) The amount of funds requested;
- (2) The anticipated purpose for which such funds are requested;
- (3) The amount of any and all funds received by said agency from the Special Law Enforcement Assistance Fund during the previous five fiscal years; and
- (4) The name of the agency requesting said funds and the name of the individual in that agency who shall be responsible for keeping accurate records as to the use of said funds.

(c) The Attorney General shall determine whether or not the expressed purpose for the expenditure requested is included within those purposes allowed under this sub-part; and further, whether the proposed expenditure of funds for the expressed purpose will be in the best interests of law enforcement. If the Attorney General determines that the proposed expenditure meets these criteria, he may authorize the expenditure in whole or in part and only then shall the funds be paid to the appropriate law enforcement agency.

(d) The methods and procedures established for the application and expenditure of this fund are not subject to the normal accounting practices set forth in 29 Del. C., Chapter 65.

(e) All records, applications, approvals, authorizations and reports required by this sub-part shall be exempt from disclosure under the provisions of Chapter 100, Title 29 of the Delaware Code.

Section 4114. Accounting for Funds.

(a) Funds obtained by law enforcement agencies pursuant to this sub-chapter shall be used only for the purposes set out in subsection (b) of this section. Each agency receiving any such funds during any fiscal year shall render on or before June 30 of each year a full and complete accounting for the use of such funds to the Attorney General, who shall attain such accountings for inspection by the State Auditor. Any Special Law Enforcement Assistance funds which are in the hands of any agency and which are not fully expended by the end of the fiscal year must then be returned by the agency to the Fund unless the agency has requested and has received an authorization in writing for an extension of up to 120 days by the Attorney General.

(b) Funds from the Special Law Enforcement Assistance Fund may be used for the following types of investigative activities:

(1) Payment of informant money;

(2) Payment for the purchase by undercover agents of unlawful substances, such as but not limited to counterfeit or real controlled substances, pornographic materials, stolen property or other contraband;

(3) Use as gambling front money by undercover agents;

(4) Payment of overtime to Delaware state or local law enforcement officers or auditors from the Office of Auditor of Accounts when engaged in special or extraordinary investigations of organized criminal activity.

Section 4115. Review of Records.

Any agency receiving funds from the Special Law Enforcement Assistance Fund shall on or before July 15, submit a detailed and complete accounting of the disbursement for all such funds from the prior fiscal year to the Auditor of Accounts and the Attorney General. The Auditor and Attorney General shall review said accounting and shall maintain them as confidential files. The Attorney General shall submit on or before October 1 of each year a confidential report to the chairman and vice-chairman of the Joint Finance Committee summarizing the expenditures from this fund during the preceding fiscal year.

Section 4116. Excess Funds.

If at any time the amount of funds segregated in the Special Law Enforcement Assistance Fund exceeds \$250,000, the excess shall be deposited in the General Fund.

Section 2. Amend Chapter 23, Title II of the Delaware Code relating to vehicles as follows:

Amend §2325 by deleting the words "general funds of the State" as they now appear at the end of such sentence and substituting therefore the words "Special Law Enforcement Assistance Fund."

Approved July 13, 1981.

CHAPTER 141

FORMERLY

SENATE BILL NO. 291
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE 11, OF THE DELAWARE CODE RELATING TO CRIMINAL PROCEDURES; AND PROVIDING FOR RESTITUTION FOR PROPERTY DAMAGE OR LOSS SUSTAINED BY VICTIMS OF CRIMES.

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

Section 1. Amend Chapter 41, Title 11 of the Delaware Code by adding thereto a section, designated as §4106, which new section shall read as follows:

"§4106 Restitution for Property Damage or Loss Sustained by Victims of Crimes

(a) Any person convicted of stealing, taking receiving, converting, defacing, or destroying property, shall be liable to each victim of his offense for the value of the property or property rights lost to the victim and for the value of any property which has diminished in worth as a result of the actions of such convicted offender and shall be ordered by the Court to make restitution. If the court does not require that restitution to be paid to a victim, the court shall state its reason on the record. The convicted offender shall also be liable for direct out-of-pocket losses, loss of earnings and other expenses and inconveniences incurred by victim as a direct result of the crime. For each criminal offense resulting in arrest in which property is alleged to have been unlawfully taken, damaged or otherwise diminished in value, a loss statement shall be prepared, by the police or by the victim when there is no police involvement documenting for the court, the value of the property lost or diminished as a direct result of the crime.

(b) In accordance with the evidence presented to the Court, The Court shall determine the nature and amount of restitution, if any, to be made to each victim of the crime of each convicted offender. The offender shall be ordered to pay a fixed sum of restitution or shall be ordered to work a fixed number of hours under the work referral program administered by the Department of Correction, or both.

(c) In the event a convicted offender is ordered by the court to pay fines, costs, or other financial obligations along with restitution, payments shall first be applied to victim compensation fund, next to pay restitution and then to the other payments ordered to be made.

(d) Each court shall establish procedures for the collection and disbursement of funds ordered under this section, including notification of the victim that restitution has been ordered.

(e) An order of restitution may not preclude the victim from proceeding in a civil action to recover damages from the offender. A civil verdict shall be reduced by the amount of restitution paid under the criminal restitution order.

(f) The provisions of this Act shall be effective October 1, 1981.

Section 2. Amend §5915, Chapter 59, Title 11, Delaware Code by inserting after the word "cost" and before the word "penalties" as the same appear in the first sentence thereof the word "restitution"

Section 3. Amend §1721 (b), Chapter 17, Title 10, Delaware Code by inserting after the word "fines" and before the word "and" as the same appear thereof the word "restitution"

Section 4. Amend §912 (c), Chapter 9, Title 10, Delaware Code by inserting after the word "costs" and before the word "and" as the same appear in the first sentence thereof the word "restitution"

Section 5. Amend §1311 (a), Chapter 13, Title 10, Delaware Code by inserting after the word "fines" and before the word "and" as the same appear therein the word "restitution"

Section 6. Amend §4101 (b), Chapter 41, Title 11, Delaware Code by striking the words "or both" as the same appear in the first sentence thereof and substituting in lieu thereof the words "restitution or all three"

Section 7. Amend §4104 (a), Chapter 41, Title 11, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(a) When a court imposes a fine, costs, or restitution upon a defendant, the court or justice of the peace may direct as follows:

1. That the defendant pay the entire amount at the time sentence is imposed; or
2. That the defendant pay a specified portion of the fine, costs, or restitution at designated periodic intervals, and in such case may direct that the fine, costs, or restitution be remitted to a probation officer who shall report to the court at such periods as the court may direct, any failure to comply with the order;
3. Where the defendant is sentenced to a period of probation as well as fine, costs, or restitution that payment of the fines, costs, or restitution shall be a condition of the probation."

Section 8. Amend §4104 (c) and (d), Chapter 41, Title 11, Delaware Code by said subsection in its entirety and substituting in lieu thereof a new subsection to read as follows:

(e) Any court may, in its discretion, direct any person sentenced to pay a fine or restitution upon conviction of a crime who is employed within this State or by a Delaware resident or employer, to execute an assignment of a specified periodic sum not to exceed 1/3 of his total earnings, which assignment shall direct his employer to withhold and remit that amount to this State up to the total of the fine, costs, and restitution imposed.

An assignment of earnings executed in accordance with this subsection shall be binding upon an employer in the same manner as an attachment of wages pursuant to Title 10, except that an assignment need be filed only once with the employer who shall make the withholding and remittances until the full amount is paid. An amount of total earnings consistent with federal law may be assigned. An employer shall take no action against an employee who has executed an assignment, and the penalty imposed upon an employee solely because of an assignment under this subsection shall be in accordance with the manner set forth for attachments.

(d) For purposes of ensuring the payment of fines, restitution, and the enforcement of any orders imposed under this section, the court shall retain jurisdiction over the convicted person until any fine or restitution imposed shall have been paid in full. The court may write off the fines, costs, and restitution of any convicted person when the court receives evidence that such person is deceased.

Section 9. Amend §4105, Chapter 41, Title 11, Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

§4105 Default in Payment of Fine; inability to Pay

(a) No person sentenced to pay a fine, costs, or restitution upon conviction of a crime shall be ordered to be imprisoned in default of the payment of such fine, costs, or restitution.

(b) Where a person sentenced to pay a fine, costs, restitution or all three, on conviction of a crime is unable or fails to pay such fine, costs, restitution or all three, at the time of imposition of sentence or in accordance with the terms of payment set by the court, the court may order the person to report at any time to the Commissioner of the Department of Correction, or a person designated by him, for work for a number and schedule of hours necessary to discharge the fine, costs, or restitution imposed. 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, costs, and restitution. In cases involving Justices of the Peace Courts, the Chief Magistrate thereof shall establish guidelines for the number of hours of work which may be assigned and the Courts shall adhere to said guidelines. The Department may approve public work assignments for convicted persons in accordance with subsection (c) of this section, whereupon the Commissioner, or a person designated by him may assign the convicted person to work under the supervision of any state, county or municipal agency on any project or assignment specifically certified for that purpose. The Department of Correction shall not compensate any convicted person assigned to work under the supervision of any state, county, or municipal agency but shall credit such person with the number of hours of satisfactory service. When the number of such hours equals the number of hours imposed by the court, the Department shall certify this fact to the appropriate court, and the court shall proceed as if the fines, costs, and restitution had been paid in cash. Fines, costs, and restitution successfully worked off in the above manner shall not be considered as receivables of the court, but the records shall show the hours worked. Failure to comply with an order of the court made pursuant to this section shall be punishable as civil contempt and all courts shall have the power to punish as a civil contempt any convicted person who fails to comply with such an order. In the event a person serves a sentence of incarceration for contempt of court in accordance with this subsection, the length of the sentence being with the courts discretion and based upon the amount of the outstanding fines and costs, the court in its discretion may order that any fines and costs totalling less than \$1,000 shall be cancelled.

(c) Any agency of the State, county or any municipality or any non-profit organization approved by the Court may submit public work projects or proposed assignments to the Department of Correction for certification as approved public work projects under this section. Upon certification the agency will be notified and the Commissioner of the Department of Correction will

be authorized to begin to assign convicted persons to the certified project or assignment.

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

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

Approved July 13, 1981.

CHAPTER 142

FORMERLY

SENATE BILL NO. 316
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 5, 9, 10, 12, 14, 18, 23, 29, AND 31 RELATING TO PROVISIONS WITHIN SAID TITLES DEALING SPECIFICALLY WITH THE FARMERS BANK OF THE STATE OF DELAWARE AND TO MAKE PROVISIONS FOR THE DISPOSITION OF MONEY PREVIOUSLY DEPOSITED WITH THE FARMERS BANK OF THE STATE OF DELAWARE.

WHEREAS, the State has owned a substantial portion of the outstanding capital stock of the Farmers Bank of the State of Delaware (the "Farmers Bank") since 1808 and State statute has provided since 1857 that State funds shall be deposited in the Farmers Bank and also has contained numerous additional provisions relating to the special relationship between the State and Farmers Bank; and

WHEREAS, the State, pursuant to authorization by the 128th General Assembly and the Governor of the State, entered into an agreement dated May 12, 1976, with the Federal Deposit Insurance Corporation (the "FDIC") and the Farmers Bank to provide financial assistance from the State and the FDIC to Farmers Bank (the "Assistance Agreement"); and

WHEREAS, the Assistance Agreement was subsequently modified by an agreement dated May 10, 1977, among Farmers Bank, the FDIC and the State (authorized by the 129th General Assembly and the Governor of the State); and

WHEREAS, the State is receiving limited benefit from the depository arrangements mandated by the Assistance Agreement; and

WHEREAS, it is anticipated that the Assistance Agreement will terminate no later than January 1, 1982 with respect to the depository requirements; and

WHEREAS, under the principles of sound fiscal policy and management it is imperative that the State deposit its money under such terms and conditions which will produce the greater fiscal benefit to the State.

NOW, THEREFORE:

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

Section 1. Amend Title 29 of the Delaware Code by striking §2705 in its entirety and substituting in lieu thereof a new §2705 to read as follows:

"§2705. Custody and investment of State funds

The State Treasurer shall have custody of money belonging to the State, including, but not limited to, money in the School Fund. All money belonging to the State, except money deposited in any pension fund of the State, and received by the State Treasurer, shall be invested daily.

Money belonging to the State shall continue to be invested until required by the State Treasurer to make disbursements authorized by law."

Section 2. Amend Title 29 by adding a new section to be designated §2716 to read as follows:

"§2716. Cash Management Policy Board

(a) Establishment and Purpose. There is hereby established the Cash Management Policy Board (the "Board"). The Board's purposes shall be to establish policies for the investment of all money belonging to the State, except money deposited in any State pension fund or the State Deferred Compensation Program, and to determine the terms, conditions and other matters relating to those investments including the designation of permissible investments.

In carrying out its purpose to designate permissible investments, the Board shall: exercise the judgment and care under the circumstances then prevailing which men and women of prudence, discretion, and intelligence exercise in the management of their own affairs with due regard to the probable income and level of risk from investments of money belonging to the State in accordance with the policies established by the Board;

In carrying out its purpose to determine the terms, conditions and other matters relating to the investment of money belonging to the State, unless the Board shall find it not in the State's best interest, the Board shall:

(i) require as a condition to any deposit of State money in any state or national bank or savings and loan institution that such deposits be continuously and fully secured by direct general obligations of or obligations the payment of the principal and interest on which are unconditionally guaranteed by, the United States of America or other suitable obligations as determined by the Board;

(ii) require that the selection of financial institutions to provide banking and investment services pursuant to this section be conducted on an open and competitive basis; and

(iii) require that temporary clearing accounts as well as major disbursement accounts be established in a bank or banks whose principal office is located within the State.

(b) Composition of the Board. The Board shall be composed of nine members. Each member of the Board shall have one vote. The State Treasurer, the Secretary of Finance, the Secretary of State and the Controller General shall be members of the Board and shall serve on the Board ex officio. Five members shall be appointed by the Governor and confirmed by the Senate.

Of the five appointed members, (i) at least one member shall be a resident of Sussex County, at least one member shall be a resident of Kent County, and at least one member shall be a resident of New Castle County; and (ii) at least 2, but no more than 3, appointed members of the Board shall be affiliated with 1 of the major political parties and at least 1, but no more than 2, of the appointed members shall be affiliated with the other major political party; provided, however, that there shall be no more than a bare majority representation of 1 major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board.

In considering the qualifications of persons who may be appointed to the Board, the Governor shall consider among other things the knowledge of such person in the fields of investment management and banking services.

The Governor shall fill vacancies on the Board created by appointed members for their unexpired term and the appointments shall be confirmed by the Senate.

(c) Term of Appointed Members and Conduct of Meetings:

(1) Each appointed member shall be appointed for a three-year term beginning on the date of appointment provided, however, that of the initial members, one shall be appointed for a one-year term, two for two-year terms, and two for three-year terms. Appointed members shall be eligible for reappointment.

(2) Each member of the Board shall have one vote and the powers of the Board shall be exercised by a majority vote of all members present provided that a quorum of five members shall be necessary to hold a meeting of the Board.

(3) The Chairman of the Board shall be designated by the Governor from among the appointed members.

(4) The Board shall meet as often as shall be necessary to properly discharge its duties; provided, however, that the Board shall meet at least once every three months, and provided further, that the State Treasurer shall be authorized to call special meetings of the Board.

(5) Meetings and/or documents relating to investment strategy or negotiations concerning investment of money belonging to the State shall be exempt from the provisions of Chapter 100 of this Title.

(d) Powers and Duties of the Board.

(1) The Board is authorized and empowered to adopt rules and regulations for the general administration of its duties.

(2) The Board shall establish a policy with respect to the creation of all checking accounts by the State or any agency or department by the State or any agency or department of the State, and the State Treasurer shall enforce that policy.

(3) The Board shall be authorized to enter into agreements to employ or contract for the services of private and public consultants, for research, technical, or other services and for facilities, whenever the same shall be deemed by the Board necessary or desirable in the performance of the functions of the Board. No such agreement shall be binding or enforceable

unless the State shall have appropriated money to pay the obligations incurred by the Board hereunder.

(4) The Board shall prepare and publish an annual report to the General Assembly concerning its activities.

(e) Powers and Duties of the State Treasurer.

(1) The investment of money belonging to the State shall be made by the State Treasurer in accordance with policies established by the Board and subject to the terms, conditions and other matters, including the designation of permissible investments relating to the investment of the money belonging to the State, except for money deposited in any State pension fund or funds of the State Deferred Compensation Program.

(2) State agencies and departments, and school districts shall provide the State Treasurer with such reports and projections of receipts and expenditures as well as other data he or she may request to enable the Treasurer to provide the Board with accurate cash flow forecasts.

(f) Miscellaneous.

(1) Members shall not receive compensation for serving on the Board, but shall be entitled to reimbursement by the State for travel and other expenses incurred in attending meetings of the Board.

(2) The State shall indemnify an appointed Board member who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that he or she is or was an appointed Board member, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in the best interests of the State and with respect to any criminal action or proceeding had no reasonable cause to believe his or her conduct was unlawful. Expenses incurred in defending a civil, administrative or investigative action, suit or proceeding shall be paid by the State in advance of final disposition of such action, suit or proceeding if (i) initially authorized by a majority vote of the Board exclusive of the member or members to be indemnified unless more than a majority of the Board shall also be parties to the same action, suit or proceeding, in which instance, such authorization shall be by the Governor of the State and (ii) such Board member agrees to repay such amount if it is ultimately determined by the Board or the Governor, as the case may be, pursuant to (i) above that such member is not entitled to be indemnified under this section.

Section 3. Amend §742(b) of Title 5 of the Delaware Code by striking the following consecutive words as they appear in the fourth sentence thereof: "to the state directors of the Farmers' Bank of the State of Delaware, nor".

Section 4. Amend Title 5 of the Delaware Code by striking §929 thereof in its entirety.

Section 5. Amend Title 5 of the Delaware Code by striking §930 and §935(a) thereof in its entirety.

Section 6. Amend §1906(a) of Title 5 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of the State of Delaware" and inserting in lieu thereof the following: "any state or national bank as defined in §101 of this Title".

Section 7. Amend §502(b) of Title 9 of the Delaware Code by striking the second sentence thereof and substituting in lieu thereof the following: "Bonds shall be issued as bearer, coupon bonds convertible into fully registered bonds."

Section 8. Amend §514 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the branch of the Farmers Bank of Delaware in the county where the bonds are issued" and inserting in lieu thereof the following: "any state or national bank designated by the county government."

Section 9. Amend §533 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "in the branch of the Farmers Bank where the principal and interest are payable,".

Section 10. Amend §552(b) of Title 9 of the Delaware Code by striking the second sentence thereof and inserting in lieu thereof the following: "The bonds shall be issued as bearer, coupon bonds convertible into fully registered bonds."

Section 11. Amend §563 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the branch of the Farmers Bank of Delaware in the county where the bonds are issued" and inserting in lieu thereof the following: "any state or national bank designated by the county government".

Section 12. Amend §579 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "in the branch of the Farmers Bank" and inserting in lieu thereof the following: "in a state or national bank".

Section 13. Amend §650(e) of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the branch of the Farmers Bank of Delaware in the county where the bonds are issued" and inserting in lieu thereof the following: "any state or national bank designated by the county government".

Section 14. Amend §653 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "in the branch of the Farmers Bank" and inserting in lieu thereof the following: "in a state or national bank".

Section 15. Amend §1522(b) of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the Wilmington Branch of the Farmers Bank" and inserting in lieu thereof the following: "a state or national bank designated by the County".

Section 16. Amend §2211(c) of Title 9 of the Delaware Code by striking the last sentence thereof and inserting in lieu thereof the following: "The residue of the purchase money shall be immediately deposited to the credit of the owner or owners of the property so sold in a state or national bank having been designated by New Castle County."

Section 17. Amend §2311(b) of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the branch of the Farmers Bank of Delaware located in New Castle County" and inserting in lieu thereof the following: "a state or national bank designated by New Castle County".

Section 18. Amend §2408 of Title 9 of the Delaware Code by striking subsection (a) thereof in its entirety and inserting in lieu thereof the following:

"(a) The principal of and interest on the bonds shall be payable when due and payable from money appropriated from time to time by New Castle County."

Section 19. Amend §2409 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers Bank of the State of Delaware, at Wilmington, Delaware" and inserting in lieu thereof the following: "a state or national bank designated by New Castle County".

Section 20. Amend §4159 of Title 9 of the Delaware Code by striking subsection (a) thereof in its entirety and inserting in lieu thereof the following:

"(a) The principal of and interest on the bonds shall be payable when due and payable from money appropriated by Kent County."

Section 21. Amend §4511(c) of Title 9 of the Delaware Code by striking the last sentence thereof and inserting in lieu thereof the following: "The residue of the purchase money shall be immediately deposited to the credit of the owner or owners of the property so sold in a state or national bank having its principal office in the State."

Section 22. Amend §4708 of Title 9 of the Delaware Code by striking subsection (a) thereof in its entirety and inserting in lieu thereof the following:

"(a) The principal of and interest on the bonds shall be payable when due and payable from money appropriated by Kent County."

Section 23. Amend §4709 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers Bank of the State of Delaware, at Dover, Delaware" and inserting in lieu thereof the following: "a state or national bank designated by Kent County".

Section 24. Amend §6511(b) of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the branch of the Farmers Bank of the State of Delaware located in Sussex County" and inserting in lieu thereof the following: "a state or national bank designated by Sussex County".

Section 25. Amend §6711(c) of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers Bank, Georgetown, Delaware" and inserting in lieu thereof the following: "a state or national bank designated by Sussex County".

Section 26. Amend §8435 of Title 9 of the Delaware Code by striking the following consecutive words as they appear therein: ", the County Auditor and a representative of the Farmers Bank of the State of Delaware" and inserting in lieu thereof the following: "and the County Auditor".

Section 27. Amend §4760(a) of Title 10 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of the State of Delaware" and inserting in lieu thereof the following: "any state or national bank having its principal place of business in the State".

Section 28. Amend §6114 of Title 10 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of the State of Delaware in the county seat of" and inserting in lieu thereof the following: "any state or national bank having a branch or office in".

Section 29. Amend §2315(a) of Title 12 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of this State" and inserting in lieu thereof the following: "any state or national bank with its principal office in the State".

Section 30. Amend §2316(b) of Title 12 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of this State" and inserting in lieu thereof the following: "any state or national bank having its principal office in the State".

Section 31. Amend §1503 of Title 14 of the Delaware Code by striking the following consecutive words as they appear therein: ", except as to stock of the Farmers' Bank";

Section 32. Amend §1922 of Title 14 of the Delaware Code by striking the following consecutive words as they appear therein: "the principal office of the Farmers Bank of the State of Delaware in the county in which the school district is situated" and inserting in lieu thereof the following: "a state or national bank designated by the school district".

Section 33. Amend Title 14 of the Delaware Code by striking §1923 thereof in its entirety and inserting in lieu thereof the following:

"§1923. Payment of Interest Upon Local School Funds on Deposit

(a) On the 30th day of June and the 31st day of December of each year, the State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer such amount of interest as determined by this Section upon such funds.

(b) The State Treasurer shall credit the operating and debt service account respectively of each district's school operating and debt service funds with interest on 80% of the average balances in operating and debt service funds for the 6-month periods ending on the last day of May and November. The interest to be paid will be that proportionate share of interest paid to the State as the school's 80% average balances are to the total State's average balance. The average balance shall be determined by averaging the balances of such funds as of that day of each month when the balances of all State funds deposited are determined.

(c) The State Treasurer shall credit the debt service account of each local school district construction fund with interest on 90% of the average balance of that proportion of the construction accounts contributed by the local district for the 6-month periods ending on the last day of May and November. The average proportional amount contributed by the local school district shall be determined by averaging the balances of such proportional amounts as of that day of each month on which the balances of all State funds deposited are determined. The interest to be paid will be that proportionate share of interest paid to the State as the school's 90% average balances of the proportion of construction accounts contributed by the local district are to the State's average balance."

Section 34. Amend Title 14 of the Delaware Code by striking §2110 thereof in its entirety and substituting in lieu thereof the following:

"§2110. Place of payment of principal and interest

The principal of and interest on the bonds shall be payable at a state or national bank within or without the State designated by the issuing officers as that term is defined in Section 7401 of Title 29, Delaware Code."

Section 35. Amend Title 14 of the Delaware Code by striking §2113 thereof in its entirety and substituting in lieu thereof the following:

"§2113. Cancellation and destruction of paid bonds and coupons

After any bonds issued under the authority of this chapter or the coupons annexed thereto shall have been paid, they shall be immediately cancelled, a record of payment shall be made and the bonds or coupons destroyed."

Section 36. Amend §3792 of Title 14 of the Delaware Code by striking the following consecutive words as they appear therein: "account to be known as State School Emergency Fund in the Farmers' Bank of the State of Delaware" and inserting in lieu thereof the following: "fund to be known as the

State School Emergency Fund".

Section 37. Amend §3703 of Title 14 of the Delaware Code by striking the first sentence thereof and inserting in lieu thereof the following:

"Upon receipt of a written demand or requisition of the Governor as provided in §3702 of this Title, the State Treasurer shall forthwith set aside from the General Fund the amount requested by the Governor in his written demand or requisition, in a special fund of the State, to be known as the State School Emergency Fund. Interest payable on money in the special fund shall be credited when and to the same extent as interest on other State money on deposit in any state or national bank."

Section 38. Amend §6535 of Title 18 by striking the following consecutive words: "custodian of and" as they appear therein, and by adding a new sentence:

"The State Treasurer shall be custodian of the Fund."

Section 39. Amend §6536(a) of Title 18 of the Delaware Code by striking it in its entirety and inserting in lieu thereof the following:

"(a) The State Treasurer shall invest and reinvest such portion of the Fund as is not required to meet regular anticipated expenses in accordance with the investment guidelines established by the Cash Management Policy Board."

Section 40. Amend §1902 of Title 23 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of this State, or in any branch thereof" and inserting in lieu thereof the following: "any state or national bank having an office or a branch".

Section 41. Amend §402(a) of Title 29 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of the State of Delaware at Dover" and inserting in lieu thereof the following: "a special fund of the State to fund capital projects of the State".

Section 42. Amend §554 of Title 29 of the Delaware Code by striking the following consecutive words as they appear in the third sentence therein: "with the Secretary of Finance in the Farmers' Bank of the State of Delaware" and inserting in lieu thereof the following: "in a special fund of the State".

Section 43. Amend §2707 of Title 29 of the Delaware Code by adding the following sentence:

"Methods of payments may include checks, drafts and electronic funds transfers."

Section 44. Amend Title 29 of the Delaware Code by striking §2708 thereof in its entirety and inserting in lieu thereof:

"§2708. Destruction of Cancelled Bonds and Coupons

The State Treasurer may cause any registration, recording, or cancellation agent of the State to destroy any paid, redeemed, called or cancelled bonds and coupons of the State. Such agent shall give the State Treasurer a certificate of destruction or cremation of such bonds and coupons which shall be retained by the State Treasurer."

Section 45. Amend §2710 of Title 29 of the Delaware Code by striking the following consecutive words each time they appear therein: "the Farmers' Bank of the State of Delaware" and inserting in lieu thereof in each instance the following: "any agent so designated by the issuing officers".

Section 46. Amend §5903(14) of Title 29 of the Delaware Code by striking the following consecutive words as they appear therein: "and Directors of the Farmers' Bank of the State of Delaware".

Section 47. Amend Title 29 of the Delaware Code by striking §6103 thereof in its entirety and inserting in lieu thereof the following:

"§6103. Deposit of State Money; Report to State Treasurer

All monies which belong to the State shall be deposited on day of receipt to the credit of the State Treasurer in the designated depository of the State's funds, with the exception of monies received after the close of normal banking hours or when an agency receives less than \$100 in receipts daily. Those agencies receiving less than \$100 in daily receipts shall safely secure such funds and make a deposit when accumulated, undeposited receipts exceed \$100, or on a weekly basis, whichever occurs first. When monies are received after the close of normal banking hours, those monies shall normally be safely secured and deposited on the next business day, except when receipts are of sufficient magnitude to warrant their being deposited after normal banking hours. A report of collections signed by the responsible head of each agency shall be promptly submitted to the State Treasurer, with a copy thereof to the Secretary of Finance."

Section 48. Amend §6204(a) of Title 29 of the Delaware Code by striking all of subsection (a) after the word "Fund" and inserting in lieu thereof the following: "as shall be prescribed by the Cash Management Policy Board".

Section 49. Amend §7408 of Title 29 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of the State of Delaware, a state banking institution, and may be payable at such additional place or places without" and inserting in lieu thereof the following: "such place or places within or without".

Section 50. Amend Title 29 of the Delaware Code by striking §7412 thereof in its entirety and inserting in lieu thereof:

"§7412. Registration, Recording and Cancellation Agent

The issuing officers shall, by resolution, direct the State Treasurer to contract, in such manner as the issuing officers shall prescribe, with a banking or other institution to act as (1) registration agent for bonds, notes, and revenue notes; (2) 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 (3) cancellation agent to cancel all such bonds and coupons pertaining thereto, notes and revenue notes which shall have been paid or redeemed. The State Treasurer may, at the direction of the issuing officers, contract with such institution for related services. Any such contract shall provide that the agent shall be responsible to the State for the faithful and safe conduct of the services to be performed by it as registration agent, recording agent or cancellation agent, or services related thereto, for the fidelity and integrity of the officers and agents of such contracting institution performing the duties of a registration agent, recording agent or cancellation 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 contract may be terminated by the State Treasurer at any time, if so directed by the issuing officers. Any such contract shall be filed in the office of the State Treasurer as a public record."

Section 51. Amend §7414 of Title 29 by striking the following consecutive words as they appear therein: "in the Farmers' Bank of the State of Delaware" and inserting in lieu thereof the following: "in the General Fund or a special fund of the State".

Section 52. Amend §7508(a) of Title 29 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers' Bank of the State of Delaware in the county in which the district is located" and inserting in lieu thereof the following: "a place prescribed by the issuing officers of the State".

Section 53. Amend Title 29 of the Delaware Code by striking said §7514 in its entirety and inserting in lieu thereof the following:

"§7514. Local Funds and State Appropriations to be Deposited

The moneys paid to the State Treasurer by a school district as its local share under any school construction bond authorization act and any funds appropriated as its local share by the State under any school construction bond authorization act, including any additional amount appropriated to such school district by the State, and for the financing of which bonds of the State are to be issued, shall be deposited by the State Treasurer in a special fund and shall be expended only for school construction in such district. Each of said local shares and additional amounts shall be credited with interest in the following manner:

(a) On the 30th day of June and the 31st day of December of each year, the State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer such amount of interest as determined by this Section upon such funds.

(b) The State Treasurer shall credit the operating and debt service account respectively of each district's school operating and debt service funds with interest on 80% of the average balances in operating and debt service funds for the 6-month periods ending on the last day of May and November. The interest to be paid will be that proportionate share of interest paid to the State as the schools' 80% average balances are to the total State's average balance. The average balance shall be determined by averaging the balances of such funds as of that day of each month when the balances of all State funds deposited are determined.

(c) The State Treasurer shall credit the debt service account of each local school district school construction fund with interest on 90% of the average balance of that proportion of the construction accounts contributed by the local district for the 6-month periods ending on the last day of May and November. The average proportional amount contributed by the local school district shall be determined by averaging the balances of such proportional amounts as of

that day of each month on which the balances of all State funds deposited are determined. The interest to be paid will be that proportionate share of interest paid to the State as the schools' 90% average balances of the proportion of construction accounts contributed by the local district are to the State's average balance."

Section 54. Amend §111(c) of Title 31 of the Delaware Code by striking the following consecutive words: "Auditor of Accounts" and substituting in lieu thereof the following:

"Department of Finance";
and further amending §111(d) of Title 31 by striking the following consecutive words as they appear therein: "Auditor of Accounts" and "with the Farmers Bank of the State of Delaware" and then inserting respectively in lieu thereof the following:

"Treasurer" and "in a fund of the State".

Section 55. Amend §4055(a) of Title 31 of the Delaware Code by striking the following consecutive words as they appear therein: "the Farmers Bank of the State of Delaware at Dover, or at such alternate" and inserting in lieu thereof the following: "such place or".

Section 56. Amend §3210 of Title 18 by deleting the second sentence in its entirety and substituting in lieu thereof the following:

"Funds derived from such dividends shall be invested by the State Treasurer in accordance with guidelines established by the Cash Management Policy Board, with all income from such investments reverting to the Group Life Insurance Fund."

Section 57. The provisions of this Act are severable, and if any phrase, clause, sentence or provision of this Act, or the application of such phrase, clause, sentence, or provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of such provision or provisions to persons or circumstances other than to those to which it was held invalid, shall not be affected thereby.

Section 58. The various Sections of this Act shall become effective at the following times:

(a) Sections 33, 38, 39, 48, and 53, and that portion of Section 2 containing new subsection (e) of §2716 of Title 29, shall become effective upon the termination of the State's final obligations under Section 10 of the Assistance Agreement; and

(b) Section 31 shall become effective upon the transfer of the last share of Farmers Bank stock owned by the State.

(c) All other provisions of this Act shall become effective immediately upon adoption of this Act.

The Secretary of State shall cause a notice to be published in a newspaper of general circulation in the State announcing the effective dates of the Sections other than those that become effective upon the adoption of this Act.

Approved July 13, 1981.

CHAPTER 143

FORMERLY

SENATE BILL NO. 323
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND VOLUME 62 DELAWARE LAWS CHAPTER 301, CHAPTER 3, CHAPTER 4 AND CHAPTER 5, TITLE 28 DELAWARE CODE RELATING TO HORSE RACING AND HARNESS RACING AND TO RE-ESTABLISH AND REORGANIZE THE DELAWARE RACING COMMISSION AND DELAWARE HARNESS RACING COMMISSION.

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

Section 1. The Delaware Racing Commission (established in Chapter 3 of Title 28 of the Delaware Code originally established in accordance by Volume 38, Chapter 62, Laws of Delaware) and the Delaware Harness Racing Commission (established in Chapter 5, Title 28, Delaware Code, originally established in accordance with Volume 45, Chapter 303, Laws of Delaware) which commissions are to be terminated on July 1, 1981 by Volume 62, Delaware Laws Chapter 301 (the Delaware Sunset Act) are hereby continued and re-established and are further reorganized in accordance with the provisions in this act and with the Authority granted to them by Chapters 3, 4 and 5, Title 28, Delaware Code.

Section 2. Amend §301, Chapter 3, Title 28, Delaware code by adding thereto a new subsection (g) to read as follows:

"(g) A member of the Delaware Harness Racing Commission shall serve as an ex-officio non-voting member of the Commission. Such ex-officio member shall be selected by the members of the Delaware Harness Racing Commission."

Section 3. Amend §301(a), Chapter 3, Title 28, Delaware Code by striking the words "the Delaware Racing Commission" as the same appear therein in their entirety and substituting in lieu thereof the following:

"the Delaware Thoroughbred Racing Commission".

Section 4. Amend §303, Chapter 3, Title 28 of the Delaware Code by adding at the end thereof the following:

"The Commission shall possess all necessary powers and duties to regulate the conduct of all participants in any thoroughbred racing meet authorized by the Commission within this State including, but not limited to, owners, trainers, assistant trainers, authorized agents, jockeys, jockey's agents, stable agents, stable employees, stewards, racing officials, licensee's employees, or any employee of a person or concern contracting with the licensee to provide a service or commodity and which employment requires his presence on licensee's grounds during a racing meet, or veterinarian, farrier, dental technician, or supplier of food, tack, medication or horse feed. For this purpose, the Commission may promulgate and prescribe such rules and regulations as it may deem proper and necessary."

Section 5. Amend §305(a), Chapter 3, Title 28, Delaware Code by striking said subsection in its entirety and substituting in lieu of the following:

(a) The Commission shall meet at least once a year to set racing dates and at least once a month during the racing meets."

Section 6. Amend §328, Chapter 3, Title 28, Delaware Code by redesignating subsections (b) (c) (d) (e) (f) (g) (h) and (i) and as new subsections (e) (f) (g) (h) (i) (j) (k) and (l) respectively and adding three new subsections (b) (c) and (d) to read as follows:

"(b) The commission may use the services of the Thoroughbred Racing Protection Bureau and County, state or Federal law enforcement agencies.

(c) The Commission may authorize a licensee to appoint, subject to the approval and control of the commission: (1) Racing Officials (2) Chemists (3) Accountants (4) Engineers (5) Stewards and (6) Veterinarians and grant licences to all participants in the racing meet.

(d) No commissioner, racing official, steward, or judge whose duty is to insure that the rules and regulations of the Commission are complied with shall bet on the outcome of any race regulated by the commission, have any financial or primary interest in the outcome of any race regulated by the Commission, or have any financial interest in a thoroughbred horse race track or in the operation of any such track within this State."

Section 7. Amend §326, Chapter 3, Title 28 of the Delaware Code by striking said section in its entirety.

Section 8. Amend §328, Chapter 3, Title 28 of the Delaware Code by adding thereto a new subsection (k) to read as follows:

"(k) The Commission shall adopt regulations governing the operation of thoroughbred racing including the regulation of betting in connection therewith and the regulation of the conduct of all participants in any racing meet, to insure the integrity and security of the conduct of meetings held pursuant to this Chapter. Such regulations shall include provisions for disciplinary measures for violations thereof including the imposition of fines, suspension or revocation of licenses or permits, and ejection or expulsion from a licensee's premises. The Commission shall have the authority to impose a fine of up to five thousand dollars for any violation of its regulations. The stewards of a race meeting acting in accordance with such regulations if authorized by the Commission shall have the authority to impose disciplinary measures, including fines, suspension or revocation of licenses or permits, and ejection or exclusion from a licensee's premises. All fines imposed pursuant to this section shall be paid over to the general fund upon receipt by the Commission. A person fined or otherwise disciplined by the stewards of a racing meeting, shall have a right of appeal to the Commission and for a hearing before the Commission. Any person fined or otherwise disciplined by the Commission shall have a right of appeal to the Superior Court of the State of Delaware. The action of the Commission shall stand unless and until reversed by the court."

Section 9. Amend §502(a), Chapter 5, Title 28, Delaware Code by striking said sub-section in its entirety and substituting in lieu thereof the following:

"(a) the Delaware Harness Racing Commission is continued. The Commission shall consist of 4 members, 3 commissioners and one ex-officio member."

Section 10. Amend §502(b), Chapter 5, Title 28, Delaware Code by adding thereto the following:

"A member of the Delaware Thoroughbred Racing Commission shall serve as the ex-officio non-voting member of the Commission. Such member shall be selected by the members of the Delaware Thoroughbred Racing Commission."

Section 11. Amend §504, Chapter 5, Title 28, Delaware Code by adding at the beginning thereof the following:

"The Primary purpose of the Commission is to regulate and oversee the sport of harness racing, within this State in the public interest."

Section 12. Amend §506, Chapter 5, Title 28, Delaware Code by striking the first sentence thereof in its entirety and substituting in lieu thereof the following:

"The Commission shall establish and maintain offices at such places within this state and shall meet at least monthly during the period when any association is conducting a harness horse racing meet and at such other times as it deems necessary."

Section 13. Amend §507, Chapter 5, Title 28, Delaware Code by adding to the end thereof the following:

"Regardless of who pays the salary of such employees, the Commission shall determine and insure that such employees perform their duties in the public interest. No Commissioner, racing official, steward or judge whose duty is to insure that the rules and regulations of the Commission are complied with shall bet on the outcome of any race regulated by the Commission or have any financial or pecuniary interest in the outcome of any race regulated by the Commission."

Section 14. Amend §402, Chapter 4, Title 28 of the Delaware Code by striking the words "Delaware Racing Commission", and substituting in lieu thereof "Delaware Thoroughbred Racing Commission".

Section 15. Amend §407, Chapter 4, Title 28 of the Delaware Code by striking said section in its entirety.

Section 16. Amend §409, Chapter 4, Title 28 of the Delaware Code by redesignating existing subsections (a) through (f) as (b) through (g) and adding the following new subsection (a):

"(a) The Commission shall adopt regulation governing the operation of thoroughbred racing including the regulation of betting in connection therewith and the regulation of the conduct of all participants in any racing meet, to insure the integrity and security of the conduct of meetings held pursuant to this Chapter. Such regulations shall include provisions for disciplinary measures for violations thereof including the imposition of fines, suspension or revocation of licenses or permits, and ejection or expulsion from a licensee's premises. The Commission shall have the authority to impose a fine of up to five thousand dollars for any violation of its regulations. The stewards of a

race meeting acting in accordance with such regulations if authorized by the Commission shall have the authority to impose disciplinary measures, including fines, suspension or revocation of licenses or permits, and ejection or exclusion from a licensee's premises. All fines imposed pursuant to this section shall be paid over to the general fund upon receipt by the Commission. A person fined or otherwise disciplined by the stewards of a race meeting, shall have a right of appeal to the Commission and for a hearing before the Commission. Any person fined or otherwise disciplined by the Commission shall have a right of appeal to the Superior Court of the State of Delaware. The action of the Commission shall stand unless and until reversed by the Court. The Commission may request and receive assistance from, and rely upon information provided by, the Thoroughbred Racing Protective Bureau, and state or federal law enforcement agencies, in the investigation of any matters within its jurisdiction."

Section 17. Amend §461, Chapter 4, Title 28 of the Delaware Code by striking the words "Delaware Racing Commission" as the same appear therein and substituting in lieu thereof the words "Delaware Thoroughbred Racing Commission".

Approved July 13, 1981.

CHAPTER 144

FORMERLY

SENATE BILL NO. 327

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 28 AND TITLE 30 OF THE DELAWARE CODE RELATING TO THE REGULATION OF CERTAIN SPORTS AND AMUSEMENTS; AND PROVIDING FOR A DELAWARE GAMING CONTROL BOARD.

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

Section 1. Amend §1120, Chapter 11, Title 28 of the Delaware Code by striking said section in its entirety.

Section 2. Amend Title 28 of the Delaware Code by adding thereto a new chapter, designated as Chapter 15, which new chapter shall read as follows:

"CHAPTER 15. DELAWARE GAMING CONTROL BOARD

SUBCHAPTER 1. GENERAL PROVISIONS

§1501. Objectives and Functions

The primary objective of the Delaware Gaming Control Board, to which all other objectives and purposes are secondary, is to protect the public through the regulation and policing of sports, amusements and other activities which involve gambling and other practices which are unlawful except as permitted by law. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints from the general public relating to practices of persons engaged in an activity regulated by this Chapter; shall adjudicate at formal complaint hearings; shall develop rules and regulations; and shall impose sanctions where necessary against persons or occupational groups regulated by the Board.

§1502. Delaware Gaming Control Board.

(a) Composition.

The Delaware Gaming Control Board shall be equally divided between all sports, amusements and other activities under the Board's jurisdiction. Membership on the Board shall include public members, and the number of public members shall not be less than one-fourth of the total Board membership. The Board shall annually elect a chairman from among its membership.

(b) Qualifications.

No member shall, while serving on the Board, be an elected or appointed official of a professional association which represents or claims to represent an occupational group regulated by this chapter. During the period a member serves on the Board his primary business or occupational office shall be located within this State; and such member shall be fully qualified in the occupation or activity which he represents.

(c) Appointment; Term of Office.

All members of the Board shall be appointed by the Governor. All Board vacancies shall be filled by the Governor for the remainder of the term vacated, and successors shall have the same qualifications required for the original appointment. No member shall serve two consecutive full terms; provided however, that a member may succeed himself for a full term if such full term immediately follows a partial term where the member had been appointed to fill a vacancy. All terms shall be for a period of five years; and the terms of Board members shall be staggered in such manner as will insure, as nearly as possible, an equal and uniform number of vacancies arising each year. The term of an appointed member shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully re-appointed. The chairman shall serve in that office for one year, and shall not succeed himself.

(d) Suspension and Removal.

A member of the Board shall be suspended or removed by the Governor for misfeasance, nonfeasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified

from Board business until the charge is adjudicated or otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(e) Compensation.

Board members shall be reimbursed for all expenses involved in each meeting, including travel; and in addition shall receive not more than \$40.00 each month, as compensation for all meetings attended in that month.

(f) Meetings and Quorum.

The Board shall meet at least once in each month of a calendar year and at such other times as the chairman deems necessary, or at the request of a majority of Board members. Advance notice of any special meeting shall be given to all members. A majority of members shall constitute a quorum. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office.

(g) Records.

Minutes of all meetings shall be recorded and copies of the record shall be maintained by the Division of Business and Occupational Regulation. All matters relating to a hearing held pursuant to statute shall be recorded and transcribed by the Division.

(h) Conflict of Interest.

The provisions set forth for "employees" in §5855, Chapter 58, title 29 of the Delaware Code shall apply to all members of the Board, and to all agents and other persons appointed by or otherwise employed by the Board.

§1503. Powers and Duties.

The Gaming Control Board shall regulate persons involved in those sports, amusements and other activities which are placed within its jurisdiction, and which involve gambling. The Board shall have all of the rights, powers and duties formerly vested in the Bingo Control Commission."

Section 3. (a) The initial Gaming Control Board shall consist of three members appointed by the Governor: one person having expertise in the operation of bingo games, and two public members. One public member shall be appointed for a term of three years, which term shall begin on July 1, 1981 whether or not the appointment is actually made on that date; one public member shall be appointed for a term of four years, which term shall begin on July 1, 1981; and the bingo member shall be appointed for a term of five years, which term shall begin on July 1, 1981.

(b) After the effective date of this Act, one or more new members shall be added to the Board each time the Board, by legislation, receives regulatory powers over an additional sport, amusement or other gambling-connected activity. Of the new members, one shall represent the additional occupational group; and such new public members shall be added to the Board as will insure that public membership shall continue to constitute not less than one-fourth of the total Board membership.

Section 4. The provisions of this Act shall become effective sixty days after enactment into law.

Section 5. (a) The Division of Business and Occupational Regulation shall make a progress report to the Sunset Committee, on or before October 1, 1981 which shall:

(1) recommend a schedule specifying those fees which, in the best interest of the public, it deems necessary; the amount which in its opinion should be charged for each fee; and the reasoning or method used in reaching its determination.

(2) include the Division's recommendations relating to circumstances under which an occupational group should be regulated through licensure, certification, or registration.

(b) The Division shall make its Final Report, relating to the matters set forth in subsection (a) of this section, on or before January 15, 1982.

Section 6. (a) By October 1, 1981 the Gaming Control Board shall make a progress report to the Sunset Committee. The report shall include, among other things:

(1) suggested occupational entry and renewal standards for each occupational group it regulates;

(2) a rough draft of the Board's proposed rules and regulations;

(3) recommendations concerning statutory provisions which, in its opinion, are in the best interests of persons served by those regulated under Chapter 11 of Title 28; and provisions which should be eliminated from those Chapters.

(b) The Board shall make its Final Report to the Sunset Committee, relating to the matters set forth in subsection (a) of this Section, on or before February 1, 1982.

Approved July 13, 1981.

CHAPTER 145

FORMERLY

SENATE BILL NO. 329

AN ACT TO AMEND TITLE 5 AND TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BUSINESSES AND OCCUPATIONS WHICH PERFORM CERTAIN SERVICES; AND PROVIDING FOR A STATE BOARD OF SERVICES.

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

Section 1. Amend Subchapter II, Chapter 31, Title 24 of the Delaware Code by re-designating said Subchapter as new Chapter 3, Part I, Title 5 of the Delaware Code; and by re-numbering all affected sections accordingly.

Section 2. Amend §3102, Chapter 31, Title 24 of the Delaware Code by striking said section in its entirety.

Section 3. Amend Title 24 of the Delaware Code by adding thereto a new chapter, designated as Chapter 50, which new chapter shall read as follows:

"CHAPTER 50. BOARD OF SERVICES

SUBCHAPTER I. GENERAL PROVISIONS

§5001. Objectives and Functions

The primary objective of the Board of Services, to which all other objectives and purposes are secondary, is to protect the general public (especially those persons who are direct recipients of services regulated by this Chapter) from unsafe practices, and from occupational practices which tend to reduce competition or to fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against regulated practitioners of occupational groups under the jurisdiction of the Board; shall adjudicate at formal complaint hearings; shall develop rules and regulations, and shall impose sanctions where necessary against persons in the occupational groups regulated by the Board.

§5002. Board of Services.

(a) Composition.

The Board of Services shall be equally divided between all occupational groups under the Board's jurisdiction. Board members shall include public members, and the number of public members shall be not less than one-fourth of the total Board membership. The Board shall annually elect a chairman from among its membership.

(b) Qualifications.

No member shall, while serving on the Board, be an elected or appointed official of any professional association which in any way represents an occupational group regulated by this Chapter. During the period a member serves on the Board his primary business or occupational office shall be located within this State; and such member shall be fully qualified to practice the occupation which he represents.

(c) Appointment; Term of Office.

All members of the Board shall be appointed by the Governor. All Board vacancies shall be filled by the Governor for the remainder of the term vacated, and successors shall have the same qualifications as are required for original appointment. No member shall serve two consecutive full terms; provided however, that a member may succeed himself for a full term if such full term immediately follows a partial term where the member had been appointed to fill a vacancy. All terms shall be for a period of five years; and the terms of Board members shall be staggered in such manner as will ensure, as nearly as possible, an equal and uniform number of vacancies arising each year. The term of an appointed member shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully re-appointed. The Chairman shall serve in that office for one year, and shall not succeed himself.

(d) Suspension and Removal.

A member of the Board shall be suspended or removed by the Governor for misfeasance, nonfeasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated or otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(e) Compensation.

Board members shall be reimbursed for all expenses involved in each meeting, including travel; and in addition shall receive not more than \$40.00 each month, as compensation for all meetings attended in that month.

(f) Meetings and Quorum.

The Board shall meet at least once in each month of a calendar year and at such other times as the chairman deems necessary, or at the request of a majority of the Board members. Advance notice of any special meeting shall be given to all members. A majority of members shall constitute a quorum. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office.

(g) Records.

Minutes of all meetings shall be recorded and copies of the record shall be maintained by the Division of Business and Occupational Regulation. All matters relating to a hearing held pursuant to statute shall be recorded and transcribed by the Division.

(h) Conflict of Interest.

The provisions set forth for "employees" in §5855, Chapter 58, Title 29 of the Delaware Code shall apply to all members of the Board, and to all agents and other persons appointed by or otherwise employed by the Board.

§5003. Powers and Duties.

The Board of Services shall regulate funeral service practitioners, and such other businesses and occupations as may be placed under the Board's jurisdiction. The Board shall have all of the rights, powers and duties formerly vested in the Board of Funeral Service Practitioners."

Section 4. (a) The initial Board of Services shall consist of five members appointed by the Governor, whose terms are subject to the conditions set forth in this section: three funeral practitioner members; and two public members. One funeral practitioner member shall be appointed for a term of one year, which term shall begin on July 1, 1981 whether or not the appointment is actually made on that date; one funeral practitioner member shall be appointed for a term of two years, which term shall begin on July 1, 1981; one public member shall be appointed for a term of three years, which term shall begin on July 1, 1981; one public member shall be appointed for a term of four years, which term shall begin on July 1, 1981; and one funeral practitioner member shall be appointed for a term of five years, which term shall begin on July 1, 1981.

(b) After the effective date of this Act, one or more new members shall be added to the Board each time the Board, by legislative Act, receives regulatory powers over an additional occupational group. Of the new members, one shall represent the additional occupational group being added, and such new public members shall be added to the Board as will insure that public members continue to constitute not less than one-fourth of the total Board membership.

(c) Whenever a representative of a new occupational group is added to the Board, he shall not short the term of (and take the place of) the funeral service practitioner member having the shortest amount of time remaining in his term; provided however, that the provisions of this subsection shall no longer apply when funeral practitioner membership on the Board is reduced to one member.

Section 5. The provisions of this Act shall become effective sixty days after enactment into law.

Section 6. (a) The Division of Business and Occupational Regulation shall make a progress report to the Sunset Committee, on or before October 1, 1981 which shall:

(1) recommend a schedule specifying those fees which, in the best interest of the public, it deems necessary; the amount which in its opinion should be charged for each fee, and the reasons; or method used in reaching its determination.

(2) include the Division's recommendations relating to circumstances under which an occupational group should be regulated through licensure, certification, or registration.

(b) The Division shall make its Final Report, relating to the matters set forth in subsection (a) of this section, on or before January 15, 1982.

Section 7. (a) By October 1, 1981 the Board of Services shall make a progress report to the Sunset Committee. The report shall include, among other things:

(1) suggested occupational entry and renewal standards for each occupational group it regulates;

(2) a rough draft of the Board's proposed rules and regulations;

(3) recommendations concerning provisions which, in its opinion, are in the best interest of persons served by those regulated under Chapter 31 of Title 24, and those provisions which should be eliminated from Chapter 31 of Title 24.

(b) The Board shall make its final report to the Sunset Committee, relating to the matters set forth in subsection (a) of this Section, on or before February 1, 1982.

Approved July 13, 1981.

CHAPTER 146

FORMERLY

SENATE BILL NO. 331
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF THOSE BUSINESS AND OCCUPATIONS WHICH PERFORM CERTAIN SERVICES; AND PROVIDING FOR A BOARD OF PERSONAL SERVICES.

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

Section 1. Amend §402, Chapter 4, Title 24 of the Delaware Code by striking said section in its entirety.

Section 2. Amend §602, Chapter 6, Title 24 of the Delaware Code by striking said section in its entirety.

Section 3. Amend Title 24 of the Delaware Code by adding thereto a new chapter, designated as Chapter 51, which new chapter shall read as follows:

"CHAPTER 51. BOARD OF PERSONAL SERVICES

SUBCHAPTER I. GENERAL PROVISIONS

§5101. Objectives and Functions

The primary objective of the Board of Personal Services, to which all other objectives and purposes are secondary, is to protect the general public (especially those persons who are direct recipients of services regulated by this Chapter) from unsafe practices, and from occupational practices which tend to reduce competition or artificially fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against practitioners or occupational groups under the jurisdiction of the Board; shall adjudicate at formal complaint hearings; shall develop rules and regulations; and shall impose sanctions where necessary against persons in the occupational groups regulated by the Board.

§5102. Board of Personal Services.

(a) Composition.

The Board of Personal Services shall be equally divided between all occupational groups under the Board's jurisdiction. Board membership shall include public members, and the number of public members shall not be less than one-fourth of the total Board membership. The Board shall annually elect a chairman from among its membership.

(b) Qualifications.

No member shall, while serving on the Board, be an elected or appointed official of a professional association which in any way represents an occupational group regulated by this Chapter. During the period a member serves on the Board his primary business or occupational office shall be located within this State; and such member shall be fully qualified to practice the occupation which he represents.

(c) Appointment; Term of Office.

All members of the Board shall be appointed by the Governor. All Board vacancies shall be filled by the Governor for the remainder of the term vacated, and successors shall have the same qualifications as are required for original appointment. No member shall serve two consecutive full terms; provided however, that a member may succeed himself for a full term if such full term immediately follows a partial term where the member had been appointed to fill a vacancy. All terms shall be for a period of five years; and the terms of Board members shall be staggered in such manner as will insure, as nearly as possible, an equal and uniform number of vacancies arising each year. The term of an appointed member shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully re-appointed. The chairman shall serve in that office for one year, and shall not succeed himself.

(d) Suspension and Removal.

A member of the Board shall be suspended or removed by the Governor for misfeasance, nonfeasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated or otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(e) Compensation.

Board members shall be reimbursed for all expenses involved in each meeting, including travel; and in addition shall receive not more than \$40.00 each month, as compensation for all meetings attended in that month.

(f) Meetings and Quorum.

The Board shall meet at least once in each month of a calendar year and at such other times as the chairman deems necessary, or at the request of a majority of Board members. Advance notice of any special meeting shall be given to all members. A majority of members shall constitute a quorum. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office.

(g) Records.

Minutes of all meetings shall be recorded and copies of the record shall be maintained by the Division of Business and Occupational Regulation. All matters relating to a hearing held pursuant to statute shall be recorded and transcribed by the Division.

(h) Conflict of Interest.

The provisions set forth for "employees" in §5855, Chapter 58, Title 29 of the Delaware Code shall apply to all members of the Board, and to all agents and other persons appointed by or otherwise employed by the Board.

§5103. Powers and Duties.

The Board of Personal Services shall regulate persons practicing the occupation of barber, and persons practicing the occupation of cosmetologist. The Board shall have all of the rights, powers and duties formerly vested in the Board of Examiners of Barbers and in the Board of Cosmetology."

Section 4. (a) The initial Board of Personal Services shall consist of five members appointed by the Governor: one cosmetologist, one barber, and three public members. One public member shall be appointed for a term of one year, which term shall begin on July 1, 1981 whether or not the appointment is actually made on that date; the second public member shall be appointed for a term of two years, which term shall begin on July 1, 1981; the third public member shall be appointed for a term of three years, which term shall begin on July 1, 1981; the barber member shall be appointed for a term of four years, which term shall begin on July 1, 1981; and the cosmetology member shall be appointed for a term of five years, which term shall begin on July 1, 1981.

(b) After the effective date of this Act, one or more new members shall be added to the Board each time the Board, by legislation, receives regulatory powers over another occupational group. Of the new members, one shall represent the additional occupational group, and such new public members shall be added to the Board as will insure that the public members shall continue to constitute not less than one-fourth of the total Board membership.

(c) When the representative of a new occupational group is added to the Board, such person shall out short the term of (and take the place of) the public member having the shortest amount of time remaining in his term; provided however, that the provisions of this subsection shall no longer apply at such time when the elimination of a public member would reduce public membership on the Board to less than twenty-five percent (25%) of the total Board membership."

Section 5. The provisions of this Act shall become effective sixty days after enactment into law.

Section 6. (a) The Division of Business and Occupational Regulation shall make a progress report to the Sunset Committee, on or before October 1, 1981 which shall:

(1) recommend a schedule specifying those fees which, in the best interest of the public, it deems necessary; the amount which in its opinion should be charged for each fee; and the reasoning or method used in reaching its determination;

(2) include the Division's recommendations relating to circumstances under which an occupational group should be regulated through licensure, certification, or registration.

(b) The Division shall make its Final Report, relating to the matters set forth in subsection (a) of this section, on or before January 15, 1982.

Section 7. (a) By October 1, 1981 the Board of Personal Services shall make a progress report to the Sunset Committee. The report shall include, among other things:

(1) suggested occupational entry and renewal standards for each occupational group it regulates;

(2) a rough draft of the Board's proposed rules and regulations;

(3) recommendations concerning statutory provisions which, in its opinion, are in the best interests of persons served by those regulated under Chapter 4 and Chapter 6 of Title 24; and those provisions which should be eliminated from Chapter 4 and Chapter 6.

(b) The Board shall make its final report to the Sunset Committee, relating to the matters set forth in Subsection (a) of this Section, on or before February 1, 1982.

Approved July 13, 1981.

CHAPTER 147

FORMERLY

SENATE BILL NO. 208
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT CONCURRING IN A PROPOSED 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.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 130th General Assembly, being Chapter 254, Volume 62, Laws of Delaware, as follows:

"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 former Justice of the Supreme Court to sit in the Supreme Court except temporarily to fill up the number of that Court to the require 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."

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 130th 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 July 7, 1981.

CHAPTER 148

FORMERLY

SENATE BILL NO. 141
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 33 OF TITLE 16 OF THE DELAWARE CODE, RELATING TO THE PURITY OF FOOD AND DRUGS.

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 33 of Title 16 of the Delaware Code, by adding a new section to be designated as Section 3323 which should read as follows:

"Embargo

(a) (1) When a duly authorized agent of the Board of Health, when food is involved, or of the Board of Pharmacy, when drugs are involved, finds or has probable cause to believe that any food or drug as defined by this Act is adulterated or so misbranded as to be dangerous or fraudulent within the meaning of this Act, or is in violation of Sections 3303, 3304, 3308, or 3309 of this Act, he shall affix to such article a tag or other appropriate marking. This tag or marking shall give notice that such article is, or is suspected of being adulterated or misbranded and has been detained or embargoed. The tag or other appropriate marking shall warn all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by an authorized agent or the Court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

(2) When an authorized agent has found that an article which is embargoed or detained is not adulterated or misbranded, he shall remove the tag or other markings and it may be disposed of by sale or otherwise by the owner.

(b) When an article is adulterated or misbranded or is in violation of Sections 3303, 3304, 3308 or 3309 of this Act, it shall be liable to be proceeded against by petition to the Justice of the Peace or the Judge of the Court of Common Pleas in whose jurisdiction the article is located, detained or embargoed for a decree of condemnation of such article.

(c) If the Court finds that a sampled, detained or embargoed article is adulterated or misbranded, such article shall, after entry of the decree, be destroyed at the expense of the owner thereof, under the supervision of an authorized agent. All Court costs and fees, and storage and other expenses, shall be charged against the owner of such article or his agent. If adulteration or misbranding can be corrected by proper labelling or processing of the article, the Court, after entry of the decree may, by order, direct that such article be delivered to the owner thereof for such labelling or processing under the supervision of an agent of the State Board of Pharmacy or the Board of Health. Expense of such supervision and any other costs, fees, or expenses involved shall be paid by the owner. A sufficient bond shall be executed on the condition that the articles shall be properly labelled or processed. The article shall be returned to the owner and the bond shall be discharged on the representation to the Court by the State Board of health or the Board of Pharmacy or their authorized agents that the article is no longer in violation of this Act, and that the expenses of such supervision have been paid. The tag or markings described in paragraph (1) of subsection (a) may then be removed.

(d) The State Board of Health or its authorized agents shall condemn or destroy, or otherwise render unsaleable as human food, any meat, seafood, poultry, vegetable, fruit, or other perishable articles which are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to the health, or are otherwise unsafe. This applies to food found in any room, building, vehicle of transportation or other structure. The cost of condemning, destroying or rendering such food unsaleable shall be paid by the claimant."

Section 2. Amend Chapter 33 of Title 16 of the Delaware Code, by adding a new section, designated as Section 3324, titled "Penalties for Violations of Section 3323," to read:

" (a) Whoever violates any of the provisions of Section 3323 of this Title shall, for each offense, be fined not more than \$500, or imprisoned not more than one year, or both. For each subsequent offense, he shall be fined not more than \$1,000 or imprisoned for more than one year, or both.

(b) When construing and enforcing the provisions of this Chapter, the act, admission or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be deemed to be the act, admission, or failure of such corporation, company, society or association as well as of that person."

Approved July 14, 1981.

CHAPTER 149

FORMERLY

SENATE BILL NO. 256 AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO THE ISSUANCE OF CONDITIONAL DRIVER'S LICENSE TO PERSONS WHO RECEIVE SUSPENSIONS FOR FAILURE TO HAVE LIABILITY INSURANCE.

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 §2118 of Chapter 21, Title 21, Delaware Code by redesignating subsection (r) as subsection (u) and adding thereto the new subsections to read as follows:

"(r) In the event of a suspension of a driver's license pursuant to this section, the Department may issue an occupational license during a period of suspension upon application by the applicant upon a form prescribed by the Department and sworn to by the applicant; provided, that the applicant sets forth in said application that the suspension of such license has created an extreme hardship and that no prior occupational license has been issued within the preceding twelve (12) months; provided, however, that no such occupational license shall be issued until the applicant demonstrates proof of liability insurance on all motor vehicles owned by such applicant or spouse. If the suspension of the driver's license resulted from the arrest and conviction of a person stemming from an incident in which property damage or personal injury occurred, an occupational license shall not be issued, the other provisions of this subsection to the contrary notwithstanding.

(s) The Department, upon receiving a record of convictions of any person upon a charge of operating a motor vehicle in violation of the restriction imposed upon said occupational license during the period of such occupational license, shall immediately extend the period of such suspension for an additional like period and shall forthwith direct such person to surrender said occupational license to the Department.

(t) Any person whose operator's license has been suspended and to whom an occupational license has been issued under this Section, who drives any motor vehicle upon the highways of this State contrary to the restrictions placed upon such occupational license during the period of such occupational license, upon conviction thereof, shall be fined not less than \$25 nor more than \$200."

Approved July 14, 1981.

CHAPTER 150

FORMERLY

SENATE BILL NO. 328
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16, TITLE 28, AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGULATION OF CERTAIN SPORTS.

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

Section 1. Amend Chapter 1, Title 28 of the Delaware Code by striking said chapter in its entirety.

Section 2. Amend §8810, Chapter 88, Part VIII, Title 29 of the Delaware Code by adding thereto a new subsection, designated as subsection (d), which new subsection shall read as follows:

"(d) The Division shall have the following powers, duties and functions related to the regulation of boxing and wrestling. It shall:

(1) Promulgate and enforce rules and regulations for the conducting of professional and amateur boxing or wrestling matches or exhibitions for which a fee is charged. The Division shall consult with members of the medical profession on health related matters in the regulations;

(2) Issue licenses and permits for amateur and professional boxing and wrestling exhibitions for which a fee is charged. The Division shall have the power to suspend or revoke any license in the interest and protection of the public health, safety or welfare;

(3) Determine whether a bond shall be posted, the amount of any bond, and all other conditions relative to such posting or to any waiver or exclusion from posting a bond;

(4) designate an agent to act on behalf of the Division, who shall at all times during any wrestling or boxing match, be the person present representing the State, and exercising its regulatory powers over all persons involved with the match including: the authority to veto the decisions of others for good cause; and the authority to halt any match or all matches in the interest of the public health, safety or welfare."

Section 3. Amend §8305, Chapter 83, Part VIII, Title 29 of the Delaware Code by re-designating present subsection (3) as new subsection (4); by re-designating present (4) as new subsection (5); and by adding to said section the following new subsection :

"(3) The Division shall promulgate rules and regulations relating to all taxes and fees to be paid by any boxing arena or other site by any promoter, participant, vendor or patron; or to be paid by any other person, corporation or organization associated with a match."

Approved July 14, 1981.

CHAPTER 151

FORMERLY

SENATE BILL NO. 330
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO THE LICENSING AUDIOLOGISTS, SPEECH PATHOLOGISTS AND HEARING AID DEALERS.

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 20, Part II, Title 16 of the Delaware Code by striking said chapter in its entirety.

Section 2. Amend §3701, Chapter 37, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3701. Declaration of Purpose

It is declared to be a policy of this State that, in order to safeguard the public health, safety and welfare, and to protect the general public from incompetent, unscrupulous and unprofessional practices by speech pathologists, audiologists and hearing aid dealers, and to help to assure the availability of the highest possible quality service to the communicatively handicapped of this State, it is necessary to regulate speech pathologists, audiologists and hearing aid dealers."

Section 3. Amend §3702, Chapter 37, Title 24 of the Delaware Code by adding thereto a new subsection, designated as subsection (9), which new subsection shall read as follows:

"(9) Hearing Aid Dealer' shall mean a person engaged in:

(a) The evaluation or measurement of the power or range of human hearing by means of an audiometer or any other means devised for the purpose of fitting hearing aids or for industrial screening purposes, but which testing shall in no way include medical or audiologic diagnosis;

(b) The selection, adaptation and distribution or sale of hearing aids;

(c) The instruction and counselling pertaining thereto;

(d) The use of an otoscope or "ear light" to evaluate the feasibility of and use of, ear molds and ear mold impressions."

Section 4. Amend §3703, Chapter 37, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3703. Licensure Required

(a) No person shall practice speech pathology or audiology, nor engage in the fitting or sale of hearing aids in this State, unless such person is licensed in accordance with this chapter.

(b) Separate licenses shall be granted in speech pathology, audiology, or for the fitting and/or sale of hearing aids. A person may be licensed in more than one specialty if such person meets the requirements of each specialty for which licensure is sought."

Section 5. Amend §3704, Chapter 37, Title 24 of the Delaware Code by striking subsection (2) in its entirety, and by re-designating each succeeding subsection accordingly.

Section 6. Amend §3705, Chapter 37, Title 24 of the Delaware Code by designating all of said section as new subsection (a), and by adding to said section the following:

"(b) To be eligible for licensure by the Board as a hearing aid dealer, the applicant shall:

(1) pass an examination approved by the Board; provided however, that such examination shall have been promulgated by Eastern Testing Services or another testing service of national reputation. The examination may be an examination promulgated by a national association of hearing aid dealers, if such examination is used for the licensing or certification of hearing aid dealers in at least fifteen states.

(2) possess such educational qualifications as are required by the Board in its rules and regulations."

Section 7. Amend §3706, Chapter 37, Title 24 of the Delaware Code by striking subsection (a) in its entirety, and substituting in lieu thereof the following:

"(a) The Board may waive the examination and educational requirements for hearing aid dealers, and grant a license to any applicant who holds a license lawfully granted by the Division of Public Health; provided however, that such license must have been granted on a date prior to the repeal of Chapter 20, Title 16 of the Delaware Code."

Section 8. Amend §3707, Chapter 37, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3707. Board of Audiologists, Speech Pathologists and Hearing Aid Dealers

(a) The Board of Audiologists, Speech Pathologists and Hearing Aid Dealers shall consist of seven members appointed by the Governor: two audiologists, two speech pathologists, two hearing aid dealers, and a public member. All members of the Board shall be residents of this State. Each member of the Board shall serve until the expiration of the term for which the member has been appointed, or until a successor has been qualified. Each member shall serve for a term of three years, and no member shall serve more than two consecutive terms. The audiology, speech pathology and hearing aid dealer members shall be licensed in their specialties, and each shall be an active practitioner in his specialty.

(b) The Board shall elect from its membership a President and a Secretary. Four members shall constitute a quorum for the conduct of Board business. The Board shall hold at least one regular meeting each year. Additional meetings may be held upon the call of the Chairman, or at the written request of any four members of the Board. The Board shall not consist of more than a bare majority representation of one major political party over the other major political party.

(c) All meetings of the Board shall be open and public, except that the Board may hold executive sessions to:

- (1) prepare, approve, grade or administer examinations;
- (2) prepare, upon the request of an applicant who has failed an examination, a response indicating the cause of failure;
- (3) prepare, upon the request of an applicant who has been denied a license, a response indicating the reason or reasons for denial."

Section 9. Amend §3714, Chapter 37, Title 24 of the Delaware Code by striking the words "the applicant" as the same appear in subsection (e), and substituting the words "audiology and speech pathology applicants" in lieu thereof.

Section 10. Amend §3719, Chapter 37, Title 24 of the Delaware Code by striking the words "speech pathology or audiology in this State" as the same appear in subsection (a), and substituting the words "under this provisions of this chapter" in lieu thereof.

Section 11. Amend §3719, Chapter 37, Title 24 of the Delaware Code by striking the figure "3" as the same appears in subsection (c), and substituting the figure "4" in lieu thereof.

Section 12. Amend Chapter 37, Title 24 of the Delaware Code by striking the title to said chapter, and substituting in lieu thereof the following:

"CHAPTER 37. SPEECH PATHOLOGISTS, AUDIOLOGISTS, AND HEARING AID DEALERS."

Section 13. The five persons who are members of the Board of Examiners of Speech Pathology and Audiology shall automatically become members of the new Board of Audiology, Speech Pathology and Hearing Aid Dealers upon the effective date of this Act. Of those members of the new Board who shall be hearing aid dealers, one shall serve an initial term of three years, and one shall serve an initial term of two years. Any person licensed as a hearing aid dealer on May 15, 1981 shall be eligible for appointment by the Governor for membership on the new Board. The terms of members of the new Board who were formerly members of the Board of Examiners of Speech Pathology and Audiology shall continue unabated, and the length of term and expiration date shall remain the same as where the member was appointed to the old Board.

Approved July 14, 1981.

CHAPTER 152

FORMERLY

SENATE BILL NO. 334
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE, ALSO BEING CHAPTER 25, 63 LAWS OF DELAWARE, RELATING TO THE GENERAL CORPORATION LAW.

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

Section 1. Amend §262(b)(2) of Title 8, Delaware Code, also being Chapter 25 of Volume 63, Laws of Delaware, by striking the word "each" as the same appears in said paragraph (2) and inserting in lieu thereof the word "cash".

Section 2. Amend §262(b) of Title 8, Delaware Code, also being Chapter 25 of Volume 63, Laws of Delaware, by striking the word "of" as it appears between the word "merger" and the word "consolidation" and inserting in lieu thereof the word "or".

Approved July 14, 1981.

CHAPTER 153

FORMERLY

SENATE BILL NO. 339
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO THE AWARD OF CONTRACTS FOR PUBLIC WORKS.

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

Section 1. Amend Subsection (a) of Section 314 of Title 9 of the Delaware Code by striking the figure "\$2,500" as it appears therein and substituting the figure "\$10,000" in lieu thereof.

Section 2. Amend Subsection (d) of Section 314 of Title 9 of the Delaware Code by adding the letter "s" to the end of the word "government" as it appears therein and inserting the words "and New Castle County" between the words "Kent County" and the words "may contract" as they appear therein.

Approved July 14, 1981.

CHAPTER 154

FORMERLY

HOUSE BILL NO. 20
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO CERTIFICATION OF LICENSURE FOR REAL ESTATE SALESPERSONS, AND THEIR RETENTION ON AN INACTIVE LIST.

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

Section 1. Amend §2920, Chapter 29, Title 24 of the Delaware Code by striking the first sentence of the fourth paragraph starting with the words "Upon the payment of ..." and inserting in lieu thereof the following new sentence:

"Upon the payment of a fee of \$10.00 per year or \$20.00 for two years, the Commission shall list any real estate salesperson who is discharged or terminates his employment with a real estate broker on an inactive list for a period of no more than two years."

Approved July 14, 1981.

CHAPTER 155

FORMERLY

HOUSE BILL NO. 114

AN ACT TO AMEND CHAPTER 52, TITLE 29, OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE.

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

Section 1. Amend Section 5202, Chapter 52, Title 29 of the Delaware Code by striking subsection (d) in its entirety.

Approved July 14, 1981.

CHAPTER 156

FORMERLY

HOUSE BILL NO. 133
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 57, TITLE 29, DELAWARE CODE, RELATING TO SOCIAL SECURITY COVERAGE OF EMPLOYEES OF POLITICAL SUBDIVISIONS.

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

Section 1. Amend §5706(d) of Chapter 57, Title 29, Delaware Code by striking the phrase "with interest at the rate of 6 percent per annum" as it appears in said paragraph (d) and inserting in lieu thereof the following: "with interest at the rate currently then being charged by the Social Security Administration but not less than \$10.00 per each delinquency."

Approved July 14, 1981.

CHAPTER 157

FORMERLY

HOUSE BILL NO. 211

AS AMENDED BY

HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTIES FOR PASSING STOPPED SCHOOL BUSES.

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 §4166, Title 21 of the Delaware Code, by adding two new subsections at the end thereof to read as follows:

"(h) Penalties

Whoever violates subsection (d) of this section shall, for the first offense, be fined not less than \$100 nor more than \$200 or imprisoned not less than 30 days nor more than 60 days or both. For each subsequent like offense occurring within 3 years from the former offense, such person shall be fined not less than \$100 nor more than \$500, and imprisoned not less than 60 days nor more than 6 months. The minimum fine levied for a violation of subsection (d) of this Section shall not be subject to suspension.

(i) Suspension of License

Upon receiving a conviction for a violation of subsection (d) of this Section, the Department shall suspend the driver's license and/or driving privileges for a period of not less than one month, nor more than one year. If the driver's license is suspended, a conditional license may be issued pursuant to regulations adopted by the Department."

Section 2. Amend §4166(g), Title 21 of the Delaware Code, by inserting the words "or a school bus operator" after the word "officer" and before the word "to" as they appear in the first two lines of that subsection.

Section 3. Any previous Act of the General Assembly inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Approved July 14, 1981.

CHAPTER 158

FORMERLY

HOUSE BILL NO. 215

AN ACT TO AMEND CHAPTER 23 OF TITLE 10, DELAWARE CODE IN ORDER TO PERMIT THE PROTHONOTARY OF EACH COUNTY TO EARN MAXIMUM INTEREST ON CERTAIN FUNDS BY PURCHASING CERTIFICATES OF DEPOSIT.

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

Section 1. Amend §2324(a), Chapter 23, Title 10 of the Delaware Code by adding the following sentence thereto:

"A portion of those sums held by him for costs or fees may also be converted to short term certificates of deposit purchased in the name of The County - Office of the Prothonotary."

Section 2. The provisions of this Act shall apply to sums of money held by the Prothonotaries whether on deposit before or after the effective date of this Act.

Approved July 14, 1981.

CHAPTER 159

FORMERLY

HOUSE BILL NO. 252

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, SUBCHAPTER 1, TITLE 30, DELAWARE CODE RELATING TO THE ESTATE TAX TREATMENT OF SURVIVOR BENEFITS AWARDED BY A STATE OR POLITICAL SUBDIVISION THEREOF.

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

Section 1. Amend Section 1309, Chapter 13, Subchapter 1, Title 30 of the Delaware Code by adding a new subsection at the end thereof to read as follows:

"(d) notwithstanding the provisions of subsection (a) of this section or of any other provisions of law, there shall not be deemed to be a transfer from any decedent the value of any annuity or other similar payment received by any beneficiary (other than the executor or the administrator of the decedent's estate) under any arrangement sponsored by any state or political subdivision thereof."

Section 2. Section 1 shall be effective for the estates of decedents dying after December 1, 1980 and the estates of decedents who had not received inheritance tax clearance as of December 1, 1980.

Approved July 14, 1981.

CHAPTER 160

FORMERLY

HOUSE BILL NO. 257

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SECTION 7309, CHAPTER 73, TITLE 6 OF THE DELAWARE CODE RELATING TO THE DELAWARE SECURITIES ACT.

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

Section 1. Amend §7309(b) (9), Chapter 73, Title 6, Delaware Code, by striking the word "offerings" as it appears in line 9 of subsection (b)(9) and substituting in lieu thereof the word "offerees".

Section 2. Amend §7309(b)(9), Chapter 73, Title 6, Delaware Code, by adding the following: "provided however, the Commissioner may by Rule or Order exempt transactions that are exempt under Federal Securities Laws or Regulations."

Approved July 14, 1981.

CHAPTER 161

FORMERLY

HOUSE BILL NO. 258

AN ACT TO AMEND CHAPTER 73, TITLE 6 OF THE DELAWARE CODE RELATING TO THE DELAWARE SECURITIES ACT.

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

Section 1. Amend §7313(c), Chapter 73, Title 6, Delaware Code, by substituting "December 31" for "September 30" as the same first appears after the words "shall expire on".

Section 2. Amend §7326(a), Chapter 73, Title 6, Delaware Code, by adding after the word "Commissioner" the words "or his designee as stipulated by Rule or Order."

Approved July 14, 1981.

CHAPTER 162

FORMERLY

HOUSE BILL NO. 266
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, 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 §4106 (d), Title 21 of the Delaware Code by deleting subsection "(d)" in its entirety and in its place substituting a new subsection "(d)" to read as follows:

"(d) The driver of an Emergency Vehicle is not liable for any damage to or loss of property or for any personal injury or death caused by the negligent or wrongful act or omission of such driver except acts or omissions amounting to gross negligence or willful or wanton negligence so long as the applicable portions of subparagraph (c) have been followed. The owner of such emergency vehicle may not assert the defense of governmental immunity in any action on account of any damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of such driver or owner."

Approved July 14, 1981.

CHAPTER 163
FORMERLY
HOUSE BILL NO. 311

AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE, RELATING TO THE CREATION OF AN ACCESS TO A STATE-MAINTAINED HIGHWAY.

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

Section 1. Amend §146, Chapter 1, Title 17, Delaware Code by striking said section in its entirety and substituting in lieu thereof a new section 146 to read as follows:

"§146. Access to State-maintained Highways

(a) The Department is authorized to adopt standards and regulations for the location, design, construction, reconstruction, maintenance, use and control of vehicular and pedestrian access to and from any State-maintained highway in order to protect public safety, to maintain smooth traffic flow, to maintain highway right-of-way drainage, to regulate drainage from property leading into or carried by the Highway Drainage System and any other public purpose, as determined by the Department.

(b) No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a State-maintained highway, street or road; including any drainage modifications leading into or carried by the Highway Drainage System, without first having complied with Standards and Regulations adopted by the Department and having obtained a permit issued by the Department.

(c) Any person, firm, corporation or the like who constructs, opens, reconstructs, maintains, uses or modifies an entrance onto or an exit from a State-maintained highway, street or road without first having complied with Standards and Regulations adopted by the Department and having obtained a permit from the Department for such entrance or exit shall be punished by a fine of not less than \$100 nor more than \$1,000 for each offense, and a further sum in an amount equal to the amount fined for the initial offense for each and every day such violation exists.

For purposes of this Section, whenever the use to which a property is being put is changed such that there will be a significant alteration in the character, flow or volume of traffic, as determined within the sole discretion of the Department, a new permit shall be required.

(d) The Justice of the Peace Courts shall have jurisdiction over violations of this Section.

(e) In addition to whatever legal or equitable remedies are available, the Department may install barricades across or remove any entrance or exit constructed, opened, reconstructed, maintained, modified or used in violation of this Section and the standards or regulations adopted pursuant thereto, at the expense of the property owner.

Approved July 14, 1981.

CHAPTER 164

FORMERLY

HOUSE BILL NO. 318

AN ACT TO AMEND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE RELATING TO THE MANAGEMENT OF HAZARDOUS WASTES.

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

Section 1. Amend §6302 of Chapter 63, Title 7 of the Delaware Code by striking subsection (10) in its entirety and substituting in lieu thereof a new subsection (10) to read as follows:

"(10) 'Person' means an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body."

Section 2. Amend §6305 of Chapter 63, Title 7 of the Delaware Code, by striking subparagraph (1) of subsection (a) in its entirety and substituting in lieu thereof a new subparagraph (1) to read as follows:

"(1)(A) Criteria, consistent with those promulgated by the U. S. Environmental Protection Agency under §3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, for identifying the characteristics of hazardous waste and for listing hazardous waste and;

(B) Regulations identifying the characteristics of hazardous waste and listing particular hazardous wastes (within the meaning of 7 Del. C. §6302(7)) based on the criteria promulgated in subsection 1(A)."

Section 3. Amend §6314 of Chapter 63, Title 7 of the Delaware Code by replacing the period "." at the end of the sentence with a comma "," and adding the following language:

"except that no variance shall be granted which would be inconsistent with the requirements of §3006(b) or §3006(c) of the Resource Conservation and Recovery Act of 1976, P.L. 94-580 (or regulations promulgated thereunder) regarding equivalence or substantial equivalence of State programs for authorization or interim authorization whichever the case may be."

Approved July 14, 1981.

CHAPTER 165

FORMERLY

HOUSE BILL NO. 324

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, PART 1, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DISPLAY AND DISTRIBUTION OF THE STATE FLAG.

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

Section 1. Amend §508, Chapter 5, Part 1, Title 29 of the Delaware Code by striking the word "may" as the same appears in subsection (a), and substituting the word "shall" in lieu thereof.

Section 2. Amend §508, Chapter 5, Title 29 of the Delaware Code by adding the following after the period "." in subsection (a):

"This section shall apply only where public buildings, including school buildings, are equipped with flagpoles."

Approved July 14, 1981.

CHAPTER 166

FORMERLY

HOUSE BILL NO. 326

AN ACT TO AMEND TITLE 9, TITLE 14, TITLE 16, TITLE 22, AND TITLE 29 OF THE DELAWARE CODE RELATING TO ACCESS TO PUBLIC LAND BY CERTAIN PUBLIC AGENCIES.

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

Section 1. Amend §309, Title 9 of the Delaware Code by striking the title to said section, and substituting in lieu thereof the following:

"§309. Ambulance, Fire Protection and Police Services; Appropriations."

Section 2. Amend §309, Title 9 of the Delaware Code by redesignating all of the present section as subsection (a), and by adding to said section the following:

"(b) Where an area of real property owned by a county is bounded by a wall, fence or other structure which has gates or other lockable entrances, the county shall notify those public agencies within the county which provide ambulance, fire and police services of the location of such gates and entrances. A key to each such enclosed area shall be provided by the county to the ambulance service, fire company and police department which is closest to the enclosed area. For purposes of this section, the words "real property" shall include all unimproved land only and shall not include buildings."

Section 3. Amend §4109, Title 14 of the Delaware Code by striking the title to said section, and substituting in lieu thereof the following:

"§4109. School Property; Health and Safety Requirements."

Section 4. Amend §3109, Title 14 of the Delaware Code by adding thereto a new subsection, designated as subsection (c), which new subsection shall read as follows:

"(c) Where an area of real property which is owned or administered by a school district is bounded by a wall, fence or other structure which has gates or other lockable entrances, the local Board of Education shall notify the nearest providers of ambulance, fire and police services of the location of such gates and entrances. The local Board of Education shall provide to the ambulance service, fire company or police department a key of each such enclosed area with the Board's jurisdiction. For purposes of this section, the words "real property" shall include all unimproved land only and shall not include buildings."

Section 5. Amend Chapter 1, Title 22 of the Delaware Code by adding thereto a new section, designated as §108, which new section shall read as follows:

"§108. Ambulance, Fire Protection and Police Services.

Where an area of real property owned by a municipality is bounded by a wall, fence or other structure which has gates or other lockable entrances, the municipality shall notify those public agencies within the municipality which provide ambulance, fire and police services of the location of such gates and entrances. A key to each such enclosed area shall be provided by the municipality to the ambulance, fire company and police department which is closest to the enclosed area. For purposes of this section, the words "real property" shall include all unimproved land only and shall not include buildings."

Section 6. Amend Chapter 4, Title 29 of the Delaware Code by adding thereto a new section, designated as §407, which new section shall read as follows:

"§407. Emergency Access to Certain State Lands.

Where an area of real property owned by this State is bounded by a wall, fence or other structure which has gates or other lockable entrances, the Department shall notify those ambulance, fire and police services which are nearest to the enclosed area of the location of such gates and entrances. The Department shall provide the ambulance service, fire company or police department nearest each such enclosed area a key to each entrance. For purposes of this section, the words "real property" shall include all improved land only and shall not include buildings."

Approved July 14, 1981.

CHAPTER 167

FORMERLY

HOUSE BILL NO. 328
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO SICK LEAVE AND ABSENCES FOR OTHER REASONS.

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

Section 1. Amend §1318, Chapter 13, Title 14 of the Delaware Code by striking subsection (f) and inserting in lieu thereof the following:

"(f) An employee may be absent without loss of pay no more than 3 days per fiscal year for personal reasons of the employee. Such absences shall be included in the sick leave of the employee. Such absences must be approved by the chief school officers."

Approved July 14, 1981.

CHAPTER 168

FORMERLY

HOUSE BILL NO. 337

AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO ESCAPES BY PRISONERS FROM THE CUSTODY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES OR THE DEPARTMENT OF CORRECTIONS.

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

Section 1. Amend §1252 of Chapter 5, Title 11 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new Section 1252 to read as follows:

"§1252. Escape in the Second Degree; Class E Felony

A person is guilty of escape in the second degree when he escapes from a detention facility or from the custody of the Department of Health and Social Services or the Department of Corrections.

Escape in the second degree is a Class E Felony."

Section 2. Amend §1253 of Chapter 5, Title 11 of the Delaware Code by striking the paragraph beginning with the words "A person" and ending with the words "Social Services" and substituting in lieu thereof the following new paragraph to read as follows:

"A person shall be guilty of escape after conviction if such person, after entering a plea of guilty or having been convicted by the court, escapes from a detention facility or from the custody of the Department of Health and Social Services or the Department of Corrections."

Approved July 14, 1981.

CHAPTER 169

FORMERLY

HOUSE BILL NO. 441
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE WITH REFERENCE TO THE ASSESSMENT AND COLLECTION OF SEWER SERVICE CHARGES IN NEW CASTLE COUNTY, BY ESTABLISHING THE MONITION METHOD OF COLLECTION, INCREASING THE PENALTIES FOR LATE PAYMENT AND PROVIDING FOR A MINIMUM DELINQUENCY AND SHORTENED WAITING PERIOD FOR INSTITUTION OF THE MONITION PROCEDURE.

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

Section 1. Amend Title 9, Chapter 22 of the Delaware Code by designating the previously undesignated section of this chapter as "Subchapter 1. General Provisions" and adding a new subchapter therein to be known and designated as Subchapter II, which new subchapter shall read as follows:

"Subchapter II. Monition Method of Sale in New Castle County.

§2222. Monition Method Established.

In addition to all existing methods and authority for the collection of service charges due to the Department of Finance of New Castle County, the Monition method and authority is hereby established.

§2223. Affidavit; Judgment; Praecipe; Monition.

(a) The Director of Finance of New Castle County, or a county attorney, may file an affidavit in the office of the Prothonotary of the Superior Court in and for New Castle County.

The affidavit shall state that the person against whom the service charges sought to be collected were assessed is justly indebted to the Department of Finance of New Castle County for the amount of service charges due on the property against which the service charges were assessed. The description of the property, as the same appears upon the assessment rolls of New Castle County, shall be a sufficient identification and description of the property. Thereupon the Prothonotary shall make a record of the same on a special judgment docket of the Superior Court against the property mentioned or described in the affidavit which record shall consist of the following:

- (1) The name of the person in whose name the assessment was made;
- (2) The description of the property as the same shall appear upon the assessment rolls;
- (3) The year or years for which the service charges are due and payable;
- (4) The date of the filing of such affidavit;
- (5) The amount of the judgment, the same being the amount set forth in the affidavit.

Such judgment shall be indexed in the judgment docket itself under the hundred in which the property is located as the location appears upon the assessment rolls so prepared, and under the hundred by communities where the name of the community appears upon the assessment rolls so prepared, and by referring to the page in the judgment docket whereon the record shall appear.

(b) Thereafter upon a praecipe for monition filed in the office of the Prothonotary by the Director of Finance for New Castle County, or a county attorney, a monition shall be issued by the Prothonotary to the Sheriff of New Castle County, which monition shall briefly state the amount of the judgment for the service charges due and the years thereof, together with a brief description of the property upon which the service charges are a lien. A description of such property as same shall appear upon the assessment rolls so prepared shall be a sufficient description.

§2224. Form of Monition

The monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the service charges stated herein is paid within 20 days after the date hereof or within such period of 20 days, or evidence of the payment of service charges herein claimed is filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill or duplicate thereof, bearing date prior to the filing of the lien in the office of

the Prothonotary for New Castle County; or an affidavit is filed in the office of the Prothonotary denying the service charges in whole or in part pursuant to §2228; the Department of Finance may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the service charges herein stated.

Name of person in whose name property	Description of Property	Year or Years	Amount of Judgment
§2225. <u>Service of Monition; Notice to Interested Persons; Posting of Monition; Sheriff's Return; Alias or Pluries Monition.</u>			

(1) The monition, or a copy thereof, shall be served upon the person against whom the service charges sought to be collected were assessed. In addition, it shall be served upon all persons having an equitable or legal interest of record, including an interest pursuant to a judicial sale or a statutory sale. The monition shall be served as are summons under Superior Court Civil Rule 4 (f) (i) in addition to that service allowed or required by applicable statutes. In the event service as heretofore provided cannot be obtained, the following shall constitute legal and sufficient service.

(a) Upon Persons Whose Whereabouts Are Unknown. One return by the Sheriff of a monition without service together with publication of a notice once per week for two weeks in a newspaper of general circulation in the county in which the real estate is located and copies of the monition mailed to such persons at their last known address by registered or certified mail shall constitute legal and sufficient service.

(b) Upon Non-Residents. Service pursuant to Chapter 31, Title 10 of the Delaware Code or other applicable statute shall constitute legal and sufficient service upon non-residents.

(2) The lienholders whose real or equitable interests in the real estate may be adversely affected shall not be required to be served with the monition, but shall receive notice in writing. The notice shall be mailed by certified mail, return receipt requested, to the present or last known address of the person entitled to notification. The notice shall be mailed within 10 days after the monition issues from the Prothonotary. A copy of the notice, certified as a true and correct copy by the Director of Finance or a county attorney, together with a copy of the certified mail, return receipt or a copy of the unclaimed mail shall be filed with the Prothonotary and when filed shall be conclusive evidence of the receipt of notice.

(3) The monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which the judgment for the service charge is a lien.

(4) The Sheriff shall make due and proper return of his proceedings under the monition to the Prothonotary within 20 days after issuance of the monition.

(5) Alias or pluries monition may issue upon praecipe filed by the Department of Finance.

§2226. Affidavit of Defense; Time Limit.

The person against whom service charges sought to be collected were assessed, or any person having an equitable or legal interest of record, including an interest pursuant to a judicial sale or a statutory sale, at any time before the expiration of 20 days after service of the monition, may file with the Prothonotary an affidavit denying the service charges due in whole or in part, and stating with specificity the reasons for disputing the service charge. Any service charge not specifically disputed in the affidavit of defense shall be paid in full at the time the affidavit is filed.

§2227. Trial.

Where an affidavit of defense has been filed pursuant to §2226, the Superior Court shall proceed to direct an issue to be tried by a jury at the bar of the Superior Court for ascertaining whether there is a just demand and the amount thereof, and their verdict or finding shall be final and conclusive.

§2228. Discharge of Property Upon Posting Bond.

If the person against whom service charges sought to be collected were assessed, or any person having an equitable or legal interest of record, including an interest pursuant to a judicial sale or a statutory sale, gives to the Department of Finance a bond with sufficient surety to be approved by

the court to pay any judgment recovered against him with costs and interest as set pursuant to §2210, the property against which the service charges were assessed shall be discharged from lien.

§2229. Issuance and Form of Writ of Venditioni Exponas.

At any time after the expiration of 20 days next following the return to the Sheriff upon the monition, unless before the expiration of the 20 days the judgment and cost on the judgment shall be paid or evidence of the payment of such service charges evidenced by a receipted bill or a duplicate thereof bearing date therefor prior to the filing of the lien for record in the office of the Prothonotary; or unless an affidavit is filed in the office of the Prothonotary denying the service charges in whole or in part pursuant to §2226; upon application in writing by the Department of Finance, a writ of venditioni exponas shall issue out of the office of the Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in the writ and make due return of his proceedings thereunder in the same manner as it is now applicable with respect to similar writs of venditioni exponas issued out of the Superior Court. The property shall be described in the writ under the description thereof as it appears on the assessment rolls and by metes and bounds where obtainable, but nothing herein contained shall be construed to invalidate a writ or a sale pursuant thereto containing only the description as it appears on the assessment rolls or a writ bearing only a description by metes and bounds.

The writ shall be substantially in the following form:

NEW CASTLE COUNTY, SS.

The State of Delaware.

TO THE SHERIFF OF NEW CASTLE COUNTY,
GREETINGS:

WHEREAS, by a monition issued out of the Superior Court dated at Wilmington, the day of A.D., 19 ..., IT WAS COMMANDED, that you should serve the person against whom service charges sought to be collected were assessed, or any person having an equitable or legal interest of record, including an interest pursuant to a judicial sale or a statutory sale, and, further, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said service and posting:

That on the day..... A.D., 19....., you returned that a copy of the said monition was served upon the person against whom service charges sought to be collected were assessed, or any person having an equitable or legal interest of record, including an interest pursuant to a judicial sale or a statutory sale on the day of, A.D., 19....., and was posted on the real estate therein mentioned and described on the day of A.D., 19.....

We therefor now command you to expose to public sale, the real estate mentioned and described in said Monition as follows: and that you should cause to be made as well a certain debt of Dollars (\$.....) lawful money of the United States, which to the said Department of Finance of New Castle County, is due and owing, as also the sum of Dollars (\$.....) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said was convicted as it appears of record and against which said property is a lien:

And have you that money before the Judges of our Superior Court at Wilmington, on Monday the day of Next, to render to the said Department of Finance of New Castle County as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable
..... A.D., 19.....

at Wilmington, the day of

.....
Prothonotary

Issued:

The description contained in such monition shall be a sufficient description of the real estate to be sold under such writ.

§2230. Title of Property Sold

Any real estate or interest therein sold under the provisions of this subchapter shall vest in the purchaser all the right, title and interest of the person in whose name the property was assessed, and/or all right, title and interest of the person or persons who are the owners thereof, and likewise freed and discharged from any liens and encumbrances, dower or curtesy or statutory right, in the nature of a dower or curtesy or statutory right, whether absolute or inchoate, in or to the real estate.

§2231. Petition by Purchasers for Deed of Conveyance

If the owner of the property or his legal representatives fail to redeem the property as provided in this subchapter, the purchaser of the property or his legal representative, successors or assigns may present a petition to the Superior Court setting forth the appropriate facts in conformity with this subchapter and pray that the Superior Court make an order directing the Sheriff, then in office, to execute acknowledge and deliver a deed conveying the title to the property to the petitioner; and thereupon the Superior Court shall have power, after a hearing upon the petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in the petition. A description of the property as the same shall appear upon the assessment rolls, and a description by metes and bounds where obtainable shall be a sufficient description in any such deed.

§2232. Redemption by the Owner

The owner of any such real estate sold under the provisions of this subchapter or his legal representatives may redeem the same at any time within 60 days from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and 15 percent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representatives, successors or assigns refuse to receive the same, or do not reside or cannot be found within the County of New Castle, by paying the amount into the Court for the use of the purchaser, his legal representatives or assigns.

§2233. Petition by Owner After Redemption for Entry on Judgment Record

If the owner of any real estate sold under an order of sale or his legal representative redeems the real estate, he may present to the Superior Court a petition setting forth that fact and thereupon the Superior Court, after hearing and determining the facts set forth in the petition, shall have power to cause to be entered upon the record of the judgment, under which the real estate was sold, a memorandum that the real estate described in the proceedings upon which the judgment was entered has been redeemed. Thereafter the owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the liens have been discharged or reduced by the application of the proceeds by the Sheriff from the sale.

§2234. Regularity of Proceedings Under Venditioni Exponas

Upon the return of the proceedings under a writ of venditioni exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

§2235. No Proceedings Unless Service Charge Is A Lien Upon Property; Construction of Term 'Superior Court'.

(a) No proceedings shall be brought under this subchapter unless the service charge sought to be collected hereunder shall at the time of the filing of the praecipe in the office of the Prothonotary be and constitute a lien upon the property against which the service charge was assessed or laid as established in §2211 (b) of this Chapter.

(b) Whenever the Superior Court is mentioned in this subchapter, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this subchapter may be done by the Superior Court or any Judge thereof in vacation thereof, as well as in term time.

§2236. Fees and Costs

The fees and costs to be taxed in all proceedings under this subchapter where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing Praeipe	\$ 1.10
Issuing monition and copy	2.75
Issuing alias or pluries.	2.75
monition and copy	
Writ of Venditioni exponas.	2.25
Filing any petition in	1.00
Superior Court under this subchapter	
Costs of paying money into	1.00
Superior Court	
Costs of paying money out of	1.00
Superior Court for each check drawn	

The following fees shall be charged by the Sheriff:

Posting monition or copy thereof75
Posting each alias or pluries.75
monition or copy thereof.	

The following fees shall be charged by the Department of Finance of New Castle County:

For preparing description.	10.00
by metes and bounds of liened property.	

All other charges not covered by this section shall be the same as are provided by law."

Section 2. Amend Title 9, §2210 (a) of the Delaware Code by deleting the words "at the rate of 1 percent per month" and inserting in lieu thereof: "at a rate to be set by county government not to exceed 5 points above the Federal discount level."

Section 3. Amend Title 9, Chapter 22 of the Delaware Code by deleting §2211 (b) in its entirety and substituting in lieu thereof the following:

"(b) If any service charges in an amount greater than \$250 remain unpaid at the end of 1 year after the due date the county government may cause to be brought proper proceedings for the enforcement of the lien and levy the service charges as an assessment with interest thereon accrued, and all costs thereon, upon the grounds and buildings with regard to which the service charges were made. Such grounds and buildings, or any part thereof, may be sold by the Sheriff of the County as is provided by law."

Section 4. If any provision of this Act, or its application to any person or circumstances is held invalid, the remainder of this Act, or the application of the provision to other persons or circumstances shall remain unaffected.

Section 5. This Act shall become effective on January 1, 1982.

Approved July 14, 1981.

CHAPTER 170

FORMERLY

HOUSE BILL NO. 465

AN ACT TO AMEND CHAPTER 87 OF TITLE 11 OF THE DELAWARE CODE, REORGANIZING THE DELAWARE CRIMINAL JUSTICE PLANNING COMMISSION AND TRANSFERRING CERTAIN FUNCTIONS AND DUTIES.

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

Section 1. Amend Section 8702(e) Title 11, Delaware Code by striking in its entirety and inserting in lieu thereof a new Section 8702(e) as follows:

(e) The Office of Management, Budget and Planning shall provide staff services for the Commission which shall, for administrative purposes, be placed within that office. Within the amount of State or Federal funds appropriated or awarded to that office for use in law enforcement planning, as authorized by the appropriations act and/or Clearinghouse Committee, the Director of the Office may employ such personnel and contract for such consulting services as may be necessary and authorized to carry out the purposes of this Chapter."

Section 2. Amend Section 8703, Title 11, Delaware Code by striking subsection (a) and replacing it with a new subsection (a) to read as follows:

"(a) The Commission shall meet at least once each year and at such other times as it deems necessary or at the call of the Chairman or Vice-chairman. Fourteen members shall constitute a quorum."

Section 3. Further amend Section 8703 of Title 11, Delaware Code by striking the third sentence of subsection (b) and replacing it with a new sentence to read as follows:

"In order to facilitate attendance of Commission members and the general public from all parts of this State, the place of Commission meetings and committees established by the Commission shall rotate to the extent feasible among the three counties of the State."

Section 4. Amend Sections 8706 and 8707 of Title 11 of the Delaware Code, by striking said sections in their entireties.

Section 5. Amend Section 8708 of Title 11, Delaware Code redesignating said section as Section 8706.

Section 6. Amend Section 8709 of Title 11, Delaware Code, redesignating said section as Section 8707.

Section 7. (a) Notwithstanding any other provision of State law, any funds previously awarded to the Delaware Criminal Justice Planning Commission which, upon the effective date of this Act, are unencumbered or unexpended shall be and are hereby appropriated and transferred to the Office of Management, Budget and Planning.

(b) Notwithstanding any other provision of State law, any previously authorized positions which, upon the effective date of this Act are now supported by Federal funds, are hereby transferred to the Office of Management, Budget and Planning.

(c) All property, subject to federal regulation, including all books, records, papers, maps, charts, plans, equipment and other material owned by or in the possession of any agency of the State and used in connection with a function transferred by this Chapter to the Office of Management, Budget and Planning or any subdivision thereof shall, on the effective date of this Chapter, be delivered into custody of that office. All investigations, reports, analyses, staff studies, petitions, hearings and legal proceedings pending before, assigned to or instituted by, any agency from which functions are transferred by this Chapter and which are not concluded prior to the effective date of this Chapter, shall continue unabated and remain in full force and effect, notwithstanding the passage of this Chapter and, where necessary, may be completed by or in the name of the Office of Management, Budget and Planning. All orders, rules and regulations made by any agency from which functions are transferred by this Chapter and which govern such functions, and which are in effect upon the effective date of this Chapter, shall remain in full force and effect until revoked or modified in accordance with law by the Office of Management, Budget and Planning. All contracts and obligations of any agency made or undertaken in the performance of a function transferred by this Chapter to the Office of Management, Budget and Planning and being in force on the effective date of this Chapter, shall, notwithstanding this Chapter, remain in full force and effect and be

performed by the Office of Management, Budget and Planning.

(d) All definitions and references to any commission, board, department, council or agency which appear in any other Act or law shall, to the extent that they are consistent with this Chapter and in connection with a function transferred by this Chapter to the Office of Management, Budget and Planning or to any subdivision thereof or to any council or board created by this Chapter, be construed as referring and relating to the Office of Management, Budget and Planning, to the appropriate subdivision thereof, or to the council or board as created and established by this Chapter.

(e) All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other Act or law shall, to the extent that they are consistent with this Chapter and in connection with a function transferred by this Chapter to the Office of Management, Budget and Planning or to any subdivision thereof or to any council or board created by this Chapter, be construed as referring to or relating to the equivalent person or persons and their powers, duties and functions as established and created in this Chapter.

(f) The Budget Director and the Controller General are hereby authorized and directed to make such transfers of funds and positions to the Office of Management, Budget and Planning as may be required to carry out the provisions of this section.

Approved July 14, 1981.

CHAPTER 171

FORMERLY

HOUSE BILL NO. 226

AN ACT TO AMEND §151, SUBCHAPTER IV, TITLE 17 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TRANSPORTATION PARTICIPATING IN CONTRACTS ISSUED BY OTHER GOVERNMENTAL AGENCIES.

WHEREAS, from time to time the best interests of the State shall be served by the Department participating in contracts entered into by other governmental agencies or private entities.

NOW, THEREFORE:

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

Section 1. Amend §151, Subchapter IV, Title 17 of the Delaware Code by deleting said subsection in its entirety, and substituting in lieu thereof a new subsection to read as follows:

"§151. The Department shall not purchase any materials, equipment or supplies, nor enter into any contract for the performance of any work except in accordance with Chapter 69 of Title 29 of the Delaware Code, except that said Chapter 69 of Title 29 shall not apply, when in the best interests of the State, as determined by the Secretary and approved by the Budget Commission, the Department enters into agreements with other states, counties, municipalities, other governmental agencies or private entities to have such work or services supplied pursuant to contracts entered into by such other public authorities or private entities."

Approved July 14, 1981.

CHAPTER 172

FORMERLY

HOUSE BILL NO. 296

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 26, TITLE 14 OF THE DELAWARE CODE RELATING TO THE POWER OF COUNTY VOCATIONAL SCHOOL DISTRICTS TO LEVY TAXES.

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

Section 1. Amend §2601, Title 14, Delaware Code, by styling the present section as subsection (a) and by adding at the end thereof the following:

"(b) In the event a general reassessment of all real estate in the county changes the total assessed valuation of a county vocational-technical high school district or a county vocational-technical center, the board of education of such district shall calculate a new tax rate which, at its maximum, would realize no more than 10 per cent increase in actual revenue over the revenue derived by real estate tax levied in the fiscal year immediately preceding such reassessed real estate valuation."

Approved July 14, 1981.

CHAPTER 173

FORMERLY

SENATE BILL NO. 300
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 69, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REMOVAL OF MOTOR VEHICLES FROM PUBLIC HIGHWAYS BY POLICE OR BY OTHERS UPON POLICE DIRECTION.

WHEREAS, the General Assembly finds that a significant safety problem arises when motor vehicles are disabled, abandoned, and otherwise left on the highways of this State; and

WHEREAS, the General Assembly finds that police officers need to be able to call upon towing operators to provide prompt and reliable removal of such vehicles at all hours and under a variety of circumstances; and

WHEREAS, the General Assembly finds that the peace, public order, and safety of this State are best served by providing for an orderly method of towing operator selection; and

WHEREAS, the General Assembly finds that the interest of the State in such orderly selection is superior to the State's interest in maintaining competition for towing services.

NOW, THEREFORE:

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

Section 1. Amend §6901, Chapter 69, Title 21 of the Delaware Code by designating the existing paragraph of such section as subsection (a) and by adding to such section the following new subsections to read as follows:

"(b) In effecting the removal and subsequent storage of such vehicles, a State police officer may select and engage the services, vehicles, equipment or facilities of another person, hereinafter called the 'tower', who shall be compensated at the expense of the owner or operator. Such selection shall be made pursuant to the regulations promulgated under subsection (c).

(c) The Department of Public Safety shall promulgate regulations governing the selection of towers by State police officers. Such regulations shall prescribe qualifications for eligibility of towers to be selected by police officers under this Section, shall describe the method to be used by police officers in selecting from eligible towers, and may make such other provisions as the Department deems fit; provided, however, that there shall be no prohibitions against the owner of a vehicle from choosing the tower of his or her choice if no emergency exists. All eligible towers shall file with the Superintendent of the Delaware State Police a schedule of towing charges of such towers and other incidental charges of such tower customarily incurred in connection with the towing and storage of vehicles under the provisions of the section."

Approved July 14, 1981.

CHAPTER 174

FORMERLY

HOUSE BILL NO. 99

AS AMENDED BY

HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT BEING CHAPTER 503, VOLUME 61, LAWS OF DELAWARE, ENTITLED AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE RECLAMATION AND RECYCLING OF BEVERAGE CONTAINERS BY CHANGING THE EFFECTIVE DATE THEREOF.

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

Section 1. Section 2, Chapter 503, Volume 61, Laws of Delaware, be and the same is hereby amended by striking said section therefrom in its entirety.

Section 2. The provisions of Volume 61, Laws of Delaware, Chapter 503, as amended by this Act, shall become effective one year after the enactment of this bill into law, with the exception of Section 6059(e) thereof which shall become effective two years after the enactment of this bill into law; provided, nevertheless, that this chapter, as amended by this Act, shall not become effective until the General Assembly appropriates the funds necessary for carrying out its provisions.

Approved July 14, 1981.

CHAPTER 175

FORMERLY

HOUSE BILL NO. 209

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18, SECTION 2503 OF THE DELAWARE CODE TO REQUIRE INSURERS TO PROVIDE REDUCTIONS IN MOTOR VEHICLE INSURANCE PREMIUM RATES FOR DRIVERS COMPLETING A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

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

Section 1. Amend Title 18, Section 2503 of the Delaware Code by adding thereto a new subsection to be designated as subsection (a) (6), which new subsection shall read:

"(6) The Commissioner shall require a reduction in rates for a three (3) year period for any person who voluntarily attends and successfully completes a motor vehicle accident prevention course which is approved by the Insurance Commissioner. The reduction shall be for any individually owned vehicle classified as a private passenger and shall be in proportion to the number who have completed the course in the event that not all members of a group have completed the course. Voluntary attendance shall not include any attendance ordered as permitted by a court or required by the Division of Motor Vehicles pursuant to any violations of Title 21 of the Delaware Code."

Section 2. This Act shall become effective one (1) year after it becomes law.

Approved July 14, 1981.

CHAPTER 176

FORMERLY

HOUSE BILL NO. 411

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. (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	\$	5,870
Belevedere Volunteer Fire Company	Belevedere		5,870
Brandywine Hundred Fire Co. NO. 1	Bellefonte		5,870
Christiana Fire Co.	Christiana		5,870
Claymont Fire Co.	Claymont		5,870
Cranston Heights Fire Co.	Cranston Heights		5,870
Delaware City Fire Co.	Delaware City		5,870
Elsmere Fire Co.	Elsmere		5,870
Five Points Fire Co. NO. 1	Richardson Park		5,870
Goodwill Fire Co. NO. 1	New Castle		5,870
Hockessin Fire Co.	Hockessin		5,870
Holloway Terrace Fire Co.	Holloway Terrace		5,870
Mill Creek Fire Co.	Marshallton		5,870
Minquedale Fire Co.	Minquedale		5,870
Minquas Fire Co. NO. 1	Newport		5,870
Odessa Fire Co., Inc.	Odessa		5,870
Port Penn Volunteer Fire Co., Inc.	Port Penn		5,870
Talleyville Fire Co., Inc.	Talleyville		5,870
Townsend Fire Co., Inc.	Townsend		5,870
Volunteer Hose Co., Inc.	Middletown		5,870
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor		5,870

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers		5,870
Camden-Wyoming Fire Co.	Camden		5,870
Carlisle Fire Co.	Milford		5,870
Cheswold Volunteer Fire Co.	Cheswold		5,870
Citizens' Hose Co. NO. 1, Inc.	Smyrna		5,870
Clayton Fire Co.	Clayton		5,870
Robbins Hose Co. (Dover Fire Dept.)	Dover		5,870
Farmington Volunteer Fire Co.	Farmington		5,870
Felton Community Fire Co.	Felton		5,870
Frederica Volunteer Fire Co.	Frederica		5,870
Harrington Fire Co.	Harrington		5,870
Hartly Volunteer Fire Co.	Hartly		5,870
Houston Volunteer Fire Co.	Houston		5,870
Leipsic Volunteer Fire Co.	Leipsic		5,870
Little Creek Volunteer Fire Co.	Little Creek		5,870
Magnolia Volunteer Fire Co.	Magnolia		5,870
Marydel Volunteer Fire Co., Inc.	Marydel		5,870
South Bowers Fire Co.	South Bowers		5,870

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	\$	5,870
Blades Volunteer Fire Co., Inc.	Blades		5,870
Bridgeville Volunteer Fire Co.	Bridgeville		5,870
Dagsboro Volunteer Fire Co.	Dagsboro		5,870
Delmar Fire Department	Delmar		5,870
Ellendale Volunteer Fire Co.	Ellendale		5,870
Frankford Volunteer Fire Co.	Frankford		5,870
Georgetown Fire Co., Inc.	Georgetown		5,870

Greenwood Volunteer Fire Co.	Greenwood	5,870
Gumboro Volunteer Fire Co., Inc.	Gumboro	5,870
Indian River Volunteer Fire Co.	Indian River	5,870
Laurel Fire Department, Inc.	Laurel	5,870
Lewes Fire Department, Inc.	Lewes	5,870
Millsboro Fire Co.	Millsboro	5,870
Milton Volunteer Fire Co.	Milton	5,870
Millville Volunteer Fire Co.	Millville	5,870
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	5,870
Roxanna Volunteer Fire Co.	Roxanna	5,870
Seaford Volunteer Fire Dept., Inc.	Seaford	5,870
Selbyville Volunteer Fire Co., Inc.	Selbyville	5,870
Slaughter Beach Memorial Fire Co.	Slaughter Beach	5,870

TOTAL \$352,200

(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
Frederica Volunteer Fire Co.	Frederica	1,375
Goodwill Fire Co. No. 1	New Castle	1,375
Greenwood Volunteer Fire Co.	Greenwood	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
Port Penn Volunteer Fire Co.	Port Penn	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 \$ 57,750

(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

Camden-Wyoming Fire Company	Camden	2,200
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 \$ 41,800

(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 8 fire companies organized and equipped in the City. \$ 46,960
- (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. \$ 6,600
- TOTAL \$ 53,560

(f) There is appropriated to the listed fire companies the following sums to help level up the insurance premium tax revenues to be used for the maintenance of apparatus and equipment:

Bethany Beach Volunteer Fire Co.	Bethany Beach	\$ 3,850
Blades Volunteer Fire Co., Inc.	Blades	3,850
Bowers Volunteer Fire Co., Inc.	Bowers	3,850
Bridgeville Volunteer Fire Co.	Bridgeville	3,850
Camden-Wyoming Fire Co.	Camden	3,850
Carlisle Fire Co.	Milford	3,850
Cheswold Volunteer Fire Co.	Cheswold	3,850
Citizens' Hose Co. No. 1, Inc.	Smyrna	3,850
Clayton Fire Co.	Clayton	3,850
Dagsboro Volunteer Fire Co.	Dagsboro	3,850
Delmar Fire Department	Delmar	3,850
Robbins Hose Co., (Dover Fire Dept.)	Dover	3,850
Ellendale Volunteer Fire Co.	Ellendale	3,850
Farmington Volunteer Fire Co.	Farmington	3,850
Felton Community Fire Co.	Felton	3,850
Frankford Volunteer Fire Co.	Frankford	3,850
Frederica Volunteer Fire Co.	Frederica	3,850
Georgetown Fire Co., Inc.	Georgetown	3,850
Greenwood Volunteer Fire Co.	Greenwood	3,850
Gumboro Volunteer Fire Co., Inc.	Gumboro	3,850
Harrington Fire Co.	Harrington	3,850
Hartly Volunteer Fire Co.	Hartly	3,850
Houston Volunteer Fire Co.	Houston	3,850
Indian River Volunteer Fire Co.	Indian River	3,850
Laurel Fire Department, Inc.	Laurel	3,850
Leipsic Volunteer Fire Co.	Leipsic	3,850
Lewes Fire Department, Inc.	Lewes	3,850
Little Creek Volunteer Fire Co.	Little Creek	3,850
Magnolia Volunteer Fire Co.	Magnolia	3,850
Marydel Volunteer Fire Co., Inc.	Marydel	3,850
Millsboro Fire Co.	Millsboro	3,850
Milton Volunteer Fire Co.	Milton	3,850
Millville Volunteer Fire Co.	Millville	3,850
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	3,850

Roxanna Volunteer Fire Co.	Roxanna	3,850
Seaford Volunteer Fire Cept., Inc.	Seaford	3,850
Selbyville Volunteer Fire Co., Inc.	Selbyville	3,850
Slaughter Beach Memorial Fire Co.	Slaughter Beach	3,850
South Bowers Fire Co.	South Bowers	<u>3,850</u>
	TOTAL	\$ 150,150

(g) 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	\$ 1,375
American Legion, Sussex Post #8	Georgetown	1,375
American Legion, Kent Post #14	Smyrna	1,375
Selbyville American Post #39, Inc.	Selbyville	1,375
Sussex Memorial Post #7422, V.F.W.	Millsboro	<u>1,375</u>
	TOTAL	\$ 6,875

(h) There is appropriated to the listed fire companies the following sums to be used:

(1) for the maintenance and operation of ambulances in the public service:

Frederica Volunteer Fire Co.	Frederica	\$ 1,375
Greenwood Volunteer Fire Co.	Greenwood	1,375
Port Penn Volunteer Fire Co.	Port Penn	<u>1,375</u>
	TOTAL	\$ 4,125

(2) for the maintenance of aerial ladder trucks:		
Camden-Wyoming Fire Company	Camden	\$ <u>2,200</u>
	TOTAL	\$ 2,200
Total - Section 1		\$ <u>747,035</u>

Section 2. (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	<u>13,200</u>

(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	<u>3,300</u>

(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 Auxiliary, 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 2

\$ 71,500

Section 3. 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 4. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated and any funds remaining unexpended or unencumbered as of June 30, 1982, shall revert to the General Fund of the State of Delaware.

Approved July 14, 1981.

CHAPTER 177

FORMERLY

SENATE BILL NO. 294
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND DELAWARE CODE, TITLE 14, AS IT RELATES TO THE FUNDING OF EDUCATIONAL SERVICES FOR PERSONS WHO ARE AUTISTIC.

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

Section 1. Amend §203, Chapter 2, Title 14 of the Delaware Code by inserting in the second sentence after the words "socially or emotionally maladjusted", the following word:

"autistic,"

Section 2. Amend §1703, Chapter 17, Title 14 of the Delaware Code by adding thereto a new subsection (m) to read as follows:

"(m) In the case of persons, infant through age 20 inclusive, who are autistic, programs of instruction may be prepared, according to rules and regulations of the State Board of Education as authorized in §203 of this Title, that will provide special education and training. Programs for children of the pre-kindergarten ages may include the parents of those children. The minimum age described in §3101 of this Title shall not be applicable to children served under this subsection. 'Unit' or 'unit of pupils' shall mean four (4) autistic persons per unit. Because of the low incidence of persons who are autistic, school districts may, with the approval of the State Board of Education, aggregate the enrollments of such autistic persons among a combination of school districts for the purpose of establishing a unit. A unit so established shall be assigned to one of the school districts and the enrollees so counted shall not be counted in any other school district. An enrollee so counted may be served by either a teacher in the district counting the enrollee when the enrollee is transported to that district or, in the district of residence by an itinerant teacher sent there by the district authorized to count the unit. Enrollments may also be aggregated by combinations of school districts for the purpose of supporting related services specialists, or a director for statewide programs of related services or administration."

Section 3. Amend Chapter 13, Title 14 of the Delaware Code by adding thereto a new §1332 to read as follows:

"§1332. Autistic Program for autistic pupils - special staff.

(a) Director - Specialist - whenever the State Board of Education designates a particular school district to serve as administrator for the statewide program for autistic pupils, that district may employ as a statewide director-specialist for a period of 12 months per year, a director-specialist for eight or more such units of autistic children. If a director-specialist is assigned responsibility for such a program for fewer than eight units, the support for that assignment shall be in the same ratio as the number of authorized units is to eight units. The director-specialist shall hold a doctorate degree in psychology or exceptional children and shall possess such other qualifications for certification as are required by the State Board of Education. "Years of experience" in determining salary shall be in accordance with rules and regulations adopted by the State Board of Education in this respect. The director-specialist shall be paid, the provision of §1329 (a) of this title with regard to §1305 notwithstanding, according to the following schedule:

Years of experience
with autistic persons

0
1
2
3
4
4+

Director-Specialist

24,900
25,900
26,900
27,900
28,900
29,900

(b) In addition to the staff otherwise authorized, the autistic program may employ supportive staff as follows:

(1) Specialist - speech and language therapists for a period of 12 months per year at the rate of one for each three state units or fractional part of three units of pupils;

(2) Specialist - psychologist for a period of 12 months per year at the rate of one for each six state units or fractional part of six units of pupils.

(c) Whenever the State Board of Education designates a particular school district to serve as the administering agency for a statewide program for autistic pupils that district may employ specialists as herein authorized to serve the entire statewide program. Specialists so employed shall be paid according to the salary authorized for teachers in Section 1305 of this Chapter. The school district authorized to employ such specialists and the director may provide additional salary to such personnel according to the provisions of Section 1304 of this Chapter and shall recover funds so expended from the school districts of residence of the autistic persons by levying a fee against those school districts, including the administering district, whether or not the autistic person is a resident of that district, that is proportional to the number of persons served from a particular district. The fees so levied may be paid by the local school districts from funds collected according to the provisions of Chapter 6 of this Title.

(d) The administering school district may purchase specialized services for any such categories shown in this section rather than employ a staff person to serve that function. If the option to purchase services is exercised, then the dollar value of each full-time equivalent shall be the number of dollars set in the state supported salary schedule for a teacher holding a master's degree with 10 years of experience and employed for 12 months. The calculation of this funding shall be for the current school year. Expenditures of this nature may be used for the purchase of personal services. The administering school district wishing to use funds under this option shall first make application to the State Board of Education for such use and proceed to exercise the option only after approval by the State Board of Education.

(e) The personnel employed pursuant to this section shall not be charged against the allotment of classroom teachers provided by these units of pupils, the provisions of §1705 of this Title not withstanding. Teachers shall be employed at the rate of the number of pupil units as of the last day of September of a regular school year except that for a program having four or more classes of autistic pupils in a building and providing the number of children in such classes does not exceed six as of the last day of September of a regular school year, three additional aides may also be employed in lieu of a teacher on application to and approval by the State Board of Education. A fraction greater than one-half shall be considered a unit.

Section 4. Amend §1703 (e), Chapter 17, Title 14, of the Delaware Code by deleting the "." at the end of the second sentence and adding the following:

"...except that in the case of programs for autistic children a school district may extend pupil days to 241."

Section 5. Amend Chapter 17, Title 14, of the Delaware Code by adding thereto a new §1721 to read as follows:

"§1721 Autistic unit and funding.

(a) programs for autistic children exceeding 217 pupil days shall be according to rules and regulations of the State Board of Education.

(b) For funding purposes 'autistic unit' for programs in excess of 217 pupil days shall mean eight (8) autistic persons per unit."

Section 6. This Act shall become effective July 1, 1982.

Section 6. This Act constitutes the educational policy of the State of Delaware and established the 'Delaware Standard' providing 'free appropriate' education for autistic citizens which is required by Public Law 94-142 of the United States.

Section 7. The Department of Public Instruction is hereby directed to complete a study by January 1, 1982, that will recommend procedures to provide instate residential care for autistic citizens.

Approved July 13, 1981.

CHAPTER 178

FORMERLY

HOUSE BILL NO. 312

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

AN ACT TO AMEND CHAPTER 11, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF OUTDOOR ADVERTISING.

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

Section 1. Amend §1114, Chapter 11, Title 17 of the Delaware Code by striking sub-paragraph (1) of said section and substituting in lieu thereof a new sub-paragraph (1) to read as follows:

"(1) Outdoor advertising signs, displays and devices 32 square feet or less erected or maintained upon real property and placed on the premises to identify a business conducted thereon."

Section 2. Amend §1114, Chapter 11, Title 17 of the Delaware Code by striking sub-paragraph (2) of said section and substituting in lieu thereof a new sub-paragraph (2) to read as follows:

"(2) Outdoor advertising signs, displays and devices (containing 12 square feet or less in areas zoned residential or 32 square feet or less in areas zoned otherwise) upon real property stating that the property, or a part thereof, is for sale or for rent."

Approved July 23, 1981.

CHAPTER 179

FORMERLY

HOUSE BILL NO. 448

AS AMENDED BY SENATE AMENDMENTS NOS. 1, 2, 3, and 4

A BOND ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY PAYABLE FROM MOTOR FUEL TAX REVENUES, PLEDGING SUCH REVENUES TO THE SUPPORT OF ALL BONDS ISSUED BY THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING THE TRANSFER FROM THE DELAWARE TRANSPORTATION AUTHORITY TO THE STATE GENERAL FUND A SUM EQUAL TO MOTOR FUEL TAX REVENUES LEVIED AT NINE CENTS PER GALLON, CHANGING THE MOTOR FUEL TAX FROM NINE CENTS PER GALLON TO ELEVEN CENTS PER GALLON AND THEN TO A PERCENTAGE OF THE WHOLESALE PRICE, CREATING A ROAD IMPROVEMENT FUND TO FINANCE ROAD IMPROVEMENTS WITH AVAILABLE MOTOR FUEL TAX REVENUES, MAKING NECESSARY CHANGES TO THE STATUTES UNDER WHICH THE DELAWARE TRANSPORTATION AUTHORITY MAY LEVY TOLLS, COLLECT AND DISBURSE INCOME, AND OPERATE ITS SUBSIDIARIES, APPROPRIATING SUMS IN CERTAIN SPECIAL FUND ACCOUNTS AND PLACING CERTAIN CONDITIONS ON THOSE APPROPRIATIONS, AND MAKING CERTAIN ADDITIONAL CHANGES TO THE DELAWARE CODE APPLICABLE TO THE ISSUANCE OF BONDS BY THE STATE AND THE DELAWARE TRANSPORTATION 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. Authorization of Twenty-Year Bonds. The State hereby authorizes the issuance of \$29,733,027 bonds to which the State shall 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, agencies, and instrumentalities of the State and in the following amounts for the purposes set forth in the Fiscal Year 1982 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Office of Management, Budget, and Planning	\$ 2,811,149
Department of Administrative Services	3,942,975
Department of Health and Social Services	2,481,334
Department of Correction	1,847,243
Department of Natural Resources and Environmental Control	7,284,082
Department of Transportation	500,000
University of Delaware	4,500,000
Delaware State College	1,499,200
Delaware Technical and Community College	3,867,044
State Board of Education (as provided below)	<u>1,000,000</u>

<u>Purpose</u>	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Seaford Junior High School - Renovations and Completion	\$ 800,000	\$533,333	\$1,333,333
Sussex Orthopedic School - Completion	200,000	<u>-0-</u>	<u>200,000</u>
<u>Subtotals</u>	1,000,000	\$533,333	\$1,533,333
<u>TOTAL</u>			<u>\$29,733,027</u>

Section 2. Authorization of Ten-Year Bonds. The State hereby authorizes the issuance of \$8,271,973 bonds to which the State shall 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, agencies, and instrumentalities of the State and in the following amounts for the purposes set forth in the Fiscal Year 1982 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Budget Commission	\$ 294,286
Office of Management, Budget, and Planning	25,000
Department of State	49,040
Department of Administrative Services	1,428,000
Department of Health and Social Services	909,000
Department of Correction	272,000
Department of Natural Resources and Environmental Control	555,000
Department of Public Safety	942,456
Department of Community Affairs and Economic Development	320,000
Department of Transportation	75,000
Department of Agriculture	217,000
Delaware National Guard	84,191
Delaware State College	450,000
Delaware Technical and Community College	\$ 136,000
State Board of Education (as provided below)	<u>2,515,000</u>

<u>Purpose</u>	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Kent Vo-Tech, Woodside - Expansion Study	\$ 30,000	\$ -0-	\$ 30,000
Statewide - MCI	1,800,000	1,043,209	2,843,209
School Building Maintenance	<u>685,000</u>	<u>-0-</u>	<u>685,000</u>
<u>Subtotals</u>	\$ 2,515,000	\$ 1,043,209	\$ 3,558,209
<u>TOTAL</u>			\$ <u>8,271,973</u>

Section 3. Repeal of Prior General Obligation Bond Authorizations. There is hereby repealed the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following departments and agencies pursuant to the following laws for the following projects in the following amounts:

<u>Department, Agency, or Instrumentality</u>	<u>Authorized Vol. & Ch.</u>	<u>Project Account Code</u>	<u>Amount</u>
Delaware Technical and Community College	62-407	90-04-006-51-13	\$ <u>700,000</u>

Section 4. Repeal of Prior Guaranteed Bond Authorizations. In view of the authorization herein to issue Three Million Dollars (\$3,000,000.00) obligations of the State to assist economic development in the State, to which obligations the State shall 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 striking the amount "\$45,000,000" as it appears therein and inserting therefor the amount "\$42,000,000".

(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. Reversion of Fund Balances. On the effective date of this Act, the State Treasurer shall transfer the remaining cash balances, not in excess of the amounts indicated below in the enumerated project accounts, to the Bond Reversion Account (12-05-003-40-00) to be reappropriated pursuant to Section 6 of this Act:

<u>Department or Agency</u>	<u>Authorized Vol. & Ch.</u>	<u>Project Account Code</u>	<u>Amount</u>
Legislative Council	60-271	01-08-001-76-80	\$ 92
Department of State	56-469	20-06-001-69-86	808
Department of State	60-691	20-06-001-77-81	60
Department of Administrative Services .	58-347	30-04-001-72-80	217
Department of Administrative Services .	60-271	30-04-001-76-85	501
Department of Administrative Services .	60-271	30-04-001-76-87	2,094
Department of Administrative Services .	60-271	30-04-001-76-88	4,213
Department of Administrative Services .	61-376	30-04-001-78-83	50,000
Department of Health and Social Services	60-691	35-05-004-77-83	153
Department of Health and Social Services	61-408	35-05-004-79-80	16,519
Department of Health and Social Services	60-691	35-06-002-77-82	202
Department of Health and Social Services	61-376	35-06-002-78-82	1
Department of Health and Social Services	61-408	35-06-002-79-80	4
Department of Health and Social Services	61-408	35-06-002-79-83	133
Department of Health and Social Services	62-146	35-06-008-50-12	150,000
Department of Health and Social Services	62-146	35-11-002-50-13	6,778
Department of Health and Social Services	61-408	35-11-002-79-81	1,638
Department of Health and Social Services	56-469	35-12-001-69-80	238
Department of Health and Social Services	60-691	35-12-001-77-80	100,000
Department of Correction	61-408	38-08-003-79-81	1,517
Department of Correction	61-376	38-08-004-78-83	54,000

Department of Correction	61-408	38-08-004-79-80	100
Department of Correction	60-271	38-08-005-76-80	25,524
Department of Correction	60-691	38-13-002-77-80	616
Department of Natural Resources and Environmental Control	62-407	40-05-001-51-17	2,347
Department of Natural Resources and Environmental Control	60-271	40-05-001-76-88	30,000
Department of Natural Resources and Environmental Control	61-376	40-05-001-78-84	99,050
Department of Natural Resources and Environmental Control	60-691	40-06-001-77-82	104
Department of Natural Resources and Environmental Control	60-691	40-07-001-77-81	32,417
Department of Public Safety	62-146	45-06-002-50-12	136
Department of Public Safety	61-376	45-06-002-78-80	2,408
Department of Transportation	62-407	55-06-001-67-00	800,000
Department of Transportation	62-407	55-05-000-64-00	189,000
Delaware National Guard	60-7	76-01-001-75-82	5,544
Delaware National Guard	60-271	76-01-001-76-84	10,265
Delaware State College	59-223	90-03-004-74-80	424
Delaware State College	59-223	90-03-004-74-81	376
Delaware Technical and Community College	62-146	90-04-002-50-12	89,454
Delaware Technical and Community College	62-407	90-04-002-51-12	74,450
Delaware Technical and Community College	61-408	90-04-002-79-80	30,763
Delaware Technical and Community College	60-271	90-04-004-76-80	5
Delaware Technical and Community College	60-691	90-04-004-77-80	19
Delaware Technical and Community College	62-146	90-04-006-50-12	32,245
Delaware Technical and Community College	62-146	90-04-006-50-13	<u>6,020</u>
TOTAL		\$	<u>1,820,435</u>

Section 6. 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 1982 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Office of Management, Budget, & Planning	\$ 88,851

Department of State	50,960
Department of Administrative Services	132,025
Department of Health and Social Services	175,666
Department of Correction	27,757
Department of Natural Resources and Environmental Control	919,918
Department of Public Safety	2,544
Department of Transportation	203,000
Delaware National Guard	15,809
Delaware State College	800
Delaware Technical and Community College	232,956
State Board of Education	<u>65,000</u>
TOTAL	<u>\$1,915,286</u>

Section 7. Appropriations for Minor Capital Improvements. The sum of \$1,800,000 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	\$	35,400	\$ 23,600	\$ 59,000
Brandywine		208,300	138,867	347,167
Special Schools ...		10,100	-0-	10,100
Caesar Rodney		48,600	32,400	81,000
Cape Henlopen		43,200	28,800	72,000
Capital		91,200	60,800	152,000
Christina		249,300	166,200	415,500
Special Schools ...		17,400	-0-	17,400
Colonial		140,800	93,867	234,667
Special Schools ...		7,900	-0-	7,900
Delmar		30,000	20,000	50,000
Indian River		95,850	63,900	159,750
Kent Vo-Tech		32,862	-0-	32,862
Lake Forest		30,864	20,576	51,440
Laurel		32,300	21,533	53,833
Willford		50,900	33,933	84,833
New Castle Vo-Tech		110,362	-0-	110,362
Red Clay Consolidated		221,400	147,600	369,000
Special Schools ...		13,700	-0-	13,700
Seaford		50,900	33,933	84,833

Smyrna	43,150	\$ 28,767	\$ 71,917
Sussex Vo-Tech	42,862	-0-	42,862
Woodbridge	27,650	18,433	46,083
<u>Subtotals</u>	\$1,635,000	\$ 933,209	\$2,568,209
Vocational Equipment	\$ 85,000	\$ 56,667	\$ 141,667
State Board of Education	80,000	53,333	133,333
<u>TOTALS</u>	<u>\$1,800,000</u>	<u>\$1,043,209</u>	<u>\$2,843,209</u>

Section 8. Issuing Authority. Amend Section 7402 of Title 29 of the Delaware Code, as amended, by striking said Section in its entirety and inserting in lieu thereof the following:

"Section 7402. Issuing Authority.

The issuing officers shall authorize the issuance of bonds, notes, and revenue notes of the State by resolution adopted by unanimous vote of the issuing officers. Notwithstanding the provisions of any other law, the issuing officers shall approve, by the same vote, individual contracts or classes of contracts with firms and individuals in connection with the authorization and issuance of bonds, notes, revenue bonds and notes by the State, and its agencies, authorities and instrumentalities other than institutions of higher education. Each issuing officer may designate a deputy to represent him as an issuing officer 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 chapter."

Section 9. Deposit of Money. Amend Section 7414 of Title 29 of the Delaware Code, as amended, by striking the number "245" as it appears in the last sentence of the second paragraph of said Section and inserting in lieu thereof the number "180".

Section 10. Advanced Planning Fund.

(a) Amend Section 9121 of Title 29 of the Delaware Code by striking Subsection (c) in its entirety as such Subsection appears in said Section and inserting in lieu thereof a new Subsection (c) to read as follows:

"(c) The Fund shall be expended for the advanced planning of proposed facilities in the State, including, but not limited to, the cost of architectural sketches, general site plans, preliminary engineering, general design services, legal, accounting, and consulting services or such other services as may be deemed appropriate."

(b) Amend Subchapter II of Chapter 91 of Title 29 of the Delaware Code, as amended, by striking in its entirety the word "building" as such word appears in said Subchapter and inserting in lieu thereof the word "facility".

Section 11. Advanced Real Property Fund.

(a) Amend Subchapter III of Chapter 91 of Title 29 of the Delaware Code by striking in its entirety the word "land" as such word appears in said Subchapter and inserting in lieu thereof the words "real property".

(b) Amend Section 9130 of Title 29 of the Delaware Code by striking Subsection (c) in its entirety as such Subsection appears in said Section and inserting in lieu thereof a new Subsection (c) to read as follows:

"(c) The Fund shall be expended for advanced acquisition of real property (including any improvements thereon) by State agencies but shall not include highway right-of-way acquisition."

Section 12. Christina Gateway. The sum of One Million Dollars (\$1,000,000.00) appropriated to the Office of Management, Budget, and Planning shall be used to provide necessary acquisition, access, site, and relocation improvements in conjunction with the development of the Christina Gateway area of the City of Wilmington. 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 instrumentalities or municipal and private, non-profit corporations as may become necessary for the State to fulfill its obligations under the terms and conditions of the Christina Gateway Development Agreement. The State funds appropriated herein shall be used to the maximum extent practicable to match federal, local, and private funds available for the acquisition, development, renovation, reconstruction, or other improvement of public real property within the Christina Gateway area.

Section 13. Transfer of Accounts - Energy Programs. All balances in the two (2) accounts heretofore appropriated to the Delaware Energy Office (10-05-001-51-12 and 10-05-001-51-13) for Renewable Resources and State Building Energy Improvements are hereby transferred to the Department of Administrative Services. The State Treasurer and the Budget Director shall insure that these accounts are established within the appropriate division or divisions and/or section or sections of the Department of Administrative Services. All contracts made and encumbrances incurred heretofore by the Delaware Energy Office shall remain in full force and effect under the administration of the Department of Administrative Services as a result of this transfer.

Section 14. Transfer of Accounts - Wilmington Public Building. All balances in the two (2) accounts heretofore appropriated to the Office of Management, Budget, and Planning (10-03-001-50-12 and 10-03-001-51-12) for design and renovations to the Wilmington Public Building are hereby transferred to the Department of Administrative Services. The State Treasurer and the Budget Director shall insure that these accounts are established within the appropriate division or section of the Department of Administrative Services. All contracts made and encumbrances incurred heretofore by the Office of Management, Budget, and Planning shall remain in full force and effect under the administration of the Department of Administrative Services as a result of this transfer.

Section 15. State Building Weatherization. The sum of Five Hundred Thousand Dollars (\$500,000.00) appropriated to the Department of Administrative Services for weatherization shall be spent to help improve the energy efficiency of State schools, hospitals, and other public buildings. 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.

Section 16. Georgetown Sewer Project. Section 6 of this Act authorizes the transfer of the sum of Nine Hundred Nineteen Thousand Nine Hundred Eighteen Dollars (\$919,918.00) from the State Treasurer's Bond Reversion Account to the Department of Natural Resources and Environmental Control. The sum of Two Hundred Four Thousand Dollars (\$204,000.00) allocated by the Fiscal Year 1982 Capital Improvements Project Schedule to Water Pollution Control Projects is hereby designated for use as twenty percent (20%) of the required local fifteen-percent (15%) matching share for the construction of a sewer serving the Sussex Correctional Institution, the Department of Health and Social Services - State Service Center, and the Department of Transportation - Division of Highways Maintenance Facility to be connected to the Georgetown Sewer Project. This amount is intended to replace funds previously authorized to the Department of Health and Social Services (35-12-001-77-80) and the Department of Correction (38-08-004-78-83) which were required by law to be reverted prior to the effective date of this Act. In addition to these funds, the Department of Natural Resources and Environmental Control shall use unencumbered funds from the appropriate accounts to contribute the necessary ten-percent (10%) State share to the completion of the Georgetown Sewer Project.

Section 17. City of New Castle - Drainage. Senate Bill No. 347 of the 130th General Assembly (Volume 62, Laws of Delaware, Chapter 88) appropriated the sum of Thirty Thousand Dollars (\$30,000.00) to the Mayor and City Council of the City of New Castle to complete work at the Broad Dike project. In view of the findings of the City of New Castle that the original General Fund appropriation cannot be carried out as originally intended, the City of New Castle is hereby authorized and directed to return those previously appropriated General Funds to the State Treasurer for deposit to the General Fund. Thereafter the sum of Thirty Thousand Dollars (\$30,000.00) appropriated herein to the Department of Natural Resources and Environmental Control shall be used to improve the general drainage system of the City of New Castle.

Section 18. Baltimore Mills Pond. The Department of Transportation and the Department of Natural Resources and Environmental Control are hereby authorized and directed to continue to cooperate in the feasibility study for a new dam, spillway, road alignment (if necessary), and bridge at the site of Baltimore Mills Pond on Vines Creek, near Omar, Sussex County, Delaware. The work of the two Departments shall include, but not be limited to, the examination of alternative sites for a new dam and shall specifically evaluate the costs and benefits of construction of a new pond upstream and/or downstream from the site of the previous pond. Expenses for this work shall be paid from funds previously authorized to be appropriated to the Department of Transportation by Volume 62, Chapter 146, of the Laws of Delaware.

Section 19. Watershed and Tax Ditches - Revolving Fund. In 1975, the General Assembly authorized the issuance of Five Hundred Thousand Dollars (\$500,000.00) in Bonds, the proceeds of which were to be used by conservation districts within the State to borrow funds for the purchase of machinery required to build and maintain soil conservation projects, including tax ditches. In view of the need to expand this program, the size of the Equipment Fund is hereby increased to Eight Hundred Thousand Dollars (\$800,000.00) as follows:

(a) Amend Section 1, Chapter 692, Volume 60, Laws of Delaware, by striking in its entirety the words "Five Hundred Thousand Dollars (\$500,000.00)" as the same appear in said Section and inserting in lieu thereof the words "Eight Hundred Thousand Dollars (\$800,000.00)".

(b) Amend Section 2, Chapter 692, Volume 60, Laws of Delaware, by striking in its entirety the words "Five Hundred Thousand Dollars (\$500,000.00)" as the same appear in said Section and inserting in lieu thereof the words "Eight Hundred Thousand Dollars (\$800,000.00)".

(c) Amend Section 6, Chapter 692, Volume 60, Laws of Delaware, by striking in its entirety the words "Five Hundred Thousand Dollars (\$500,000.00)" as the same appear in said Section and inserting in lieu thereof the words "Eight Hundred Thousand Dollars (\$800,000.00)".

Section 20. Land Acquisition. Section 1 of this Act appropriates the sum of Twenty-Five Thousand Dollars (\$25,000.00) to the Department of Natural Resources and Environmental Control for land acquisition. Of that amount, Six Thousand Two Hundred Dollars (\$6,200.00) shall be used by the Department to acquire the Cider Mill property in the White Clay Creek Valley.

Section 21. New Castle Town Wharf. Section 6 of this Act transfers the sum of Nine Hundred Nineteen Thousand Nine Hundred Eighteen Dollars (\$919,918.00) from the State Treasurer's Bond Reversion Account (12-05-003-40-00) to the Department of Natural Resources and Environmental Control. Of that amount, the sum of One Hundred Forty-Two Thousand Dollars (\$142,000.00) is allocated by the Fiscal Year 1982 Capital Improvements Project Schedule to that Department for improvements to the Town Wharf in the City of New Castle, Delaware. It is the intent of the General Assembly that these funds are to be used to match at least an equal amount of funds requested from the Heritage Conservation and Recreation Service of the U.S. Department of the Interior. If such federal funds have not been irrevocably obligated to the State for this project by December 31, 1981, the State Treasurer and the Secretary of the Department of Natural Resources and Environmental Control are hereby authorized and directed to revert the entire sum of One Hundred Forty-Two Thousand Dollars (\$142,000.00) to said Bond Reversion Account no later than January 8, 1982.

Section 22. Aircraft Purchases. The sum of Five Hundred Ninety Thousand Dollars (\$590,000.00) appropriated to the Division of State Police of the Department of Public Safety is to be used to purchase a new light single-engine turbine helicopter. It is the intent of the General Assembly that upon delivery of this equipment, or sooner, if practicable, the Superintendent of the Delaware State Police will offer the existing Bell CH-1 helicopter for sale. The proceeds of this sale are to be deposited to the credit of the State Treasurer's Bond Reversion Account (12-05-003-40-00) for future appropriation by the General Assembly.

Section 23. Communications Equipment. The sum of Three Hundred Thousand Dollars (\$300,000.00) 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 of Title 17 of the Delaware Code and shall be spent by the Communications Chief of the Division of Communications to:

(a) Make necessary improvements (not in excess of \$20,000) for radio towers at the State Emergency Operations Center at Delaware City; and

(b) Complete a new and improved radio communications system for use by the Delaware State Police.

The Communications Chief shall further insure that any system or systems developed and implemented will be compatible with the overall communications needs of the State and that such funds as are not necessary for the improvements specified for the State Emergency Operations Center and for the Delaware State Police shall be used to establish an improved communications system or systems for the Department of Correction. 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 (2) officials may direct.

Section 24. Motor Fuel Taxes - Levy and Rate of Tax. Amend Section 5110 of Title 30 of the Delaware Code, as amended, by striking said Section in its entirety and inserting in lieu thereof the following:

"Section 5110. Levy and Rate of Tax.

(a) There is hereby levied and imposed for the State fiscal year commencing August 1, 1981, a tax of eleven cents (\$.11) per gallon on all gasoline which is sold or used in the State. For each State fiscal year thereafter, the rate of such tax per gallon shall equal the product of: [i] ten percent (10%) and [ii] the twelve-month average of the "Wholesale Average Price" per gallon of regular unleaded gasoline at self-service stations in the Philadelphia, Pennsylvania area, as reported in the McGraw-Hill Platt's/Lundberg Report (or successor report), such product to be rounded to the nearest whole cent. A calculation producing a rate including a fraction less than one-half of one cent shall be rounded down to the nearest whole cent, and a calculation producing a rate including a fraction equal to or greater than one-half cent shall be rounded up to the nearest whole cent. The rate of taxation for the fiscal years

beginning July 1, 1982, and thereafter shall be calculated on the basis of such Wholesale Average Prices reported for the consecutive twelve-month period commencing March 1 and ending on the last day of February of the fiscal year next prior to the fiscal year in which the tax will be imposed. The Secretary of Public Safety and the Secretary of Finance shall compute the applicable rate in March, or as soon as practicable thereafter, for the next State fiscal year and shall notify the Governor and the General Assembly of their findings and calculations not later than April 30 of that year. If the Platt's/Lundberg Report fails to contain reports on the Wholesale Average Price per gallon of regular unleaded gasoline at self-service stations in the Philadelphia, Pennsylvania area for any month, or if the Report is discontinued and no successor report is published, the Secretary of Public Safety and the Secretary of Finance shall use available figures reflecting such prices reported in any other nationally recognized publication. Notwithstanding the foregoing, (1) the tax rate per gallon of gasoline levied pursuant to this Section shall not be less than an amount equivalent to eleven cents (\$.11) per gallon; and (2) the tax rate for any fiscal year commencing July 1, 1982, and thereafter shall not be less than the rate for the prior State fiscal year nor more than one cent (\$.01) per gallon above the tax rate in effect for the prior State fiscal year; and (3) the maximum aggregate tax rate shall not exceed an amount equivalent to eleven cents (\$.11) per gallon of gasoline.

(b) The tax shall be collected by and paid to the State but once in respect to any gasoline. Nothing in this Section shall be construed to exempt from the tax any distributor of gasoline with respect to gasoline used in making such distribution. The tax shall be collected in the manner hereinafter provided."

Section 25. Motor Fuel Taxes - Deposit of Receipts. Amend Section 5119 of Title 30 of the Delaware Code by striking said Section in its entirety and inserting in lieu thereof the following:

"Section 5119. Deposit of Receipts by Department of Public Safety.

All money received by the Department of Public Safety under this Chapter shall be deposited, not later than the close of the business day next following such receipt, to the credit of the Delaware Transportation Authority pursuant to the provisions of Chapter 13 of Title 2 of the Delaware Code, as amended, and any resolution or indenture of the Delaware Transportation Authority, authorizing the issuance of Bonds to finance the Costs of Transportation Facilities described in said Title, to be used to finance the Costs of roads, highways, and other Transportation Facilities and not to defray the expenses and obligations of the general government of the State."

Section 26. Motor Fuel Taxes - Special Fuels. Amend Section 5132 of Title 30 of the Delaware Code, as amended, by striking in Subsections (a) and (b) thereof the phrases "9 cents per gallon" and inserting in lieu thereof in both Subsections the following phrase:

"the same rate, computed in the same manner and subject to the same limitations as the tax rate established for gasoline in Section 5110 of Title 30 of the Delaware Code, as amended."

Section 27. Architectural Accessibility. The Secretary of the Department of Community Affairs and Economic Development, or his designee, is authorized to require State departments and agencies, local school districts, and 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 Secretary, or his designee, is authorized and directed to transfer sufficient funds, not to exceed Three Hundred Thousand Dollars (\$300,000.00) appropriated herein to those departments, agencies, school districts, and other educational institutions in order for them to accomplish prompt removal of such barriers. In determining the departments, agencies, school districts, and educational institutions to be so assisted, the Secretary, or his designee, shall consult with the Architectural Accessibility Board created pursuant to Chapter 73 of Title 29 of the Delaware Code.

Section 28. Delaware Transportation Authority - Findings. Amend Section 1302 of Title 2 of the Delaware Code by striking Subsection (a) in its entirety as such Subsection appears in said Section and inserting in lieu thereof the following:

"(a) The General Assembly finds that:

(1) 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;

(2) There is a continuing need to implement such plans on a comprehensive and integrated basis for the benefit of all people in the State and the users of those facilities from other states in order to obtain an economical, efficient, and unified system of air, water, vehicular, public, and specialized transportation;

(3) 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 the users of those facilities from other states; and

(4) Air, water, vehicular, public, and specialized Transportation Facilities form a unified system of transportation because, among other reasons:

a. Such facilities, as a whole, contribute to the commerce of the State and unification of the planning for and financing of such facilities will increase the economic vitality of the State;

b. The use of one form of or facility for transportation will reduce congestion in the use of another form of or facility for transportation; and

c. The use of public and specialized transportation will reduce environmental pollution and conserve energy for the benefit of all users of Transportation Facilities and for the benefit of the people of this State and such unified system of transportation is of grave concern to the State."

Section 29. Delaware Transportation Authority - Definition of Revenues. Amend Section 1303 of Title 2 of the Delaware Code by striking Subsection (p) in its entirety as such Subsection appears in said Section and inserting in lieu thereof the following:

"(p) '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, gifts, grants, or appropriations from any person, and including motor fuel taxes pledged and assigned by this Act."

Section 30. Delaware Transportation Authority - Pledge of Revenues. Amend Section 1310 of Title 2 of the Delaware Code by striking said Section in its entirety and inserting in lieu thereof the following:

"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 such Transportation Facilities, 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 such 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) The State hereby irrevocably pledges and assigns the motor fuel taxes imposed pursuant to Chapter 51 of Title 30 of the Delaware Code, as amended, collected by the State and deposited to the credit of the Authority to pay the principal of, premium, if any, and interest on Bonds of the Authority issued to finance the cost of Transportation Facilities as provided below.

The State shall transfer all motor fuel taxes to the Authority for deposit in a motor fuel tax collection fund. The Authority shall apply motor fuel taxes in the following order and for the following purposes, to the extent such Revenues are available:

(1) To pay principal of, premium, if any, and interest on Bonds of the Authority issued subsequent to the effective date of this Section, as amended, to finance Costs of Transportation Facilities described in Sections 1312(2) and 1312(3) of Title 2 of the Delaware Code, as amended;

(2) 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 Bonds issued subsequent to the effective date of this Section, as amended, for projects described in Sections 1312(2) and 1312(3) of Title 2 of the Delaware Code, as amended; and

(3) To pay the remainder of the motor fuel taxes to the operating fund created by the Authority pursuant to a trust agreement dated as of September 1, 1979, between the Authority and the trustee for Bonds issued under that trust agreement for application in the same manner as Revenues derived from the Delaware Turnpike.

(c) 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:

(1) To pay the Operating Expenses of the Delaware Turnpike;

(2) 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;

(3) 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;

(4) 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;

(5) To make payments to an improvement fund to provide for improvements and repairs, other than ordinary annual repairs, to the Delaware Turnpike;

(6) 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;

(7) 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;

(8) To make payments to a motor fuel tax reimbursement fund. Money shall be transferred by the Authority monthly from the motor fuel tax reimbursement fund to the General Fund of the State in an aggregate amount equal to [i] nine cents (\$.09) per gallon of motor fuel taxes collected by the State and deposited with the Authority plus [ii] an amount equal to the product of "y" - the refunds payable on motor fuel taxes - and "z" - a fraction, the denominator of which is the applicable motor fuel tax rate and the numerator of which is a number equaling the difference between the applicable motor fuel tax rate and nine cents (\$.09) per gallon, which amount shall be deemed sufficient to pay refunds by the State pursuant to Section 5120 of Title 30 of the Delaware Code, as amended, attributable to the amount of motor fuel taxes levied in excess of nine cents (\$.09) per gallon.

(9) 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;

(10) To make payments to a road improvement fund established by a resolution or indenture of the Authority. Money from such road improvement fund shall be transferred periodically to a special fund of the State for appropriation by the General Assembly to assist in financing road and street improvements throughout the State.

(d) Available money in any of the funds described in Subsections (c)(3) through (c)(10), inclusive, of this Section may be transferred to meet payments required to be made from any fund described in Subsection (c) of this Section to which deposits of Revenues are required to be made prior to the deposit of money from the fund or funds from which the transfer will be made.

(e) 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 31. Delaware Transportation Authority - Payment of Debt Service. Amend Section 1311 of Title 2 of the Delaware Code by striking the second sentence of said Section in its entirety and inserting in lieu thereof the following:

"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, 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."

Section 32. Delaware Transportation Authority - Project Eligibility. Amend Section 1312 of Title 2 of the Delaware Code by striking all after the line "U. Otis Chapel Road, I-95 to U.S. 40" in said Section and inserting the following:

" (3) Constructing and reconstructing the following Transportation Facilities by the Division of Highways:

- a. Route 4 - SR 2 to SR 7
- b. New Churchman's Road - SR 4 to SR 7
- c. Alapocas Intersection at New Bridge Road
- d. Chapman Road - Salem Church Road to SR 273
- e. Route 113, Little Heaven to Dover Air Base
- f. Saulsbury Road - Walker Road to Denney's Road
- g. Route 72 - U.S. 40 to Sunset Lake
- h. U.S. 13 - Boyd's Corner, Weigh Station, Rest Area, Laurel to Seaford II
- i. Route 41 - SR 2 to Milltown Road
- j. Red Mill Road - SR 2 to Darwin Drive
- k. Stein Highway - Bradford to Front
- l. Route 8 - Dover to Pearsons Corner
- m. Denney's Road - Saulsbury Road to U.S. 13
- n. Old Baltimore Pike - SR 896 to Christiana
- o. U.S. Route 113A - U.S. 13 to 113
- p. Route 88 and CR 334 - U.S. 13 to SR 9
- q. Route 141 - Route 2 to Route 202
- r. Paving and Rehabilitation Program (Statewide)
- s. Bridge Replacement and Rehabilitation Program (Statewide)
- t. Suburban Streets, Drainage, Intersections, and Miscellaneous Projects Program (Statewide)
- u. DTA Capital and Equipment (Statewide)

The amounts therefor shall be authorized by the General Assembly from time to time in the Annual Capital Improvements Project Schedule, attached to the State's Capital Improvements Acts.

The proceeds of Bonds issued to finance the cost of the highways described in Subsections (2) and (3) above, to be constructed or reconstructed by the Division of Highways, shall be transferred periodically by the Authority to the applicable special funds of the State to meet the costs of such construction or reconstruction.

No Bonds other than Bonds for the Transportation Facilities described in Subsections (1), (2), and (3) above, except Refunding Bonds, shall be issued by the Authority without the express approval of the General Assembly.

No Bonds other than those authorized herein shall be issued by the Authority, other than Refunding Bonds or Bonds authorized to be issued for reconstructing or improving the Delaware Turnpike, unless the Authority has obtained an independent report from a qualified firm stating, on the basis of Revenues transferred to and/or collected by the Authority in the fiscal year next prior to the year in which the report is prepared, that it is reasonable to assume, after giving effect to the issuance of Bonds proposed to be issued (assuming that the principal and interest payments on such Bonds will be the principal and interest payments on those Bonds in the fiscal year in which the greatest amount of principal and interest will be payable on those Bonds) that sufficient Revenues will be available to make the reimbursements from the motor fuel tax reimbursement fund required by this Act to be made for the next five (5) fiscal years including the fiscal year of the issuance of such Bonds. The report may assume that the amount of Revenues deposited in the turnpike improvement fund, the interstate operations fund, and the interstate improvement fund, as defined in the trust agreement dated September 1, 1979, between the Authority and the trustee for certain outstanding Bonds of the Authority will not be increased during that five-year period. A determination by the Authority that the report satisfies the requirements of this paragraph shall be conclusive."

Section 33. Delaware Transportation Authority - Validation of Revenue Pledge. Amend Section 1317 of Title 2 of the Delaware Code by striking in its entirety the second paragraph thereof and inserting in lieu thereof the following:

"Any pledge or assignment of or other security interest in Revenues and any other moneys, earnings, income, accounts, contract rights, general intangibles, instruments, chattel papers, or other personal property, including motor fuel taxes, made or created by the Authority shall be valid, binding, and perfected from the time when such pledge, assignment, or other security interest is created, without any physical delivery of the collateral or further act. The lien of any such pledge, assignment or other security interest shall be valid, binding, and perfected as against all parties having claims of any kind in tort, contract, or otherwise against the Authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge, assignment, or other security interest is created nor any financing statement need be recorded or filed. This subdivision shall apply notwithstanding the provisions of the Uniform Commercial Code."

Section 34. Delaware Transportation Authority - Exemption from Taxation. Amend Section 1319 of Title 2 of the Delaware Code, as amended, by striking said Section in its entirety and inserting in lieu thereof the following:

"Section 1319. Exemption from Taxation.

The State covenants with the purchasers and with all subsequent holders, owners, transferees of Bonds, in consideration of the acceptance of and payment for the Bonds, that the Bonds (which include interest thereon), and their transfer, shall be exempt from taxation by the State and its political subdivisions, except for estate, inheritance, or gift taxes.

Notwithstanding the foregoing, 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 35. Delaware Transportation Authority - Permissible Tolls. Amend Section 1320 of Title 2 of the Delaware Code by striking Subsection (h) in its entirety as such Subsection appears in said Section and inserting in lieu thereof the following:

"(h) The Authority shall operate only one barrier facility on the main line of the Delaware Turnpike for the collection of tolls, and it shall be located on the Delaware Turnpike at or near the boundary between the State and the State of Maryland. The Authority may also operate toll collection facilities for all vehicles other than two-axle vehicles at the Delaware Route 896 Interchange on the Delaware Turnpike."

Section 36. Borrowings by DTA Subsidiaries. Amend Section 1307 of Title 2 of the Delaware Code by striking in its entirety the phrase "its current fiscal year" as such phrase appears in the third paragraph of Subsection (a) of said Section and inserting in lieu thereof the phrase "no more than twelve months".

Section 37. Services to Other State Agencies. Amend Section 1307 of Title 2 of the Delaware Code by inserting at the end of Subsection (a) of said Section the following sentence:

"Except as otherwise provided by law, all agencies and departments of the State and any of its political subdivisions that contract with subsidiaries for service shall provide payment for such services at least one month prior to the rendering of such service. Subsidiaries will provide such agencies a status of their respective accounts on a monthly basis."

Section 38. Reimbursement for Expenses. Amend Section 1307 of Title 2 of the Delaware Code by inserting at the end of Subsection (b) of said Section the following sentence:

"Members of the advisory commissions shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the commissions."

Section 39. Services to Special Classes of Riders. Amend Section 1309 of Title 2 of the Delaware Code by striking the ";" at the end of Subsection (31) of said Section and inserting the following phrase:

", and provided further that no such service without charge as provided herein shall be offered by the Authority beyond the amount of funds specifically appropriated for such purpose by the General Assembly."

Section 40. Audit of DTA Books. Amend Section 1323 of Title 2 of the Delaware Code by striking said Section in its entirety and inserting in lieu thereof the following:

"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, 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. To satisfy the requirements of the DTA Trust Agreement, the Secretary shall select, contract, and employ one or more audit firms to conduct the audits required by this Section, notwithstanding anything to the contrary contained in Chapter 29 of Title 29 of the Delaware Code. The Auditor of Accounts may also audit the books and accounts of the Authority, its Administrations and Subsidiaries."

Section 41. Delaware Transportation Authority - Appropriation of Surplus Balances. There is hereby appropriated the sum of Eleven Million One Hundred Seventy-Five Thousand Dollars (\$11,175,000.00) in special funds from the Road Improvement Fund of the Delaware Transportation Authority, established pursuant to Section 1310(c)(10) of Title 2 of the Delaware Code, as amended, and by resolution or indenture of the Authority. Such funds shall be transferred as they become available to the following special funds of the State to be applied to the following project accounts in the following amounts:

<u>Department of Transportation</u>	<u>Amount</u>
Engineering and Contingencies (55-05-000-57-00) . . .	\$ 4,900,000
Long-life Equipment (55-05-000-58-00)	1,000,000
Advanced ROW (55-05-000-59-00)	500,000
Traffic Control Devices and Highway Lighting (55-05-000-61-00) .	315,000
Dirt Roads (55-05-000-62-00)	1,000,000
Safety Program (55-05-000-63-00)	50,000
DTA Capital (55-06-001-67-00)	2,010,000
Roadway Maintenance (55-05-000-68-00)	<u>1,400,000</u>
TOTAL	<u>\$11,175,000</u>

The Secretary of the Department of Transportation, with the concurrence of the Director of the Office of Management, Budget, and Planning, shall transfer from funds in the Transportation Fund on deposit with the Trustee, such amounts at such times during fiscal year 1982 as may be required to insure that the programs supported by these special fund appropriations are carried out in accordance with the needs of the Division of Highways of the Department of Transportation. These funds shall remain on deposit in their respective accounts until fully expended by the Department of Transportation or specifically rescinded by Act of the General Assembly.

Section 42. Wilmington Transportation Terminal. The provisions of Section 11, Volume 62, Chapter 407, Laws of Delaware (heretofore enacted as Senate Bill No. 677 of the 130th General Assembly) shall be amended to permit use of prior authorized funds without federal matching funds.

Section 43. Amendment to Prior Deauthorization. Amend Section 1313, Volume 62, Chapter 164, Laws of Delaware relating to the cancellation of certain State General Obligation Bond Authority by deleting the references;

<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"

and inserting in lieu thereof the following reference:

<u>"Volume and Chapter</u>	<u>Project Account Code</u>	<u>Amount</u>
62-407	55-05-000-55-00	\$2,900,000"

Section 44. Department of Transportation/DTA - Facilities. Section 41 of this Act appropriates the sum of Two Million Ten Thousand Dollars (\$2,010,000.00) to the DTA Capital Fund (05-06-001-67-00). These funds shall be transferred to the appropriate special fund account or accounts of the Division of Highways of the Department of Transportation to be used by the Division to construct a new central maintenance facility in Kent County. It is the intent of the General Assembly that the Department will expedite the planning and construction of this facility and that upon completion it will vacate its current maintenance facility located on South State Street in Dover. That facility shall be offered for sale by the State according to the provisions of State law and shall be utilized by the purchaser in accordance with the master plan adopted by the City of Dover.

Section 45. Commuter Air Facility. There is hereby appropriated the sum of Three Hundred Thousand Dollars (\$300,000.00) from the Transportation Fund of the Delaware Transportation Authority to be used to construct the improvements on State-owned property on Horsepond Road, Kent County, necessary for a commuter airline terminal facility. If the Authority does not secure the necessary approval from the United States Air Force for use of the Dover Air Force Base or if the Authority has not signed a contract for service with an appropriate commuter airline within eighteen (18) months of the effective date of this Act, the sum appropriated for this facility shall revert to the Road Improvement Fund created pursuant to Section 1310(c)(10) of Title 2 of the Delaware Code and by resolution or indenture of the Authority, for future appropriation by the General Assembly.

Section 46. Lake Como - Smyrna. Section 32 of this Act authorizes the sale of Delaware Transportation Authority Highway Revenue Bonds for Suburban Streets, Drainage, Intersections, and Miscellaneous Projects. The Supplemental List of Transportation Projects allocates the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) for the Lake Como dam, spillway, and related road improvements. Notwithstanding the provisions of any other State law, the Secretary of the Department of Transportation is hereby authorized and directed to obligate and encumber such unobligated and unencumbered funds, from all such sources as may be available, to provide the remaining required State match in order to make this project eligible for federal assistance from the U.S. Department of Transportation or other relevant departments and agencies.

Section 47. Roadway Maintenance. The sum of One Million Four Hundred Thousand Dollars (\$1,400,000.00) appropriated in Section 41 of this Act is to be used Statewide by the Department of Transportation for necessary roadway maintenance and improvement projects.

Section 48. Paving and Rehabilitation and Suburban Streets. Section 32 of this Act authorizes the sale of Delaware Transportation Authority Highway Revenue Bonds for projects in the following account code series: DTA Corridor/Non-Corridor (55-05-000-66-00); DTA Paving and Rehabilitation (55-05-000-67-00); DTA Suburban Streets, Drainage, Intersections, and Miscellaneous Projects (55-05-000-69-00); DTA Bridge Rehabilitation and Replacement (55-05-000-70-00); and DTA Capital and Equipment (55-06-001-67-00). The State Treasurer and the Budget Director shall establish such accounts for the Department of Transportation, and the Secretary of the Department of Transportation shall use the proceeds of these Bonds to carry out the projects identified in the Supplemental List of Transportation Projects. If such List does not contain projects, the costs of which are equal to the proceeds of the Bonds so authorized, or if funds remain after the accomplishment of all projects included in such List, the Secretary of the Department of Transportation shall use any unobligated and unencumbered funds to accomplish projects identified in the Highway Priority Plan prepared pursuant to Section 9114 of Title 29 of the Delaware Code.

In either case, the Secretary shall make a special report to the Governor and the General Assembly on the status of projects authorized under DTA Paving and Rehabilitation and DTA Suburban Streets, Drainage, Intersections, and Miscellaneous Projects pursuant to this Act, no later than the last day of June and December of each calendar year subsequent to the effective date of this Act, until all funds herein authorized for those project accounts have been completely obligated and expended, or until such time as the General Assembly may determine otherwise.

Section 49. Pigeon Point. The Secretary of the Department of Transportation is hereby authorized and directed to obligate, encumber, and expend such funds as may be necessary, but not in excess of One Hundred Seventy Thousand Dollars (\$170,000.00) from funds previously or herein authorized but unobligated or unencumbered for Statewide safety projects (55-05-000-63-00), for the construction of a railroad crossing on the road leading to Pigeon Point in New Castle County, Delaware.

Section 50. Department of Transportation - Miscellaneous Projects. Section 41 of this Act appropriates Three Hundred Fifteen Thousand Dollars (\$315,000.00) to the Division of Highways for Traffic Control Devices and Highway Lighting. Of that amount, Twenty-Nine Thousand Dollars (\$29,000.00) shall be used to install a traffic control device at Casho Mill Road and Barksdale Road in Newark, Forty Thousand Dollars (\$40,000.00) shall be used to install a traffic control device on Faulkland Road at the entrance to Woodland Heights, and Twenty-Seven Thousand Dollars (\$27,000.00) shall be used to install manual pedestrian controls for traffic control devices. Ten Thousand Dollars (\$10,000.00) shall be used to install a traffic control device at the intersection of Routes 12 and 59 in Whiteleysburg, and Thirty-Two Thousand Dollars (\$32,000.00) shall be used to install a traffic control device at the intersection of Walker Road and Pear Street in Dover. Section 41 of this Act also appropriates One Million Four Hundred Thousand Dollars (\$1,400,000.00) to the Division of Highways for Roadway Maintenance. Of that amount, Forty Thousand Dollars (\$40,000.00) shall be used for the installation of street name signs in suburban developments for the purpose of facilitating emergency vehicle response.

Section 51. DTA Capital and Equipment. Section 32 of this Act authorizes the sale of Highway Revenue Bonds for DTA Capital and Equipment (55-06-001-67-00) and Section 6 of this Act transfers moneys from the State Treasurer's Bond Reversion Account to the same project account code. The sum of Two Hundred Sixty Thousand Dollars (\$260,000.00) so allocated by the Fiscal Year 1982 Capital Improvements Project Schedule shall be used by the Delaware Transportation Authority:

(a) Towards the acquisition of the railroad right-of-way between Clayton and Smyrna, Delaware; and

(b) For the necessary improvements and reconstruction of the railroad bridge over the Lewes-Rehoboth Canal.

Section 52. School Building Maintenance. Amend Section 7529 of Title 29 of the Delaware Code by striking the phrase "multiplied by \$9" in its entirety as said phrase appears in Subsection(a) of said Section and inserting in lieu thereof the following: "multiplied by Ten Dollars (\$10.00)".

Section 53. Appoquinimink School District - Revision of Bond Maturity. The FY 1981 Bond Bill authorized the issuance of Thirty-Three Thousand Six Hundred Seventy-Five Dollars (\$33,675.00) in State Bonds, not to exceed ten (10) years in maturity, for renovations to the Appoquinimink District, Redding Middle School. It is the intent of the General Assembly that the authorization for such bonds be extended to not more than twenty (20) years in maturity, and therefore amend Section 2, Volume 62, Chapter 407, Laws of Delaware, entitled "Authorization of Ten-Year Bonds" by striking all the words and numbers in reference to "Appoquinimink, Redding Middle School" and by inserting in Section 1 of the Act entitled "Authorization of Twenty-Year Bonds" the following:

<u>"School District</u>	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Appoquinimink, Redding Middle School	\$33,675	\$133,000	\$232,000"

Further amend Chapter 407 of Volume 62 of the Laws of Delaware, by changing all applicable totals in Section 1 and Section 2 and by striking the "*" that appears in the Capital Improvements Project Schedule in reference to the Thirty-Three Thousand Six Hundred Seventy-Five Dollars (\$33,675.00) in New 1981 Authorizations for the State Board of Education.

Section 54. Construction and Maintenance of Watershed and Tax Ditches. There is hereby appropriated and transferred the sum of Eight Hundred Thousand Dollars (\$800,000.00) from the Capital Investment Fund, established by Chapter 62 of Title 29 of the Delaware Code, to the Division of Soil and Water Conservation (40-07-000) of the Department of Natural Resources and Environmental Control to match federal funds for the construction and maintenance of watershed and tax ditches throughout the State. Any money unexpended or unencumbered as of June 30, 1985, shall revert to the Capital Investment Fund.

Section 55. Bond Verification. All bonds issued, or herein before or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 56. 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 57. 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 58. Effective Date. This Act shall become effective July 1, 1981, in accordance with the provisions of State law, except, notwithstanding any other provisions of this Act, the deposit of motor fuel tax receipts provided for in Section 25 of this Act shall take effect August 1, 1981.

Approved July 24, 1981.

FISCAL YEAR 1982 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

	New G.O. Bond Authorizations	DTA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	DTA Road Improve. and Trans. Funds	Total
<u>BUDGET COMMISSION</u>						
<u>Reimburse Advanced Land Acquisition Fund</u>						
Delaware State College	\$ 62,907.*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 62,907.
Natural Resources and Environmental Control	65,000.*	-0-	-0-	-0-	-0-	65,000.
OWBP	17,319.*	-0-	-0-	-0-	-0-	17,319.
Laurel School District	5,160.*	-0-	-0-	-0-	-0-	5,160.
Subtotal Advanced Land Acq. Fund	\$ 150,386.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 150,386.
<u>Reimburse Advanced Planning Fund</u>						
Capital School District	\$ 20,000.*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 20,000.
OWBP	70,000.*	-0-	-0-	-0-	-0-	70,000.
Administrative Services	13,900.*	-0-	-0-	-0-	-0-	13,900.
Natural Resources and Environmental Control	40,000.*	-0-	-0-	-0-	-0-	40,000.
Subtotal Advanced Planning Fund	\$ 143,900.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 143,900.
Subtotal	\$ 294,286.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 294,286.

*Minor Capital Improvement Bonds Not to Exceed 10-Years in Maturity

OFFICE OF MANAGEMENT, BUDGET & PLANNING

Brandywine Gateway - Completion	\$ -0-	\$ -0-	\$ 800,000.	\$ -0-	\$ -0-	\$ 800,000.
Christina Gateway	-0-	-0-	1,000,000.	-0-	-0-	1,000,000.
Rich. & Rob.-Bldg. II-Renov. & Equip.	1,011,149.	-0-	88,851.	-0-	-0-	1,100,000.
EOA - Project Match	-0-	-0-	25,000.*	-0-	-0-	25,000.
Subtotal	\$ 1,011,149.	\$ -0-	\$ 1,825,000.	\$ 88,851.	\$ -0-	\$ 2,925,000.

DEPARTMENT OF STATE

Recreation Paths - MCC	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 50,000.
Buena Vista - MCI	25,000.*	-0-	-0-	-0-	-0-	25,000.
State Museums & Historic Sites - MCI	24,040.*	-0-	-0-	960.	-0-	25,000.
Subtotal	\$ 49,040.	\$ -0-	\$ -0-	\$ 50,960.	\$ -0-	\$ 100,000.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Lighting - Capitol Complex	\$ -0-	\$ -0-	\$ -0-	\$ 75,000	\$ -0-	\$ 75,000.
Rose Cottage - Completion	77,000.*	-0-	-0-	-0-	-0-	77,000.
Printing Equipment	100,000.*	-0-	-0-	-0-	-0-	100,000.
State Buildings - HVAC	200,000.*	-0-	-0-	-0-	-0-	200,000.
COP - Equipment & Installations	326,000.*	-0-	-0-	-0-	-0-	326,000.
State Buildings - MCI	175,000.*	-0-	-0-	-0-	-0-	175,000.
Dover - State Office Bldg. - Prel. Study	50,000.*	-0-	-0-	-0-	-0-	50,000.
Public Building - Wilmington - Renovations	3,942,975.	-0-	-0-	57,025.	-0-	4,000,000.
Schools & Hospitals - Energy Improvements	500,000.*	-0-	-0-	-0-	-0-	500,000.
Subtotal	\$ 5,370,975.	\$ -0-	\$ -0-	\$ 132,025.	\$ -0-	\$ 5,503,000.

*Minor Capital Improvement Bonds Not to Exceed 10-Years in Maturity

DEPT. OF HEALTH & SOCIAL SERVICES

	New G.O. Bond Authorizations	DIA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	OTA Road Improv. and Trans. Funds	Total
DSH - Springer Bldg. - Phase II - Renov.	\$ 1,141,000.	\$ -	\$ -	\$ -	\$ -	\$ 1,141,000.
DSH - Biggs Bldg. - Renovations	324,334.	-	-	175,666.	-	500,000.
DSH - Main Bldg. - Renovations	595,000.	-	-	-	-	595,000.
DSH - Water Tower Reconditioning	112,000.*	-	-	-	-	112,000.
DSH - Laundry & Biggs Gym - Roof Replac.	105,000.*	-	-	-	-	105,000.
DSH - Water System Renovations	60,000.*	-	-	-	-	60,000.
DSH - MCI	92,000.*	-	-	-	-	92,000.
EPBH - Main Bldg. - Renovations - Completion	431,000.	-	-	-	-	431,000.
EPBH - MCI	60,000.*	-	-	-	-	60,000.
Terry Center - MCI	35,000.*	-	-	-	-	35,000.
Kent/Sussex Detox. - Sewer Improvements	20,000.*	-	-	-	-	20,000.
MMR - MCI	85,000.*	-	-	-	-	85,000.
SBMC - Sewer Improvements	105,000.*	-	-	-	-	105,000.
SBMC - MCI	75,000.*	-	-	-	-	75,000.
MCI - Food Carts	50,000.*	-	-	-	-	50,000.
MCI - MCI	60,000.*	-	-	-	-	60,000.
CHMC - MCI - HVAC	37,000.*	-	-	-	-	37,000.
Williams Service Center - MCI	10,000.*	-	-	-	-	10,000.
Subtotal	\$ 3,390,334.	\$ -	\$ -	\$ 175,666.	\$ -	\$ 3,566,000.

DEPARTMENT OF CORRECTION

Multipurpose Crim. Jus. Fac. - Completion	\$ 1,772,243.	\$ -	\$ -	\$ 27,757.	\$ -	\$ 1,800,000.
DCC - Building "C" - Renovations	75,000.	-	-	-	-	75,000.
DCC - Medium I Building - Roof	55,000.*	-	-	-	-	55,000.
DCC - MCI	101,000.*	-	-	-	-	101,000.
Plumber House - Kitchen and MCI	65,000.*	-	-	-	-	65,000.
Ferris School - MCI	41,000.*	-	-	-	-	41,000.
Stevenson House - Security Improvements	10,000.*	-	-	-	-	10,000.
Subtotal	\$ 2,119,243.	\$ -	\$ -	\$ 27,757.	\$ -	\$ 2,147,000.

*Minor Capital Improvement Bonds Not to Exceed 10-Years in Maturity

DEPT. OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

	New G.O. Bond Authorizations	NTA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	DTA Road Improv. and Trans. Funds	Total
Richardson & Robbins - Phase I-Completion	\$ 86,082.	\$ -0-	\$ -0-	\$ 163,918.	\$ -0-	\$ 250,000.
Richardson & Robbins-Phase II-Renovations	4,910,000.	-0-	-0-	-0-	-0-	4,910,000.
Del. Seashores St. Park - Marina-Completion	468,000.	-0-	-0-	-0-	-0-	468,000.
Water Pollution Control Projects	1,346,000.	-0-	-0-	204,000.	-0-	1,550,000.
Watershed and Tax Ditches	-0-	-0-	-0-	300,000.	-0-	300,000.
Beach Preservation	50,000.*	-0-	-0-	-0-	-0-	50,000.
Bellevue State Park - Development	121,000.	-0-	-0-	-0-	-0-	121,000.
Park Development - Statewide	63,000.	-0-	-0-	-0-	-0-	63,000.
Dredge	225,000.	-0-	-0-	-0-	-0-	225,000.
Backhoe	50,000.*	-0-	-0-	-0-	-0-	50,000.
Flat Chopper	45,000.*	-0-	-0-	-0-	-0-	45,000.
Aquatic Weed Harvester	75,000.*	-0-	-0-	-0-	-0-	75,000.
Land Acquisition	25,000.	-0-	-0-	-0-	-0-	25,000.
Mosquito Control Hq., Milford - Boiler Repairs	10,000.*	-0-	-0-	-0-	-0-	10,000.
Rehoboth - Groin Repairs, P.E. & Construction	75,000.*	-0-	-0-	-0-	-0-	75,000.
Bethany - Groin Repairs, P.E.	35,000.*	-0-	-0-	-0-	-0-	35,000.
WCC Conserv. District - Drainage, New Castle	30,000.*	-0-	-0-	-0-	-0-	30,000.
Rosedale Beach - Improvements	25,000.*	-0-	-0-	-0-	-0-	25,000.
Port Penn (Augustine Beach)	100,000.*	-0-	-0-	-0-	-0-	100,000.
Mud Mill Pond - Spillway	-0-	-0-	-0-	110,000.	-0-	110,000.
New Castle Town Wharf	-0-	-0-	-0-	142,000.	-0-	142,000.
Christina River - Access Improvements	40,000.	-0-	-0-	-0-	-0-	40,000.
Small Bay Studies	60,000.*	-0-	-0-	-0-	-0-	60,000.
Subtotal	\$ 7,839,082.	\$ -0-	\$ -0-	\$ 919,918.	\$ -0-	\$ 8,759,000.

DEPARTMENT OF PUBLIC SAFETY

	New G.O. Bond Authorizations	NTA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	DTA Road Improv. and Trans. Funds	Total
OSP - Helicopter Replacement	\$ 590,000.*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 590,000.
Communications System - Completion	300,000.*	-0-	-0-	-0-	-0-	300,000.
OSP - Parking Lots, Repairs	35,000.*	-0-	-0-	-0-	-0-	35,000.
OSP - MCI	17,456.*	-0-	-0-	2,544.	-0-	20,000.
Subtotal	\$ 942,456.	\$ -0-	\$ -0-	\$ 2,544.	\$ -0-	\$ 945,000.

*Minor Capital Improvement Bonds Not to Exceed 10-Years in Maturity

DEPT. OF COMMUNITY AFFAIRS
AND ECONOMIC DEVELOPMENT

	New G.O. Bond Authorizations	OTA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	DTA Road Improv. and Trans. Funds	Total
Removal of Architectural Barriers Library Equipment	\$ 300,000.* 20,000.*	\$ -0- -0-	\$ -0- -0-	\$ -0- -0-	\$ -0- -0-	\$ 300,000. 20,000.
Subtotal	\$ 320,000.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 320,000.

DEPARTMENT OF TRANSPORTATION

OTA - Corridor/Noncorridor (55-05-000-66-00)	\$ -0-	\$ 33,850,000.	\$ 500,000.	\$ -0-	\$ -0-	\$ 34,350,000.
Engineering & Contingencies (57-00)	-0-	-0-	-0-	-0-	4,900,000.	4,900,000.
Long Life Equipment (58-00)	-0-	-0-	-0-	-0-	1,000,000.	1,000,000.
Advanced R/W (59-00)	-0-	-0-	-0-	-0-	500,000.	500,000.
Advanced Planning (60-00)	-0-	-0-	75,000.*	-0-	-0-	75,000.
Traffic Control Devices/Lights (61-00)	-0-	-0-	-0-	85,000.	315,000.	400,000.
Dirt Roads (62-00)	-0-	-0-	-0-	-0-	1,000,000.	1,000,000.
Safety Program (63-00)	-0-	-0-	-0-	-0-	50,000.	50,000.
OTA - Paving & Rehabilitation (55-05-000-67-00)	-0-	7,903,000.*	-0-	-0-	-0-	7,903,000.
OTA - Bridge Rehabilitation & Replacement (55-05-000-70-00)	-0-	2,500,000.	-0-	-0-	-0-	2,500,000.
OTA - Capital & Equipment (55-06-001-67-00)	-0-	142,000.	-0-	-0-	-0-	142,000.
OTA-Roadway Maintenance (55-05-000-68-00)	-0-	-0-	-0-	118,000.	2,310,000.	2,310,000.
OTA-Suburban Streets-Etc.(55-05-000-69-00)	-0-	6,445,000.*	-0-	-0-	-0-	6,445,000.
Subtotal	\$ -0-	\$ 50,840,000	\$ 575,000.	\$ 203,000.	\$ 11,475,000.	\$ 63,093,000

*Minor Capital Improvement Bonds Not to Exceed 10-Years in Maturity

	New G.O. Bond Authorizations	DTA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	DTA Road Improv. and Trans. Funds	Total
<u>DEPARTMENT OF AGRICULTURE</u>						
Laboratory - Ventilator System Repairs	\$ 36,000.*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 36,000.
Redden State Forest - Roof Repairs,						
Summer House, and MCI	31,000.*	-0-	-0-	-0-	-0-	31,000.
Equipment	100,000.*	-0-	-0-	-0-	-0-	100,000.
Statewide - MCI	50,000.*	-0-	-0-	-0-	-0-	50,000.
Subtotal	\$ 217,000.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 217,000.
<u>DELAWARE NATIONAL GUARD</u>						
Laura Little School - Roof Repairs	\$ 10,000.*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 10,000.
Statewide - MCI	74,191.*	-0-	-0-	15,809.	-0-	90,000.
Subtotal	\$ 84,191.	\$ -0-	\$ -0-	\$ 15,809.	\$ -0-	\$ 100,000.
<u>UNIVERSITY OF DELAWARE</u>						
Engineering Building - Phase II	\$ 4,500,000.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 4,500,000.
Subtotal	\$ 4,500,000.	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 4,500,000.
<u>DELAWARE STATE COLLEGE</u>						
Physical Education Facility	\$ 1,499,200.	\$ -0-	\$ -0-	\$ 800.	\$ -0-	\$ 1,500,000.
Seminaries - Renovations	350,000.*	-0-	-0-	-0-	-0-	350,000.
or:	100,000.*	-0-	-0-	-0-	-0-	100,000.
Subtotal	\$ 1,949,200.	\$ -0-	\$ -0-	\$ 800.	\$ -0-	\$ 1,950,000.

Minor Capital Improvement Bonds Not to Exceed 10-Years in Maturity

DELAWARE TECHNICAL AND COMMUNITY COLLEGE

Southern Campus - Library Completion
 Terry Campus - Equipment
 Wilmington Campus-Land Acq. & Fac. Devel.

Subtotal

STATE BOARD OF EDUCATION

Seaford Jr. High Sch.-Renov. Completion
 Sussex Orthopedic School - Completion
 Kent Vo-Tech, Woodside - Expansion Study
 School Building Maintenance
 Statewide - MCI

Subtotal

GRAND TOTAL

207z

New G.O. Bond Authorizations	DTA Bond Authorizations	Projects Funded From Deauthorizations	Projects Funded From Reversions	DTA Road Improv. and Trans. Funds	Total
\$ 2,567,044. 136,000.* -0-	\$ -0- -0- -0-	\$ 700,000. -0- 600,000.	\$ 232,956. -0- -0-	\$ -0- -0- -0-	\$ 3,500,000. 136,000. 600,000.
\$ 2,703,044.	-0-	\$ 1,300,000.	\$ 232,956.	\$ -0-	\$ 4,236,000.
\$ 800,000. 200,000. 30,000.* 685,000.* 1,800,000.*	\$ -0- -0- -0- -0- -0-	\$ -0- -0- -0- -0- -0-	\$ -0- -0- -0- 65,000. -0-	\$ -0- -0- -0- -0- -0-	\$ 800,000. 200,000. 30,000. 750,000. 1,800,000.
\$ 3,515,000.	\$ -0-	\$ -0-	\$ 65,000.	\$ -0-	\$ 3,580,000.
\$34,305,000.	\$50,840,000.	\$ 3,700,000.	\$ 1,915,286.	\$11,475,000.	\$102,235,286.

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1982

Corridor/Noncorridor

Route 4 - SR 2 to SR 7	\$ 4,500,000.
New Churchman's Road - SR 4 to SR 7	500,000.
Alapocas Intersection at New Bridge Rd.	600,000.
Chapman Road - Salem Church Rd. to SR 273	250,000.
Rt. 113 - Little Heaven to DAFB	6,250,000.
Saulsbury Rd. - Walker Rd. to Denney's Rd.	400,000.
Rt. 72 - U.S. 40 to Sunset Lake	500,000.
U.S. 13 - Boyd's Corner, Weigh Station, Rest Area, Laurel to Seaford II	1,200,000.
Route 41 - SR 2 - Milltown Road	1,050,000.
Red Mill Road - SR 2 - Darwin Drive	100,000.
Stein Highway (Rt. 20) - Bradford to Front	1,500,000.
Route B - Dover to Pearson's Corner	1,000,000.
Denney's Road - Saulsbury Rd. to Rt. 13	100,000.
Old Baltimore Pike - SR 896 to Christiana	800,000.
U.S. Route 113A - U.S. 13 to Rt. 113	1,000,000.
Route 88 & CR 334 - US 13 to SR 9	1,300,000.
Route 7	3,900,000.
Naamans Road	1,800,000.
Rt. 273, Christ. By-Pass	2,500,000.
Ottis Chapel Road	750,000.
Interstate Completion	550,000.
Hay Road Interchange - I-495	500,000.
Hay Road Bridge	600,000.
12th Street Connector	300,000.
Route 141: Route 2 to Route 202	1,800,000.
Route 896: Glasgow to I-95	300,000.
U.S. 13 through Smyrna	200,000.
<u>Subtotal</u>	<u>\$34,350,000.</u>

Traffic Control Devices

Pear Street and Walker Road	\$ 32,000.
Intersection: Rt. 12 and Rt. 59 - Whiteleysburg	10,000.
Casho Mill & Barksdale Road, Newark	40,000.
Faulkland Road at Entrance to Woodland Heights	27,000.
Manual Pedestrian Controls	27,000.
Statewide	264,000.
<u>Subtotal</u>	<u>\$ 400,000.</u>

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1972

Paving, Rehabilitation, and Suburban Streets

NORTH DISTRICT

Afton: Paving and Gutters, Etc.	\$ 65,000.
Alapocas: (Curb and Gutter)	37,000.
Arundel: Jaffe	22,000.
Augustine Bridge: Standpipes	27,000.
Basin Road (141): - Route 13 - Route 273	90,000.
Baynard Boulevard; Delaware Avenue; and Washington Street	232,000.
*Brackenville Road	47,000.
Brandywine Springs Manor	46,000.
Brandywood: Preliminary Engineering	3,000.
Breezewood: Chestnut Hill Estates; Scottfield; Todd Estates	50,000.
Brookbend: Patching	30,000.
Capitol Trail Farms	13,000.
Cedar Knoll: Oaknoll Road	14,000.
Centerville Road and Hillside: Drainage & Intersection	61,000.
*Centerville Road: Lancaster Pike to Del. Rt. 82	196,000.
Chalfonte: Raven Road & Kingman Drive	84,000.
Channin: Naamans to Rothwell, Tonbridge to Abington	123,000.
Cleland Heights: (Curbing)	27,000.
Cleland Heights: Latimore Place	40,000.
*Clifton Park Drive: Lea Blvd. to Edgemoor Road	56,000.
Coventry: Edinburgh Drive	60,000.
*Del. Route 141: Prices Corner to Lancaster Pike	158,000.
*Del. Route 273: Del. Rt. 72 to Gen. Food Plant	189,000.
*Del. Rt. 7: U.S. Rt. 40 to De. Rt. 273	328,000.
*Delaware Ave. (Newark): Elkton Rd. to S. College Avenue	207,000.
*Delaware Avenue (Newark): S. College Ave. to S. Chapel St.	472,000.
*Dennison Road: Lancaster Pike to Old Wilm. Rd.	13,000.
Devon: Morningside Drive	21,000.
Drummond Hill	17,000.
Dunleith: Entrance	17,000.
East Minquedale	127,000.
East Rutherford Drive	61,000.
*Elks Club Entrance: Weldin Rd. to end of State Maint.	21,000.
*Elkton Road: Otts Chapel Rd. to Casho Mill Rd.	166,000.
Elsmere Bridge Approach: Wall and Sidewalk	181,000.
Elsmere Viaduct: Standpipes	11,000.
Fairfax Boulevard: Concord to Sandra	22,000.
Fairfax Shopping Center: Pressure Detector at Entrance	1,000.
Fairfax: Pinehurst Road - Fairfax to Thomas	46,000.
Faulkland Road: (Duncan to Bridge)	15,000.
Forrest and Maple Avenues: Elsmere	47,000.
Fourth Street: Tree Planting - I-95 to Broom St.	6,000.
Foxcroft Drive	29,000.
Glen Burnie Estates	86,000.
Glendale: (All Streets)	34,000.
Gordon Heights: Phase II	100,000.
Governor Printz Boulevard: Edgemoor Bridge to Rysing Drive	24,000.
*Graves Road: Mill Creek Rd. to Del. Rt. 41	\$ 139,000.
Greentree: Gutters, Etc.	45,000.
Grubbs Landing Road	21,000.
*Henderson Road: Mill Creek Rd. to Penn. Line	142,000.
Highland West	22,000.
Hillside Road: Rt. 4 to DuPont Road & Dead End	85,000.
Intersection Rt. 72 and Road 310 (P.E.)	20,000.
Klamensl Gardens: Redwood and Diamond	30,000.
*Kirkwood Highway: Prices Corner to Canby Park	525,000.
Kirkwood Highway: Shoulders - Red Mill Rd. to Meadowood	136,000.
Lancashire	32,000.
Lancaster Avenue; Mt. Olive to Mt. Zion Cemetery (Sidewalks)	20,000.
*Lea Boulevard: Market St. to Gov. Printz Blvd.	26,000.
Limestone Road and Arundel Drive: Drainage	13,000.

*Projects Included in DTA Paving & Rehabilitation Account (55-05-000-67-00)

NORTH DISTRICT (Continued)

Paving, Rehabilitation, and Suburban Streets (Continued)

Manor Park: Robinson Drive	83,000.
Maryland Avenue: Sidewalks	69,000.
Mermaid Boulevard: Sidewalk	27,000.
*Mill Creek Road: McKennans Church Rd. to Mendenhall Mill Rd.	129,000.
*Milltown Road: Del. Rt. 7 Intersection	139,000.
New Kirk Estates	10,000.
Newport Viaduct: Standpipes	42,000.
North DuPont Road: Kirkwood to Lancaster	15,000.
North Hills	39,000.
Old Capitol Trail and Duncan	19,000.
Old Milltown Road: Milltown Road to Dead End	9,000.
Old Newark & Lisbeth Road: Intersection	61,000.
Orchard Avenue	57,000.
*Pike Creek Road: Linden Hill Rd. to Del. Rt. 72	113,000.
Ramblewood: Merribrook Road	11,000.
River Road (Southside): Curb and Sidewalk	32,000.
Rock Spring Road: Drainage	42,000.
Rogers Manor: Burton Avenue	8,000.
Rolling Park: Fairfield Drive	15,000.
Route 141 Viaduct: Parking Lot, Newport	53,000.
Rt. 9 at Rt. 6 and Chestnut Street	20,000.
Shellburne: Various Streets	62,000.
Sherwood Forrest	31,000.
Sherwood Park I	14,000.
Skyline Drive: Mermaid to Lindenhill Road	19,000.
South Heald Street	199,000.
Talleybrook	47,000.
Tavistock	35,000.
The Cedars: Phase I	50,000.
Timbers: Bittersweet, Etc.	62,000.
Tyre Avenue: Delaware Avenue Connector	114,000.
U.S. 13 & Roosevelt Avenue	69,000.
Veale Road: Marsh to Harway Roads	31,000.
*Welsh Tract Road: Otts Chapel Rd. to Whitaker Rd.	59,000.
Wilmington Manor Gardens	17,000.
*Wilson Road: Foulk Road to Marsh Road	316,000.
Woodbrook: Curbs and Gutters	63,000.
Woodshade: (Drainage)	22,000.
*Rotomilling and Miscellaneous Repairs (Districtwide)	150,000.
<u>Subtotal - North District</u>	<u>\$7,331,000.</u>

CENTRAL DISTRICT

Andrews Lake Road	\$ 100,000.
Deep Branch Farm	62,000.
*Federal Street: Lookerman Street to Court Street	11,000.
Gaws Crest	33,000.
Grant Street: Drainage (P.E.)	10,000.
*Lookerman Street: State Street to Legislative Avenue	29,000.
Mudmill Pond: Road Protection	93,000.
New Burton Road: Webb's Lane to Camden/Wyoming	262,000.
*North State Street: Walker Road to Silver Lake Bridge	5,000.
*Road 101: Road 100 to Route 42	215,000.
*Road 104: Route 8 to Route 42	271,000.
*Road 156: Route 42 to Road 154	56,000.
Road 360: Star Hill Road	84,000.
Road 366: Drainage	30,000.
*Road 388: Route 14 to Route 12	399,000.
*Road 438: NC Road 442 to NC Road 437	126,000.

*Projects Included in DTA Paving & Rehabilitation Account (55-05-000-67-00)

CENTRAL DISTRICT (Continued)

Paving, Rehabilitation, and Suburban Streets (Continued)

Road 67: Route 9 to Phone Pole #91	52,000.
Route 11 (Hartly): Drainage	55,000.
Route 14: Milford at Country Pride	31,000.
*Route 300: Road 90 to Kenton	252,000.
*Route 42: Kenton to Blackiston	218,000.
Route 9: Road 16 to Road 14	328,000.
Smyrna - Lake Como Dam, Road, Spillway	250,000.
*U.S. Route 13: St. Jones Bridge to Lotus Street	42,000.
Whiteoak Road: Phase IV - Sidewalk	45,000.
*Rotomilling and Miscellaneous Repairs	60,000.
*Surface Treatment (Districtwide)	485,000.

Subtotal - Central District \$3,604,000.

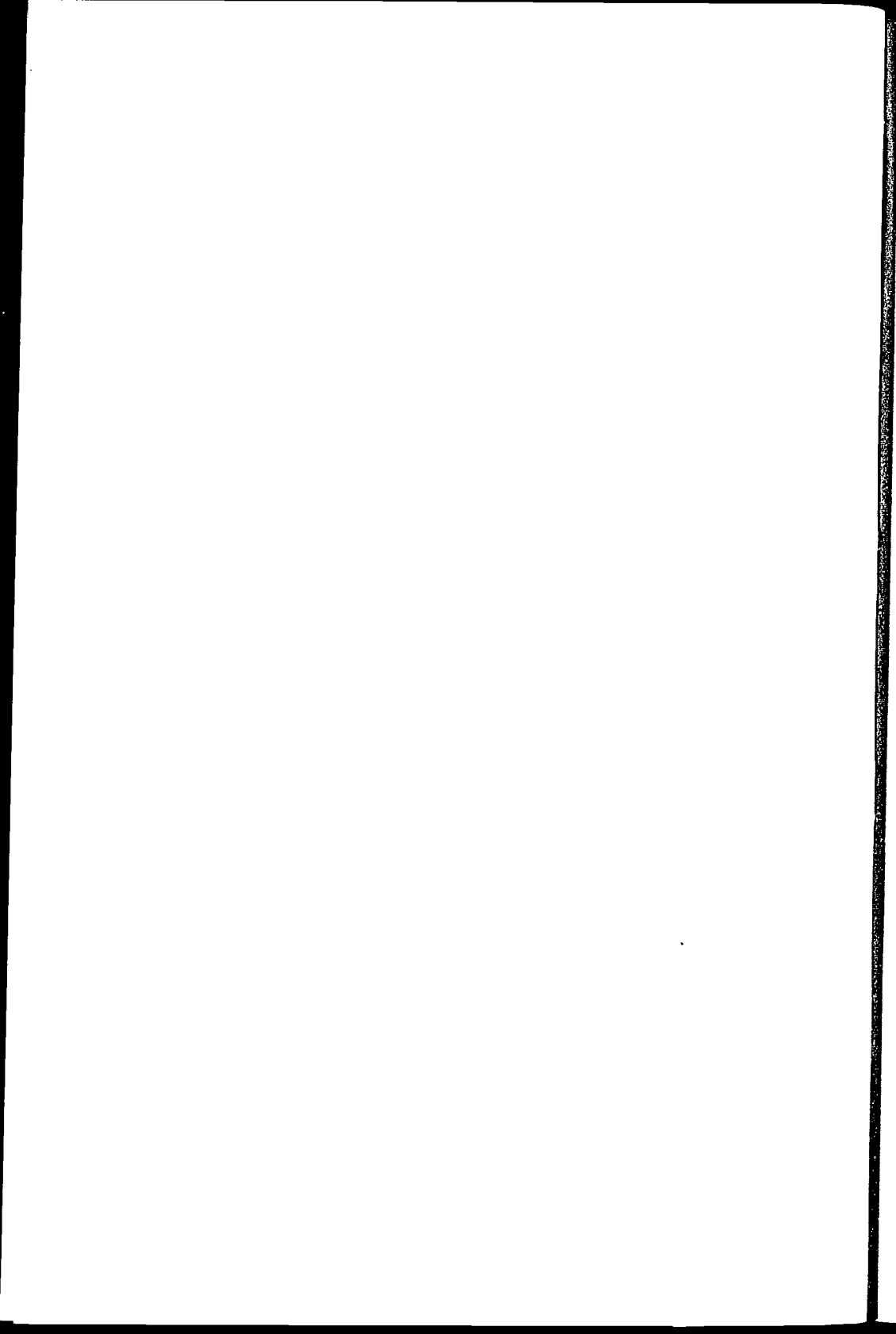
SOUTH DISTRICT

Cave Neck Road	\$ 315,000.
Collins Pond Acres	54,000.
Craig Mill Heights - Griffith Drive	16,000.
Dodds Addition: Josephine & Fisher Streets	78,000.
Lake Drive (Laurel)	19,000.
Patty Cannon Estates	68,000.
Records Mill Pond Dam Road	43,000.
*Road 207: U.S. Route 113 to Road 42	47,000.
*Road 361A: Route 1 to Road 361	18,000.
Road 386 to Polly Branch	40,000.
Road 86: Grade Crossing - Stockley	67,000.
*Road 88: Road 89 to Road 258	263,000.
*Roads 466, 476, 475 - East of Laurel	402,000.
Route 13 and 454A: Deceleration Lane	20,000.
Route 16 Near Oakley	14,000.
*Route 18: U.S. Route 13 to Road 17	306,000.
Route 20: Grade Crossing - Flower Station	70,000.
Route 24 (Laurel): R.R. Crossing	68,000.
*Route 26: Assawoman Canal through Garfield Park	347,000.
Route 54: Road 58C to Route 1	101,000.
Sand Hill Road (#565)	53,000.
S. Bridgeville: R.R. Crossing	125,000.
Seabreeze	119,000.
*Rotomilling and Miscellaneous Repairs	160,000.
*Surface Treatment (Districtwide)	600,000.

Subtotal - South District \$ 3,413,000.

GRAND TOTAL - All Districts \$14,348,000.

*Projects Included in DTA Paving & Rehabilitation Account (55-05-000-67-00)



CHAPTER 180

FORMERLY

SENATE BILL NO. 375
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 80, VOLUME 63, 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, 1982; 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. Amend Section 1 of Chapter 80, Volume 63, Laws of Delaware, by striking the following line item:

"Supplies and Materials	4,159.8"
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in its entirety as it appears in the Budget Unit (55-04-070) Bureau of Maintenance in said Section 1 and substituting in lieu thereof the following line item:

"Supplies and Materials	3,159.8"
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Section 2. Amend Chapter 80, Volume 63, Laws of Delaware, by recomputing all totals and subtotals affected by this Act.

Section 3. This Act shall become effective July 1, 1981.

Approved July 29, 1981.

CHAPTER 181

FORMERLY

SENATE BILL NO. 371

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 AND NON-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 and Non-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 and Non-State institutions cannot receive medical care; and

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 and Non-State institutions.

Section 2. The amount of eleven million dollars (\$11,000,000) 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. The amount of four hundred thirty thousand dollars (\$430,000) is hereby appropriated to the Department of Health and Social Services, Division of Social Services for the purpose of Medicaid for Non-State institutions.

Section 4. 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 5. The funds herein appropriated which remain unencumbered on June 30, 1982 shall revert to the General Fund of the State of Delaware.

Approved July 31, 1981.

CHAPTER 182

FORMERLY

SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 372

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>
(10-03-001)	<u>Office of Management Budget & Planning</u>	
	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	1,500
(20-06-016)	<u>Office of Arts Council</u>	
	Delaware Arts Council	225,000
(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
(35-07-001)	<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	45,000
	Claymont Community Center	130,000
	Claymont Community Center - Relocation Costs	18,000
	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	42,000
	Brandywine Senior Center	33,000
	Bridgeville Senior Center	40,000
	Canby Park - Fraim Senior Center	79,000
	Cape Henlopen Social Center	48,000
	Church of Our Savior Senior Center	55,000
	DeLaWarr Senior Center	37,000

	Frederica Senior Center	35,000
	Greater Elsmere Senior Center	80,000
	Harrington Senior Center	30,000
	Harvest Years Senior Center	17,000
	Howard Weston Senior Center	133,000
	Indian River Senior Center	19,000
	Jewish Community Center	28,000
	Jimmy Jenkins Senior Center	40,000
	Julia Tallman Golden Age Center	44,000
	Kirkwood United Methodist Church Senior Center	5,000
	Laurel Senior Center	60,000
	Laurel Senior Center Building Fund	15,000
	Lewes CHEER Program	3,000
	Mid-County Senior Center	77,500
	M.O.T. Senior Center	39,000
	Modern Maturity Center	86,000
	Nanticoke Senior Center	70,000
	New Castle Senior Center	35,000
	Newark Senior Center	66,000
	Peoples Settlement - Senior Citizens Program	36,000
	St. Ann's Neighborhood House	60,000
	St. Anthony's Community Center	58,000
	St. Hedwig's Senior Center	135,000
	St. Patrick's Senior Center	83,000
	St. Peter's Adult Center	58,000
	St. Thomas Senior Center	75,000
	Sellers Senior Center	40,000
	Smyrna-Clayton Senior Center	18,600
	West Center City Senior Activity Center	58,000
	Wilmington Senior Center	120,000
	<u>Miscellaneous</u>	
	Cape Henlopen Social Center Relocation Costs	25,000
	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	50,000
(50-08-001)	<u>Div. of Economic Development -</u> <u>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.	\$5,636,350

Section 2. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Item/Description	Amount
Aid-in-Dover, Inc. (Eight-O-One)	25,000
Arthritis Foundation	2,000
Beechwood Individualized Parent/Child Program	35,000

Big Brothers/Big Sisters Association of Northern Delaware, Inc.	23,000
Bowers Beach Maritime Museum	5,000
Broader Community Service, Inc.	4,000
Capital Green Building Fund	10,000
Child, Inc.	30,000
Childhood Village	15,000
Children's Bureau, Inc.	49,500
Children's Home Remedial Education Program	25,000
Children's Repertory Theatre	11,900
CONTACT Wilmington	10,000
Delaware Alcoholism Council	18,000
Delaware Assn. of Chiefs of Police - Camp Barnes	10,000
Delaware Citizens Committee, Inc.	40,000
Delaware City Day Committee	4,000
Delaware Civil Air Patrol	5,000
Delaware Disadvantaged Foundation	55,000
Delaware Guidance Services for Children & Youth, Inc.	70,000
Delaware Heritage Commission	22,000
Delaware Safety Council, Inc.	33,000
Delaware State Council of Senior Citizen, Inc.	3,000
Delaware State Fair, Inc.	25,000
Diamond State Youth, Inc.	60,000
Eastlawn Area Human Services	55,000
Geriatric Services of Delaware, Inc.	33,000
Greater Elsmere Recreation & Education Center	82,500
Greater Wilmington Youth for Christ, Inc.	5,000
Hilltop Lutheran Neighborhood Center	5,000
Hockessin Community Center	10,000
Home of Divine Providence	15,000
Institute for Development of Human Resources	20,000
INFO	9,000
Jobs for Delaware Graduates	250,000
Kent County Community Action	10,000
Latin American Community Center	15,000
Mary Campbell Center	75,000
Mary Mother of Hope House	15,000
Mary Mother of Hope House - Emmanuel Dining Room	12,000
Mary Mother of Hope House - Emmanuel Dining Room - Capital Program	40,000
Neighborhood House	10,000
New Castle - Separation Day	7,000
New Castle - 350th Landing of William Penn	8,000
Northeast Area Partners	12,500
Open Door, Inc.	25,000
People's Place II	33,000
Project Information East Side-Complaint & Referral Service	110,000
Rape Crisis Center of Wilmington	10,000
Rosehill Community Center	75,000
Salvation Army - Emergency Housing	25,000
Slaughter Neck Community Action Committee	20,000
SODAT - Delaware, Inc.	5,000
South West Wilmington Community Center	90,000
Sussex Central Youth Center	14,000
Sussex Community Crisis Housing Services, Inc.	27,000
Sussex County Community Action - Nutrition Program	28,000
Sussex County Rape Crisis Center	3,000
Turnabout Counseling Center	90,000
Turning Point Ranch for Boys	45,000
Union Baptist Community Services, Inc.	15,000
United Cerebral Palsy of Delaware, Inc., Camp Lenape	13,000
Vision Program	35,000
WHYY, Inc.	125,000
West Center City Community Center Senior Citizens	
Physical Fitness Program	5,000
Whatcoat Social Service Agency	23,000
West End Neighborhood House	19,000
YMCA/DIAL Program	20,000
YMCA - Dover/Kent County - Mini-Bike	20,000

Youth Guidance Program

11,000

TOTAL - Section 2

\$2,165,400

Section 3. Of the amount appropriated in Section 1 of this Act to Office of Management, Budget & Planning, \$248,000 is for Aid to Local Law Enforcement and \$25,000 is for Local Police Coordination.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. (a) None of the funds appropriated by 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 by 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 by 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 11. No funds appropriated in this Act shall be expended in a political campaign or for partisan political purposes.

Section 12. The Controller General shall from time to time conduct performance audits of any non-state agency for which funds are appropriated in this Act.

Section 13. It is the sense of the General Assembly that all agencies and organizations funded in this Act, except senior centers, community centers and creations of the Delaware Code, have one year from the effective date of this Act to find and obtain sources of funding other than the State of Delaware.

Section 14. Section 1 of this Act provides an appropriation to the Delaware State Arts Council. It is the legislative intent of this appropriation to provide, under the leadership of the Delaware State Arts Council, a unified process for allocating matching funds to the numerous cultural and arts organizations requesting assistance. Furthermore, the funds from State government are intended to match funds from the county and municipal governments and the private sector in the support of arts and cultural programs. Of the total appropriation to the Delaware State Arts Council, the award to the Grand Opera House may be made up to, but not to exceed, one hundred thousand dollars (\$100,000).

Section 15. Beginning With fiscal year 1983, the General Assembly proposes reforms in the Grants-in-Aid Program, as follows:

- (a) That the total size of the Grants-in-Aid spending be capped at one percent (1%) of appropriations, or \$8.5 million, whichever is greater; and
- (b) Paid quarterly to the grantee.

Section 16. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended or unencumbered as of June 30, 1982, shall revert to the General Fund of the State of Delaware.

Approved July 31, 1981.

CHAPTER 183

FORMERLY

HOUSE BILL NO. 400
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2 AND
SENATE AMENDMENTS NOS. 2, 4, AND 5

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS.

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

Section 1. Amend Chapter 8, Title 29, of the Delaware Code by striking said Chapter in its entirety and substituting in lieu thereof the following:

"SUBCHAPTER I. General Provisions

§801. Composition of the House of Representatives.

The House of Representatives shall be composed of 41 members who shall be chosen to hold office for 2 years. The State shall be divided into 41 representative districts, from each of which shall be chosen, by the qualified electors thereof, 1 Representative.

§802. Composition of the Senate; Staggered Terms.

The Senate shall be composed of 21 members who shall be chosen to hold office for 4 years. The State shall be divided into 21 senatorial districts, from each of which shall be chosen, by the qualified electors thereof, 1 Senator. The terms of office of the several Senators shall be staggered so that 10 Senators shall be elected at the first biennial general election following June 30, 1981, for a term of 2 years, and 11 Senators shall be elected at such election for a term of 4 years.

§803. Allocation of Representative Districts.

There shall be:

- (1) Five representative districts primarily in the City of Wilmington;
- (2) Twenty-two representative districts wholly in New Castle County outside the City of Wilmington;
- (3) One representative district partially in New Castle County and partially in Kent County;
- (4) Six representative districts wholly in Kent County;
- (5) One representative district partially in Kent County and partially in Sussex County;
- (6) Six representative districts wholly in Sussex County.

§805. Numbering of Districts.

(a) Each representative district and each senatorial district shall be designated by number. The numbers shall run consecutively throughout the State.

§806. Determining District Boundaries; Criteria.

In determining the boundaries of the several representative and senatorial districts within the City of Wilmington and within the several counties, the General Assembly shall use the following criteria. Each district shall, insofar as is possible:

- (1) Be formed of contiguous territory;
- (2) Be nearly equal in population;
- (3) Be bounded by major roads, streams or other natural boundaries;
- (4) Not be created so as to unduly favor any person or political party.

§807. Redistricting After Federal Decennial Census.

The apportionment provided for by this chapter shall continue in effect until the official reporting by the President of the United States of the next federal decennial census. After the official reporting of the 1990 federal decennial census by the President to Congress, the General Assembly shall, not later than June 30, 1991, reapportion and redistrict the State, wherever necessary, for the general election of 1992 and thereafter in such a manner that the several representative and senatorial districts shall comply, insofar as possible, with the criteria set forth in subdivisions (1) through (4) of §806 of this Title. Such apportionment shall thence continue in effect until the next succeeding federal decennial census.

§808. Staggered Senatorial Districts.

(a) The Senators from the 1st, 5th, 7th, 8th, 9th, 12th, 13th, 14th, 15th, 19th and 20th Senatorial Districts shall be elected for 4-year terms in 1982 and 1986 and for a 2-year term in 1990.

(b) The Senators from the 2nd, 3rd, 4th, 6th, 10th 11th, 16th, 17th, 18th, and 21st Senatorial Districts shall be elected for a 2-year term in 1982 and for 4-year terms in 1984 and 1988.

SUBCHAPTER II. General Assembly Districts in City of Wilmington.**§821. Boundaries of General Assembly Representative Districts Primarily in the City of Wilmington.**

The boundaries of the General Assembly Representative Districts situate primarily in the City of Wilmington shall be as follows:

(1) **First Representative District.** - The 1st Representative District shall comprise: All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of Talley Road and the center line of Miller Road, said point also being a point in the center of the northern boundary of the City of Wilmington, thence in a clockwise direction along the center of the northern and eastern boundary of the City of Wilmington to its intersection with the center line of Thirty-Seventh Street, thence northwesterly along the center line of Thirty-Seventh Street to its intersection with the center line of Washington Street, thence southwesterly along the center line of Washington Street to its intersection with the center line of Twentieth Street, thence southeasterly along the center line of Twentieth Street to its intersection with the center line of Market Street, thence southwesterly and southerly along the center line of Market Street to its intersection with the middle of the Brandywine Creek, thence generally westerly along the middle of the Brandywine Creek and its various courses to its intersection with the center line of Van Buren Street, thence southwesterly along the center line of Van Buren Street to its intersection with the center line of Lovering Avenue, thence northwesterly along the center line of Lovering Avenue to its intersection with the center line of Franklin Street, thence southwesterly along the center line of Franklin Street to its intersection with the center line of Delaware Avenue, thence northwesterly along the center line of Delaware Avenue to its intersection with the center line of Sixteenth Street, thence westerly along the center line of Sixteenth Street to its intersection with the center line of du Pont Street, thence southerly along the center line of du Pont Street to its intersection with the center line of Fourteenth Street, thence westerly along the center line of Fourteenth Street to its intersection with the center line of Union Street, thence northerly and northeasterly along the center line of Union Street to its intersection with the center line of Lovering Avenue, thence southeasterly along the center line of Lovering Avenue to its intersection with the center of the B&O Railroad (Baltimore Division), thence northeasterly along the middle of the B&O Railroad (Baltimore Division) to its intersection with the middle of the Brandywine Creek, thence northwesterly along the middle of the Brandywine Creek to its intersection with the northern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the northern boundary of the City of Wilmington to the place of beginning."

(2) **Second Representative District.** - The 2nd Representative District shall comprise: All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of Philadelphia Pike (U.S. Route 13) and the middle of the northern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the northern and eastern boundary of the City of Wilmington which is also the boundary between the States of New Jersey and Delaware to a point where an imaginary line extended from the mouth of the Christina River intersects and forms a right angle with the boundary of the City of Wilmington and the boundary between the States of New Jersey and Delaware, thence westerly along the middle of said imaginary line to its intersection with the middle of the Christina River, thence generally northwesterly and westerly along the middle of the Christina River to its intersection with the center line extended of Fourth Street, thence along said extension of the center line of Fourth Street and along the center line of Fourth Street to its intersection with the middle of the Penn Central Railroad (Chesapeake Division), thence northeasterly along the middle of the Penn Central Railroad (Chesapeake Division) to its intersection with the middle of the Brandywine Creek, thence generally northwesterly along the middle of the Brandywine Creek to its intersection with the extension of the center line of Ninth Street, thence westerly along said extension of the center line of Ninth Street and along the center

line of Ninth Street to its intersection with the center line of Church Street, thence northerly along the center line of Church Street to its intersection with the center line of Tenth Street, thence westerly along the center line of Tenth Street to its intersection with the center line of Pine Street, thence northerly along the center line of Pine Street to its intersection with the center line of Eleventh Street, thence westerly along the center line of Eleventh Street to its intersection with the center line of Walnut Street, thence northerly along the center line of Walnut Street to its intersection with the center line of Thirteenth Street, thence westerly along the center line of Thirteenth Street to its intersection with the center line of King Street, thence northerly along the center line of King Street to its intersection with the center line of Fifteenth Street, thence westerly along the center line of Fifteenth Street to its intersection with the center line of Market Street, thence generally northeasterly along the center line of Market Street to its intersection with the center line of Twentieth Street, thence northwesterly along the center line of Twentieth Street to its intersection with the center line of Washington Street, thence northeasterly along the center line of Washington Street to its intersection with the center line of Thirty-Seventh Street, thence southeasterly along the center line of Thirty-Seventh Street to its intersection with the center line of Philadelphia Pike (U.S. Route 13), thence southwesterly along the center line of Philadelphia Pike (U.S. Route 13) to the place of beginning.

(3) **Third Representative District.** - The 3rd Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of the center line of Fourteenth Street and the center line of Market Street, thence northerly along the center line of Market Street to its intersection with the center line of Fifteenth Street, thence easterly along the center line of Fifteenth Street to its intersection with the center line of King Street, thence southerly along the center line of King Street to its intersection with the center line of Thirteenth Street, thence easterly along the center line of Thirteenth Street to its intersection with the center line of Walnut Street, thence southerly along the center line of Walnut Street to its intersection with the center line of Eleventh Street, thence easterly along the center line of Eleventh Street to its intersection with the center line of Pine Street, thence southerly along the center line of Pine Street to its intersection with the center line of Tenth Street, thence easterly along the center line of Tenth Street to its intersection with the center line of Church Street, thence southerly along the center line of Church Street to its intersection with the center line of Ninth Street, thence easterly along the center line of Ninth Street and along the extension of the center line of Ninth Street to its intersection with the middle of the Brandywine Creek, thence generally southeasterly along the middle of the Brandywine Creek to its intersection with the middle of the Penn Central Railroad (Chesapeake Division), thence southwesterly along the middle of the Penn Central Railroad (Chesapeake Division) to its intersection with the center line of Fourth Street, thence easterly along the center line of Fourth Street and along the center line extended of Fourth Street to its intersection with the middle of the Christina River, thence generally northeasterly, easterly and southeasterly along the middle of the Christina River to the mouth of the Christina River, thence along an imaginary line extending from the middle of the mouth of the Christina River generally easterly to a point where said imaginary line forms a right angle with the boundary between the States of New Jersey and Delaware, said boundary also serving as the eastern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the boundary of the City of Wilmington to its intersection with the center of the Reading Railroad at Pigeon Point, thence northwesterly along the middle of the Reading Railroad to its intersection with the center line of Pyle's Lane, thence southwesterly and westerly along the center line of Pyle's Lane to its intersection with the center line of New Castle Avenue, thence generally northerly along the center line of New Castle Avenue to its intersection with the middle of the southern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the southern boundary of the City of Wilmington to its intersection with the center line of Linden-Madison Street, thence northerly along the center line of Linden-Madison Street to its intersection with the center line of Front Street, thence westerly along the center line of Front Street to its intersection with the center line of du Pont Street, thence northerly along the center line of du Pont Street to its intersection with the center line of Seventh Street, thence easterly along the center line of Seventh Street to its intersection with the center line of Franklin Street, thence southerly along the center line of Franklin Street to its intersection with the center line of Sixth Street, thence easterly along the center line of Sixth Street to its intersection with the center of U.S. Route 95, thence southerly along the center of U.S. Route 95 to its intersection with the center line of Fourth Street, thence easterly along the center line of Fourth Street to its intersection with the center line of Orange Street, thence northerly along the center line of Orange Street to its intersection with the center line of Seventh Street, thence westerly along the center line of Seventh Street to its intersection with the center line of Tatnall Street, thence northerly along the center line of Tatnall Street to its intersection with the center line of Ninth Street, thence westerly along the center line of Ninth Street to its intersection with the center line of Jefferson Street, thence northerly along the center line of Jefferson Street to its intersection with the center line of Delaware Avenue, thence northwesterly along the center line of Delaware Avenue to its intersection with the center line of Twelfth Street, thence easterly along the center line of Twelfth Street to its intersection with the center line of Chippey Street, thence northerly along the center line of Chippey Street to its intersection with the center line of Thirteenth Street, thence easterly along the center line of Thirteenth Street to its intersection with the center line of Orange Street, thence northerly along the center line of Orange Street to its intersection with the center line of Fourteenth Street, thence easterly along the center line of Fourteenth Street to the place of beginning.

(4) Fourth Representative District. - The 4th Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of the center of the B&O Railroad (Baltimore Division) and Lovering Avenue, thence northwesterly along the center line of Lovering Avenue to its intersection with the center line of Union Street, thence southwesterly and southerly along the center line of Union Street to its intersection with the center line of Fourteenth Street, thence easterly along the center line of Fourteenth Street to its intersection with the center line of du Pont Street, thence northerly along the center line of du Pont Street to its intersection with the center line of Sixteenth Street, thence easterly along the center line of Sixteenth Street to its intersection with the center line of Delaware Avenue, thence southeasterly along the center line of Delaware Avenue to its intersection with the center line of Franklin Street, thence northeasterly along the center line of Franklin Street to its intersection with the center line of Lovering Avenue, thence southeasterly along the center line of Lovering Avenue to its intersection with the center line of Van Buren Street, thence northeasterly along the center line of Van Buren Street to its intersection with the middle of the Brandywine Creek, thence generally easterly along the middle of the Brandywine Creek and its various courses to its intersection with the center line of Market Street, thence southerly along the center line of Market Street to its intersection with the center line of Fourteenth Street, thence westerly along the center line of Fourteenth Street to its intersection with the center line of Orange Street, thence southerly along the center line of Orange Street to its intersection with the center line of Thirteenth Street, thence westerly along the center line of Thirteenth Street to its intersection with the center line of Chippey Street, thence southerly along the center line of Chippey Street to its intersection with the center line of Twelfth Street, thence westerly along the center line of Twelfth Street to its intersection with the center line of Madison Street, thence southerly along the center line of Madison Street to its intersection with the center line of Delaware Avenue, thence southeasterly along the center line of Delaware Avenue to its intersection with the center line of Jefferson Street, thence southerly along the center line of Jefferson Street to its intersection with the center line of Ninth Street, thence easterly along the center line of Ninth Street to its intersection with the center line of West Street, thence southerly along the center line of West Street to its intersection with the center line of Seventh Street, thence easterly along the center line of Seventh Street to its intersection with the center line of Tatnall Street, thence southerly along the center line of Tatnall Street to its intersection with the center line of Fourth Street, thence westerly along the center line of Fourth Street to its intersection with the center line of U.S. Route 95, thence northerly along the center line of U.S. Route 95 to its intersection with the center line of Sixth Street, thence westerly along the center line of Sixth Street to its intersection with the center line of Franklin Street, thence northerly along the center line of Franklin Street to its intersection with the center line of Seventh Street, thence westerly along the center line of Seventh Street to its intersection with the center line of Union Street, thence northerly along the center line of Union Street to its intersection with the center line of Ninth Street, thence westerly along the center line of Ninth Street to its intersection with the center line of Woodlawn Avenue, thence southerly along the center line of Woodlawn Avenue to its intersection with the center line of Seventh Street, thence westerly along the center line of Seventh Street to its intersection with the center line of du Pont Road, thence southerly along the center line of du Pont Road to its intersection with the center line of Lancaster Avenue, thence northwesterly along the center line of Lancaster Avenue to its intersection with the center line of State Route 141, thence northeasterly generally along the center line of State Route 141 to its intersection with the center line of Barley Road, thence easterly along the center line of Barley Road to its intersection with the center line of Kent Road, thence generally easterly along the center line of Kent Road to its intersection with the center line of Berkley Road, thence northeasterly along the center line of Berkley Road to its intersection with the center line of Kennett Pike (State Route 52), thence southeasterly along the center line of Kennett Pike (State Route 52) to its intersection with the center line of Breck's Lane, thence northeasterly along the center line of Breck's Lane and along the extension of the center line of Breck's Lane to its intersection with the middle of the Brandywine Creek, thence generally easterly and southeasterly along the middle of the Brandywine Creek and its various courses to its intersection with the center of the B&O Railroad (Baltimore Division), thence southeasterly along the center of the B&O Railroad (Baltimore Division) to the place of beginning.

(5) Fifth Representative District. - The 5th Representative District shall comprise: All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of du Pont Street and the center line of Lancaster Avenue, thence easterly along the center line of Lancaster Avenue to its intersection with the center line of Madison Street, thence southerly along the center line of Madison Street and the extension of the center line of Madison Street to its intersection with the middle of the southern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the southern boundary of the City of Wilmington to its intersection with the center line of Rodman Road, thence northwesterly along the center line of Rodman Road to its intersection with the center line of State Route 2, thence northeasterly along the center line of State Route 2 to its intersection with the middle of the boundary of the City of Wilmington, thence in a clockwise direction along the middle of the boundary of the City of Wilmington to its intersection with the center line of Seventh Street, thence in an easterly direction along the center line of Seventh Street to its intersection with the center line of Woodlawn Avenue, thence northerly along the center line of Woodlawn Avenue to its intersection with the center line of Ninth Street, thence easterly along the center line of Ninth Street to its intersection with the

center line of Union Street, thence southerly along the center line of Union Street to its intersection with the center line of Seventh Street, thence easterly along the center line of Seventh Street to its intersection with the center line of du Pont Street, thence southerly along the center line of du Pont Street to the place of beginning."

§822. Boundaries of the General Assembly Senatorial Districts Situate in the City of Wilmington.

The boundaries of the General Assembly Senatorial Districts situate primarily in the City of Wilmington shall be as follows:

(1) First Senatorial District. - The 1st Senatorial District shall comprise: All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of DuPont Road (Western Boundary of the City of Wilmington) with the center line of Lancaster Avenue (Route 48) thence southeasterly along the center line of Lancaster Avenue (Route 48) to its intersection with the center line of Union Street, thence northeasterly along the center line of Union Street to its intersection with the center line of Ninth Street, thence southeasterly along the center line of Ninth Street to its intersection with the center line of Broom Street, thence northeasterly along the center line of Broom Street to its intersection with the center line of Pennsylvania Avenue, thence southeasterly along the center line of Pennsylvania Avenue to its intersection with the center line of Delaware Avenue, thence southeasterly along the center line of Delaware Avenue to its intersection with the center line of Adams Street, thence northeasterly along the center line of Adams Street and an imaginary line extending Adams Street to its intersection with the center line of Brandywine Creek, thence southeasterly along the center line of Brandywine Creek by its several courses to its intersection with the center line of Market Street, thence northeasterly along the center line of Market Street to its intersection with the center line of 20th Street, thence northwesterly along the center line of 20th Street to its intersection with the center line of Washington Street, thence northeasterly along the center line of Washington Street to its intersection with the center line of 30th Street, thence southeasterly along the center line of 30th Street to its intersection with the center line of Market Street, thence easterly along the center line of Market Street to the intersection with the center line of Rodman Road, thence southeasterly along the center line of Rodman Road to its intersection with the center line of Brandywine Boulevard, thence northeasterly along Brandywine Boulevard to the intersection of the center line of Calhoun Road, thence in a northerly direction along the center line of Calhoun Road to its intersection with the center line of Philadelphia Pike, thence in a southeasterly direction along the center line of Philadelphia Pike to its intersection with the center line of Bellevue Hill Road, thence in a northwesterly direction along the center line of Bellevue Hill Road to its intersection with the center line of Baltimore and Ohio Railroad tracks, thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad tracks to its intersection with the center line of Talley Road, thence in a northerly direction along the center line of Talley Road to its intersection with the center line of Weldin Road, thence in a westerly direction along the center line of Weldin Road to its intersection with the center line of Foulk Road, thence in a southwesterly direction along the center line of Foulk Road to its intersection with the center line of Concord Pike (Route 202), thence southerly along the center line of Concord Pike (Route 202) to its intersection with the center line of the northern boundary of the City of Wilmington, thence in a counter clockwise direction along the boundary line of the City of Wilmington to its intersection with the center line of Lancaster Avenue.

(2) Second Senatorial District. - The 2nd Senatorial District shall comprise: all that portion of New Castle County bounded by a line beginning at the intersection of Lambson Lane and New Castle Avenue, thence in an easterly direction along the center line of Lambson Lane to its intersection with East Avenue, thence in a southerly direction along the center line of East Avenue to its intersection with 11th Street, thence in a westerly direction along the center line of 11th Street to its intersection with West Avenue, thence in a westerly direction along the center line of West Avenue to its intersection with New Castle Avenue, thence in a southerly direction along the center line of New Castle Avenue to its intersection with U. S. Route 40 and U. S. Interstate 295, thence in an easterly direction along the center line of U. S. Route 40 and U. S. Interstate 295 to its intersection with the boundary between the States of New Jersey and Delaware, thence northerly along said boundary to its intersection with a point to which the center line of Edgemoor Road has been extended by an imaginary line, thence northwesterly along the center line of Edgemoor Road extended and the center line of Edgemoor Road to its intersection with the center line of Philadelphia Pike to its intersection with the center line of 30th Street, thence northwesterly along the center line of 30th Street to its intersection with Washington Street, thence southwesterly along the center line of 20th Street, thence southeasterly along the center line of 20th Street to its intersection with Market Street, thence southwesterly along the center line of Market Street to the intersection with Brandywine Creek, thence northwesterly along the center line of Brandywine Creek, by its several courses, to its intersection with a point to which the center line of Adams Street has been extended, thence southwesterly along the center line of Adams Street extended, and the center line of Adams Street, to the intersection with the center line of Delaware Avenue, thence northwesterly along the center line of Delaware Avenue to its intersection with Jackson Street, thence southwesterly along the center line of Jackson Street to its intersection with 7th Street, thence southeasterly along the center line of 7th Street to its intersection with Tatnall

Street, thence southeasterly along the center line of Tatnall Street to its intersection with Front Street, thence southeasterly along the center line of Front Street to its intersection with Walnut Street, thence southwesterly along the center line of Walnut Street to its intersection with the Christina River, thence northwesterly and southwesterly along the center line of the Christina River, by its several courses, to the intersection with the southern boundary of the City of Wilmington, thence southeasterly along the center line of the southern boundary of the City of Wilmington to its intersection with the duPont Highway (Route 13), thence southerly along the center line of Route 13 to its intersection with Rogers Road, thence southeasterly along the center line of Rogers Road to its intersection with New Castle Avenue, thence southerly along the center line of New Castle Avenue to its intersection with the center line of Lambson Lane, the place of beginning.

(3) Third Senatorial District. - The 3rd Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Wilmington Avenue and the southwesterly boundary of the City of Wilmington, thence counter clockwise along the center line of the boundary of the City of Wilmington to its intersection with the center line of Reading Railroad tracks, thence southeasterly along the center line of Reading Railroad tracks to its intersection with the center line of Maryland Avenue, thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of the southern boundary of the City of Wilmington, thence along the center line of the southern boundary of the City of Wilmington in a counterclockwise direction to its intersection with the center line of the Christina River, thence northeasterly along the center line of the Christina River by its several courses to its intersection with the center line of Walnut Street, thence northeasterly along the center line of Walnut Street to its intersection with the center line of Front Street, thence northwesterly along the center line of Front Street to its intersection with the center line of Tatnall Street, thence northerly along the center line of Tatnall Street to its intersection with the center line of 7th Street, thence northwesterly along the center line of 7th Street to its intersection with the center line of Jackson Street, thence northeasterly along the center line of Jackson Street to its intersection with the center line of Delaware Avenue, thence northwesterly along the center line of Delaware Avenue to its intersection with the center line of Pennsylvania Avenue, thence northwesterly along the center line of Pennsylvania Avenue to its intersection with the center line of Broom Street, thence southwesterly along the center line of Broom Street to its intersection with the center line of 9th Street, thence northwesterly along the center line of 9th Street to its intersection with the center line of Union Street, thence southwesterly along the center line of Union Street to its intersection with the center line of Lancaster Avenue, thence northeasterly along the center line of Lancaster Avenue to its intersection with the center line of Chestnut Run, thence southwesterly along the center line of Chestnut Run to its intersection with the center line of the northern boundary of the Town of Elsmere, thence easterly along the center line of the northern boundary of the Town of Elsmere to its intersection with the center line of Race Street, thence southerly along the center line of Race Street to its intersection with the center line of Wilmington Avenue, thence easterly along the center line of Wilmington Avenue to its intersection with the center line of the boundary of the City of Wilmington.

SUBCHAPTER III. General Assembly Districts in New Castle County Outside the City of Wilmington.

§831. Boundaries of the General Assembly Representative Districts in New Castle County Outside the City of Wilmington.

The boundaries of the several General Assembly Representative Districts wholly or partially in New Castle County outside the City of Wilmington shall be as follows:

(6) Sixth Representative District. - The 6th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center of the northern boundary of the City of Wilmington and the center line of Concord Pike (Route 202), thence northerly along the center line of Concord Pike to its intersection with the center line extended of Foulk Road, thence in a northeasterly direction along the center line of Foulk Road to its intersection with the center line of Murphy Road, thence in a northeasterly direction along the center line of Murphy Road to its intersection with the center line of Shipley Road, thence in a southeasterly direction along the center line of Shipley Road to its intersection with the center line of Weldin Road, thence in an easterly direction along the center line of Weldin Road extended to an intersection with the center line of Shellpot Creek, thence in a southeasterly direction along the center of Shellpot Creek to its intersection with the center of the Baltimore and Ohio Railroad, thence in an easterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center line of Marsh Road, thence in a southerly direction along the center line of Marsh Road to its intersection with the center line of Washington Street Extension, thence in a southeasterly direction along the center line of Washington Street Extension to its intersection with the center line of Philadelphia Pike (Route 13), thence in a northeasterly direction along the center line of Philadelphia Pike (Route 13) to its intersection with the center line extended of Schoolhouse Lane, thence in a southeasterly direction along the center line of Schoolhouse Lane and following the northeastern boundary of the Town of Bellefonte to its intersection with the center line of Prospect Drive (extended), thence in a southeasterly direction along the center line of Prospect Drive extending along an imaginary line to its intersection with the center line of the boundary between the States of New Jersey and Delaware, thence in a southwesterly direction along the

center of the boundary between the States of New Jersey and Delaware to its intersection with the center of the northeastern boundary of the City of Wilmington, thence along the center of the northeastern boundary of the City of Wilmington in a counter-clockwise direction to its intersection with the center line of the Concord Pike (Route 202).

(7) Seventh Representative District. - The 7th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Baynard Boulevard and the center line of Marsh Road, thence in an easterly direction along the center line of Baynard Boulevard extended to its intersection with the center of the Baltimore and Ohio Railroad, thence in a northeasterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center of Naaman's Creek, thence in a southwesterly direction along the center of Naaman's Creek to its intersection with the center line of Glen Rock Drive, thence in a southerly direction along the center line of Glen Rock Drive to its first intersection with the center line extended of Miles Road, thence in a southerly direction along the center line of Miles Road to its intersection with the center line of Pennsylvania Avenue, thence in a southeasterly direction along the center line of Pennsylvania Avenue to its intersection with the center line of Green Street (or Ridge Avenue), thence in a northeasterly direction along the center line of Green Street (or Ridge Avenue) to its intersection with the center line extended of Franklin Avenue, thence in a southeasterly direction along the center line of Franklin Avenue extended to its intersection with the center line of Philadelphia Pike (Route 13), thence in a northeasterly direction along the center line of Philadelphia Pike (Route 13) to its intersection with the center of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the center of the boundary between the States of Pennsylvania and Delaware to its intersection with the center of the boundary between the States of New Jersey and Delaware, thence in a southwesterly direction along the center of the boundary between the States of New Jersey and Delaware to its intersection with an imaginary line extended southeasterly along the center line of Prospect Drive, thence in a northwesterly direction along said imaginary line and the center line of Prospect Drive to its intersection with the center of the southeastern boundary of the town of Bellefonte, thence in a counter-clockwise direction along said boundary of the Town of Bellefonte to a point being the intersection of the center line of Philadelphia Pike (Route 13) and the center line of Washington Street Extension, thence in a northwesterly direction along the center line of Washington Street Extension to its intersection with the center line of Marsh Road, thence in a northerly direction along the center line of Marsh Road to its intersection with the center line of Baynard Boulevard.

(8) Eighth Representative District. - The 8th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Zebley Road and the center of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the center of the boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Philadelphia Pike, thence in a southwesterly direction along the center line of Philadelphia Pike to its intersection with the center line of Franklin Avenue, thence in a northwesterly direction along the center line of Franklin Avenue to its intersection with the center line of Green Street (or Ridge Avenue), thence in a southwesterly direction along the center line of Green Street (or Ridge Avenue) to its intersection with the center line of Pennsylvania Avenue, thence in a northwesterly direction along the center line of Pennsylvania Avenue to its intersection with the center line of Miles Road, thence in a counter-clockwise direction along the center line of Miles Road to its intersection with the center line of Glen Rock Drive, thence in a northerly direction along the center line of Glen Rock Drive to its intersection with Naaman's Creek South Branch, thence in a northwesterly direction along the center of Naaman's Creek South Branch to its intersection with the center line of the Baltimore and Ohio Railroad, thence in a southwesterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center line of Harvey Road, thence in a northwesterly direction along the center line of Harvey Road to its intersection with the center line of the southeastern boundary of the Town of Arden, thence in a counter-clockwise direction along the center of the boundary of the Town of Arden to its intersection with the center line of Marsh Road, thence in a northerly direction along the center line of Marsh Road to its intersection with the center line extended of Zebley Road, thence in a northwesterly direction along the center line of Zebley Road to its intersection with the center of the boundary between the States of Pennsylvania and Delaware.

(9) Ninth Representative District. - The 9th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Foulk Road and the center of the boundary between the States of Pennsylvania and Delaware, thence in a southeasterly direction along said boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Zebley Road, thence in a southeasterly direction along the center line of Zebley Road extended to its intersection with the center line of Marsh Road, thence in a southerly direction along the center line of Marsh Road to its intersection with the center of the northern boundary of the Town of Arden, thence in a clockwise direction along the center of the boundary of the Town of Arden to its intersection with the center line of Harvey Road, thence in a southeasterly direction along the center line of Harvey Road to its intersection with the center line of the Baltimore and Ohio Railroad, thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the center line extended of Baynard

Boulevard, thence in a westerly direction along the center line of Baynard Boulevard to its intersection with the center line of Marsh Road, thence in a southerly direction along the center line of Marsh Road to its intersection with the center line of the Baltimore and Ohio Railroad, thence in a southwesterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center of Shellpot Creek, thence in a northwesterly direction along the center of Shellpot Creek to its intersection with the center line extended of Weldin Road, thence in a westerly direction along the center line of Weldin Road to its intersection with the center line of Shipley Road, thence in a northwesterly direction along the center line of Shipley Road to its intersection with the center line of Wilson Road, thence in a northeasterly direction along the center line of Wilson Road to its intersection with the center line extended of Graywell Road, thence in a northwesterly direction along the center line of Graywell Road extended to its intersection with the center line of Graylyn Road, thence in a northeasterly direction along the center line extended of Graylyn Road to its intersection with the center line of Silverside Road, thence in a northwesterly direction along the center line of Silverside Road to its intersection with the center line of Foulk Road, thence in a northeasterly direction along the center line of Foulk Road to its intersection with the center of the boundary between the States of Pennsylvania and Delaware.

(10) Tenth Representative District. - The 10th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the middle of Brandywine Creek and the center of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the center of the boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Foulk Road, thence in a southerly direction along the center line of Foulk Road to its intersection with the center line of Silverside Road, thence in a westerly direction along the center line of Silverside Road to its intersection with the center line extended of Capital Avenue, thence in a southerly direction along the center line of Capital Avenue to its intersection with the center line of Roseanna Avenue, thence in an easterly direction along the center line of Roseanna Avenue to its intersection with the center line of Shellpot Drive, thence in a southerly direction along the center line of Shellpot Drive to its intersection with the center line extended of Florence Avenue, thence in a southwesterly direction along the center line extended of Florence Avenue to its intersection with the center line of the northbound lane of Concord Pike (Route 202), thence in a northerly direction along the center line of the northbound lane of Concord Pike (Route 202) to its intersection with the center line extended of Garden of Eden Road, thence in a westerly and northwesterly direction along the center line of Garden of Eden Road to its intersection with the center line of Thompson Bridge Road, thence in a southwesterly direction along the center line of Thompson Bridge Road to its intersection with the middle of the Brandywine Creek, thence in a northwesterly direction along the middle of the Brandywine Creek to its intersection with the center of the boundary between the States of Pennsylvania and Delaware.

(11) Eleventh Representative District. - The 11th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the middle of the Brandywine Creek in the center line of Thompson Bridge Road, thence in a northeasterly direction along the center line of Thompson Bridge Road to its intersection with the center line of Garden of Eden Road, thence in a southwesterly direction along the center line of Garden of Eden Road to its intersection with the center line of the northbound lane of Concord Pike (Route 202), thence in a southerly direction along the center line of the northbound lane of Concord Pike (Route 202) to its intersection with the center line of Florence Avenue, thence in a northeasterly direction along the center line of Florence Avenue to its intersection with the center line of Shellpot Drive, thence in a northwesterly direction along the center line of Shellpot Drive to its intersection with the center line of Roseanna Avenue, thence in a westerly direction along the center line of Roseanna Avenue to its intersection with the center line of Capital Avenue, thence in a northerly direction along the center line of Capital Avenue to its intersection with the center line of Silverside Road, thence in an easterly direction along the center line of Silverside Road to its intersection with the center line of Graylyn Road, thence in a southwesterly direction along the center line of Graylyn Road to its intersection with the center line of Graywell Road, thence in a southeasterly direction along the center line of Graywell Road to its intersection with the center line of Wilson Road, thence in a southwesterly direction along the center line of Wilson Road to its intersection with the center line of Foulk Road, thence in a southwesterly direction along the center line of Foulk Road to its intersection with the center line of Concord Pike (Route 202), thence in a southerly direction along the center line of Concord Pike (Route 202) to its intersection with the center of the northern boundary of the City of Wilmington, thence in a counter-clockwise direction along the northern boundary of the City of Wilmington to its intersection with the middle of the Brandywine Creek, thence in a northerly and westerly direction along the center of the Brandywine Creek to its intersection with the extension of the center line of Brecks Lane, thence in a southwesterly direction along the center line of Brecks Lane to its intersection with the center line of Kennett Pike (Route 52), thence in a northwesterly direction along the center line of Kennett Pike (Route 52) to its intersection with the center line of Kent Road, thence in a southwesterly and westerly direction along the center line of Kent Road to its intersection with the center of the Reading Railroad, thence in a northerly direction along the center of the Reading Railroad to its intersection with the center line of Kennett Pike (Route 52), thence in a northwesterly direction along the center line of Kennett Pike (Route 52) to its intersection with the center line of Kirk Road (Route 82), thence in an easterly and northeasterly direction along the center line of Kirk Road (Route 82) to its intersection with the center line of Rockland Road, thence in a southeasterly

direction along the center line of Rockland Road to its intersection with the middle of the Brandywine Creek, thence in a northeasterly and easterly and northerly direction along the middle of the Brandywine Creek to its intersection with the center line of Thompson Bridge Road.

(7) Twelfth Representative District. - The 12th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Old Wilmington Road and the center of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the center of the boundary between the States of Pennsylvania and Delaware to its intersection with the middle of the Brandywine Creek, thence southerly along the center line of Brandywine Creek by its several courses to its intersection with the center line of Rockland Road, thence in a westerly and southwesterly direction along the center line of Rockland Road to its intersection with the center line of Montehanin Road, thence in a westerly direction along the center line of Kirk Road to its intersection with the center line of Kennett Pike (Route 52), thence in a southeasterly and southerly direction along the center line of Kennett Pike (Route 52) to its intersection with the center line of the Reading Railroad, thence in a southerly direction along the center of the Reading Railroad to its intersection with the center line of Route 141, thence in a westerly and southwesterly direction along the center line of Route 141 to its intersection with the center line of Lancaster Pike (Route 48), thence in a northwesterly direction along the center line of Lancaster Pike (Route 48) to its intersection with the center line of Centerville Road, thence in a southerly direction along the center line of Centerville Road and State Route 141 to its intersection with the middle of the northern boundary of the Town of Newport, thence in a counter-clockwise direction along the northern and western boundary of the Town of Newport to its intersection with the center line of Newport Pike, thence westerly along the center line of Newport Pike to its intersection with the middle of Hershey Run, thence generally northerly along the middle of Hershey Run and its various courses to its intersection with the center line of Kiamensi Road, thence northwesterly along the center line of Kiamensi Road to its intersection with the middle of Red Clay Creek, thence generally northwesterly along the middle of Red Clay Creek to its intersection with the middle of the B&O Railroad, thence northeasterly along the middle of the B&O Railroad to its intersection with the center line of Newport Avenue, thence northwesterly along the center line of Newport Avenue to its intersection with the middle of Red Clay Creek, thence generally northerly along the middle of Red Clay Creek and its various courses to its intersection with the center line of Faulkland Road, thence westerly along the center line of Faulkland Road to its intersection with the center line of Newport-Gap Pike (State Route 41), thence northwesterly along the center line of Newport-Gap Pike (State Route 41) to its intersection with the center line of Millereck Road, thence westerly along the center line of Millereck Road to its intersection with the center line of McKennan's Church Road, thence in a northerly direction along the center line of McKennan's Church Road to its intersection with the center line of Newport-Gap Pike (Route 41), thence continuing in a northerly direction along the center line of Loveville Road to its intersection with the center line of Old Wilmington Road, thence in a northwesterly direction along the center line of Old Wilmington Road to its intersection with the center of the boundary between the States of Pennsylvania and Delaware.

(8) Thirteenth Representative District. - The 13th Representative District shall comprise: All that portion of New Castle County beginning at the intersection of the center lines of Centerville Road and Lancaster Pike (Route 48), thence in a southeasterly direction along the center line of Lancaster Pike (Route 48) to its intersection with the center line of du Pont Road, thence generally southwesterly along the direction along the center line of du Pont Road to its intersection with the center line of Faulkland Road, thence in a westerly direction along the center line of Faulkland Road to its intersection with the center line of Chestnut Run, thence in a southerly direction along Chestnut Run and its various courses to its intersection with the middle of the northwestern boundary of the Town of Elsmere, thence in a southeasterly and easterly direction along the middle of the northwestern boundary of the Town of Elsmere to its intersection with the center line of Spruce Avenue, thence easterly and southwesterly along the center line of Spruce Avenue to its intersection with the center line of Poplar Avenue, thence southerly along the center line of Poplar Avenue to its intersection with the center line of Olga Road, thence northeasterly along the center line of Olga Road to its intersection with the center line of Sanders Road, thence southerly along the center line of Sanders Road to its intersection with the center line of Chestnut Avenue, thence southwesterly along the center line of Chestnut Avenue to its intersection with the center line of Kirkwood Highway (State Route 2), thence westerly along the center line of Kirkwood Highway (State Route 2) to its intersection with the middle of Chestnut Run, thence westerly, southerly and easterly along the middle of Chestnut Run and its various courses to its intersection with the center line extended of Elsmere Street, thence in a southerly direction along the center line extended of Elsmere Street and the center line of Elsmere Street to its intersection with the center line of Glenrich Avenue, thence westerly along the center line of Glenrich Avenue to its intersection with the center line of Newport Street, thence southerly along the center line of Newport Street to its intersection with the center line of Matthes Avenue, thence easterly along the center line of Matthes Avenue to its intersection with the center line of Lake Street, thence southerly along the center line of Lake Street to its intersection with the center line of West Summit Avenue, thence easterly along the center line of West Summit Avenue to its intersection with the center line of South Maryland Avenue, thence in a southwesterly direction along the center line of South Maryland Avenue and Newport Pike to its intersection with the center line of Larch Avenue, thence in a southerly direction along the center line of Larch Avenue to its intersection with the center line of

Ayre Street, thence in a westerly direction along the center line of Ayre Street to its intersection with the eastern boundary of the Town of Newport, thence in a clockwise direction along the eastern boundary of the Town of Newport to its intersection with the center line of Water Street, thence continuing in a clockwise direction along the center of the boundary of the Town of Newport to its intersection with the center of the Pennsylvania Railroad, thence in a westerly direction along the center of the Pennsylvania Railroad to its intersection with the center line of Lindberg Avenue, thence in a northerly direction along the center line of Lindberg Avenue to its intersection with the center line of Newport Pike, thence in a southeasterly direction along the center line of Newport Pike to its intersection with the center line of the western boundary of the Town of Newport, thence in a clockwise direction along the western boundary of the Town of Newport to its intersection with the center line of the northbound lane of Route 141, thence in a northerly direction along the center line of the northbound lane of Route 141 to its intersection with the center line of Centerville Road, thence in a northerly direction along the center line of Centerville Road to its intersection with the center line of Lancaster Pike (Route 48).

(9) Fourteenth Representative District. - The 14th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of duPont Road and the western boundary of the City of Wilmington, thence in a counter-clockwise direction along the western boundary of the City of Wilmington to its intersection with the center line of State Route 2, thence in an easterly direction along the center line of State Route 2 to its intersection with the center line of Rodman Road, thence southeasterly along the center line of Rodman Road to its intersection with the middle of the southern boundary of the City of Wilmington, thence in a counter-clockwise direction along the southern boundary of the City of Wilmington to its intersection with the center line of the Pennsylvania Railroad, thence southwesterly along the center of the Pennsylvania Railroad to its intersection with the extension of the center line of Middleboro Road, thence westerly along the extension of the center line of Middleboro Road and along the center line of Middleboro Road to its intersection with the center line of South du Pont Road, thence northerly along the center line of South du Pont Road to its intersection with the center line of East Reamer Avenue, thence westerly along the center line of East Reamer Avenue to its intersection with the center line of Maryland Avenue, thence northeasterly along the center line of Maryland Avenue to its intersection with the center line of West Summit Avenue, thence westerly along the center line of West Summit Avenue to its intersection with the center line of Lake Street, thence northerly along the center line of Lake Street and along the extension of the center line of Lake Street to its intersection with the center line of Matthes Avenue, thence westerly along the center line of Matthes Avenue to its intersection with the center line of Newport Street, thence northerly along the center line of Newport Street to its intersection with the center line of Glenrich Avenue, thence easterly along the center line of Glenrich Avenue to its intersection with the center line of Elsmere Street, thence northerly along the center line of Elsmere Street extended to its intersection with the middle of Chestnut Run, thence westerly, northerly and easterly along the middle of Chestnut Run and its various courses to its intersection with the center line of Kirkwood Highway (State Route 2), thence easterly along the center line of Kirkwood Highway (State Route 2) to its intersection with the center line of Chestnut Avenue, thence northeasterly along the center line of Chestnut Avenue to its intersection with the center line of Sanders Road, thence northerly along the center line of Sanders Road to its intersection with the center line of Olga Road, thence southwesterly along the center line of Olga Road to its intersection with the center line of Poplar Avenue, thence northerly along the center line of Poplar Avenue to its intersection with the center line of Spruce Avenue, thence westerly and northeasterly along the center line of Spruce Avenue to its intersection with the middle of the northwestern boundary of the Town of Elsmere, thence in a westerly and northwesterly direction along the middle of the northwestern boundary of the Town of Elsmere to its intersection with the middle of Chestnut Run, thence in a northerly direction along Chestnut Run and its various courses to its intersection with the center line of Faulkland Road, thence in an easterly direction along Faulkland Road to its intersection with the center line of duPont Road.

(10) Fifteenth Representative District. - The 15th Representative District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Memorial Avenue and the southbound lane of duPont Parkway (Route 13), thence in a southwesterly direction along the center line of the southbound lane of duPont Parkway (Route 13) to its intersection with the center line of Christiana Turnpike (Route 273), thence in a westerly direction along the center line of Christiana Turnpike (Route 273) to its intersection with the center line of Edinburgh Drive, thence in a northerly direction along the center line of Edinburgh Drive to its intersection with the center line of Doncaster Drive, thence in a northeasterly direction along the center line of Doncaster Drive to its intersection with the center line of Freeport Road, thence in a northwesterly direction along the center line of Freeport Road to its intersection with the center line of East Edinburgh Drive, thence in a northwesterly direction along East Edinburgh Drive to its intersection with the center line of Airport Road, thence in a northeasterly direction along the center line of Airport Road to its intersection with the center of a branch of the White Clay Creek situated between East Edinburgh Drive and Bradbury Drive, thence in a northwesterly direction along said branch of the White Clay Creek to its intersection with the center of the White Clay Creek, thence in a northerly direction along the middle of White Clay Creek and its various courses to its intersection with the southern boundary of the Town of Newport, thence in a counter-clockwise

direction along the southern and eastern boundary of the Town of Newport to its intersection with Ayre Street, thence in an easterly direction along the center line of Ayre Street to its intersection with the center line of Larch Avenue, thence in a northerly direction along the center line of Larch Avenue to its intersection with the center line of East Newport Pike, thence in a northeasterly direction along the center line of East Newport Pike and South Maryland Avenue to its intersection with the center line of East Reamer Avenue, thence easterly along the center line of East Reamer Avenue to its intersection with the center line of South du Pont Road, thence southerly along the center line of South du Pont Road to its intersection with the center line of Middleboro Road, thence easterly along the center line of Middleboro Road and along the extension of the center line of Middleboro Road to its intersection with the middle of the Pennsylvania Railroad, thence northeasterly along the middle of the Pennsylvania Railroad to its intersection with the southern boundary of the City of Wilmington, thence in a counter-clockwise direction along the southern boundary of the City of Wilmington to its intersection with the center line of New Castle Avenue (Route 9), thence southerly along the center line of New Castle Avenue (Route 9) to its intersection with the center line of Pyle's Lane, thence easterly along the center line of Pyle's Lane to its intersection with the center of the Reading Railroad, thence southeasterly along the center of the Reading Railroad to its intersection with the center line of Lambson Lane, thence westerly along the center line of Lambson Lane to its intersection with the center line of New Castle Avenue (Route 9), thence southerly along the center line of New Castle Avenue (Route 9) to its intersection with the center line of Memorial Drive, thence in a northwesterly direction along the center line of Memorial Drive to its intersection with the center line of the southbound lane of the du Pont Parkway (Route 13).

(11) Sixteenth Representative District. - The 16th Representative District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of the southbound lane of the duPont Parkway (Route 13) and the center line of Memorial Avenue, thence in a southwesterly direction along the center line of Memorial Avenue to its intersection with the center line of New Castle Avenue (Route 9), thence in a northerly direction along the center line of New Castle Avenue (Route 9) to its intersection with the center line of Lambson Lane, thence in an easterly and southeasterly direction along the center line of Lambson Lane to its intersection with the center of the boundary of the City of Wilmington, thence in a southeasterly direction along the center of the boundary of the City of Wilmington to its intersection with the center of the boundary between the States of New Jersey and Delaware, thence in a southerly and southeasterly direction along the boundary between the States of New Jersey and Delaware to its intersection with the extension of the center line of Buttonwood Avenue, thence in a northwesterly direction along the extension of the center line of Buttonwood Avenue to its intersection with the northern boundary of the Town of New Castle, thence in a counter-clockwise direction along the northern boundary of the Town of New Castle to its intersection with the Pennsylvania Railroad, thence in a northerly direction along the center of the Pennsylvania Railroad to its intersection with the extension of the center line of Colgate Avenue, thence in a westerly direction along the center line of Colgate Avenue to its intersection with the center line of Booth Drive, thence in a northerly direction along the center line of Booth Drive to its intersection with the center line of Lesley Lane, thence in an easterly and northerly direction along Lesley Lane to its second intersection with the center line of Morrison Road, thence in a southwesterly direction along Fithian Drive to its intersection with the center line of Roosevelt Avenue, thence in a northwesterly direction along the center line of Roosevelt Avenue to its intersection with the center line of the southbound lane of duPont Highway (Route 13), thence in a northeasterly direction along the southbound lane of duPont Highway (Route 13) to its intersection with the center line of Memorial Drive.

(12) Seventeenth Representative District. - The 17th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the extension of the center of the northern boundary of the Town of New Castle and the boundary between the States of New Jersey and Delaware, thence in a southerly direction along the center of the boundary between the States of New Jersey and Delaware to its intersection with the extension of an imaginary line extending from the point of tangency of the eastern boundary line of Delaware City and the Delaware River said line extending thence through the middle of Fort Delaware to its intersection with the middle of the boundary between the States of New Jersey and Delaware, thence southwesterly along said imaginary line to its point of tangency with the eastern boundary of Delaware City just south of Canal Street, thence in a clockwise direction along the eastern, southern and western boundary of Delaware City to its intersection with the middle of Dragon Run, thence southwesterly and westerly along the middle of Dragon Run and its various courses to its intersection with the middle of McCoy Road (County Route 407), thence northeasterly along the center line of McCoy Road (County Route 407) to its intersection with the center line of Stewarts Road (County Route 356), thence easterly along the center line of Stewarts Road (County Route 356) to its intersection with the center line of the southbound lane of U.S. Route 13, thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the middle of Red Lion Creek, thence westerly generally along the middle of Red Lion Creek to its intersection with the center line of State Route 71, thence northerly along the center line of State Route 71 to its intersection with the center line of State Route 7, thence northerly along the center line of State Route 7 to its intersection with the center line of the Pulaski Highway (U.S. Route 40), thence northeasterly along the center line of the Pulaski Highway (U.S. Route 40) to its intersection with the center of the southbound lane of duPont Parkway (Route 13) to its intersection with the center line of Roosevelt Avenue, thence in a southwesterly direction along the center line of

Roosevelt Avenue to its intersection with the center line of Fithian Drive, thence in an easterly direction along the center line of Fithian Drive to its intersection with the center line of Morrison Road and Lesley Lane, thence in a clockwise direction along the center line of Lesley Lane to its intersection with the center line of Booth Drive, thence in a southerly direction along the center line of Booth Drive to its intersection with the center line of Colgate Avenue, thence in an easterly direction along the center line extended of Colgate Avenue to its intersection with the Pennsylvania Railroad, thence southerly along the center of the Pennsylvania Railroad to its intersection and first point of tangency with the western boundary of the Town of New Castle, thence in a clockwise direction along the center of the northern boundary of the Town of New Castle extended to its intersection with the center of the boundary between the States of New Jersey and Delaware.

(13) Eighteenth Representative District. - The 18th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the southbound lane of duPont Highway (Route 13) and the center line of Christiana Road (Route 273), thence southwesterly along the center line of the southbound lane of duPont Highway (Route 13) to its intersection with the center line of the southbound lane of U.S. Highway 40, thence in a southwesterly direction along the center line of the southbound lane of U.S. Highway 40 to its intersection with the center line of State Route 7, thence northerly and westerly along the center line of State Route 7 to its intersection with the center line of Christiana Road (County Route 18) at Christiana, thence continuing northwesterly along the center line of Christiana Road (County Route 18) to its intersection with the center line of New Harmony Road (County Route 355), thence generally in a northwesterly direction along the center line of New Harmony Road to its intersection with the center of White Clay Creek, thence generally in an easterly direction along the center of White Clay Creek and its various courses to its intersection with the middle of the Pennsylvania Railroad, thence in a northeasterly direction along the middle of the Pennsylvania Railroad to its intersection and point of tangency with the southern boundary of the Town of Newport, thence counter-clockwise along the center of the southern boundary of the Town of Newport to its intersection with the Christina River, thence generally in a southwesterly direction along the center of the Christina River and its various courses to its intersection with a branch of the Christina River situated between Bradbury Drive and Dunsinane Drive, thence in a southeasterly direction along said branch of the Christina River to its intersection with the center of Airport Road, thence in a southwesterly direction along the center line of Airport Road to its intersection with the center line of East Edinburgh Drive, thence in a southeasterly direction along the center of East Edinburgh Drive to its intersection with the center line of Freeport Road, thence southeasterly along the center line of Freeport Road to its intersection with the center line of Doncaster Road, thence in a southwesterly direction along the center line of Doncaster Road to its intersection with the center line of Edinburgh Drive, thence in a southerly direction along the center line of Edinburgh Drive to its intersection with the center line of Christiana Road (Route 273), thence easterly along the center line of Christiana Road (Route 273) to its intersection with the center line of the southbound lane of duPont Highway (Route 13).

(14) Nineteenth Representative District. - The 19th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the Kirkwood Highway (Route 2) and the middle of Mill Creek, thence generally in a southerly direction along Mill Creek and its various courses to its intersection with the middle of the Baltimore and Ohio Railroad, thence in a northeasterly direction along the middle of the Baltimore and Ohio Railroad to its intersection with the center line extended of Prospect Avenue, thence in a northerly direction along the center line of Prospect Avenue to its intersection with the center line of Chestnut Street, thence generally in a westerly and northwesterly direction along the center line of Chestnut Street Highland Avenue to its intersection with the center line of Delaware Street, thence in an easterly direction along the center line of Delaware Street to its intersection with the center line of Prospect Avenue, thence in a northerly direction along the center line of Prospect Avenue to its intersection with the center line of Old Capitol Trail, thence generally in a westerly direction along the center line of Old Capitol Trail to its intersection with the center line of the Kirkwood Highway (Route 2), thence in a northeasterly direction along the center line of the Kirkwood Highway (Route 2) to its intersection with the center line of Farrand Drive, thence in a northwesterly direction along the center line of Farrand Drive to its intersection with the center line of Hammond Place, thence in a westerly direction along the center line of Hammond Place to its intersection with the center line of Owen Drive, thence generally in a northerly direction along the center line of Owen Drive to its intersection with the center line of Milltown Road, thence along an imaginary line extending from the intersection of Owen Drive and Milltown Road to the southernmost point in the center line of Dorchester Drive, thence from said point in the center line of Dorchester Drive along an imaginary line extending across the Delaware County Recreation Center to the intersection of the center lines of McKennan's Church Road and Dunbar Road, thence southeasterly along the center line of McKennan's Church Road to its intersection with the center line of Millcreek Road, thence easterly along the center line of Millcreek Road to its intersection with the center line of Newport-Gap Pike (Route 41), thence southeasterly along the center line of Newport-Gap Pike (Route 41) to its intersection with the center line of Faulkland Road, thence generally easterly along the center line of Faulkland Road to its intersection with the middle of Red Clay Creek, thence generally southerly along the middle of Red Clay Creek and its various courses to its intersection with the center line of Newport Avenue, thence southeasterly along the center line of Newport Avenue to its intersection with the center of the Baltimore and Ohio Railroad,

thence southwesterly along the center of the Baltimore and Ohio Railroad to its intersection with the middle of the Red Clay Creek, thence generally southeasterly along the middle of the Red Clay Creek to its intersection with the center line of Kiamensi Road, thence generally southeasterly along the center line of Kiamensi Road to its intersection with the middle of Hershey Run, thence generally southerly along the center of Hershey Run and its various courses to its intersection with the center line of Newport Pike, thence southeasterly along the center line of Newport Pike to its intersection with the center line of Lindburgh Avenue, thence southerly along the center line of Lindburgh Avenue to its intersection with the middle of the Pennsylvania Railroad, thence westerly along the middle of the Pennsylvania Railroad to its intersection with the middle of the White Clay Creek, thence generally westerly along the middle of the White Clay Creek and its various courses to its intersection with the center line of Old Harmony Road, thence northerly along the center line of Old Harmony Road to its intersection with the center line of Capitol Trail (Route 2), thence northeasterly along the center line of Capitol Trail (Route 2) to its intersection with the center of Mill Creek.

(15) Twentieth Representative District. - The 20th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center of the boundary between the States of Pennsylvania and Delaware and the center line of Old Wilmington Road, thence generally southwesterly along the center line of Old Wilmington Road to its intersection with the center line of Loveville Road, thence southerly along the center line of Loveville Road to the intersection of the center lines of Loveville Road, Newport-Gap Pike and McKennan's Church Road, thence southerly along the center line of McKennan's Church Road to its intersection with the center line of Duncan Road, thence southerly along an imaginary line extending across Delecastle County Recreation Center to its intersection with the southernmost point in the center line of Doreaster Drive, thence extending along an imaginary line from the southernmost point in the center line of Doreaster Drive to the intersection of the center lines of Milltown Road and Owen Drive, thence generally southerly thence generally southerly along the center line of Owen Drive to its intersection with the center line of Hammond Place, thence easterly along the center line of Hammond Place to its intersection with the center line of Farrand Drive, thence southeasterly along the center line of Farrand Drive to its intersection with the center line of Kirkwood Highway (Route 2), thence southeasterly along the center line of Kirkwood Highway (Route 2) to its intersection with the center line of Old Capitol Trail, thence easterly along the center line of Old Capitol Trail to its intersection with the center line of Prospect Avenue, thence southerly along the center line of Prospect Avenue to its intersection with the center line of Delaware Street, thence westerly along the center line of Delaware Street to its intersection with the center line of Woodland Avenue, thence southerly along the center line of Woodland Avenue to its intersection with the center line of Chestnut Street, thence easterly along the center line of Chestnut Street to its intersection with the center line of Prospect Avenue, thence southerly along the extension of the center line of Prospect Avenue to its intersection with the middle of the Baltimore and Ohio Railroad, thence generally southwesterly along the middle of the Baltimore and Ohio Railroad to its intersection with the middle of Mill Creek, thence generally northerly along the middle of Mill Creek and its various courses to its intersection with the center line of Milltown Road, thence northeasterly along the center line of Milltown Road to its intersection with the center line of Limestone Road (Route 7), thence northwesterly along the center line of Limestone Road (Route 7) to its intersection with the middle of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the middle of the boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Old Wilmington Road.

(16) Twenty-First Representative District. - The 21st Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of the Kirkwood Highway (Route 2) and the center of Mill Creek, thence southwesterly along the center line of the Kirkwood Highway (Route 2) to its intersection with the center line of North Old Harmony Road, thence generally in a southeasterly direction along the center line of North Old Harmony Road to its intersection with the center line of Ogletown-Stanton Road, thence in a southwesterly direction along Ogletown-Stanton Road to its intersection with the center line of Red Mill Road, thence generally northwesterly along the center line of Red Mill Road to its intersection with the middle of White Clay Creek, thence generally westerly along White Clay Creek and its various courses to its intersection with the center line of Capitol Trail (Route 2), thence northeasterly along the center line of Capitol Trail (Route 2) to its intersection with the center of Middle Run, thence generally northerly along the center of Middle Run to its intersection with the center line of Fox Den Road, thence easterly along the center line of Fox Den Road to its intersection with the center line of Polly Drummond-Ebernezer Church Road, thence northerly along the center line of Ebernezer Church Road to its intersection with the center line of Arlington Street, thence easterly along the center line of Arlington Street to its intersection with the center line of Ware Road, thence generally southeasterly along the center line of Ware Road to its intersection with the center line of White Clay Creek, thence easterly along the center line of White Clay Creek to its intersection with the center line of Boyd's Valley Drive, thence in a clockwise direction along the center line of Boyd's Valley Drive to its intersection with the center line of New Linden Hill Road, thence northeasterly along the center line of New Linden Hill Road to its intersection with the center line of Limestone Road (Route 7), thence southeasterly along the center line of Limestone Road (Route 7) to its intersection with the center line of Milltown Road,

thence southwesterly along the center line of Milltown Road to its intersection with the middle of Mill Creek, thence generally southerly along the middle of Mill Creek and its various courses to its intersection with the center line of the Kirkwood Highway (Route 2).

(17) Twenty-Second Representative District. - The 22nd Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the boundary between the States of Pennsylvania and Delaware and the center line of Limestone Road (Route 7), thence southeasterly along the center line of Limestone Road (Route 7) to its intersection with the center line of New Linden Hill Road, thence southerly along the center line of New Linden Hill Road to its intersection with the center line of Boyd's Valley Drive, thence generally northerly along the center line of Boyd's Valley Drive to its intersection with the center line of Vantage Court, thence generally westerly continuing along the center line of Boyd's Valley Drive to its intersection with the center line of White Clay Crescent, thence westerly along the center line of White Clay Crescent to its intersection with the center line of Ware Road, thence northerly along the center line of Ware Road to its intersection with the center line of Arlington Street, thence westerly along the center line of Arlington Street to its intersection with the center line of Polly Drummond Hill Road, thence southerly along the center line of Polly Drummond Hill Road to its intersection with the center line of Fox Den Road, thence westerly along the center line of Fox Den Road to its intersection with the center of Middle Run, thence generally southerly along Middle Run and its various courses to its intersection with the center line of Capitol Trail (Route 2), thence westerly along the center line of Capitol Trail (Route 2) to its intersection with the middle of the White Clay Creek, thence generally easterly along the middle of White Clay Creek and various courses to its intersection with the center line of North College Avenue, thence southerly along the center line of North College Avenue to its intersection with the center line of Ray Street, thence westerly along the center line of Ray Street to its intersection with the center line of Route 896, thence northwesterly along the center line of Route 896 to its intersection with the center line of the entrance to Christiana Towers north of Grays Avenue, thence from said intersection along an imaginary line to the intersection of the center line of White Creek Road (County Route 311) and the middle of the northern boundary line of the City of Newark, thence in a counter-clockwise direction along the middle of the northern and western boundary line of the City of Newark to its intersection with the center line of Windsor Drive, thence westerly along the center line of Windsor Drive to its intersection with the center line of Delrem Drive, thence southerly along the center line of Delrem Drive to its intersection with the center line of State Route 273-Nottingham Road, thence northwesterly along the center line of State Route 273-Nottingham Road to its intersection with the middle of the boundary between the States of Maryland and Delaware, thence northerly along the middle of the boundary between the States of Maryland and Delaware to its intersection with the boundary between the States of Pennsylvania and Delaware, thence easterly and in a clockwise direction along the middle of the boundary between the States of Pennsylvania and Delaware to the place of beginning.

(18) Twenty-Third Representative District. - The 23rd Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the middle of the boundary between the States of Maryland and Delaware and the center line of State Route 273-Nottingham Road, thence southeasterly along the center line of State Route 273-Nottingham Road to its intersection with the center line of Delrem Drive, thence northerly along the center line of Delrem Drive to its intersection with the center line of Windsor Drive, thence easterly along the center line of Windsor Drive to its intersection with the center line of the middle of the western boundary of the City of Newark, thence in a clockwise direction along the western and northern boundary of the City of Newark to its intersection with Creek Road-County Route 311, thence along an imaginary line in a southwesterly direction to a point in the intersection of the center line of the entrance to Christiana Towers and the center line of Route 896 just north of Grays Avenue, thence southeasterly along the center line of Route 896 to its intersection with the center line of Ray Street, thence easterly along the center line of Ray Street to its intersection with the center line of North College Avenue, thence northerly along the center line of North College Avenue to its intersection with the middle of White Clay Creek, thence generally easterly along the middle of White Clay Creek to its intersection with the center line extended of McKee's Lane, thence southerly along the extension of the center line of McKee's Lane and along the center line of McKee's Lane to its intersection with the center line of East Main Street, thence easterly along the center line of East Main Street to its intersection with the center line of Elkton Road, thence southerly along the center line of Elkton Road to its intersection with the center line of West Park Place, thence easterly along the center line of West Park Place to its intersection with the center line of Route 896, thence southerly along the center line of Route 896 to its intersection with the middle of the Pennsylvania Railroad, thence southwesterly along the middle of the Pennsylvania Railroad to its intersection with the middle of the Christina River, thence generally southeasterly along the middle of the Christina River and its various courses to its intersection with Persimmon Run, thence generally southwesterly along the middle of Persimmon Run to its intersection with the center line of Ott's Chapel Road (County Route 397), thence southerly along the center line of Ott's Chapel Road (County Route 397) to its intersection with the center line of Interstate Route 95, thence westerly along the center line of Interstate Route 95 to its intersection with the middle of the boundary between the States of Maryland and Delaware, thence northerly along the middle of the boundary between the States of Maryland and Delaware to the place of beginning.

(19) **Twenty-Fourth Representative District.** - The 24th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the middle of the Pennsylvania Railroad and the center line of Red Mill Road, thence southeasterly along the center line of Red Mill Road to its intersection with the center line of Ogletown Road, thence southwesterly along the center line of Ogletown Road to its intersection with the center line of Salem Church Road, thence southerly along the center line of Salem Church Road to its intersection with the center line of Old Baltimore Pike, thence westerly along the center line of Old Baltimore Pike to its intersection with the center line of Salem Church Road, thence southerly along the center line of Salem Church Road to its intersection with the center line of the Pulaski Highway (U.S. Route 40), thence southwesterly along the center line of the Pulaski Highway (U.S. Route 40) to its intersection with the center line of Route 896, thence northerly along the center line of Route 896 to its intersection with the center line of U.S. Route 95, thence easterly along the center line of U.S. Route 95 to its intersection with the center line of South Chapel Street, thence northerly along the center line of South Chapel Street to its intersection with the center line of Chestnut Hill Road thence easterly along the center line of Chestnut Hill Road to its intersection with the center line of Old Newark Road, thence northwesterly and westerly along the center line of Old Newark Road to its intersection with the center line of Marrows Road, thence generally northerly along the center line of Marrows Road to its intersection with the center line of Route 273-Ogletown Road, thence westerly along the center line of Route 273-Ogletown Road to its intersection with the extension of the center line of McKee's Lane, thence northerly along the extension of the center line of McKee's Lane and along the center line of McKee's Lane to its intersection with the middle of the White Clay Creek, thence generally easterly along the middle of the White Clay Creek to its intersection with the center line of Red Mill Road, thence southeasterly along the center line of Red Mill Road to the place of beginning.

(20) **Twenty-Fifth Representative District.** - The 25th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of South Chapel Street and the center line of U.S. Interstate 95, thence westerly along the center line of U.S. Interstate 95 to its intersection with the center line of Welsh Tract Road (County Route 367), thence southwesterly along the center line of Welsh Tract Road (County Route 367) to its intersection with the center line of Ott's Chapel Road (County Route 397), thence northerly along the center line of Ott's Chapel Road (County Route 397) to its intersection with the middle of Persimmon Run, thence generally northeasterly along the middle of Persimmon Run to its intersection with the middle of the Christina River, thence northwesterly along the middle of the Christina River to its intersection with the center of the Pennsylvania Railroad, thence northeasterly along the middle of the Pennsylvania Railroad to its intersection with the center line of Route 896, thence northerly along the center line of Route 896 to its intersection with the center line of West Park Place, thence westerly along the center line of West Park Place to its intersection with the center line of Elkton Road, thence northeasterly and easterly along the center line of Elkton Road to its intersection with the center line of East Main Street, thence in an easterly direction along the center line of East Main Street to its intersection with the center line of State Route 273 (Ogletown Road), thence easterly along the center line of State Route 273 (Ogletown Road) to its intersection with the center line of Marrows Road, thence southerly along the center line of Marrows Road to its intersection with the center line of Old Newark Road, thence easterly and southerly along the center line of Old Newark Road to its intersection with the center line of Chestnut Hill Road, thence generally southwesterly along the center line of Chestnut Hill Road to its intersection with the center line of South Chapel Street, thence southerly along the center line of South Chapel Street to the place of beginning.

(21) **Twenty-Sixth Representative District.** - The 26th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center lines of Ogletown-Stanton Road and Salem Church Road, thence northeasterly along the center line of Ogletown-Stanton Road to its intersection with the center line of Harmony Road, thence southwesterly along the center line of Harmony Road to its intersection with the center line of Christiana Road, thence generally southeasterly along the center line of Christiana Road to its intersection with the center line of State Route 7 at Christiana, thence southeasterly and southerly along the center line of State Route 7 (Christiana Bear Road) to its intersection with the center line of State Route 71, thence southwesterly along the center line of State Route 71 to its intersection with the middle of Red Lion Creek, thence generally westerly along the center line of Red Lion Creek to its intersection with the center of the Newark and Delaware City branch of the Pennsylvania Railroad, thence northwesterly along the middle of the Newark and Delaware City branch of the Pennsylvania Railroad to its intersection with the center line of Porter Road, thence northeasterly and northerly along the center line of Porter Road to its intersection at U.S. Route 40 with the center line of Salem Church Road, thence northwesterly and northerly along the center line of Salem Church Road to its intersection with the center line of Old Baltimore Pike, thence easterly along the center line of Old Baltimore Pike to its intersection with the center line of Salem Church Road, thence northerly along the center line of Salem Church Road to the place of beginning.

(22) **Twenty-Seventh Representative District.** - The 27th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the middle of the boundary between the States of Maryland and Delaware and the center line

of the John F. Kennedy Memorial Highway (U.S. Interstate 95), thence northeasterly along the center line of the John F. Kennedy Memorial Highway (U.S. Interstate 95) to its intersection with the center line of Ott's Chapel Road, thence southerly along the center line of Ott's Chapel Road to its intersection with the center line of Welsh Tract Road, thence easterly and northeasterly along the center line of Welsh Tract Road to its intersection with the center line of the John F. Kennedy Memorial Highway (U.S. Interstate 95), thence easterly along the center line of the John F. Kennedy Memorial Highway (U.S. Interstate 95) to its intersection with the center line of Route 896, thence southerly along the center line of Route 896 to its intersection with the center line of the Pulaski Highway (U.S. Route 40), thence easterly along the Pulaski Highway (U.S. Route 40) to its intersection with the center line of Porter Road, thence generally southerly along the center line of Porter Road to its intersection with the middle of the Newark and Delaware City branch of the Pennsylvania Railroad, thence southeasterly along the middle of the Newark and Delaware City branch of the Pennsylvania Railroad to its intersection with the middle of Red Lion Creek, thence easterly and northeasterly along the middle of Red Lion Creek and its various courses to its intersection with the center line of the southbound lane of U.S. Route 13, thence southerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of Stewarts Road (County Route 356), thence westerly along the center line of Stewarts Road (County Route 356) to its intersection with the center line of McCoy Road (County Route 407), thence southerly along the center line of McCoy Road (County Route 407) to its intersection with the middle of Dragon Run, thence generally easterly along the middle of Dragon Run and its various courses to its intersection with the center line of the middle of the western boundary of Delaware City, thence in a counter-clockwise direction along the middle of the western, southern and eastern boundary of Delaware City to its first point of tangency with the Delaware River just south of Canal Street, thence along an imaginary line from said point of tangency extending northeastward through the center of Fort Delaware and intersecting the middle of the boundary between the States of New Jersey and Delaware, thence southerly along the center line of the boundary between the States of New Jersey and Delaware to a point where the imaginary extension of the center line of the Appoquinimink River at the Delaware River intersects with the boundary between the States of New Jersey and Delaware, thence continuing along and with the imaginary extension of the said center line of the Appoquinimink River and along the Appoquinimink River westerly to its intersection with the center of the boundary between the States of Maryland and Delaware, thence northerly along the center of the boundary between the States of Maryland and Delaware to its intersection with the center line of the John F. Kennedy Memorial Highway (Interstate 95).

(23) Twenty-Eighth Representative District. - The 28th Representative District shall comprise: All those portions of New Castle County and Kent County bounded by a line beginning at the intersection of the center of the boundary between the States of Maryland and Delaware and the boundary line between St. George's Hundred and Appoquinimink Hundred, in a generally easterly direction along and with the boundary line between St. George's Hundred and Appoquinimink Hundred extended along an imaginary line beginning at the mouth of the Appoquinimink River and extending to a point opposite the mouth of the Appoquinimink River in the center of the boundary between the States of New Jersey and Delaware, thence southeasterly along the boundary in Delaware Bay between the States of New Jersey and Delaware to a point opposite the mouth of the Leipsic River, thence westerly along said imaginary line to the Leipsic River and easterly along the middle of the Leipsic River and its various courses to its intersection with the center of the western boundary of the Town of Leipsic, thence in a counter-clockwise direction along the center of the boundary of the Town of Leipsic to its intersection with the center line of State Route 9, thence northerly along the center line of State Route 9 to its intersection with the center line of County Route 12, thence generally northwesterly along the center line of State Route 12 to its intersection with the center line of County Route 325, thence generally southwesterly along the center line of County Route 325 to its intersection with the center line of the southbound lane of U.S. Route 13, thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center of the boundary of the Town of Smyrna, thence in a clockwise direction along the center of the boundary of the Town of Smyrna to its intersection with County Route 90, thence in a southwesterly direction along the center line of County Route 90 to its intersection with the middle of the Pennsylvania Railroad, thence in a northwesterly direction along the middle of the Pennsylvania Railroad to its intersection with the middle of Mill Creek, thence in a generally southwesterly direction along the middle of Mill Creek and its various courses to its intersection with the center line of State Route 300, thence in a generally northerly direction along the center line of State Route 300 to its intersection with the center of the boundary of the Town of Clayton, thence in a clockwise direction along the center of the boundary of the Town of Clayton to its intersection with the center of the boundary between New Castle County and Kent County, thence in a westerly direction along the center of the boundary between New Castle County and Kent County to its intersection with the center of the boundary between the States of Maryland and Delaware, thence northerly along the center of the boundary between the States of Maryland and Delaware to the place of beginning.

§832. Boundaries of the General Assembly Senatorial Districts Situate Primarily in New Castle County Primarily Outside the City of Wilmington.

The boundaries of the several Senatorial Districts situate primarily in New Castle County and primarily outside the City of Wilmington shall be as follows:

(4) Fourth Senatorial District. - The Fourth Senatorial District shall comprise: all that portion of New Castle County bounded by a line beginning at the intersection of the Philadelphia Pike (U.S. Route 13) and the boundary between the States of Delaware and Pennsylvania, thence in a southwesterly direction along the center line of Philadelphia Pike (U.S. Route 13) to its intersection with Harvey Road, thence in a northwesterly direction along the center line of Harvey Road, which becomes Grubb Road, thence in a northwesterly direction along the center line of Grubb Road to its intersection with the center line of The Highway, thence along the center line of The Highway in a southwesterly direction to its intersection with the center line of Sherwood Road, thence in a northwesterly direction along the center line of Sherwood Road to its intersection with the center line of Hillside Road, thence in a southwesterly direction along the center line of Hillside Road to its intersection with the center line of Sherwood Road, thence in a northwesterly direction along the center line of Sherwood Road to its intersection with Grubb Road, thence northwesterly along the center line of Grubb Road to its intersection with Marsh Road, thence southwesterly along the center line of Wilson Road to its intersection with Shipley Road, thence northwesterly along the center line of Shipley Road to its intersection with the center line of Alders Drive, thence in a southerly direction along the center line of Alders Drive to its intersection with the center line of Hearn Road, thence in a southerly direction along the center line of Hearn Road to its intersection with the center line of Fairfax Boulevard, thence easterly and southeasterly along the center line of Fairfax Boulevard to its intersection with Sandra Road, thence southwesterly along the center line of Sandra Road to its intersection with Thomas Road, thence southerly along the center line of Thomas Road to its intersection with Murphy Road, thence northeasterly along the center line of Murphy Road to its intersection with Foulk Road, thence southwesterly along the center line of Foulk Road to its intersection with the center line of Weldin Road, thence easterly along the center line of Weldin Road to its intersection with Talley Road to its intersection with the Baltimore and Ohio Railroad Tracks, thence northeasterly along the center line of the right of way of the Baltimore and Ohio Railroad Tracks to its intersection with Bellevue Hill Road, thence southerly along the center line of Bellevue Hill Road to its intersection with the Philadelphia Pike (U.S. 13), thence along the center line of the Philadelphia Pike (U.S. 13), northeasterly to its intersection with the center line of Calvin Road in a southerly direction to its intersection with Brandywine Boulevard, thence southwesterly along the center line of Brandywine Boulevard to its intersection with Rodman Road, thence along the center line of Rodman Road in a northwesterly direction to its intersection with Philadelphia Pike (Route 13), thence southeasterly along the center line of Philadelphia Pike (U.S. 13) to its intersection of the center line of Edgemoor Road, thence southeasterly along the center line of Edgemoor Road extended to its intersection with the boundary line between the States of Delaware and New Jersey, thence northerly along said boundary line to its intersection with the boundary line between the States of Delaware and Pennsylvania, thence northwesterly along said boundary to the place of beginning.

(5) Fifth Senatorial District. - The Fifth Senatorial District shall comprise: all that portion of New Castle County bounded by a line beginning at the intersection of Philadelphia Pike (Route 13) and the boundary between the States of Delaware and Pennsylvania, thence along said boundary in a northwesterly direction to the intersection with Zebley Road, thence southeasterly along the center line of Zebley Road to its intersection with Marsh Road, thence southerly along the center line of Marsh Road to its intersection with Naamans Road, thence in a westerly direction along the center line of Naamans Road to its intersection with Foulk Road, thence in a southwesterly direction along the center line of Foulk Road to its intersection with Grubb Road, thence along the center line of Grubb Road northwesterly to its intersection with Weatheron Drive, thence southerly along the center line of Weatheron Drive to its intersection with Raven Road, thence along the center line of Raven Road southwesterly to its intersection with Kingman Drive to its intersection with Silverside Road to its intersection with Shipley Road, thence southerly along the center line of Shipley Road to its intersection with Wilson Road, thence northeasterly along the center line of Wilson Road to its intersection with Marsh Road, thence northeasterly along the center line of Marsh Road to its intersection with Grubb Road, thence in an easterly direction along the center line of Grubb Road to its intersection with Sherwood Road, thence southeasterly along the center line of Sherwood Road to its intersection with Hillside Road, thence southerly along the center line of Hillside Road to its intersection with Sherwood Road, thence along the center line of Sherwood Road in a southeasterly direction to its intersection with The Highway, thence northeasterly along the center line of The Highway to its intersection with Grubb Road, thence along the center line of Grubb Road, which become Harvey Road, southeasterly to its intersection with the center line of Philadelphia Pike (U.S. Route 13), thence northeasterly along the center line of Philadelphia Pike (U.S. 13) to the place of beginning.

(6) Sixth Senatorial District - The 6th Senatorial District shall comprise all that portion of New Castle County bounded by a line beginning at the intersection of the center line of the Concord Pike (Route 202) with the center line of Foulk Road, thence in a northerly direction along the center line of Foulk Road to its intersection with the center line of Murphy Road, thence in a westerly direction along the center line of Murphy Road to its intersection with the center line of Thomas Road, thence in a northerly direction along the center line of Thomas Road to its intersection with the center line of Sandra Road, thence in an easterly direction along the center line of Sandra Road to its intersection with the center line of Fairfax Road, thence in a northerly direction along center line of Fairfax Road to its intersection with the center line of Hearn Road, thence in northerly

direction along the center line of Hearn Road to its intersection with the center line of Alders Road, thence in a northeasterly direction along the center line of Alders Road to its intersection with the center line of Shipley Road, thence in a northerly direction along the center line of Shipley Road to its intersection with the center line of Silverside Road, thence in a northeasterly direction along the center line of Silverside Road to its intersection with the center line of Kingman Road, thence northwesterly direction along the center line of Kingman Road to its intersection with the center line of Raven Road, thence in a northeasterly direction along the center line of Raven Road to its intersection with the center line of Weatherton Drive, thence in a northeasterly direction along the center line of Weatherton Drive to its intersection with the center line of Grubb Road, thence in a southeasterly direction along the center line of Grubb Road to its intersection with the center line of Foulk Road, thence in a northerly direction along the center line of Foulk Road to its intersection with the center line of Naamans Road, thence in an easterly direction along the center line of Naamans Road to its intersection with the center line of Marsh Road, thence northerly along the center line of Marsh Road to its intersection with the center line of Zebley Road, thence northwesterly along the center line of Zebley Road to its intersection with the boundaries between the states of Delaware and Pennsylvania, thence in a westerly direction along said boundary to its intersection with Old Wilmington Road, thence in a southeasterly direction along the center line of Old Wilmington Road to its intersection with Yorklyn Road (Route 257), thence in a northeasterly direction along the center line of Yorklyn Road (Route 257) to its intersection with Red Mill Creek, thence southeasterly along the center line of Red Mill Creek, by its several courses, to its intersection with Walnut Green Road, which becomes Campbell Road, thence southeasterly along the center line of Campbell Road to its intersection with Kennett Pike (Route 52), thence southerly along the center line of Kennett Pike (Route 52) to its intersection with the Reading Railroad Tracks thence southerly along the Reading Railroad Tracks to its intersection with Kent Road, thence in a southwesterly direction along the center line of Kent Road to its intersection with Route 141, thence southwesterly along the center line of Route 141 to its intersection with Lancaster Pike, thence southeasterly along the center line of Lancaster Pike to the Western boundary of the City of Wilmington, thence clockwise along said boundary to its intersection with the center line of Concord Pike, thence northerly along the center line of Concord Pike to the place of beginning.

(7) Seventh Senatorial District. - The 7th Senatorial District shall comprise all that portion of New Castle County bounded by a line beginning at the intersection of the center line of Baltimore and Ohio railroad tracks and Red Clay Creek thence in southerly direction along center line of Red Clay Creek to its intersection with center line of Kiamensi Road, thence easterly along center line of Kiamensi Road to its intersection with center line of Newport Gap Pike, thence southeasterly along center line of Newport Gap Pike to its intersection with center line of the boundary of the Town of Newport, thence in a clockwise direction around the boundary of the Town of Newport extended to its intersection with the center line of 2nd Avenue, thence along the center line of 2nd Avenue, which becomes Jackson Avenue, which becomes Boxwood Avenue, to its intersection with the center line of Reamer Avenue, thence westerly along the center line of Reamer Avenue to its intersection with the center line of Winston Place, thence in a northerly direction along the center line of Winston Place extended to its intersection with Little Mill Creek, thence in a northeasterly direction along the center line of Little Mill Creek to its intersection with the center line of the boundary of the City of Wilmington, thence in a clockwise direction along the said boundary to its intersection with Wilmington Avenue, thence along the center line of Wilmington Avenue in a westerly direction to its intersection with the center line of Race Street, thence in a northerly direction along the center line of Race Street to its intersection with the center line of the boundary of the Town of Elsmere, thence in a westerly direction along the center line of the boundary of the Town of Elsmere to its intersection with the center line of Chestnut Run Creek, thence in a northerly direction along the center line of Chestnut Run Creek to its intersection with the center line of Lancaster Avenue, thence in a westerly direction along the center line of Lancaster Avenue to its intersection with the center line of Centre Road, thence in a northerly direction along the center line of Centre Road to its intersection with the Reading Railroad, thence in a northerly direction along said railroad to its intersection with Kennett Pike (Route 52), thence northerly along the center line of the Kennett Pike (Route 52) to its intersection with the center line of Campbell Road (Route 82), thence in a westerly direction along the center line of Campbell Road (Route 82) to its intersection with the center line of Walnut Green (Denn Road), thence northerly and westerly along the center line of Walnut Green to its intersection with the center line of Red Clay Creek, thence northerly along the center line of Red Clay Creek to its intersection with the center line of County Road 251, thence in a southwesterly direction along the center line of County Road 251 to its intersection with Old Wilmington Road, thence in a northerly direction along the center line of Old Wilmington Road to its intersection with the State boundary between the States of Delaware and Pennsylvania, thence in a southwesterly direction along said boundary to its intersection with Limestone Road (Route 7), thence in a southeasterly direction along the center line of Limestone Road (Route 7) to its intersection with Brackenville Road, thence in a northeasterly direction along the center line of Brackenville Road to its intersection with Mill Creek, thence in a southerly direction along Mill Creek to its intersection with Graves Road, thence in an easterly direction along the center line of Graves Road to its intersection with Lovelle Road (Route 276), thence in a southerly direction along the center line of Lovelle Road (Route 276) to its intersection with the Mill Creek Road, thence in an easterly direction along the center line of Mill Creek Road to its intersection with Newport Gap Pike, thence in a southerly direction along the

center line of Newport Gap Pike to its intersection with Milltown Road, thence in a westerly direction along the center line of Milltown Road to its intersection with Duncan Road, thence along the center line of Duncan Road in a southerly direction to the place of beginning.

(8) Eighth Senatorial District - The 8th Senatorial District shall comprise all that portion of New Castle County bounded by a line beginning at the intersection of the boundary between the States of Delaware and Maryland and the center line of Nottingham Road, thence continuing along Nottingham Road, in a southeasterly direction to its intersection with the center line of Wedgewood Road, thence northerly and westerly along the center line of Wedgewood Road to its intersection with the center line of State Route 896, thence southerly along the center line of State Route 896 to a point in the intersection of the center line of the entrance to Christiana Towers and the center line of State Route 896 just north of Gray's Avenue, thence northeasterly along an imaginary line from said point where County Road 311 intersects with the Newark City boundary, thence southerly along the center line of County Road 311 to its intersection with the center line of North College Avenue, thence in a southerly direction along the center line of North College Avenue to its intersection with the center line of White Clay Creek, thence in an easterly direction along the center line of White Clay Creek by its several courses to its intersection with the center line of Middle Run Creek, thence in a northerly direction along Middle Run Creek by its several courses to its intersection with the center line of Foxden Road, thence in an easterly direction along Foxden Road to its intersection with the center line of Polly Drummond Road, thence in a southerly direction along Polly Drummond Road to its intersection with the center line of Henderson Road, thence in a easterly direction along Henderson Road to its intersection with the center line of Upper Pike Creek Road, thence in a northerly direction along Upper Pike Creek Road to its intersection with the center line of Linden Hill Road, thence in a northeasterly direction along the center line of Linden Hill Road, to its intersection with the center line of Old Linden Hill Road thence in a southeasterly direction along Old Linden Hill Road to its intersection with the center line of Limestone Road, thence along Limestone Road in a southeasterly direction to its intersection with the center line of Old Limestone Road, thence in a southeasterly direction along the center line of Old Limestone Road to its intersection with the center line of Newport Pike, thence in an easterly direction along the center line of Newport Pike to its intersection with the center line of Calf Run, thence southerly on the center line of Calf Run to its intersection with the center line of Red Clay Creek, thence northeasterly along the center line of Red Clay Creek to its intersection with the center line of Newport Pike, thence easterly along the center line of Newport Pike to its intersection with Rothwell Drive, thence northerly along the center line of Rothwell Drive to its intersection with the center line of Kiamensi Road, thence westerly along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek, thence northerly along the center line of Red Clay Creek to its intersection with the center line of Duncan Road, thence northwesterly along the center line of Duncan Road to its intersection with the center line of Milltown Road, thence easterly along the center line of Milltown Road to its intersection with the center line of Newport Gap Pike, thence westerly and then northwesterly along the center line of Newport Gap Pike to its intersection with Hercules Road, thence southwesterly along the center line of Hercules Road to its intersection with McKennan's Church Road, thence northerly along the center line of McKennan's Church Road to its intersection with Graves Road, thence in a southwesterly direction along the center line of Graves Road to its intersection with Mill Creek, thence northwesterly along the center line of Mill Creek by its several courses to its intersection with the center line of Brackenville Road, thence southwesterly along the center line of Brackenville Road to its intersection with the center line of Henderson Road, thence westerly along center line of Henderson Road to its intersection with the center line of the boundary between the States of Pennsylvania and Delaware, thence southerly direction along said boundary to the intersection of the boundary between the States of Maryland and Delaware, thence in a southerly direction along said boundary to the intersection of the center line of Nottingham Road which is the place of beginning.

(9) Ninth Senatorial District. - The 9th Senatorial District shall comprise: all that portion of New Castle County bounded by a line beginning at the intersection of the center line of Ogletown-Stanton Road with the center line of Christiana-Ogletown Road (Route 273), thence in a southeasterly direction along the center line of Christiana-Ogletown Road (Route 273) to its intersection with the center line of Christina Creek, thence generally in an easterly, northerly direction along the center line of Christina Creek by its several courses, to its intersection with the center line of the southern boundary of the Town of Newport, thence in a counterclockwise direction along the center line of the boundary of the Town of Newport, to its intersection with the center line of Newport Gap Pike, thence in a northerly direction along the center line of Newport Gap Pike to its intersection with the center line of Kiamensi Road, thence in a northwesterly direction along the center line of Kiamensi Road to its intersection with the center line of Rothwell Drive, thence in a southerly direction along the center line of Rothwell Drive to its intersection with the center line of Newport Pike, thence in a westerly direction along the center line of Newport Pike to its intersection with the center line of Red Clay Creek, thence generally southwesterly along the center line of Red Clay Creek by its several courses, to its intersection with the center line of Calf Run Creek, thence generally in a northwesterly direction along the center line of Calf Run Creek, by its several courses, to its intersection with the center line of Newport Pike, thence in a southwesterly direction along the center line of Newport Pike, to its intersection with the center line of Limestone Road, thence in a northwesterly direction along the center line of Limestone Road

to its intersection with the center line of Old Linden Hill Road, thence in a southwesterly direction along the center line of Old Linden Hill Road to its intersection with the center line of Linden Hill Road, thence in a southwesterly direction along the center line of Linden Hill Road to its intersection with the center line of Upper Pike Creek Road, thence in a southerly direction along the center line of Upper Pike Creek Road to its intersection with the center line of Old Coach Road (or Henderson Road), thence in a westerly direction along the center line of Old Coach Road (or Henderson Road) to its intersection with the center line of Polly Drummond Hill Road, thence in a northerly direction along the center line of Polly Drummond Hill Road to its intersection with the center line of Foxden Road, thence in a westerly direction along the center line of Foxden Road to its intersection with the center line of Middle Run Creek, thence generally in a southerly direction along the center line of Middle Run Creek, by its several courses, to its intersection with the center line of White Clay Creek, thence generally in a northeasterly direction along the center line of White Clay Creek, by its several courses, to its intersection with the center line of Harmony Road, thence in a southeasterly direction along the center line of Harmony Road to its intersection with the center line of Ogletown-Stanton Road, thence in a southwesterly direction along the center line of Ogletown-Stanton Road to its intersection with the center line of Christiana-Ogletown Road (Route 273).

(10) Tenth Senatorial District. - The 10th Senatorial District shall comprise: all that portion of New Castle County beginning at the intersection of the center line of the boundary of the States of Maryland and Delaware and the center line of Pulaski Highway (U. S. Route 40), thence in a southeasterly direction along the center line of Pulaski Highway (U. S. Route 40) to its intersection with the center line of Route 896, thence northerly along the center line of Route 896 to the intersection of Old Baltimore Pike, thence in a easterly direction along the center line of Old Baltimore Pike to its intersection with the center line of South Chapel Street, thence northerly along the center line of South Chapel Street to its intersection with the center line of Scottfield Drive, thence in a northeasterly direction along the center line of Scottfield Drive to its intersection with the center line of Oakfield Drive, thence easterly along the center line of Oakfield Drive to its intersection with the center line of Pinefield Road, thence in a northerly direction along the center line of Pinefield Road extended to its intersection with the center line of South Chapel Street, thence in a northerly direction along the center line of South Chapel Street to its intersection with the Pennsylvania Railroad, thence in an easterly direction along the center line of the Pennsylvania Railroad to its intersection with the center line of Marrows Road, thence in a northerly direction along the center line of Marrows Road to its intersection with the center line of East Main Street, thence in a westerly direction along the center line of East Main Street to its intersection with the center line of North College Avenue, thence in a northerly direction along the center line of North College Avenue which becomes County Road 311 to its intersection with the boundary of the City of Newark, thence southwesterly along an imaginary line to a point intersecting State Route 896 at the entrance of Christiana Towers just north of Gray's Avenue, thence northwesterly along the center line of State Route 896 to its intersection with the center line of Wedgewood Road, thence westerly and southerly along the center line of Wedgewood Road to its intersection with the center line of State Route 273 (Nottingham Road), thence in a northwesterly direction along the center line of Nottingham Road to its intersection with the center line of the boundary of the States of Maryland and Delaware, thence in a southerly direction along the center line of said boundary to its intersection with Pulaski Highway (U. S. Route 40).

(11) Eleventh Senatorial District. - The 11th Senatorial District shall comprise: all that portion of New Castle County beginning at the intersection of Sunset Lake Road and White Clay Creek, thence in a northeasterly direction along the center line of White Clay Creek, by its several courses to its intersection with the center line of Salem Church Road, thence in a southerly direction along the center line of Salem Church Road to its intersection with the center line of Pulaski Highway (U. S. Route 40), thence in a northeasterly direction along the center line of Pulaski Highway (U. S. Route 40) to the intersection of Walther Road, thence in a northerly direction along the center line of Walther Road to its intersection with Christina Creek, thence in a northerly direction along the center of Christina Creek to its intersection with Smalley's Pond, and the center of an unnamed stream projecting from the northern boundary of Smalley's Pond, thence in a northwesterly direction along the center of said unnamed stream to its intersection with Chapman Road, thence along the center line of Chapman Road to its intersection with Christiana/Ogletown Road (Route 273), thence in a northwesterly direction along the center line of Christiana/Ogletown Road (Route 273) to its intersection with the center line of Ogletown/Stanton Road (Route 4), thence in a northeasterly direction along the center line of Ogletown/Stanton Road (Route 4) to its intersection with the center line of Harmony Road, thence in a northwesterly direction along the center line of Harmony Road to the center line of White Clay Creek, thence generally in southwesterly and westerly direction along the center line of White Clay Creek, by its several courses, to its intersection with the center line of North College Avenue, thence in a southerly direction along the center line of North College Avenue to its intersection with East Main Street, thence in an easterly direction along the center line of East Main Street to its intersection with the center line of Marrows Road, thence in a southerly direction along the center line of Marrows Road to its intersection with the center line of the Pennsylvania Railroad, thence in an westerly direction along the center line of the Pennsylvania Railroad to its intersection with the center line of South Chapel Street, thence in a southerly direction along the center line of South Chapel Street to its intersection with the center line of Pinefield Road extended, thence southerly along the center line of Pinefield Road to its

intersection with the center line of Scottfield Drive, thence along the center line of Scottfield Drive in a southwesterly direction to its intersection with South Chapel Street, thence in a southerly direction along the center line of South Chapel Street, which becomes Sunset Lake Road and thence to the place of beginning.

(12) Twelfth Senatorial District. - The 12th Senatorial District shall comprise: all that portion of New Castle County beginning at the intersection of the center line of Bear Tybouts Road with the center line of Bear Road (Route 7), thence in a southeasterly direction along the center line of Bear Tybouts Road to its intersection with the center line of Hamburg Road (Route 9), thence in a southerly direction of Hamburg Road (Route 9) along the center line to its intersection with the center line of Red Lion Creek, thence generally in an easterly direction along the center line of Red Lion Creek, by its several courses, and said creek extended to its intersection with the center line of the boundary between the states of New Jersey and Delaware, thence generally northeasterly along the center line of the boundary between the states of New Jersey and Delaware to its intersection with the center line of Route 40 and I-295 extended, thence in a westerly direction along the center line of Route 40 and I-295 to its intersection with the center line of New Castle Avenue, thence in a northerly direction along the center line of New Castle Avenue to its intersection with the center line of Memorial Drive, thence in a northwesterly direction along the center line of Memorial Drive to its intersection with the center line of the du Pont Highway (U. S. 13), thence in a southerly direction along the center line of the du Pont Highway (U. S. 13) to its intersection with Hazeldell Avenue, thence in a southerly direction along the center line of Hazeldell Avenue and along the extension of Hazeldell Avenue to its intersection with the center line of U. S. I-295, thence in a westerly direction along the center line of U. S. I-295 to its intersection with the center line of du Pont Highway (U.S. 13), thence in a southwesterly direction along the center line of du Pont Highway (U.S. 13) to its intersection with the center line of Pulaski Highway (U. S. 40), thence in a southwesterly direction along the center line of Pulaski Highway (U. S. 40) to its intersection with Appleby Road, thence in a northwesterly direction along the center line of Appleby Road to its intersection with the center line of Christiana Road (Route 273), thence in a westerly direction along the center line of Christiana Road (Route 273) to its intersection with Chapman Road, thence in a westerly direction along the center line of Chapman Road to its intersection with an unnamed stream which it meets just east of the intersection with I-95, thence in a southeasterly direction on said unnamed stream to its intersection with Smalley's Pond and Christina Creek, thence in a southwesterly direction along the center of Christina Creek to its intersection with Walther Road, thence in a southeasterly direction along the center line of Walther Road to its intersection with Pulaski Highway (U.S. Route 40), thence in a northeasterly direction along the center line of Pulaski Highway (U.S. Route 40) to its intersection with State Route 7, thence in a southerly direction along the center line of State Route 7 to the place of beginning.

(13) Thirteenth Senatorial District. - The 13th Senatorial District shall comprise: all that portion of New Castle County bounded by a line beginning at the intersection of the center line of Christiana Road (Route 273) with the center line of Appleby Road, thence in a southerly direction along the center line of Appleby Road to its intersection with the center line of Pulaski Highway (U. S. Route 40), thence in a northeasterly direction along the center line of Pulaski Highway (U. S. Route 40) to its intersection with the center line of duPont Highway (U. S. 13), thence in a northerly direction along the center line of duPont Highway (U. S. 13) to its intersection with the center line of U. S. Route 295, thence in an easterly direction along the center line of U. S. Route 295 to its intersection with the center line of an imaginary extension of Hazeldell Avenue, thence in a northeasterly and northerly direction along the center line of the extension and the center line of Hazeldell Avenue to its intersection with the center line of duPont Highway (U. S. Route 13) thence in a northerly direction along the center line of duPont Highway (U. S. Route 13) to its intersection with the center line of Memorial Drive, thence in a southeasterly direction along the center line of Memorial Drive to its intersection with the center line of New Castle Avenue, thence in a northerly direction along the center line of New Castle Avenue to its intersection with West Avenue, thence in a southeasterly direction along the center line of West Avenue to its intersection with Eleventh Street, thence along the center line of Eleventh Street to its intersection with East Avenue, thence along the center line of East Avenue in a northeasterly direction to its intersection with Lambson Lane, thence in a westerly direction along the center line of Lambson Lane to its intersection with New Castle Avenue, thence in a northerly direction along the center line of New Castle Avenue to its intersection with Rogers Road, thence in a northwesterly direction along the center line of Rogers Road to its intersection with du Pont Highway (U.S. Route 13), thence in a northerly direction along the center line of du Pont (U.S. Route 13) to its intersection with the center line of the southeast boundary of the City of Wilmington, thence in a westerly direction along the southwest and southeast boundary of the City of Wilmington to the intersection of the center line of Maryland Avenue, thence in a southwesterly direction along the center line of Maryland Avenue to its intersection with the center line of the Reading Railroad, thence in a northerly direction along the center line of the Reading Railroad to its intersection with the southeasterly boundary of the Town of Elsmere, thence in a southwesterly direction along the center line of the southeastern boundary of the Town of Elsmere to its intersection with an extension of the center line of Winston Place, thence in a southwesterly direction along the extension of the center line of Winston Place to its intersection with the center line of Reamer Avenue, thence in an easterly direction along the center line of Reamer Avenue to its intersection with the center line of Boxwood Avenue, thence in a southerly direction along the center line of Boxwood Avenue to its intersection with Jackson

Avenue, thence in a southerly and westerly direction along the center line of Jackson Avenue to its intersection with the center line of 2nd Avenue, thence in a southerly direction along the center line of 2nd Avenue to its intersection with the center line of the boundary line of the Town of Newport, thence in a clockwise direction along the center line of the boundary of the Town of Newport to its intersection with the center line of the Christina River, thence generally in a southwesterly direction along the center line of the Christina River, by its several courses, to its intersection with the center line of Christina Creek, thence generally in a southwesterly and westerly direction along the center line of the Christina Creek to its intersection with the center line of State Route 7, thence in a southerly direction along the center line of State Route 7 to its intersection with the center line of Christiana Road (State Route 273), thence in an easterly direction along the center line of Christiana Road (State Route 273) to its intersection with the center line of Appleby Road.

(14) Fourteenth Senatorial District. - The 14th Senatorial District shall comprise: All that portion of Kent County and New Castle County beginning at the intersection of the center line of the boundary between the States of Maryland and Delaware with the center line of the boundary between New Castle County and Kent County, thence in a southeasterly direction along the center line of the New Castle County boundary to the intersection of the northwestern boundary of the Town of Clayton, thence in a southeasterly, southwesterly, southeasterly, northeasterly direction to the intersection of the boundary of the Town of Smyrna, thence following the southern boundary of the Town of Smyrna in a meandering fashion to its intersection with Lake Como, thence in a meandering fashion along the center of Lake Como to its junction with Mill Creek, thence along Mill Creek by its several courses northeasterly to its intersection with the boundary between Kent County and New Castle County, thence in a northeasterly direction along the center line of New Castle County and Kent County boundaries to the Delaware Bay, thence in a northeasterly direction to the Delaware River by all its courses, thence in a northwesterly direction along the center line of the Delaware River to its intersection with the center line of Red Lion Creek, thence in a westerly direction along the center line of Red Lion Creek to its intersection with the center line of Hamburg Road (Del. 9), thence in a northerly direction along the center line of Hamburg Road (Del. 9), to its intersection with the center line of Bear Tybouts Road (County Road 381), thence in a northwesterly direction along the center line of Bear Tybouts Road (County Road 381) to its intersection with the center line of Bear Road (Delaware 7), thence in a northerly direction along the center line of Bear Road (Delaware 7) to its intersection with the center line of Pulaski Highway (U. S. 40), thence in a southwesterly direction along the center line of Pulaski Highway (U. S. 40) to its intersection with Salem Church Road (County Road 48), thence, northwesterly along the center line of Salem Church Road (County Road 48) to its intersection with Christina Creek, thence southwesterly along the center line of Christina Creek to its intersection with Sunset Lake Road, thence northerly along the center line of Sunset Lake Road to the intersection of Old Baltimore Pike, thence along the center line of the Old Baltimore Pike in a westerly direction to intersection of Route 896, thence in a southerly direction along the center line of Route 896 to the intersection of Pulaski Highway (U.S. 40), thence in a westerly direction along the center line of Pulaski Highway (U. S. 40) to the center line of the boundary between the states of Maryland and Delaware, thence south along the center line between the States of Maryland and Delaware to its intersection with the center line of the boundary between New Castle County and Kent County.

(15) Fifteenth Senatorial District. - The 15th Senatorial District shall comprise: all that portion of Kent County as follows beginning at the intersection of the boundary between the States of Delaware and Maryland and the intersection of the center line of Delaware 12, thence in a northeasterly direction along the center line of Delaware 12 to its intersection with the center line of County Road 274, thence in a southeasterly direction along the center line of County Road 274 to its intersection with the center line of County Road 275, thence in a southeasterly direction along the center line of County Road 275 to its intersection with the center line of County Road 279, thence in a northeasterly direction along the center line of County Road 279 to its intersection with the center line of County Road 78, thence in a southeasterly direction along the center line of County Road 78 to its intersection with the center line of County Road 289, thence in an easterly direction along the center line of County Road 289, thence in an easterly direction along the center line of County Road 289 to its intersection with the center line of County Road 428, thence in an easterly direction to the intersection of the center line of County Road 35, thence northeasterly along the center line of County Road 35 to its intersection with the center line of County Road 388, thence northerly along the center line of County Road 388 to its intersection with the center line of County Road 33, thence northerly along the center line of County Road 33 to its intersection with the center line of County Road 371, thence in an easterly direction along the center line of County Road 371 to its intersection with the center line of Hudson Branch, thence northerly along the center line of Hudson Branch to its intersection with the center line of County Road 31, thence northeasterly along the center line of County Road 31 to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of Double Run, thence in an easterly direction along the center line of Double Run to its intersection with the center line of the first unnamed stream entering from the north, thence in a northwesterly direction along the center line of unnamed stream to its intersection with the center line of County unnamed Road, thence in a westerly direction along the center line of unnamed road to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of County Road 30, thence in a westerly direction along the center line of County Road 30 to its

intersection with the center line of U. S. 13, thence in a northerly direction along the center line of U. S. 13 to its intersection with the center line of County Road 361, thence in a westerly direction to its intersection with the center line of U. S. 13A, thence in a southerly direction along the center line of U. S. Route 13A to its intersection with the center line of County Road 234, thence in a southwesterly direction along the center line of County Road 234 to its intersection with the center line of County Road 125, thence in a northerly direction along the center line of County Road 125 to its intersection with the center line of County Road 52, thence in a westerly direction along the center line of County Road 52 to its intersection with the center line of Almshouse Branch, thence in a northerly direction along the center line of Almshouse Branch to its intersection with the center line of Isaac Branch, thence in a westerly direction along the center line of Isaac Branch to its intersection with the center line of unnamed creek that is north of Isaac Branch, thence in a northerly direction along the center line of said creek to its intersection with the center line of County Road 73, thence in a westerly direction along the center line of County Road 73 to its intersection with the center line of County Road 198, thence in a northerly direction along the center line of County Road 198 to its intersection with the center line of Delaware 8, thence in an easterly direction along the center line of Delaware 8 to its intersection with the center line of County Road 104, thence in a northwesterly direction along the center line of County Road 104 to its intersection with the center line of County Road 100, thence in a northeasterly direction along the center line of County Road 100 to its intersection with the center line of County Road 330, thence in a northeasterly direction along the center line of County Road 330 to its intersection with the center line of County Road 331, thence in a northeasterly direction along the center line of County Road 331 to its intersection with the center line of Dyke Branch, thence in a northeasterly direction along the center line of Dyke Branch to the northwestern boundary of the Town of Leipsic, thence in an easterly and southerly direction along the boundary of the Town of Leipsic to its intersection with the center line of the Leipsic River, by its several courses, thence in an easterly direction along the center line of Leipsic River to the Delaware Bay, thence in a northwesterly direction in the Delaware Bay to the boundary of New Castle County, following the boundary of the New Castle County in a southerly and southwesterly direction to the northeastern boundary of the Town of Smyrna, thence in a southerly direction along the center line of the boundary of the Town of Smyrna to its intersection with Mill Creek, thence in a westerly direction along the center line of Mill Creek to its intersection with the center line of Lake Como, thence in a southwesterly direction along the center line of Lake Como to the southeasterly boundary of the Town of Smyrna, thence in a clockwise direction along the boundary of the Town of Smyrna to its intersection with the boundary of the Town of Clayton, thence in a clockwise direction along the boundary of the Town of Clayton to its intersection with the boundary between New Castle County and Kent County, thence in a southwesterly, westerly direction, along the boundary between New Castle County and Kent County to the intersection with the center line of the boundary between the States of Delaware and Maryland, thence in a southerly direction along the said boundary to the intersection with Delaware 12 at place of beginning.

SUBCHAPTER IV. General Assembly Districts in Kent County

5841. Boundaries of the General Assembly Representative Districts Situate Primarily in Kent County With Certain Portions of Said Districts Situate in Sussex County.

The boundaries of the several General Assembly Representative Districts situate primarily in Kent County with certain portions of said Districts situate in Sussex County shall be as follows:

(1) Twenty-Ninth Representative District. - The 29th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of the center of the boundary between the States of Maryland and Delaware and the boundary between New Castle County and Kent County, thence generally eastward along the boundary between New Castle County and Kent County to its intersection with the western boundary for the Town of Clayton, thence along the center of the western boundary for the Town of Clayton in a counter-clockwise direction to its intersection with the center line of State Route 300, thence in a generally southerly direction along the center line of State Route 300 to its intersection with the middle of Mill Creek, thence in a generally northeasterly direction along the middle of Mill Creek and its various courses to its intersection with the middle of the Pennsylvania Railroad, thence in a southeasterly direction along the middle of the Pennsylvania Railroad to its intersection with the center line of County Route 90, thence northeasterly along the center line of County Route 90 to its intersection with the center of the southern boundary of the Town of Smyrna, thence in a counter-clockwise direction along the center of the boundary of the Town of Smyrna to its intersection with the center line of the southbound lane of U.S. Route 13, thence in a southerly direction along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 325, thence in a northeasterly direction along the center line of County Route 325 to its intersection with the center line of County Route 12, thence in a generally southeasterly direction along the center line of County Route 12 to its intersection with the center line of State Route 9, thence in a southerly direction along the center line of State Route 9 to its intersection with the center of the boundary of the Town of Leipsic, thence in a clockwise direction along the center of the boundary of the Town of Leipsic to its intersection with the middle of the Leipsic River, thence easterly along the center of the Leipsic River and its various courses to its intersection with the center line of an Unnamed Stream, thence along the middle of said Unnamed Stream to its intersection with the

center line of County Route 86, thence southeasterly along the center line of County Route 86 to its intersection with the center line of County Route 333, thence southwesterly along the center line of County Route 333 to its intersection with the center line of County Route 15, thence southeasterly along the center line of County Route 15 to its intersection with the center line of County Route 66 at Cowgill Corner, thence southwesterly along the center line of County Route 66 to its intersection with the middle of the northeastern boundary of the Town of Dover, thence in a counter-clockwise direction along the middle of the northeastern and northern boundary of the Town of Dover to its intersection with the middle of Muddy Branch, thence in a northerly direction along the middle of Muddy Branch to its intersection with the center line of County Route 88, thence northerly along the center line of County Route 88 to its intersection with the center line of County Route 332, thence generally westerly along the center line of County Route 332 to its intersection with the center line of County Route 331, thence generally southwesterly along the center line of County Route 331 to its intersection with the center line of County Route 330, thence northerly along the center line of County Route 330 to its intersection with the middle of an Unnamed Stream, thence westerly along the middle of said Unnamed Stream extended to its intersection with the center line of County Route 154, thence westerly along the center line of County Route 154 to its intersection with the center line of the southbound lane of U.S. Route 13, thence southeasterly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 100, thence generally southwesterly along the center line of County Route 100 to its intersection with the center line of County Route 104 which is coterminous with the middle of the western boundary of the City of Dover, thence in a counter-clockwise direction along the western boundary of the City of Dover to its intersection with the center line of State Route 8, thence easterly along the center line of State Route 8 to its intersection with the middle of the Penn Central Railroad, thence in a southerly and southwesterly direction along the middle of the Pennsylvania Railroad to its intersection with the center of the northern boundary of the Town of Wyoming, thence in a counter-clockwise direction along the center of the northern and western boundary of the Town of Wyoming to its intersection with the center line of County Route 52, thence in a generally westerly direction along the center line of County Route 52 to its intersection with the center line of County Route 73, thence in a northeasterly direction along the center line of County Route 73 to its intersection with the center line of County Route 101, thence in a generally northerly direction along the center line of County Route 101 to its intersection with the center line of State Route 8, thence westerly along the center line of State Route 8 to its intersection with the center line of County Route 103, at Bethesda, thence northwesterly and westerly along the center line of County Route 103 to its intersection with the center line of County Route 47 at Wright's Crossroad, thence in a southwesterly direction along the center line of County Route 47 to its intersection with the center of the boundary between the States of Maryland and Delaware, thence northerly along the boundary between the States of Maryland and Delaware to the place of beginning.

(2) **Thirtieth Representative District.** - The 30th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at a point at the intersection of the center of the boundary between the States of Maryland and Delaware and the center line of County Route 47, thence northeasterly along the center line of County Route 47 to its intersection with the center line of County Route 103, thence generally southwesterly along the center line of County Route 103, to its intersection with the center line of State Route 8, thence northeasterly along the center line of State Route 8 to its intersection with the center line of County Route 101, thence generally southerly along the center line of County Route 101 to its intersection with the center line of County Route 73, thence southwesterly along the center line of County Route 73 to its intersection with the center line of County Route 52, thence generally easterly along the center line of County Route 52 to its intersection with the center line of County Route 125, thence generally southerly along the center line of County Route 125 to its intersection with the center line of County Route 234, thence northeasterly along the center line of County Route 234 to its intersection with the middle of an Unnamed Stream forming the headwaters for Derby Pond, thence southeasterly along said Unnamed Stream continuing through Derby Pond to its intersection with the center line of U.S. Route 13A, thence southerly along the center line of U.S. Route 13A to its intersection with the middle of the northern boundary of the Town of Woodside, thence counter-clockwise along the northern, western and southern and eastern boundary of the Town of Woodside to its intersection with the center line of County Route 30, thence easterly along the center line of County Route 30 to its intersection with the center line of the southbound lane of U.S. Route 13, thence southerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 33, thence southeasterly along the center line of County Route 33 to its intersection with the center line of County Route 388, thence continuing southeasterly along the center line of County Route 388 to its intersection with the center line of County Route 35, thence southwesterly along the center line of County Route 35 to its intersection with the center line of County Route 429, thence southerly along the center line of County Route 429 to its intersection with the center line of County Route 434, thence southwesterly along the center line of County Route 434 to its intersection with the center line of County Route 116, thence westerly along the center line of County Route 116 to its intersection with the center line of County Route 311, thence continuing westerly along the center line of County Route 311 to its intersection with the center line of County Route 312, thence in a northwesterly direction along the center line of County Route 312 to its intersection with the center line of State Route 14, thence generally westerly along the center line of State Route 14 to its intersection with the middle of the boundary line between the States of Maryland and Delaware, thence northerly along the center of the boundary between the States of Maryland and Delaware to its intersection with the center line of County Route 47.

(3) Thirty-First Representative District. - The 31st Representative District shall comprise: All that portion of Kent County bounded by a line south of Cheswold beginning at the intersection of the center lines of the southbound lane of U. S. Route 13 and County Route 154, thence southeasterly along the center line of County Route 154 to its intersection with the middle of an Unnamed Stream which has been extended to meet County Route 154, thence easterly along the extension of and along the middle of said Unnamed Stream to its intersection with the center line of County Route 330, thence southwesterly along the center line of County Route 331, thence easterly along the center line of County Route 331 to its intersection with the center line of County Route 332, thence southeasterly and easterly along the center line of County Route 332 to its intersection with the center line of County Route 88, thence southerly along the center line of County Route 88 to its intersection with the middle of Muddy Branch, thence generally northeasterly along the middle of Muddy Branch and its various courses to its intersection with a southern tributary of Muddy Branch which tributary is also coterminus with the northern boundary of the City of Dover, thence in a generally southerly direction along the middle of said tributary to its intersection with the center of the northern boundary of the City of Dover, thence in a clockwise direction along the center of the northern boundary of the City of Dover to its intersection with the center line of County Route 66, thence generally southwesterly along the center line of White Oak Road (County Route 66) to its intersection with the center line of the southbound lane of U.S. Route 13, thence generally southerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 67, thence westerly along the center line of County Route 67 to its intersection with the middle of the St. Jones Creek, thence generally northerly along the middle of the St. Jones Creek and its various courses to its intersection with the center line of Lookerman Street, thence westerly along the center line of Lookerman Street to its intersection with the center line of State Street, thence southerly along the center line of State Street to its intersection with the center line of Water Street, thence westerly along the center line of Water Street to its intersection with the center line of Governors Avenue, thence southerly along the center line of Governors Avenue to its intersection with the center line of Waples Avenue, thence westerly along the center line of Waples Avenue and along the extension of the center line of Waples Avenue to its intersection with the middle of the of the Pennsylvania Railroad, thence northeasterly and northerly along the middle of the Pennsylvania Railroad to its intersection with the center line of Division Street (State Route 8), thence westerly along the center line of Division Street (State Route 8) to its intersection with the middle of the western boundary of the City of Dover, thence following along the middle of the western boundary of the City of Dover west of the intersection of County Route 196 and in a clockwise direction along the western and northern boundary of the City of Dover to its intersection with the center line of County Route 100, thence generally northeasterly along the center line of County Route 100 to its intersection with the center line of the southbound lane of U.S. Route 13, thence northwesterly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 154.

(4) Thirty-Second Representative District. - The 32nd Representative District shall comprise: All that portion of Kent County beginning at the intersection of the center line of the southbound lane of U.S. Route 13 and the center line of White Oak Road (County Route 66), thence northeasterly along the center line of White Oak Road (County Route 66) to its intersection with the center line of Acorn Lane, thence southerly along the center line of Acorn Lane to its intersection with the center line of State Route 8-North Little Creek Road, thence easterly along the center line of State Route 8-North Little Creek Road to its intersection with the center line of Fox Road, thence generally southerly along the center line of Fox Road (County Route 344) to its intersection with the center line of County Route 67-South Little Creek Road, thence westerly along the center line of County Route 67-South Little Creek Road to its intersection with the center line of U.S. Route 113, thence southeasterly along the center line of U.S. Route 113 to its intersection with the center line of County Route 347-Lafferty Lane, thence northeasterly along the center line of County Route 347-Lafferty Lane to its intersection with the center line of Horse Pond Road (County Route 348), thence generally southeasterly along the center line of Horse Pond Road (County Route 348) to its intersection with the center of the northern boundary of the Dover Air Force Base, thence in a clockwise direction along the center of the northern boundary of the Dover Air Force Base to the intersection of said center line extended at the center line of State Route 9 at Postle's Corner, thence generally southerly along the center line of State Route 9 to its intersection with the center of U.S. Route 113, thence northwesterly along the center line of U.S. Route 113 to its intersection with the center line of State Route 10, thence southwesterly along the center line of State Route 10 to its intersection with the center line of U.S. 113A, thence northerly along the center line of U.S. Route 113A to its intersection with the middle of Isaac Branch, thence westerly along the middle of Isaac Branch to its intersection with the middle of the northern boundary of the Town of Camden, thence generally westerly along the northern boundary of the Town of Camden to its intersection with the middle of the boundary of the Town of Wyoming, thence generally westerly and northwesterly along the middle of the northern boundary of the Town of Wyoming to its intersection with the middle of the Pennsylvania Railroad, thence in a northeasterly direction along the middle of the Pennsylvania Railroad to its intersection with the center line extended of Waples Avenue, thence easterly along said extension of the center line of Waples Avenue and along the center line of Waples Avenue to its intersection with the center line of Governors Avenue, thence northerly along the center line of Governors Avenue to its intersection with the center line of Water Street, thence northeasterly along the center line of Water Street to its intersection with the center line of State Street, thence northerly along the center line of State Street to its intersection with the center line of Lookerman Street, thence easterly along the center line of Lookerman Street to

its intersection with the center line of St. Jones River, thence generally southwesterly along the middle of the St. Jones River and its various courses to its intersection with the center line of County Route 67, thence easterly along the center line of County Route 67 to its intersection with the center line of the southbound lane of U.S. Route 13, thence generally northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of White Oak Road (County Route 66).

(5) Thirty-Third Representative District. - The 33rd Representative District shall comprise: All that portion of Kent County bounded by a line beginning at a point on the boundary between the States of New Jersey and Delaware in the Delaware Bay opposite the mouth of the Mispillion River, thence in a westerly direction to the mouth of the Mispillion River which is also on the boundary between Kent and Sussex Counties, thence with the center of the boundary line between Kent and Sussex Counties westerly to its intersection with the middle of Blair's Pond, thence northwesterly along the middle of Blair's Pond to its intersection with the center line of County Route 443, thence northeasterly along the center line of County Route 443 to its intersection with the center line of County Route 444, thence generally northerly along the center line of County Route 444 to its intersection with the center line of State Route 14, thence northeasterly along the center line of State Route 14 to its intersection with the center line of County Route 396, thence generally northwesterly along the center line of County Route 396 to its intersection with the center line of County Route 395, thence northeasterly and northerly along the center line of County Route 395 to its intersection with the center line of County Route 388, thence generally northwesterly along center line of County Route 388 to its intersection with the middle of a Branch connecting McCauley Pond and the Murderkill River, thence northeasterly along the middle of said Branch to its intersection with the middle of the Murderkill River, thence generally northerly along the middle of the Murderkill River and its various courses to its intersection with the middle of the southern boundary of the Town of Frederica, thence in a clockwise direction along the southern, western and northern boundary of the Town of Frederica to its intersection with the middle of Spring Creek, thence generally northerly and westerly and southwesterly along the middle of Spring Creek continuing through Andrews Lake to its intersection with the center line of County Route 33, thence northwesterly along the center line of County Route 33 to its intersection with the center line of the southbound lane of U.S. Route 13, thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 370, thence northeasterly and northerly along the center line of County Route 370 to its intersection with the center line of County Route 30, thence easterly and northeasterly along the center line of County Route 30 to its intersection with the center line of County Route 26, thence northeasterly along the center line of County Route 26 to its intersection with the center of the southern boundary of Military Enumeration District 229 as shown on the 1980 Census Map prepared by the Delaware State Planning Office for Kent County, Delaware, thence southeasterly and easterly along said boundary of Military Enumeration District 229 to its intersection with the center line of County Route 362, thence generally southerly along the center line of County Route 362 to its intersection with the middle of Cypress Branch Creek, thence generally northeasterly along the middle of Cypress Branch Creek and its various courses to its intersection with the middle of St. Jones River, thence generally southeasterly along the middle of St. Jones River to its intersection with the center line of U.S. 113, thence northerly along the center line of U.S. Route 113 to its intersection with the center line of Route 9, thence northerly along the center line of Route 9 to its intersection at Postle's Corner with an imaginary line extended from a corner of the eastern boundary of Dover Air Force Base closest to Postle's Corner, thence westerly along said imaginary line and counter-clockwise along the center of the eastern and northern boundary of Dover Air Force Base to its intersection with the center line of Horse Pond Road (County Route 348), thence generally northwesterly along the center line of Horse Pond Road (County Route 348) to its intersection with the center line of County Route 347 (Lafferty Lane), thence southwesterly along the center line of County Route 347 (Lafferty Lane) to its intersection with the center of U.S. Route 113, thence northwesterly along the center of U.S. Route 113 to its intersection with the center line of South Little Creek Road (County Route 67), thence easterly along the center line of South Little Creek Road (County Route 67) to its intersection with the center line of Fox Road (County Route 344), thence generally northerly along the center line of Fox Road (County Route 344) to its intersection with the center line of North Little Creek Road (State Route 8), thence westerly along the center line of North Little Creek Road (State Route 8) to its intersection with the center line of Acorn Lane, thence northerly along the center line of Acorn Lane to its intersection with the center line of White Oak Road, thence generally northeasterly along the center line of White Oak Road to its intersection with the center line of County Route 15, thence northwesterly along the center line of County Route 15 to its intersection with the center line of County Route 333, thence northeasterly along the center line of County Route 333 to its intersection with the center line of County Route 86, thence northwesterly along the center line of County Route 86 to its intersection with the middle of an Unnamed Stream west of Leipsic connecting the County Route 86 and the Leipsic River, thence northeasterly along said Unnamed Stream from County Route 86 to its intersection with the middle of the Leipsic River, thence generally easterly along the middle of the Leipsic River and its various courses to a point opposite the mouth of the Leipsic River in the Delaware Bay in the center of the boundary between the States of New Jersey and Delaware, thence southerly along the center of the boundary between the States of New Jersey and Delaware to a point opposite the mouth of the Mispillion River.

(6) **Thirty-Fourth Representative District.** - The 34th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of State Route 9 and U.S. Route 113 south of Dover Air Force Base, thence southerly along the center line of State Route 9 to its intersection with the middle of the St. Jones River, thence generally northwesterly along the middle of the St. Jones River to its intersection with the center line of Cypress Branch Creek, thence generally westerly along the middle of Cypress Branch Creek and its various courses to its intersection with the center line of County Route 362, thence northerly along the center line of County Route 362 to its intersection with the middle of the southern boundary of Military Enumeration District 229 as shown on the 1980 Census Map prepared by the Delaware State Planning Office for Kent County, Delaware, thence westerly and northwesterly along said boundary line to its intersection with the center line of County Route 26, thence southwesterly along the center line of County Route 26 to its intersection with the center line of County Route 30, thence southerly and southwesterly and westerly along the center line of County Route 30 to its intersection with the center line of County Route 370, thence southerly and westerly along the center line of County Route 370 to its intersection with the center line of the southbound lane of U.S. Route 13, thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 30, thence westerly along the center line of County Route 30 to its intersection with the middle of the eastern boundary of the Town of Woodside, thence in a clockwise direction along the eastern, southern, western and northern boundary of the Town of Woodside to its second intersection with the center line of U.S. Route 13A, thence northerly along the center line of U.S. Route 13A to its intersection with a stream connecting Derby Pond with Voshell Pond, thence generally northwesterly along the middle of said stream continuing through Derby Pond and along an Unnamed northern Branch of Derby Pond to its intersection with the center line of County Route 234, thence westerly and southwesterly along the center line of County Route 234 to its intersection with the center line of County Route 125, thence generally northerly along the center line of County Route 125 to its intersection with the center line of County Route 52, thence easterly along the center line of County Route 52 to its intersection with the western boundary of the Town of Wyoming, thence in a clockwise direction along the center of the western and northern boundary line of the Town of Wyoming to its intersection with the middle of Isaac Branch, thence in a generally easterly direction along the middle of Isaac Branch and its various courses through Wyoming Lake and Moore's Lake to its intersection with the center line of U.S. Route 113A, thence southerly along the center line of U.S. Route 113A to its intersection with the center line of County Route 356, thence easterly and northeasterly along the center line of County Route 356 to its intersection with the center line of U.S. Route 113, thence in a southeasterly direction along the center line of U.S. Route 113 to its intersection with the center line of State Route 9.

(7) **Thirty-Fifth Representative District.** - The 35th Representative District shall comprise: All those portions of Kent and Sussex Counties bounded by a line beginning at the intersection of a point in the center of the boundary between the States of Maryland and Delaware and the center line State Route 14, thence easterly along the center line of State Route 14 to its intersection with the center line of County Route 312, thence southerly and southeasterly along the center line of County Route 312 to its intersection at Five Corners with the center line of County Route 311, thence northeasterly and easterly along the center line of County Route 311 to its intersection at U.S. Route 13 with the center line of County Route 116, thence easterly along the center line of County Route 116 to its intersection with the center line of County Route 434, thence generally northeasterly along the center line of County Route 434 to its intersection with the center line of County Route 429, thence northerly and northwesterly along the center line of County Route 429 to its intersection with the center line of County Route 430, thence northeasterly along the center line of County Route 430 to its intersection with the center line of County Route 429, thence northerly along the center line of County Route 429 to its intersection with the center line of County Route 35, thence northeasterly along the center line of County Route 35 to its intersection with the center line of County Route 388, thence northwesterly along the center line of County Route 388 to its intersection with the middle of a southwestern tributary of Andrews Lake just north of County Route 34, thence northeasterly along the middle of said tributary and continuing through Andrews Lake to its intersection with the middle of Spring Creek, thence easterly and southeasterly along the middle of Spring Creek and its various courses to its intersection with the middle of the northern boundary of the Town of Frederica, thence in a counter-clockwise direction along the northern, western and southern boundary of the Town of Frederica to its intersection with the middle of the Murderkill River, thence generally southwesterly along the middle of the Murderkill River and its various courses to its intersection with the center line of County Route 390, thence continuing across County Route 390 in a southwesterly direction along a stream connecting the Murderkill River with McCauley Pond and intersecting with the center line of County Route 388, thence southeasterly along the center line of County Route 388 to its intersection with the center line of County Route 395, thence southerly along the center line of County Route 395 to its intersection with the center line of County Route 396, thence generally southeasterly along the center line of County Route 396 to its intersection with the center line of State Route 14, thence southwesterly along the center line of State Route 14 to its intersection with the center line of County Route 444, thence generally southerly along the center line of County Route 444 to its intersection with the middle of Blair's Pond, thence generally easterly along the middle of Blair's Pond to its intersection with the center of the boundary between Kent County and Sussex County, thence generally easterly along the center of the boundary between Kent County and Sussex County to its intersection with the center of the western boundary of the Town of Wilford, thence in a counter-clockwise direction

along the western boundary of the Town of Milford to its intersection with the center line of U.S. Route 113, thence southerly along the center line of U.S. Route 113 to its intersection with the center line of County Route 224, thence generally southwesterly along the center line of County Route 224 to its intersection with the center line of County Route 42, thence southerly and southwesterly along the center line of County Route 42 to its intersection with State Route 18 at Coverdale Crossroads, thence southeasterly along the center line of State Route 18 to its intersection with the center line of County Route 529 at Cokesbury Church, thence generally southwesterly along the center line of County Route 529 to its intersection with the center line of County Route 46, thence westerly along the center line of County Route 46 to its intersection with the center line of County Route 516, thence southwesterly along the center line of County Route 516 to its intersection with County Route 525, thence northerly along the center line of County Route 525 to its intersection with the center line of County Route 46, thence westerly and northwesterly along County Route 46 to its intersection with the center line of County Route 531, thence generally northerly along the center line of County Route 531 to its intersection with the center line of County Route 533, thence generally northerly along the center line of County Route 533 to its intersection with the center line of State Route 18, thence northwesterly along the center line of State Route 18 to its intersection with the center line of State Route 404, thence continuing northwesterly along State Route 404 to its intersection with the center line of the southbound lane of U.S. Route 13, thence southerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of State Route 18, thence generally westerly along the center line of State Route 18 to its intersection with the center of the boundary line between the States of Maryland and Delaware, thence north along the center of the boundary between the States of Maryland and Delaware to its intersection with the center line of State Route 12 at Whiteleysburg.

§842. Boundaries of the General Assembly Senatorial Districts Situate Primarily in Kent County With Certain Portions of Said Districts Situate in Sussex County.

The boundaries of the General Assembly Senatorial Districts situate primarily in Kent County with certain portions of said Districts situate in Sussex County shall be as follows:

(16) Sixteenth Senatorial District. - The 16th Senatorial District shall comprise: all that portion of Kent County bounded by a line beginning at the intersection of County Road 371 and U.S. Route 113, thence southerly along the center line of U.S. 113 to its intersection with State Route 12, thence southwesterly along the center line of State Route 12 to the its intersection with the northern boundary of the Town of Frederica, thence in a counter clockwise direction around the town boundary of Frederica to its intersection with the center line of County Road 389, thence southeasterly along the center line of County Road 389 to its intersection with U.S. 113, thence southerly along the center line of U.S. 113 to its intersection with the center line of Swan Creek, thence easterly along its several courses to its intersection with the center line of the Kent and Sussex County boundary (Mispillion River), thence along the center line of the Mispillion River in a generally easterly direction and extending to the state boundary between New Jersey and Delaware, thence northerly along said boundary to its intersection with an extension of the St. Jones River, thence northwesterly along said extension and along the center line of the St. Jones River to its intersection with U.S. 113, thence northerly along the center line of U.S. 113 to its intersection with the center line of U.S. 9, thence northerly along the center line of U.S. 9 to its intersection with County Road 348, also the Dover Air Base boundary, following said boundary counter clockwise to its intersection with U.S. 113, thence in a northwesterly direction along the center line of U.S. 113 to the center line of an imaginary boundary between enumeration district 164, census tract 412 and enumeration district 220, census tract 412 (ref. 1980 census map, inventory number 2190-11, Delaware State Planning Office), thence in a southwesterly direction along an imaginary boundary to its intersection with the center line of the St. Jones River, thence southerly along the center line of the St. Jones River to its intersection with Isaac Branch, thence westerly along the center line of the Isaac Branch to its intersection with U.S. 113A, thence northerly along the center line of U.S. 113A to its intersection with the center line of Wyoming Avenue, thence westerly along the center line of Wyoming Avenue to its intersection with U.S. 13A, thence southerly along the center line of U.S. 13A to its intersection with the center line of Puncheon Run, thence westerly along the center line of Puncheon Run to its intersection with the Penn Central Railroad, thence southwesterly along the center line of the Penn Central Railroad to the northern boundary of the Town of Wyoming thence in a counter clockwise direction along the boundary of the Town of Wyoming to its intersection with the center line of County Road 52, thence westerly along the center line of County Road 52 to its intersection with the center line of County Road 125, thence southerly along the center line of County Road 125 to its intersection with the center line of County Road 234, thence easterly along the center line of County Road 234 to its intersection with the center line of U. S. Route 13A, thence northerly along the center line of U. S. Route 13A to its intersection with the center line of County Road 361, thence easterly along the center line of County Road 361 to its intersection with the center line of U. S. Route 13, thence southerly along the center line of U.S. 13 to its intersection with County Road 30, thence northeasterly along the center line of County Road 30 to its intersection with County Road 105, thence southerly along the center line of County Road 105 to its intersection with an unnamed road, thence easterly along the center line of said road to an unnamed stream, thence southeasterly along the center line of said stream to Double Run, thence westerly along the center line of Double Run to its intersection with County Road 105, thence southerly along the center line of County Road 105 to its intersection with County Road 31, thence

southwesterly along the center line of County Road 31 to its intersection with Hudson Branch, thence southerly along the center line of Hudson Branch to its intersection with County Road 371, thence westerly along the center line of County Road 371 to its intersection with County Road 33, thence southeasterly along the center line of County Road 33 to its intersection with County Road 380, thence easterly along the center line of County Road 380 to its intersection with County Road 378, thence northerly along the center line of County Road 378 to its intersection with County Road 371, thence easterly along the center line of County Road 371 to its intersection with U.S. 113, thence to the place of beginning.

(17) Seventeenth Senatorial District. - The 17th Senatorial District shall comprise: all that portion of Kent County as follows, beginning at a point on the center line of County Road 52 at Almshouse Branch, thence in an easterly direction on the center line of County Road 52 to the town limits of Wyoming, thence in a northerly, and northeasterly, easterly direction around Wyoming town limits to its intersection with the center line of the Penn Central Railroad, thence in a northeasterly direction along the center line of the Penn Central Railroad to its intersection with the center line of Puncheon Run meandering in an easterly direction along the center line of Puncheon Run to its intersection with the center line of U. S. 13A, thence in a northerly direction along the center line of U. S. 13A to its intersection with the center line of Wyoming Avenue thence in an easterly direction along the center line of Wyoming Avenue to its intersection with the center line of U. S. 113A, thence in a southerly direction along the center line of U. S. 113A to its intersection with the center line of the Isaac Branch, thence meandering in an easterly direction along the center line of the Isaac Branch to its intersection with the center line of the St. Jones River, by its several courses, thence in a northerly direction along the center line of the St. Jones River to the center line of an imaginary boundary between enumeration district 164, census tract 412 and enumeration district 220, census tract 412 (Ref. 1980 census map, inventory number 2190-11, Delaware State Planning Office) thence in a northeasterly direction along the imaginary boundary to its intersection with the center line of U. S. 113, thence in a southerly direction to the Dover Air Force Base boundary, thence following Dover Air Force Base boundary to its intersection with the center line of Delaware 9, thence in a southerly direction along the center line of Delaware 9 (U. S. 113) to its intersection with the center line of the St. Jones River, thence in a southeasterly direction along the center line of the St. Jones River to the Delaware Bay, thence in a northerly direction along the Delaware Bay to the center line of Leipsie River, by its several courses, thence in a westerly direction of the center line of Leipsie River to the northern boundary of the town of Leipsie to the intersection of the center line of Dykes Branch, thence in a southerly direction along the center line of Dykes Branch to its intersection with the center line of County Road 331, thence in southwesterly direction along the center line of County Road 331 to its intersection with the center line of County Road 330, thence in a southwesterly direction along the center line of County Road 330, to its intersection with the center line of County Road 100, thence in a southwesterly direction along the center line of County Road 100 to its intersection with the center line of County Road 104, thence in a southeasterly direction along the center line of County Road 104, to its intersection with the center line of U.S. 8, thence in a westerly direction along the center line of U.S. 8 to its intersection with the center line of County Road 198, thence in a southerly direction along the center line of County Road 198, to its intersection with the center line of County Road 73, thence in an easterly direction along the center line of County Road 73 to its intersection with the center line of unknown creek that is north of Isaac Branch, thence in a southerly direction along the center line of said creek, by its several courses, to its intersection with the center line of Almshouse Branch, thence in a southerly direction along the center line of Almshouse Branch to its intersection with the center line of County Road 52 and place of beginning.

(18) Eighteenth Senatorial District. - The 18th Senatorial District shall comprise: all that portion of Kent and Sussex County beginning at a point on the boundary of the States of Delaware and New Jersey which point intersects with an imaginary line extending from the northeast boundary of the Town of Lewes, thence in a southwesterly direction along said imaginary line to the northeast corner of the boundary of the Town of Lewes, thence in a counter clockwise direction along said boundary to its intersection with County Road 266, thence along the center line of County Road 266 in a southwesterly direction to its intersection with County Road 14, thence in a southeasterly direction along the center line of County Road 14 to its intersection with State Route 1, thence along the center line of State Route 1 to its intersection with State Route 24, thence in a southerly direction along the center line of State Route 24 to its intersection with State Route 5, thence in a northwesterly direction along the center line of State Route 5 to its intersection with County Road 47, thence in a westerly direction along the center line of County Road 47 to its intersection with State Route 30, thence in a northerly direction along the center line of State Route 30 to its intersection with U.S. Route 9, thence in a westerly direction along the center line of U.S. Route 9 to its intersection with County Road 319, thence in a northerly direction along the center line of County Road 319 to its intersection with County Road 251, thence in a easterly direction along the center line of County Road 251 to its intersection with State Route 30, thence in a northerly direction along the center line of State Route 30 to its intersection with County Road 38, thence in a westerly direction along the center line of County Road 38 to its intersection with County Road 232, thence in a southwesterly direction along the center line of County Road 232 to its intersection with County Road 226, thence in a northwesterly direction along the center line of County Road 226 to its intersection with County Road 224, thence along the center line of County Road 224 in a northeasterly direction to its intersection with State Route 30, thence in a northerly direction along the center line of State Route 30 to its intersection with County Road 207A, thence in a westerly

along the center line of County Road 207A to its intersection with County Road 211, thence in a northwesterly direction along the center line of County Road 211 to its intersection with the town limits of Milford, thence in a clockwise direction around the town limits of Milford to its intersection with State Route 36, thence in a southwesterly direction along the center line of State Route 36 to its intersection with County Route 613, thence in a northerly direction along the center line of County Route 613, thence in a northerly direction along the center line of County Route 613 to its intersection with the county boundaries between Kent County and Sussex County and thence in a westerly direction along said county line to its intersection with U.S. Route 13, thence northerly along the center line of U.S. Route 13 to its intersection with County Road 311, thence in a westerly direction along the center line of County Road 311 to its intersection with County Road 312 at Five Corners, thence in a northwesterly direction along the center line of County Road 312 to its intersection with County Road 60, thence in a northeasterly direction along the center line of County Road 60 to its intersection with County Road 59, thence in a northwesterly direction along the center line of County Road 59 to its intersection with County Road 279, thence in a generally northerly direction along the center line of County Road 279 to its intersection with County Road 78, thence along the center line of County Road 78, thence in an easterly direction along the center line of County Road 78 to its intersection with County Road 289, thence further in an easterly direction along the center line of County Road 289 to its intersection with County Road 428, thence further easterly along the center line of County Road 428 to its intersection with County Road 35, thence in a generally northeasterly direction along the center line of County Road 35 to its intersection with County Road 388, thence in a northerly direction along the center line of County Road 388 to its intersection with County Road 380, thence in a generally easterly direction along the center line of County Road 380 to its intersection with County Road 378, thence in a northeasterly and easterly direction along the center line of County Road 378 to its intersection with County Road 371, thence in an easterly direction along the center line of County Road 371 to its intersection with U.S. Route 113 to its intersection with the State Road 12, thence in a southwesterly direction along the center line of State Road 12 to its intersection with the town limits of Frederica, thence in a counter clockwise direction around the town limits of the Town of Frederica to its intersection with County Road 389, thence along the center line of County Road 389 to its intersection with U.S. Route 113, thence in a generally southerly direction along the center line of U.S. Route 113 to its intersection with the middle of Swan Creek, thence in an easterly direction along the middle of Swan Creek to its intersection with the middle of the Mispillion River, thence in a generally easterly direction along the several courses of the center line of the Mispillion River and extending therefrom to a point intersecting with the Delaware/New Jersey boundary, thence along said boundary to the place of beginning.

SUBCHAPTER V. General Assembly Districts in Sussex County

\$851. Boundaries of the General Assembly Representative Districts Wholly in Sussex County.

The boundaries of the General Assembly Representative Districts Wholly in Sussex County shall be as follows:

(1) Thirty-Sixth Representative District. - The 36th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at a point where the boundary line between Kent and Sussex Counties intersects the center of the boundary line between the States of New Jersey and Delaware in the Delaware Bay, thence southeasterly along the center of the boundary between the States of New Jersey and Delaware to a point opposite the mouth of Prime Hook Creek, thence southwesterly along the imaginary line connecting the boundary between the States of New Jersey and Delaware and the middle of the mouth of Prime Hook Creek, thence generally westerly along the middle of Prime Hook Creek and its various courses to its intersection with the center line of State Route 1, thence northeasterly along the center line of State Route 1 to its intersection with the center line of County Route 38, thence westerly along the center line of County Route 38 to its intersection with the center line of State Route 30, thence southerly along the center line of State Route 30 to its intersection with the center line of State Route 16, thence easterly along the center line of State Route 16 to its intersection with the northern boundary of the Town of Milton, thence continuing in a clockwise direction along the center of the boundary of the Town of Milton to its intersection with the middle of Broadkill River, thence continuing in a clockwise direction along the center of the town limits of Milton to its intersection with the center line of State Route 5, thence in a southeasterly direction along the center line of State Route 5 to its intersection with the center line of U.S. Route 9 at Harbeson, thence in a southwesterly direction along the center line of U.S. Route 9 to its intersection with the boundary of the Town of Georgetown, thence in a counter-clockwise direction along the center of the boundary of the Town of Georgetown to its next intersection with the center line of U.S. Route 9, thence southwesterly along the center line of U.S. Route 9 to its intersection with the center line of County Route 446, thence westerly and southwesterly along the center line of County Route 446 to its intersection with the center line of County Route 46 at Knowles Crossroads, thence generally westerly along County Route 46 to its intersection with County Route 529, thence generally northeasterly along the center line of County Route 529 to its intersection with the center line of State Route 18 at Cokesbury Church, thence northwesterly along the center line of State Route 18 to its intersection with County Route 42 at Coverdale Crossroads, thence generally northeasterly along the center line of County Route 42 to its intersection with the center line of County Route 224, thence generally

northeasterly along the center line of County Route 224 to its intersection with the center line of U.S. Route 113, thence northerly along the center line of U.S. Route 113 to its intersection with the southern boundary of the Town of Milford, thence in a clockwise direction along the center of the boundary of the Town of Milford to its intersection with the center of the boundary line between Kent County and Sussex County, thence northeasterly and easterly along the center of the boundary line dividing Kent and Sussex Counties, to the point where said boundary line meets the Delaware-New Jersey boundary line in the Delaware Bay.

(2) Thirty-Seventh Representative District. - The 37th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of an imaginary line extended from the mouth of Prime Hook Creek and the center of the boundary line between the States of New Jersey and Delaware, thence southeasterly along the center of said boundary between the States of New Jersey and Delaware to the point where said boundary line extended meets the Delaware State line in the Atlantic Ocean, thence in a southerly direction along and with the State line in the Atlantic Ocean to the point where said boundary line intersects an imaginary line extended easterly from the northern boundary line of the Delaware Seashore State Park contiguous to Dewey Beach, thence westerly along the northern boundary of the Delaware Seashore State Park and continuing along an imaginary line extended from the northwestern corner of said boundary across Rehoboth Bay to its intersection with the center line of an Unnamed Road at Bookhammer Landing said Unnamed Road connecting Bookhammer Landing with County Route 279A, thence westerly along the center line of said Unnamed Road to its intersection with the center line of County Route 279A, thence westerly along the center line of County Route 279A to its intersection with the center line of County Route 279, thence southerly along the center line of County Route 279 to its intersection with the center line of County Route 277, thence westerly along the center line of County Route 277 to its intersection with the center line of County Route 278, thence southerly along the center line of County Route 278 and along the extension of the center line of County Route 278 to its intersection with the middle of Herring Creek, thence generally northwesterly along the middle of Herring Creek and its various courses to its intersection with the center line of State Route 24 north of Angola, thence generally southerly along the center line of State Route 24 to its intersection with the center line of State Route 5, thence generally northwesterly along the center line of State Route 5 to its intersection near Indian Mission Church with the center line of County Route 47, thence generally westerly along the center line of County Route 47 to its intersection with the center line of State Route 30 at Springfield Crossroads, thence generally northerly along the center line of State Route 30 to its intersection with the center line of U.S. Route 9, thence northeasterly along the center line of U.S. Route 9 to its intersection with the center line of State Route 5, thence generally northwesterly along the center line of State Route 5 to its intersection with the center of the southern boundary line of the Town of Milton, thence in a counter-clockwise direction along the center of the boundary line of the Town of Milton to its intersection with State Route 16, thence westerly along the center line of State Route 16 to its intersection with the center line of State Route 30, thence in a northerly direction along the center line of State Route 30 to its intersection with the center line of County Route 38, thence in an easterly direction along the center line of County Route 38 to its intersection with the center line of State Route 1, thence in a southeasterly direction along the center line of State Route 1 to its intersection with the middle of Prime Hook Creek, thence in a generally easterly direction along the middle of Prime Hook Creek and along an imaginary line extended from the mouth of Prime Hook Creek to the place of beginning.

(3) Thirty-Eighth Representative District. - The 38th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at a point where the Delaware State line in the Atlantic Ocean is intersected by the extension of the Mason-Dixon Line marking the southern boundary between Delaware and Maryland, thence westerly along and with said boundary line extended and boundary line between Delaware and Maryland to its intersection with the center line of County Route 378 west of Selbyville, thence from said intersection along an imaginary line in a northwesterly direction across Cypress Swamp to its intersection with the center lines of County Route 417 and State Route 54, thence in a generally easterly direction along the center line of State Route 54 to its intersection with the center line of County Route 380, thence generally northeasterly along the center line of County Route 380 to its intersection with the center line of County Route 376, thence southerly along the center line of County Route 376 to its intersection with the center line of County Route 375, thence generally northeasterly along the center line of County Route 375 to its intersection with the center line of County Route 382, thence northwesterly along the center line of County Route 382 at Omar to its intersection with the middle of McCray's Branch Creek, thence generally northerly along the middle of McCray's Branch Creek and its various courses to its intersection with the middle of Pepper's Creek, thence northeasterly along the middle of Pepper's Creek to its intersection with the middle of the Indian River, thence westerly along the middle of the Indian River and its various courses to its intersection with the center line of State Route 24, thence northerly along the center line of State Route 24 to its intersection with the center line of State Route 30, thence northerly along the center line of State Route 30 to its intersection with the center line of County Route 47 at Springfield Crossroads, thence generally easterly along the center line of County Route 47 to its intersection with the center line of State Route 5, thence generally southeasterly along the center line of State Route 5 to its intersection with the center line of State Route 24, thence northerly along the center line of State Route 24 to its intersection with the middle of Herring Creek north of Angola, thence generally southeasterly

along the middle of Herring Creek to its intersection with the center line extended of County Route 278, thence northerly along the extension of the center line of County Route 278 and along the center line of County Route 278 to its intersection with the center line of County Route 277, thence easterly along the center line of County Route 277 to its intersection with the center line of County Route 279, thence northerly along the center line of County Route 279 to its first intersection with the center line of County Route 279A, thence easterly along the center line of County Route 279A to its intersection with the center line of an Unnamed Road connecting Route 279A with Bookhammer Landing, thence easterly along said Unnamed Road and along the center line extended of said Unnamed Road across Rehoboth Bay to its intersection with a point forming the northwestern corner of the boundary of the Delaware Seashore State Park, thence easterly along the middle of the northern boundary of the Delaware Seashore State Park and continuing along an imaginary line to a point in the Delaware State line in the Atlantic Ocean where said imaginary line forms a right angle with the State boundary, thence southerly along the Delaware State line in the Atlantic Ocean to the point and place of beginning.

(4) **Thirty-Ninth Representative District.** - The 39th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of the center of the boundary between the States of Maryland and Delaware and the center line of State Route 18, thence in a generally easterly direction along the center line of State Route 18 to its intersection with the center line of the southbound lane of U.S. Route 13, thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 404, thence southeasterly along the center line of County Route 404 to its intersection with the center line of State Route 18, thence southeasterly along the center line of State Route 18 to its intersection with the center line of County Route 533, thence southerly along the center line of County Route 533 to its intersection with County Route 531, thence southerly along the center line of County Route 531 to its intersection with the center line of County Route 46, thence southeasterly along the center line of County Route 46 to its intersection with the center line of County Route 525, thence southerly along the center line of County Route 525 to its intersection with the center line of County Route 516, thence generally southerly along the center line of County Route 516 to its intersection with the center line of County Route 486, thence southeasterly along the center line of County Route 486 to its intersection with the center line of State Route 20, thence continuing southeasterly along the center line of State Route 20 to its intersection with the center line of County Route 479, thence generally southerly along the center line of County Route 479 to its intersection with the center line of County Route 480, thence generally westerly along the center line of County Route 480 to its intersection with the center line of Route 13A, thence southerly along the center line of Route 13A to its intersection with the middle of Gum Branch, thence generally westerly along the middle of Gum Branch to its intersection with the middle of the Nanticoke River, thence generally southwesterly along the middle of the Nanticoke River and its various courses to its intersection with the middle of the boundary between the States of Maryland and Delaware, thence northerly along the middle of the boundary between the States of Maryland and Delaware to the place of beginning.

(5) **Fortieth Representative District.** - The 40th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of the center of the boundary between the States of Maryland and Delaware and the middle of the Nanticoke River, thence generally northeasterly along the middle of the Nanticoke River to its intersection with the middle of Gum Branch, thence generally easterly along the middle of Gum Branch and its various courses to its intersection with the center line of Route 13A, thence northerly along the center line of Route 13A to its intersection with the center line of County Route 480, thence generally easterly along the center line of County Route 480 to its intersection with the center line of County Route 479, thence generally northerly along the center line of County Route 479 to its intersection with the center line of State Route 20, thence generally southwesterly along the center line of State Route 20 to its intersection with the center line of County Route 486, thence continuing northwesterly along the center line of County Route 486 to its intersection with the center line of County Route 516, thence generally northerly along the center line of County Route 516 to its intersection with the center line of County Route 46, thence easterly along the center line of County Route 46 to its intersection with the center line of U.S. Route 9, thence southwesterly along the center line of U.S. Route 9 to its intersection with the center line of State Route 20, thence southeasterly and easterly along the center line of Route 20 to its intersection with the center line of County Route 431 at Workman's Corners, thence southeasterly along the center line of County Route 431 to its intersection with the center line of State Route 24, thence southwesterly and westerly along State Route 24 to its intersection with the center line of County Route 422A west of Whaley's Crossroads, thence southeasterly along the center line of County Route 422A to its intersection at Bethesda Church with the center line of County Route 62, thence continuing southeasterly and southerly along the center line of County Route 62 to its intersection with the center of the Mason-Dixon Line marking the boundary between Delaware and Maryland, thence along and with said boundary line between Delaware and Maryland in a westerly direction and northerly direction to the place of beginning.

(6) Forty-First Representative District. - The 41st Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of the center of the Mason-Dixon Line forming the southern boundary between the States of Delaware and Maryland and the center line of County Route 378, thence along and with the boundary line between the States of Maryland and Delaware in a westerly direction to its intersection with the center line of County Route 62 near Whitesville, thence in a generally northwesterly direction along the center line of County Route 62 to its intersection with the center line of County Route 422A, thence northwesterly along the center line of County Route 422A to its intersection with the center line of State Route 24, thence in a generally easterly direction along the center line of State Route 24 to its intersection with the center line of County Route 431, thence in a generally northwesterly direction along the center line of County Route 431 to its intersection with the center line of State Route 20, thence in a southwesterly and northwesterly direction along the center line of State Route 20 to its intersection with the center line of U.S. Route 9, thence northeasterly along the center line of U.S. Route 9 to its intersection with the center line of County Route 46, thence in a westerly direction along the center line of County Route 46 to its intersection with the center line of County Route 446, thence in a generally northeasterly direction along the center line of County Route 446 to its intersection with the center line of U.S. Route 9, thence in a northeasterly direction along the center line of U.S. Route 9 to its intersection with the center of the boundary of the Town of Georgetown, thence in a clockwise direction along the center of the boundary of the Town of Georgetown to its next intersection with the center line of U.S. Route 9, thence northeasterly along the center line of U.S. Route 9 to its intersection at Gravel Hill with the center line of State Route 30, thence in a southerly direction along the center line of State Route 30 to its intersection with the center line of State Route 24, thence southerly along the center line of State Route 24 to its intersection with the middle of the Indian River, thence generally easterly along the middle of the Indian River and its various courses to its intersection with the center line of Pepper Creek, thence southwesterly along the center line of Pepper Creek to its intersection with the center line of McCray's Branch, thence southwesterly generally along the middle of McCray's Branch and its various courses to its intersection with the center line of County Route 382, thence southeasterly along the center line of County Route 382 to its intersection with the center line of County Route 375, thence southwesterly along the center line of County Route 375 to its intersection with the center line of County Route 376, thence northerly along the center line of County Route 376 to its intersection with the center line of County Route 380, thence generally southwesterly along the center line of County Route 380 to its intersection with the center line of State Route 54, thence generally westerly along the center line of State Route 54 across Cypress Swamp to its intersection with the center line of County Route 417, thence along an imaginary line from said intersection extending southeasterly across Cypress Swamp to the intersection of the center lines of County Route 378 and the middle of the boundary between the States of Maryland and Delaware, said point being the place of beginning.

S852. Boundaries of the General Assembly Senatorial Districts Wholly in Sussex County.

The boundaries of the several General Assembly Senatorial Districts wholly in Sussex County shall be as follows:

(19) Nineteenth Senatorial District. - The 19th Senatorial District shall comprise: all that portion of Kent and Sussex County bounded by a line beginning at a point along the Delaware and Maryland state boundaries, the intersection of County Route 57, thence along the center line of County Route 57 in a northeasterly direction to its intersection with County Route 274, thence in a southerly and southeasterly direction along the center line of County Route 274 to its intersection with County Road 275, thence along the center line of County Road 275 to its intersection with County Road 279, thence in a southerly direction along the center line of County Road 279 to its intersection with County Road 59, thence in a southeasterly direction along the center line of County Road 59 to its intersection with County Road 60, thence in a southwesterly direction along the center line of County Road 60 to its intersection with County Road 312, thence in a southeasterly direction along the center line of County Road 312 to its intersection with County Road 311 at Five Corners, thence in a northeasterly and easterly direction along the center line of County Road 311 to its intersection with U.S. Route 13, thence in a southerly direction along the center line of U.S. Route 13 to its intersection with the boundary of Kent and Sussex counties, thence in an easterly direction along said boundary to its intersection with County Road 613, thence in a southerly direction along the center line of County Road 613 to its intersection with State Route 36, thence in a northeasterly direction along the center line of State Route 36 to its intersection with the western boundary of the City of Milford, thence in a counter clockwise direction around said boundary to its intersection with County Road 211, thence along the center line of County Road 211 to its intersection with County Road 207A, thence in a northeasterly direction along the center line of County Road 207A to its intersection with State Route 30, thence in a southeasterly direction along the center line of State Route 30 to its intersection with County Road 224, thence in a southwesterly direction along the center line of County Road 224 to its intersection with County Road 226, thence in a southeasterly direction along the center line of County Road 226 to its intersection with County Road 232, thence in a northeasterly direction along the center line of County Road 38, thence in an easterly direction along the center line of County

Road 38 to its intersection with State Route 30, thence in a southerly direction along the center line of State Route 30 to its intersection with County 251, thence in a westerly direction along the center line of County Road 251 to its intersection with County Road 319, thence in a southerly direction along the center line of County Road 319 to its intersection with U.S. Route 9, thence in a northeasterly direction along the center line of U.S. Route 9 to its intersection with State Route 30, thence in a southerly direction along the center line of State Route 30 to its intersection with the center line of County Road 48, thence northwesterly along the center line of County Road 48 to its intersection with the center line of County Road 325, thence westerly along the center line of County Road 325 to its intersection with the center line of U. S. Route 113, thence southeasterly along the center line of U.S. Route 113 to its intersection with the center line of State Route 20, thence in a westerly direction along the center line of State Route 20 to its intersection with U.S. Route 9, thence in a southwesterly direction along the center line of U.S. 9 to its intersection with County Road 474, thence in a northwesterly direction along the center line of County Road 474 to its intersection with County Road 480A, thence in a westerly direction along the center line of County Road 480A to its intersection with County Road 479, thence in a northerly direction along the center line of County Road 479 to its intersection with State Route 20, thence in a generally westerly direction along the center line of State Route 20 to its intersection with the center line of U.S. Route 13, thence along the center line of U.S. 13 in a northerly direction to its intersection with the center line of County Road 544, thence in a northeasterly direction along the center line of County Road 544 to its intersection with the center line of County Road 546, thence in a northwesterly direction along the center line of County Road 546 to its intersection with the center line of State Route 18, thence in a generally westerly direction along the center line of State Route 18 to its intersection with County Road 30, thence in a southeasterly direction along the center line of County Road 30 to its intersection with the city limits of the City of Seaford, thence in a counter clockwise direction along the said city limits to its intersection with County Road 536, thence in a generally southerly direction along the center line of County Road 536 to its intersection with County Road 541, thence in a northwesterly direction along the center line of County Road 541 to its intersection with County Road 538, thence in a generally southerly direction along the center line of County Road 538 to its intersection with County Road 78, thence in a northwesterly direction along the center line of County Road 78 to its intersection with State Route 20, thence in a westerly direction along the center line of State Route 20 to the Delaware and Maryland state boundary, thence northerly along said boundary to the place of beginning.

(20) Twentieth Senatorial District. - The 20th Senatorial District shall comprise: all that portion of Sussex County bounded by a line beginning at a point where the County Road 418 intersects with the Delaware and Maryland boundary, thence in an easterly direction along the Delaware and Maryland boundary which meets the Delaware and New Jersey state line and the Atlantic Ocean, thence north along said boundary into the Delaware Bay to a point where said boundary intersects with an extension of the northeastern boundary of the City of Lewes, thence in a southwesterly direction along said extension to the northeastern boundary of the City of Lewes, thence in a clockwise direction around the town boundary of Lewes to its intersection with County Road 266, thence in a southwesterly direction along the center line of County Road 266 to the intersection of Route 14, thence along the center line of County Route 14 to its intersection with State Route 1, thence along the center line of State Route 1 to its intersection with State Route 24, thence in a southwesterly direction along the center line of State Route 24 to its intersection with State Route 5, thence in a northwesterly direction along the center line of State Route 5 to its intersection with County Route 47, thence in a westerly direction along the center line of County Route 47 to its intersection with State Route 30, thence in a southerly direction along the center line of State Route 30 to its intersection with the center line of County Road 48, thence northwesterly along the center line of County Road 48 to its intersection with the center line of County Road 325, thence westerly along the center line of County Road 325 to its intersection with the center line of U.S. 113, thence along the center line of U.S. 113 in a southerly direction to its intersection with the center line of State Route 20, thence along the center line of State Route 20 in a westerly direction to its intersection with County Route 431, thence along the center line of County Route 431 in a southeasterly direction to its intersection with State Route 24, thence along the center line of State Route 24 in a southerly direction to its intersection with County Road 25, thence along the center line of County Road 25 in a southerly direction to its intersection with State Route 26, thence in an easterly direction along the center line of State Route 26 to its intersection with County Road 403, thence along the center line of County Road 403 in a southerly direction to its intersection with County Road 402, thence along an imaginary line which extends from the intersection of County Roads 402 and 403 to an intersection with County Roads 417 and 60, thence in a southwesterly direction along the center line of County Road 60 to its intersection with County Road 418, thence along the center line of County Road 418 in a generally southerly direction to the place of beginning.

(21) Twenty-first Senatorial District. - The 21st Senatorial District shall comprise: all that portion of Sussex County bounded by a line beginning at a point where the westerly boundary between the States of Maryland and Delaware intersects with the center line of the southerly boundary between the state of Maryland and Delaware, thence easterly along said state boundary until it intersects with the center line of County Road 418, thence northerly along the center line of County Road 418 to its intersection with the center line of State Route 54, thence in a

northeasterly direction along the center line of State Route 54 to a point where the center line of State Route 54 intersects with the center line of the County Road 417, thence along an imaginary line in a northerly direction to an intersection of County Roads 402 and 403, thence in a northeasterly direction along the center line of County Road 403 to its intersection with State Route 26, thence along the center line of State Route 26 in southwesterly direction to its intersection with County Road 25, thence along the center line of County Road 25 in northerly direction to its intersection with County Road 431, thence in a northwesterly direction along the center line of County Road 431 to its intersection with State Route 20, thence in a northwesterly direction along the center line of State Route 20 to its intersection with U. S. Route 9, thence in a southwesterly direction along the center line of U.S. Route 9 to its intersection with County Route 474, thence in a northwesterly direction along the center line of County Route 474 to its intersection with County Route 480A, thence along the center line of County Route 480A in a westerly direction to its intersection with County Road 479, thence in a northerly direction along the center line of County Route 479 to its intersection with State Route 20, thence in a westerly direction along the center line of State Route 20 to its intersection with U.S. 13, thence in a northerly direction along the center line of U.S. Route 13 to its intersection with the center line of County Road 544, thence northwesterly along the center line of County Road 544 to its intersection with the center line of County Road 546, thence in a northerly direction along the center line of County Road 546 to its intersection with the center line of State Route 18, thence in a generally westerly direction along the center line of State Route 18 to its intersection with the center line of County Route 30, thence in a southerly direction along the center line of County Route 30 to its intersection with the westerly boundary of the City of Seaford, thence in a counter clockwise direction along the boundary of the City of Seaford to its intersection with County Road 536, thence along the center line of County Road 536 to its intersection with County Road 541, thence in a northwesterly direction along the center line of County Road 541 to its intersection with County Road 538, thence in a southwesterly direction along the center line of County Road 538 to its intersection with County Route 78, thence in a northwesterly direction along the center line of County Route 78 to its intersection with the Delaware and Maryland state boundary, thence in a southerly direction along the said boundary to the place of beginning.

SUBCHAPTER VI. Effectuation

§861. Filing of Maps.

Maps of the several Representative and Senatorial Districts shall be prepared by the respective Departments of Elections of each County. The maps shall be certified as to correctness by the President and Administrative Director of the respective Departments of Elections and recorded in the offices of the Recorder of Deeds for the respective Counties. Two true and correct copies of these maps shall also be filed, not later than January 1, 1982, in the respective County Departments of Elections with the State Election Commissioner, the respective state chairmen of the 2 major political parties and the State Archivist.

§862. Evidence.

When the maps referred to in this chapter are so recorded in the respective Recorder of Deeds' offices, they shall be prima facie evidence in all judicial proceedings as to the correctness of the boundaries shown thereon.

§863. Copies of Maps.

The State Election Commissioner and the several Departments of Elections shall cause such additional copies of the maps to be prepared and distributed as they deem necessary to properly advise the public.

§864. Designation of Roadways.

The terms avenue, boulevard, drive, highway, lane, parkway, place, road, route, street, turnpike or any abbreviations thereof shall be used interchangeably so as to make the descriptions used in this Chapter conform to maps currently in existence."

Approved August 12, 1981.

CHAPTER 184

FORMERLY

HOUSE BILL NO. 481

AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE TO EXPAND THE GROUP OF INDIVIDUALS AND BUSINESSES TO WHOM EXPIRING TRANSPORTATION CONTRACTS SHALL BE OPEN TO AND TO PERMIT AND REGULATE THE TRANSFER OF TRANSPORTATION CONTRACTS.

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

Section 1. Amend Section 2908, Title 14 of the Delaware Code, by deleting said section in its entirety and substituting therefor the following section:

"§2908. Renewal of Transportation Contracts

(a) When a transportation contract is due to expire for a reason other than the fact that the bus described in said contract is of such vintage that it can no longer be used to transport pupils, a renewal of said contract shall be first offered to the school bus contractor who is party to the expiring contract. In the event that a contractor does not wish to renew the contract, said contract shall be opened to all other interested persons in that area by means of notice published in at least two (2) Delaware newspapers of general circulation. Local boards of education shall promulgate rules and regulations for selecting among those contractors who are ready, willing and able to assume the responsibilities of expiring contracts.

(b) If no parties can be found to assume the responsibilities of contracts expiring pursuant to this section, the department or agency responsible for the transportation of public school pupils shall furnish the transportation previously afforded under the expiring contract.

(c) A school transportation contract may be transferred from a contractor to another party provided that the local board of education approves of said transfer. Transfers of public school transportation contracts shall comply with procedures outlined by the State Board of Education. No contract shall be deemed effectively transferred until said transfer is approved by the State Board of Education."

Approved October 5, 1981.

CHAPTER 185
FORMERLY
HOUSE BILL NO. 483

AN ACT AMENDING 31 DEL. C. §505 TO CLARIFY THAT THE PURPOSE OF SECTION 505 IS TO ALLOW PROVISION OF CERTAIN WELFARE SERVICES BY THE STATE RATHER THAN MANDATE THE PROVISION OF SUCH SERVICES.

WHEREAS, on September 16, 1981, Superior Court held that 31 Del. C. §505 (6) (b) provides for a mandatory program of medical assistance to the medically indigent and that 31 Del. C. §505 (6) (b) was enacted by the General Assembly to require adoption of the federal medically needy option of the Medicaid program; and

WHEREAS, operation of a medically needy program is not mandated by federal legislation, but States have an option whether or not to participate in the program; and

WHEREAS, at least since 1973, the State has not operated a medically indigent program; and

WHEREAS, at no time during the 131st General Assembly has the Department of Health and Social Services sought nor the General Assembly appropriated funds to operate a medically needy program; and

WHEREAS, it was not the intention of the 131st General Assembly, as suggested by the Court, that monies currently appropriated to the Department of Health and Social Services in respect of the entire Medicaid program be used to operate a medically needy program; and

WHEREAS, comppliance by the Department of Health and Social Services with the Court's Order could cause the exhaustion of currently appropriated funds well before the end of the current fiscal year.

NOW, THEREFORE:

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

Section 1. Amend 31 Del. C. §505 by striking the word "shall" in the first line of §505 and substitute in lieu thereof the word "may".

Approved October 5, 1981.

CHAPTER 186

FORMERLY

HOUSE BILL NO 480

AN ACT TO AUTHORIZE AND APPROVE THE STATE'S PROPOSED SALE OF ITS PREFERRED AND COMMON STOCK IN THE FARMERS BANK OF THE STATE OF DELAWARE, AND TO PROVIDE FOR THE USE OF THE FUNDS FROM SUCH SALE AND TO AMEND TITLE 5 OF THE DELAWARE CODE TO PROVIDE FOR THE CONSIDERATION FOR SHARES IN BANK MERGERS AND TO PROVIDE FOR THE ACQUISITION BY OUT-OF-STATE BANK HOLDING COMPANIES OF STOCK, ASSETS AND INTERESTS IN BANKS LOCATED IN DELAWARE TO WHICH THE STATE HAS PROVIDED FINANCIAL ASSISTANCE RESULTING IN THE STATE OBTAINING STOCK IN THE BANK.

WHEREAS, the State has owned a substantial portion of the outstanding capital stock of the Farmers Bank of the State of Delaware (the "Farmers Bank") since 1808; and

WHEREAS, the State, pursuant to authorization by the 128th General Assembly and the Governor of the State, entered into an agreement dated May 12, 1976 (the "Assistance Agreement"), with the Federal Deposit Insurance Corporation (the "FDIC") and the Farmers Bank to provide financial assistance from the State and the FDIC to Farmers Bank pursuant to which the State acquired 2,000,000 shares of the 6% Voting Cumulative Preferred Stock, par value \$10 per share, of Farmers Bank (the "Preferred Stock"); and

WHEREAS, such financial assistance was deemed necessary to protect the welfare, good order and financial well being of the State and the citizens thereof and such assistance has continued to the present at great cost to the public treasury and the citizens of this State; and

WHEREAS, the State presently owns 478,800 shares of the Common Stock, par value \$5 per share (the "Common Stock"), and 1,710,000 shares of the Preferred Stock (collectively, the "State Shares"); and

WHEREAS, the 128th General Assembly of the State created the Farmers Bank Commission (the "Commission") to be the trustee for and to exercise the voting power of the State Shares on behalf of the State; and

WHEREAS, the Commission solicited and received proposals to purchase the State Shares, and has carefully considered and reviewed the proposals with the advice of its investment banker and legal counsel; and

WHEREAS, the Commission on behalf of the State entered into a Plan of Acquisition and Agreement on August 6, 1981 (the "Plan"), among the Commission, Farmers Bank and The Girard Company, Philadelphia, Pennsylvania ("Girard"), and to which is attached, as Appendix A, an Agreement of Merger (collectively, the "Acquisition Agreements") providing for the merger of a subsidiary of Girard into Farmers Bank pursuant to which the State and each other holder of Farmers Bank stock will receive \$23.25 for each share of Common Stock and \$7.85 plus accrued and unpaid dividends for each share of its Preferred Stock held by such stockholder; and

WHEREAS, the Commission has submitted a report (the "Report") to this General Assembly and the Governor recommending the adoption and approval by the Governor and this General Assembly of the Acquisition Agreements; and

WHEREAS, the sale of the State's interest in the Bank will limit future such financial jeopardy to the public and will recover for the State treasury and the citizens of this State the greatest possible portion of the funds expended in financial assistance to the Farmers Bank; and

WHEREAS, current Federal law prohibits an acquisition of a bank in one state by an out-of-state bank holding company or a subsidiary thereof unless the laws of such state specifically permit such a transaction; and

WHEREAS, the Commission has proposed legislation to the General Assembly with respect to the Acquisition Agreements and the present requirements of Federal law, which legislation may also make less costly any such aid to distressed banks which shall in the future be desirable; and

WHEREAS, Farmers Bank on August 3, 1981 pursuant to its Certificate of Incorporation redeemed 90,000 shares of the State's Preferred Stock, the proceeds of which have been set aside to be treated together with the proceeds to the State from the Acquisition Agreements; and

WHEREAS, this General Assembly has concluded that adoption, approval and ratification of the Acquisition Agreements and enactment of this legislation amending the laws of the State is appropriate, reasonable, and in the best interests of the citizens of the State.

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. A. The execution by the Farmers Bank Commission (the "Commission") on behalf of the State on August 6, 1981 of the Plan of Acquisition and Agreement among the Commission, The Girard Company, and the Farmers Bank of the State of Delaware ("Farmers Bank") to which is attached on Appendix A an Agreement of Merger (collectively, the "Acquisition Agreements") is hereby ratified, adopted, and approved by the General Assembly in all respects.

B. All other acts, decisions, and resolutions of the Commission in connection with and related to the Agreements and the Commission's actions with respect to the exchange under the Acquisition Agreements of the 478,800 shares of the Common Stock, par value \$5 per share, of Farmers Bank and 1,710,000 shares of the 6% voting Cumulative Preferred Stock, par value \$10 per share, of Farmers Bank (collectively, the "State Shares") and all other actions of the Commission in connection with the sale of the State Shares are hereby ratified, adopted, and approved by the General Assembly in all respects.

C. The Commission, as trustees for the State Shares on behalf of the State, is hereby authorized and directed to do all things necessary to carry forward the intent and purpose of the Acquisition Agreements in accordance with their terms, and, on the effective date of the merger provided for in the Acquisition Agreements to surrender in exchange for the amount of cash to be received therefor under the Acquisition Agreements the certificates representing the State Shares, duly executed in blank by the custodian of the State Shares, and to fulfill such other conditions and obligations as may be provided for in the Acquisition Agreements. The Commission is authorized, in its discretion, prior to the effective date of the merger provided for in the Acquisition Agreements to agree to a purchase, redemption or other acquisition by Farmers Bank of the Preferred Stock owned by the State on the terms contained in the Acquisition Agreements.

Section 2. Amend Title 29 of the Delaware Code by adding a new section to be designated §2716 to read as follows:

"§2716. Proceeds of Sale of Farmers Bank Stock

The State Treasurer shall deposit all proceeds from the State owned preferred or common stock of Farmers Bank of the State of Delaware which have been paid or are payable to the State as well as any dividends on such stock, or interest on such proceeds, paid or payable to the State in connection with such proceeds in a special fund or funds. The money in any such special fund may (a) be invested, or otherwise applied, to meet debt service on outstanding obligations of the State to which the State has pledged its faith and credit; or (b) be applied to the cost of capital projects authorized by authorization acts in lieu of the issuance of obligations authorized thereby; and (c) costs incidental to either of the foregoing: provided, however, that the portion of the proceeds of the sale which represents the proceeds from the sale of common stock held in the Public School Fund shall be applied exclusively to the support of public schools by investing or otherwise applying the proceeds to meet debt service or outstanding obligations of the State issued to finance public school projects to which the State has pledged its faith and credit or by applying the proceeds to the cost of capital projects authorized by authorization acts for public school purposes in lieu of the issuance of obligations authorized thereby. The issuing officers as defined in §7401 of Title 29 shall determine the manner in which the proceeds shall be applied consistent with the provisions of this Section."

Section 3. Amend Title 5 of the Delaware Code by changing the heading of Chapter 8 to read "Acquisition of Stock and Assets of, and Interest in, Banks Located in the State of Delaware by Out-Of-State Bank Holding Companies" and by redesignating the existing Chapter 8 as Subchapter 1 of Chapter 8 entitled "Acquisition of Stock in New Banks in Delaware."

Section 4. Amend new Subchapter 1 of Chapter 8 of Title 5 of the Delaware Code by deleting the word "chapter" wherever such word appears in said new subchapter and substituting in lieu thereof the word "subchapter."

Section 5. Amend Section 803 of Title 5 of the Delaware Code by deleting the word "herein" in the first sentence of said section and substituting in lieu thereof the words "in this chapter."

Section 6. Amend Chapter 8 of Title 5 of the Delaware Code by adding a new subchapter to said chapter as follows:

"SUBCHAPTER 11. Acquisition of Stock and Assets of, and Interests in, Banks to Which the State has Provided Financial Assistance and Obtained an Ownership Interest.

§821. Definitions

As used in this subchapter:

(a) 'State assisted bank' means a bank which the State has, in order to relieve financial distress determined to exist by the State Bank Commissioner, assisted by means of a grant, loan, asset purchase or deposit made pursuant to a plan or agreement if (i) the State owns an equity interest in the bank which the State obtained pursuant to the plan or agreement and (ii) such equity interest together with any equity interest previously obtained and still held by the State aggregates not less than 25% of the voting rights of all holders of stock or other voting rights.

(b) 'Bank' means a bank or trust company existing under the laws of the State of Delaware, or a national banking association existing under the National Bank Act, as amended (12 U.S.C. §21, et seq.), whose main office is in this State.

(c) 'Out-of-state bank holding company' means an out-of-state bank holding company as defined in §801(b) of this Title.

(d) 'Subsidiary' means a subsidiary as defined in §801(f) of this Title.

§822. Purpose and Findings

The purpose of this subchapter is to permit the acquisition by an out-of-state bank holding company, or a subsidiary thereof, of any voting shares of, interest in, or all or substantially all of the assets of, a State assisted bank, notwithstanding any other provision of State law. The General Assembly of the State of Delaware hereby finds that it is in the interest of the State that the State have the ability to divest its interest in a State assisted bank to an out-of-state bank holding company, and that such ability does not exist unless legislation of the State, as presently required under §3(d) of the Federal Bank Holding Company Act of 1956, as amended (12 U.S.C. §1842(d)), permits out-of-state bank holding companies, or their subsidiaries, to acquire a State assisted bank.

§823. Authorized Acquisitions

Pursuant to the present requirement of §1842(d) of Title 12 of the United States Code and notwithstanding any other provision of State law, any out-of-state bank holding company, or any subsidiary thereof, may acquire pursuant to this subchapter, and it and any successor thereto by merger, consolidation or other corporate reorganization may retain and hold, voting shares of, interest in, or all or substantially all of the assets of a State assisted bank and any successor thereto. Such acquisition, retention and holding of voting shares of, interest in, or all or substantially all of the assets of a State assisted bank shall not be construed to limit in any manner the franchise powers or privileges of such bank to conduct its business; provided, however, that this section does not authorize: (a) The establishment in this State of branch offices of a banking subsidiary of an out-of-state bank holding company making an acquisition pursuant to this section if such banking subsidiary does not have its principal place of business in this State; or (b) The acquisition by a bank acquired pursuant to this section of a bank engaged in business in this State (other than one organized under subchapter I of this chapter) by merger, consolidation or purchase of all or substantially all of its assets, or more than 10% of its voting shares. The limitation in (a) of this subsection applies at any time when the combined effect of Federal and State law is to prohibit such establishment in this State of branch offices by a bank controlled by an out-of-state bank holding company and the limitation in (b) of this subsection applies at any time when the combined effect of Federal and State law is to prohibit the acquisition in the manner described in (b) above of a bank engaged in business in this State by a bank controlled by an out-of-state bank holding company.

§824. Application for Approval of Acquisition

(a) An out-of-state bank holding company or subsidiary thereof proposing an acquisition pursuant to §823 of this subchapter shall file an application with the Commissioner for approval to make such acquisition either pursuant to §751 or §5781 et seq. of Title 5, as the case may be, if applicable.

(b) If not application under §751 or §5781 et seq. of Title 5 is required for such acquisition, then an application under this subsection shall be filed with the Commissioner for his consent to the

acquisition. Such application shall contain such information as the Commissioner may require by regulation. Such application shall designate a resident of this State as applicant's agent for the service of any paper, notice or legal process upon the applicant in connection with matters arising out of this subchapter. The Commissioner may shorten or modify the normal application procedures required for any acquisition authorized by this subchapter where the circumstances involving the State assisted bank indicate that delay in approving the acquisition may be detrimental to such bank.

(c) In determining whether to approve an acquisition by an out-of-state bank holding company or any subsidiary thereof pursuant to this subchapter, the Commissioner shall consider:

(1) The financial and managerial resources of the out-of-state bank holding company or its subsidiary;

(2) The future prospects of the out-of-state bank holding company and the State assisted bank or its subsidiary whose assets, interest in or shares it will acquire;

(3) The financial history of the out-of-state bank holding company or its subsidiary;

(4) Whether such acquisition or holding may result in undue concentration of resources or substantial lessening of competition in this state;

(5) The convenience and needs of the public of this State; and

(6) Whether such acquisition or holding will strengthen the financial condition of the State assisted bank.

§825. Required Reports

An out-of-state bank holding company that directly or indirectly through any subsidiary acquires, retains and holds voting stock of a bank pursuant to this subchapter shall file with the Commissioner either: (a) copies of all regular and periodic reports which such bank holding company is required to file under §§13 or 15 (d) of the Securities Exchange Act of 1934, as amended, but excluding any portions not available to the public, or (b) in the case of a bank holding company which is not required to file such reports, such periodic reports as the Commissioner may require by regulation.

§827. Rules, Regulations and Orders

The Commissioner may adopt rules and regulations and issue orders under this chapter for the following purposes:

(a) To prescribe information or forms required in connection with an application pursuant to §824;

(b) To establish procedures in connection with approvals pursuant to §824 and the filing of required reports pursuant to §825.

§827. 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 7. Amend §784(a)(3) of Title 5 of the Delaware Code by inserting at the end thereof prior to the semicolon the following:

"and, if any shares of any of the merging banks are not to be converted solely into shares or other securities of the resulting state bank, the cash, property, rights or securities of any other bank or corporation which the holders of such shares are to receive in exchange for, or upon conversion of such shares and the surrender of the certificates evidencing them, which cash, property, rights or securities of any other bank or corporation may be in addition to or in lieu of shares of other securities of the resulting state bank and such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance or recognition of fractional shares, interest or rights, or for any other arrangement with respect thereto consistent with the provisions of §155 of Title 8."

Section 8. This Act shall become effective upon its adoption.

Approved October 9, 1981.

CHAPTER 187
FORMERLY
HOUSE BILL NO. 484

AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO THE REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS.

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

Section 1. Amend Chapter 8, Title 29, §821, subsection (2) (Second Representative District) of the Delaware Code by striking the words: "All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of Philadelphia Pike (U.S. Route 13) and the middle of the northern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the northern and eastern boundary of the City of Wilmington which is also the boundary between the States of New Jersey and Delaware" as the same appear in said subsection (2), and substituting in lieu thereof the following:

"All that portion of the City of Wilmington bounded by a line beginning at the intersection of the center line of Market Street (U.S. Route 13) and the middle of the northeastern boundary of the City of Wilmington, thence in a clockwise direction along the middle of the northern and eastern boundary of the City of Wilmington to its intersection with the center of the boundary between the States of New Jersey and Delaware, thence southerly along said boundary".

Section 2. Amend Chapter 8, Title 29, §821, subsection (3) (Third Representative District) of the Delaware Code:

(a) by striking the words "thence in a clockwise direction along the middle of the southern boundary of the City of Wilmington to its intersection with the center line of Linden-Madison Street, thence northerly along the center line of Linden-Madison Street" as the same appear in said subsection (3), and substituting in lieu thereof the following:

"thence in a clockwise direction along the middle of the southern boundary of the City of Wilmington to its intersection with the middle of the Christina River, thence northerly and easterly along the center of the Christina River and its various courses to its intersection with the center line of Walnut Street, thence northerly along the center line of Walnut Street";

(b) by striking the words "thence easterly along the center line of Fourth Street to its intersection with the center line of Orange Street, thence northerly along the center line of Orange Street to its intersection with the center line of Seventh Street, thence westerly along the center line of Seventh Street to its intersection with the center line of Tatnall Street, thence northerly along the center line of Tatnall Street to its intersection with the center line of Ninth Street, thence westerly along the center line of Ninth Street to its intersection with the center line of Jefferson Street, thence northerly along the center line of Jefferson Street to its intersection with the center line of Delaware Avenue, thence northwesterly along the center line of Delaware Avenue to its intersection with the center line of Twelfth Street, thence easterly along the center line of Twelfth Street to its intersection with the center line of Chippey Street," as the same appear in said subsection (3) and substituting in lieu thereof the following:

"thence easterly along the center line of Fourth Street to its intersection with the center line of Tatnall Street, thence northerly along the center line of Tatnall Street to its intersection with the center line of Seventh Street, thence westerly along the center line of Seventh Street to its intersection with the center line of West Street, thence northerly along the center line of West Street to its intersection with the center line of Ninth Street, thence westerly along the center line of Ninth Street to its intersection with the center line of Jefferson Street, thence northerly along the center line of Jefferson Street to its intersection with the center line of Delaware Avenue, thence northwesterly along the center line of Delaware Avenue to its intersection with the center line of Madison Street, thence northerly along the center line of Madison Street to its intersection with the center line of Twelfth Street, thence easterly along the center line of Twelfth Street to its intersection with the center line of Chippey Street,".

Section 3. Amend Chapter 8, Title 29, §821, subsection (5) (Fifth Representative District) of the Delaware Code

(a) by striking the words: "thence easterly along the center line of Lancaster Avenue to its

intersection with the center line of Madison Street, thence southerly along the center line of Madison Street and the extension of the center line of Madison Street" as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence easterly along the center line of Lancaster Avenue to its intersection with the center line of Walnut Street, thence southerly along the center line of Walnut Street to its intersection with the Christina River, thence westerly and southerly along the center of the Christina River and its various courses";

(b) by striking the words: "thence in a clockwise direction along the middle of the southern boundary of the City of Wilmington to its intersection with the center line of Rodman Road, thence northwesterly along the center line of Rodman Road to its intersection with the center line of State Route 2, thence northeasterly along the center line of State Route 2 to its intersection with the middle of the boundary of the City of Wilmington," as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence in a clockwise direction along the middle of the southern and western boundary of the City of Wilmington".

Section 4. Amend Chapter 8, Title 29, §822, subsection (1) (First Senatorial District) of the Delaware Code by striking the word "southeasterly" as it appears after the words: "center line of Philadelphia Pike, thence in a" and substituting in lieu thereof the word "northeasterly".

Section 5. Amend Chapter 8, Title 29, §822, subsection (2) (Second Senatorial District) of the Delaware Code

(a) by striking the words: "thence northwesterly along the center line of Edgemoor Road extended and the center line of Edgemoor Road to its intersection with the center line of Philadelphia Pike to its intersection with the center line of 30th Street, thence northwesterly along the center line of 30th Street to its intersection with Washington Street, thence southwesterly along the center line of 20th Street, thence southeasterly along the center line of 20th Street to its" as the same appear in said subsection (2) and substituting in lieu thereof the following:

"thence northwesterly along the center line of Edgemoor Road extended and the center line of Edgemoor Road to its intersection with the center line of Philadelphia Pike, thence southerly along the center line of Philadelphia Pike to its intersection with the center line of Thirtieth Street, thence northwesterly along the center line of Thirtieth Street to its intersection with the center line of Washington Street, thence southwesterly along the center line of Washington Street to its intersection with the center line of Twentieth Street, thence southeasterly along the center line of Twentieth Street to its";

(b) by striking the words: "7th Street, thence southeasterly along the center line of 7th Street to its intersection with Tatnall Street, thence southeasterly along the center line of Tatnall Street" as the same appear in said subsection (2) and substituting in lieu thereof the following:

"8th Street, thence southeasterly along the center line of 8th Street to its intersection with Orange Street, thence southwesterly along the center line of Orange Street".

Section 6. Amend Chapter 8, Title 29, §822, subsection (3) (Third Senatorial District) of the Delaware Code

(a) by inserting the word "Front" before the words: "Street, thence northwesterly along the center line of Front Street";

(b) by striking the words: "Tatnall Street, thence northerly along the center line of Tatnall Street to its intersection with the center line of 7th Street, thence northwesterly along the center line of 7th Street" as the same appear in said subsection (3) and substituting in lieu thereof the following:

"Orange Street, thence northeasterly along the center line of Orange Street to its intersection with Eighth Street, thence northwesterly along the center line of Eighth Street";

(c) by striking the words: "thence easterly along the center line of the northern boundary of the Town of Elsmere to its intersection with the center line of Race Street, thence southerly along the center line of Race Street to its intersection with the center line of Wilmington Avenue, thence easterly along the center line of Wilmington Avenue to its intersection with the center line of the boundary of the City of Wilmington" as the same appear in said subsection (3) and substituting in lieu thereof the following:

"thence easterly along the center line of the northern boundary of the Town of Elsmere to its

intersection with the center line of du Pont Road (Route 100), thence southerly along the center line of du Pont Road (Route 100) to its intersection with the center line of Wilmington Avenue, thence easterly along the center line of Wilmington Avenue to the place of beginning."

Section 7. (a) Amend Chapter 8, Title 29, §831 of the Delaware Code by striking the following words and phrases as they appear in said section:

- "(6) Sixth Representative District.";
- "(7) Seventh Representative District.";
- "(8) Eighth Representative District.";
- "(9) Ninth Representative District.";
- "(10) Tenth Representative District.";
- "(11) Eleventh Representative District.";

and substituting in lieu thereof the following:

- "(1) Sixth Representative District." for "(6) Sixth Representative District.";
- "(2) Seventh Representative District." for "(7) Seventh Representative District.";
- "(3) Eighth Representative District." for "(8) Eighth Representative District.";
- "(4) Ninth Representative District." for "(9) Ninth Representative District.";
- "(5) Tenth Representative District." for "(10) Tenth Representative District.";
- "(6) Eleventh Representative District." for "(11) Eleventh Representative District.";

(b) Hereinafter in this Act, all subsections under §831 shall be referred to by means of the revised numbering in Section 7 (a) above.

Section 8. Amend Chapter 8, Title 29, §831, subsection (2) (Seventh Representative District) of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(2) Seventh Representative District. - The 7th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Foulk Road and the center of the boundary between the States of Pennsylvania and Delaware, thence in a southeasterly direction along said boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Zebley Road, thence in a southeasterly direction along the center line of Zebley Road extended to its intersection with the center line of Marsh Road, thence in a southerly direction along the center line of Marsh Road to its intersection with the center of the northern boundary of the Town of Arden, thence in a clockwise direction along the center of the boundary of the Town of Arden to its intersection with the center line of Harvey Road, thence in a southeasterly direction along the center line of Harvey Road to its intersection with the center line of the Baltimore and Ohio Railroad, thence in a southwesterly direction along the center line of the Baltimore and Ohio Railroad to its intersection with the center line extended of Baynard Boulevard, thence in a westerly direction along the center line of Baynard Boulevard to its intersection with the center line of Marsh Road, thence in a southerly direction along the center line of Marsh Road to its intersection with the center line of the Baltimore and Ohio Railroad, thence in a southwesterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center of Shellpot Creek, thence in a northwesterly direction along the center of Shellpot Creek to its intersection with the center line extended of Weldin Road, thence in a westerly direction along the center line of Weldin Road to its intersection with the center line of Shipley Road, thence in a northwesterly direction along the center line of Shipley Road to its intersection with the center line of Wilson Road, thence in a northeasterly direction along the center line of Wilson Road to its intersection with the center line extended of Graywell Road, thence in a northwesterly direction along the center line of Graywell Road extended to its intersection with the center line of Graylyn Road, thence in a northeasterly direction along the center line extended of Graylyn Road to its intersection with the center line of Silverside Road, thence in a northwesterly direction along the center line of Silverside Road to its intersection with the center line of Foulk Road, thence in a northeasterly direction along the center line of Foulk Road to its intersection with the center of the boundary between the States of Pennsylvania and Delaware."

Section 9. Amend Chapter 8, Title 29, §831, subsection (3) (Eighth Representative District) of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(3) Eighth Representative District. - The 8th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Baynard Boulevard and the center line of Marsh Road, thence in an easterly direction along the center line of Baynard Boulevard extended to its intersection with the center of the Baltimore and Ohio Railroad, thence in a northeasterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center of Naaman's Creek, thence in a southeasterly direction along the center of Naaman's Creek to its intersection with the center line of Glen Rock Drive, thence in a southerly direction along the center line of Glen Rock Drive to its first intersection with the center line extended of Miles Road, thence in a southerly direction along the center line of Miles Road to its intersection with the center line of Pennsylvania Avenue, thence in a southeasterly direction along the center line of Pennsylvania Avenue to its intersection with the center line of Green Street (or Ridge Avenue), thence in a northeasterly direction along the center line of Green Street (or Ridge Avenue) to its intersection with the center line extended of Franklin Avenue, thence in a southeasterly direction along the center line of Franklin Avenue extended to its intersection with the center line of Philadelphia Pike (Route 13), thence in a northeasterly direction along the center line of Philadelphia Pike (Route 13) to its intersection with the center of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the center of the boundary between the States of Pennsylvania and Delaware to its intersection with the center of the boundary between the States of New Jersey and Delaware, thence in a southwesterly direction along the center of the boundary between the States of New Jersey and Delaware to its intersection with an imaginary line extended southeasterly along the center line of Prospect Drive, thence in a northwesterly direction along said imaginary line and the center line of Prospect Drive to its intersection with the center of the southeastern boundary of the Town of Bellefonte, thence in a counter-clockwise direction along said boundary of the Town of Bellefonte to a point being the intersection of the center line of Philadelphia Pike (Route 13) and the center line of Washington Street Extension, thence in a northwesterly direction along the center line of Washington Street Extension to its intersection with the center line of Marsh Road, thence in a northerly direction along the center line of Marsh Road to its intersection with the center line of Baynard Boulevard."

Section 10. Amend Chapter 8, Title 29, §831, subsection (4) (Ninth Representative District) of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(4) Ninth Representative District. - The 9th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Zebley Road and the center of the boundary between the States of Pennsylvania and Delaware, thence in a clockwise direction along the center of the boundary between the States of Pennsylvania and Delaware to its intersection with the center line of Philadelphia Pike, thence in a southwesterly direction along the center line of Philadelphia Pike to its intersection with the center line of Franklin Avenue, thence in a northwesterly direction along the center line of Franklin Avenue to its intersection with the center line of Green Street (or Ridge Avenue), thence in a southwesterly direction along the center line of Green Street (or Ridge Avenue) to its intersection with the center line of Pennsylvania Avenue, thence in a northwesterly direction along the center line of Pennsylvania Avenue to its intersection with the center line of Miles Road, thence in a counter-clockwise direction along the center line of Miles Road to its intersection with the center line of Glen Rock Drive, thence in a northerly direction along the center line of Glen Rock Drive to its intersection with Naaman's Creek South Branch, thence in a northwesterly direction along the center of Naaman's Creek South Branch to its intersection with the center line of the Baltimore and Ohio Railroad, thence in a southwesterly direction along the center of the Baltimore and Ohio Railroad to its intersection with the center line of Harvey Road, thence in a northwesterly direction along the center line of Harvey Road to its intersection with the center line of the southeastern boundary of the Town of Arden, thence in a counter-clockwise direction along the center of the boundary of the Town of Arden to its intersection with the center line of Marsh Road, thence in a northerly direction along the center line of Marsh Road to its intersection with the center line extended of Zebley Road, thence in a northwesterly direction along the center line of Zebley Road to its intersection with the center of the boundary between the States of Pennsylvania and Delaware."

Section 11. Amend Chapter 8, Title 29, §831, subsection (5) (Tenth Representative District) of the Delaware Code

(a) by striking the words: "thence in a westerly direction along the center line of Silverside Road to its intersection with the center line extended of Capital Avenue, thence in a

southerly direction along the center line of Capital Avenue" as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence in a westerly direction along the center line of Silverside Road to its intersection with the center line of Brookfield Drive, thence in a southerly direction along the center line of Brookfield Drive";

(b) by striking the words: "thence in a westerly and northwesterly direction along the center line of Garden of Eden Road to its intersection with the center line of Thompson Bridge Road," as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence in a westerly and northwesterly direction along the center line of Garden of Eden Road and Garden of Eden Road extended to its intersection with the center line of Thompson Bridge Road,".

Section 12. Amend Chapter 8, Title 29, §831, subsection (6) (Eleventh Representative District) of the Delaware Code

(a) by striking the words: "thence in a northeasterly direction along the center line of Thompson Bridge Road to its intersection with the center line of Garden of Eden Road, thence in a southwesterly direction along the center line of Garden of Eden Road to its intersection with the center line of the northbound lane of Concord Pike (Route 202)," as the same appear in said subsection (6) and substituting in lieu thereof the following:

"thence in a northeasterly direction along the center line of Thompson Bridge Road to its intersection with the center line of Garden of Eden Road extended, thence in a southeasterly direction along the center line of Garden of Eden Road to its intersection with the center line of the northbound lane of Concord Pike (Route 202),";

(b) by striking the words: "thence in a westerly direction along the center line of Rose Anna Avenue to its intersection with the center line of Capital Avenue, thence in a northerly direction along the center line of Capital Avenue" as the same appear in said subsection (6) and substituting in lieu thereof the following:

"thence in a westerly direction along the center line of Rose Anna Avenue to its intersection with the center line of Brookfield Drive, thence in a northerly direction along the center line of Brookfield Drive";

(c) by striking the words: "thence in a southeasterly direction along the center line of Rockland Road to its intersection with the middle of the Brandywine Creek," as the same appear in said subsection (6) and substituting in lieu thereof the following:

"thence in a northeasterly direction along the center line of Rockland Road to its intersection with the middle of the Brandywine Creek,".

Section 13. Amend Chapter 8, Title 29, §831, subsection (7) (Twelfth Representative District) of the Delaware Code

(a) by striking the words: "thence in a westerly and southwesterly direction along the center line of Rockland Road to its intersection with the center line of Montchanin Road, thence in a westerly direction along the center line of Kirk Road to its intersection with the center line of Kennett Pike (Route 52), thence in a southeasterly and southerly direction along the center line of Kennett Pike (Route 52) to its intersection with the center line of the Reading Railroad, thence in a southerly direction along the center of the Reading Railroad to its intersection with the center line of Route 141, thence in a westerly and southwesterly direction along the center line of Route 141 to its intersection with the center line of Lancaster Pike (Route 48)," as the same appear in said subsection (7) and substituting in lieu thereof the following:

"thence in a westerly and southwesterly direction along the center line of Rockland Road to its intersection with the center line of Kirk Road, thence in a westerly direction along the center line of Kirk Road to its intersection with the center line of Kennett Pike (Route 52), thence in a southeasterly and southerly direction along the center line of Kennett Pike (Route 52) to its intersection with the center line of the Reading Railroad, thence in a southerly direction along the center of the Reading Railroad to its intersection with the center line of Centre Road (Route 141), thence in a westerly and southwesterly direction along the center line of Centre Road (Route 141) to its intersection with the center line of Lancaster Pike (Route 48),";

(b) by striking the words: "thence in a northerly direction along the center line of McKennan's Church Road to its intersection with the center line of Newport-Gap Pike (Route 41)," as the same appear in said subsection (7) and substituting in lieu thereof the following:

"thence in a northerly direction along the center line of McKennan's Church Road to its intersection with the center lines of Newport-Gap Pike (Route 41) and Loveville Road,".

Section 14. Amend Chapter 8, Title 29, §831, subsection (8) (Thirteenth Representative District) of the Delaware Code by striking the words: "thence in a clockwise direction along the eastern boundary of the Town of Newport to its intersection with the center line of Water Street, thence continuing in a clockwise direction along the center of the boundary of the Town of Newport to its intersection" as the same appear in said subsection (8) and substituting in lieu thereof the following:

"thence in a clockwise direction along the middle of the eastern and southern boundary of the Town of Newport to its intersection".

Section 15. Amend Chapter 8, Title 29, §831, subsection (9) (Fourteenth Representative District) of the Delaware Code

(a) by striking the words: "the center line of State Route 2, thence in an easterly direction along the center line of State Route 2 to its intersection with the center line of Rodman Road, thence southeasterly along the center line of Rodman Road to its intersection with the middle of the southern boundary of the City of Wilmington, thence in a counter-clockwise direction along the southern boundary of the City of Wilmington to its intersection with" as the same appear in said subsection (9);

(b) by striking the words: "thence westerly and northeasterly along the center line of Spruce Avenue to its intersection with the middle of the northwestern boundary of the Town of Elsmere," as the same appear in said subsection (9) and substituting in lieu thereof the following:

"thence northeasterly along the center line of Spruce Avenue to its intersection with the middle of the northwestern boundary of the Town of Elsmere,".

Section 16. Amend Chapter 8, Title 29, §831, subsection (11) (Sixteenth Representative District) of the Delaware Code

(a) by striking the words: "and the center line of Memorial Avenue, thence in a southwesterly direction along the center line of Memorial Avenue" as the same appear in said subsection (11) and substituting in lieu thereof the following:

"and the center line of Memorial Drive, thence in a southwesterly direction along the center line of Memorial Drive";

(b) by striking the words: "thence in an easterly and northerly direction along Lesley Lane to its second intersection with the center line of Morrison Road, thence in a southwesterly direction along Fithian Drive to its intersection with the center line of Roosevelt Avenue," as the same appear in said subsection (11) and substituting in lieu thereof the following:

"thence in an easterly and northerly direction along the center line of Lesley Lane to its second intersection with the center lines of Morrison Road and Fithian Drive, thence in a southwesterly direction along the center line of Fithian Drive to its intersection with the center line of Roosevelt Avenue,".

Section 17. Amend Chapter 8, Title 29, §831, subsection (12) (Seventeenth Representative District) of the Delaware Code by striking the words: "to its intersection with the center line of Roosevelt Avenue, thence in a southwesterly" as the same appear in said subsection (12) and substituting in lieu thereof the following:

"to its intersection with the center line of Roosevelt Avenue, thence in a southeasterly".

Section 18. Amend Chapter 8, Title 29, §831, subsection (13) (Eighteenth Representative District) of the Delaware Code by striking the words: "thence northerly and westerly along the center line of State Route 7 to its intersection with the center line of Christiana Road (County Route 18) at Christiana, thence continuing northwesterly along the center line of Christiana Road (County Route 18) to its intersection with the center line of New Harmony Road (County Route 355), thence generally in a northwesterly direction along the center line of New Harmony Road to its intersection with the center of White Clay Creek," as the same appear in said subsection (13) and substituting in lieu thereof the following:

"thence northerly and westerly along the center line of State Route 7 to its intersection with the center line of Christiana Road (State Route 273) at Christiana, thence continuing northwesterly along the center line of Christiana Road (State Route 273) to its intersection with the center line of Harmony Road (County Route 355), thence generally in a northwesterly direction along the center line of Harmony Road (County Route 355) to its intersection with the center line of North Old Harmony Road, thence in a northwesterly direction along the center line of North Old Harmony Road to its

intersection with the center of White Clay Creek,".

Section 19. Amend Chapter 8, Title 29, §831, subsection (14) (Nineteenth Representative District) of the Delaware Code

(a) by striking the words: "thence southeasterly along the center line of McKennan's Church Road" as the same appear in said subsection (14) and substituting in lieu thereof the following:

"thence northerly along the center line of McKennan's Church Road";

(b) by striking the words: "line of Chestnut Street, thence generally in a westerly and northwesterly direction along the center line of Chestnut Street-Highland Avenue to its intersection with the center line of Delaware Street, thence in an easterly direction along the center line of Delaware Street to its intersection with the center line of Prospect Avenue, thence in a northerly direction along the center line of Prospect Avenue to its intersection with the center line of Old Capitol Trail, thence generally in a westerly direction along the center line of Old Capitol Trail to its intersection with the center line of the Kirkwood Highway (Route 2), thence in a northeasterly direction along the center line of the Kirkwood Highway (Route 2) to its intersection with the center line of Farrand Drive," as the same appear in said subsection (14) and substituting in lieu thereof the following:

"of Calf Run, thence in a westerly direction along the middle of Calf Run to a point at which an imaginary line drawn as an extension of Farrand Drive meets Calf Run, thence in a northerly direction along said imaginary line to the center line of Farrand Drive".

Section 20. Amend Chapter 8, Title 29, §831, subsection (15) (Twentieth Representative District) of the Delaware Code

(a) by striking the words: "thence generally southwesterly along the center line of Old Wilmington Road" as the same appear in said subsection (15) and substituting in lieu thereof the following:

"thence generally easterly along the center line of Old Wilmington Road";

(b) by striking the repetition of the words "thence generally southerly";

(c) by striking the words: "to its intersection with the center line of Kirkwood Highway (Route 2), thence southeasterly along the center line of Kirkwood Highway (Route 2) to its intersection with the center line of Old Capitol Trail, thence easterly along the center line of Old Capitol Trail to its intersection with the center line of Prospect Avenue, thence southerly along the center line of Prospect Avenue to its intersection with the center line of Delaware Street, thence westerly along the center line of Delaware Street to its intersection with the center line of Woodland Avenue, thence southerly along the center line of Woodland Avenue to its intersection with the center line of Chestnut Street, thence easterly along the center line of Chestnut Street to its intersection with the center line of Prospect Avenue," as the same appear in said subsection (15) and substituting in lieu thereof the following:

"and an imaginary line extended from Farrand Drive to its intersection with the middle of Calf Run, thence easterly along the middle of Calf Run to its intersection with the center line of Prospect Avenue and its extension,".

Section 21. Amend Chapter 8, Title 29, §831, subsection (17) (Twenty-Second Representative District) of the Delaware Code

(a) by striking the words: "thence generally easterly along the middle of White Clay Creek and various courses" as the same appear in said subsection (17) and substituting in lieu thereof the following:

"thence generally westerly along the middle of White Clay Creek and its various courses";

(b) by striking the words: "thence generally northerly along the center line of Boyd's Valley Drive to its intersection with the center line of Vantage Court, thence generally westerly continuing along the center line of Boyd's Valley Drive to its intersection with the center" as the same appear in said subsection (17) and substituting in lieu thereof the following:

"thence generally northerly and westerly along the center line of Boyd's Valley Drive to its intersection with the center";

(c) by striking the words: "Windsor Drive, thence westerly along the center line of Windsor Drive to its intersection with the center line of Delrem Drive, thence southerly along the center line of Delrem Drive to its intersection with the center line of" as the same appear in said subsection (17).

Section 22. Amend Chapter 8, Title 29, §831, subsection (18) (Twenty-Third Representative District) of the Delaware Code by striking the words: "Delrem Drive, thence northerly along the center line of Delrem Drive to its intersection with the center line of Windsor Drive, thence easterly along the center line of Windsor Drive to its intersection with the center line of the middle of" as the same appear in said subsection (18).

Section 23. Amend Chapter 8, Title 29, §831, subsection (21) (Twenty-Sixth Representative District) of the Delaware Code by striking the words: "the center of the Newark and Delaware City branch of the Pennsylvania Railroad, thence northwesterly along the middle of the Newark and Delaware City branch of the Pennsylvania Railroad to its intersection with" as the same appear in said subsection (21).

Section 24. Amend Chapter 8, Title 29, §831, subsection (22) (Twenty-Seventh Representative District) of the Delaware Code

(a) by striking the words: "the middle of the Newark and Delaware City branch of the Pennsylvania Railroad, thence southeasterly along the middle of the Newark and Delaware City branch of the Pennsylvania Railroad to its intersection with" as the same appear in said subsection (22);

(b) by inserting between the words "with" and "the" in the phrase "along the Appoquinimink River westerly to its intersection with the center of the boundary between the States of Maryland and Delaware" the following:

"Silver Lake, thence easterly along the middle of Silver Lake to its intersection with the southeastern boundary of the Town of Middletown, thence easterly along the center of said boundary to its intersection with the middle of Deep Creek, thence easterly along the middle of Deep Creek to its intersection with the center line of County Route 10, thence southwesterly along the center line of County Route 10 to its intersection with the center line of County Route 445, thence in a northwesterly direction along the center line of County Route 445 to its intersection with".

Section 25. Amend Chapter 8, Title 29, §831, subsection (23) (Twenty-Eighth Representative District) of the Delaware Code

(a) by striking the words: "thence westerly along said imaginary line to the Leipsic River and easterly along the middle of the Leipsic River and its various courses" as the same appear in said subsection (23) and substituting in lieu thereof the following:

"thence westerly along said imaginary line to the Leipsic River and westerly along the middle of the Leipsic River and its various courses";

(b) by striking the words: "thence generally northwesterly along the center line of State Route 12 to its intersection with the center line of County Route 325, thence generally southwesterly along the center line of County Route 325" as the same appear in said subsection (23) and substituting in lieu thereof the following:

"thence generally northwesterly along the center line of County Route 12".

Section 26. Amend Chapter 8, Title 29, §832 of the Delaware Code

(a) by striking the words:

"(4) Fourth Senatorial District.;"

"(5) Fifth Senatorial District.;"

"(6) Sixth Senatorial District.;"

"(7) Seventh Senatorial District.;"

"(8) Eighth Senatorial District.;"

"(9) Ninth Senatorial District.;"

"(10) Tenth Senatorial District.;"

"(11) Eleventh Senatorial District.;"

"(12) Twelfth Senatorial District.;"

"(13) Thirteenth Senatorial District.;"

"(14) Fourteenth Senatorial District.;"

and substituting in lieu thereof the following:

- "(1) Fourth Senatorial District." for "(4) Fourth Senatorial District.;"
- "(2) Fifth Senatorial District." for "(5) Fifth Senatorial District.;"
- "(3) Sixth Senatorial District." for "(6) Sixth Senatorial District.;"
- "(4) Seventh Senatorial District." for "(7) Seventh Senatorial District.;"
- "(5) Eighth Senatorial District." for "(8) Eighth Senatorial District.;"
- "(6) Ninth Senatorial District." for "(9) Ninth Senatorial District.;"
- "(7) Tenth Senatorial District." for "(10) Tenth Senatorial District.;"
- "(8) Eleventh Senatorial District." for "(11) Eleventh Senatorial District.;"
- "(9) Twelfth Senatorial District." for "(12) Twelfth Senatorial District.;"
- "(10) Thirteenth Senatorial District." for "(13) Thirteenth Senatorial District.;"
- "(11) Fourteenth Senatorial District." for "(14) Fourteenth Senatorial District.;"

(b) Hereinafter in this Act all subsections under §832 shall be referred to by means of the revised numbering in Section 26 (a) above.

Section 27. Amend Chapter 8, Title 29, §832, subsection (1) (Fourth Senatorial District) of the Delaware Code

(a) by inserting the words: "thence southerly along the center line of Marsh Road to its intersection with the center line of Wilson Road" between the words: "center line of Grubb Road to its intersection with Marsh Road," and the words: "thence southwesterly along the center line of Wilson Road";

(b) by striking the words: "thence southerly along the center line of Bellevue Hill Road to its intersection with the Philadelphia Pike (U.S. 13), thence along the center line of the Philadelphia Pike (U.S. 13), northeasterly to its intersection with the center line of Calvin Road in a southerly direction to its intersection with Brandywine Boulevard," as the same appear in said subsection (1) and substituting in lieu thereof the following:

"thence easterly along the center line of Bellevue Hill Road to its intersection with the center line of Philadelphia Pike (U.S. Route 13), thence southerly along the center line of Philadelphia Pike (U.S. Route 13) to its intersection with the center line of Calhoun Road, thence easterly along the center line of Calhoun Road to its intersection with the center line of Brandywine Boulevard,;"

(c) by inserting the words: "to its intersection with the center line of Parkside Drive, thence westerly along the center line of Parkside Drive to its intersection with the center line of Allendale Road, thence northerly along the center line of Allendale Road" between the words "center line of Shipley Road" and the words "to its intersection with the center line of Alders Drive,".

Section 28. Amend Chapter 8, Title 29, §832, subsection (2) (Fifth Senatorial District) of the Delaware Code by striking the words: "to its intersection with Silverside Road" as the same appear in said subsection (2) and substituting in lieu thereof the following:

"thence southeasterly along the center line of Kingman Drive to its intersection with the center line of Silverside Road, thence westerly along the center line of Silverside Road".

Section 29. Amend Chapter 8, Title 29, §832, subsection (3) (Sixth Senatorial District) of the Delaware Code

(a) by striking the words: "Kent Road, thence in a southwesterly direction along the center line of Kent Road to its intersection with Route 141, thence southwesterly along the center line of Route 141 to its intersection with Lancaster Pike," as the same appear in said subsection (3) and substituting in lieu thereof the following:

"Centre Road, thence in a southwesterly direction along the center line of Centre Road to its intersection with the center line of Lancaster Pike,;"

(b) by inserting the words: "to its intersection with the center line of Allendale Road, thence

southerly along the center line of Allendale Road to its intersection with the center line of Parkside Drive, thence easterly along the center line of Parkside Drive" between the words "thence in a northeasterly direction along the center line of Alders Drive" and the words "to its intersection with the center line of Shipley Road,".

Section 30. Amend Chapter 8, Title 29, §832, subsection (4) (Seventh Senatorial District) of the Delaware Code

(a) by striking the words: "thence along the center line of Duncan Road in a southerly direction to the place of beginning." as the same appear in said subsection (4) and substituting in lieu thereof the following:

"thence southerly along the center line of Duncan Road to its intersection with the center line of Greenbank Road, thence southerly along the center line of Greenbank Road to its intersection with the center line of Newport Avenue, thence easterly along the center line of Newport Avenue to its intersection with the center of Red Clay Creek, thence southerly along the center of Red Clay Creek to its intersection with the center line of the Baltimore and Ohio Railroad tracks, which is the place of beginning.";

(b) by inserting the word "northeasterly" between the words: "center line of 2nd Avenue, thence" and the words: "along the center line of 2nd Avenue";

(c) by striking the words: "County Road 251" as they twice appear in said subsection (4) and substituting in lieu thereof the following:

"Yorklyn Road (Route 257)";

(d) by striking the words "Lovelle Road (Route 276), thence in a southerly direction along the center line of Lovelle Road (Route 276)" as the same appear in said subsection (4) and substituting in lieu thereof the following:

"Loveville Road, which becomes McKennan's Church Road, thence southerly along the center line of McKennan's Church Road";

(e) by striking the words: "thence along the center line of Wilmington Avenue in a westerly direction to its intersection with the center line of Race Street, thence in a northerly direction along the center line of Race Street to its intersection with the center line of the boundary of the Town of Elsmere" as the same appear in said subsection (4) and substituting in lieu thereof the following:

"thence along the center line of Wilmington Avenue in a westerly direction to its intersection with the center line of du Pont Road (Route 100), thence in a northerly direction along the center line of du Pont Road (Route 100) to its intersection with the center line of the northern boundary of the Town of Elsmere,".

Section 31. Amend Chapter 8, Title 29, §832, subsection (5) (Eighth Senatorial District) of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(5) Eighth Senatorial District. - The 8th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the boundary between the States of Delaware and Maryland and the center line of Nottingham Road, thence southeasterly along the center line of Nottingham Road to its intersection with the center line of Wedgewood Road, thence northerly and easterly along the center line of Wedgewood Road to its intersection with the center line of State Route 896, thence southerly along the center line of State Route 896 to a point in the intersection of the center line of the entrance to Christiana Towers and the center line of State Route 896 just north of Gray's Avenue, thence northeasterly along an imaginary line from said point where County Road 311 intersects with the Newark City boundary, thence southerly along the center line of County Road 311 to its intersection with the center line of North College Avenue, thence southerly along the center line of North College Avenue to its intersection with the center line of White Clay Creek, thence easterly along the center line of White Clay Creek, by its several courses, to its intersection with the center line of Capitol Trail, thence easterly along the center line of Capitol Trail to its intersection with the center of Middle Run Creek, thence northerly along Middle Run Creek, by its several courses, to its intersection with the center line of Foxden Road, thence easterly along the center line of Foxden Road to its intersection with the center line of Polly Drummond Road, thence southerly along the center line of Polly Drummond Road to its intersection with the center line of Old Coach Road, thence easterly along the center line of Old Coach Road to its intersection with the center line of Upper Pike Creek Road, thence northerly along the center line of Upper Pike Creek Road to its intersection with the center line of Linden Hill Road, thence northeasterly along the center line of Linden Hill Road to its intersection with the center line of Limestone Road, thence southeasterly

along the center line of Limestone Road to its intersection with the center line of Main Street, thence easterly along the center line of Main Street to its intersection with the center of Red Clay Creek, thence northerly along the center line of Red Clay Creek to its intersection with the center line of Newport Avenue, thence northwesterly along the center line of Newport Avenue to its intersection with the center line of Greenbank Road, thence northerly along the center line of Greenbank Road to its intersection with the center line of Duncan Road, thence northwesterly along the center line of Duncan Road to its intersection with the center line of Milltown Road, thence easterly along the center line of Milltown Road to its intersection with the center line of Newport Gap Pike, thence northwesterly along the center line of Newport Gap Pike to its intersection with the center line of Mill Creek Road, thence westerly along the center line of Mill Creek Road to its intersection with the center line of McKennan's Church Road, (which becomes Loveville Road), thence northerly along the center line of Loveville Road to its intersection with the center line of Graves Road, thence southwesterly along the center line of Graves Road to its intersection with the center of Mill Creek, thence northwesterly along the center of Mill Creek, by its various courses, to its intersection with the center line of Brackenville Road, thence southwesterly along the center line of Brackenville Road to its intersection with the center line of Limestone Road, thence northwesterly along the center line of Limestone Road to its intersection with the middle of the boundary between the States of Pennsylvania and Delaware, thence southwesterly along the middle of said boundary, which becomes the boundary between the States of Maryland and Delaware, thence southerly along the middle of said boundary to the place of beginning."

Section 32. Amend Chapter 8, Title 29, §832, subsection (6) (Ninth Senatorial District) of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(6) Ninth Senatorial District. - The 9th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Ogletown-Stanton Road with the center line of Christiana-Ogletown Road (Route 273), thence in a southeasterly direction along the center line of Christiana-Ogletown Road (Route 273) to its intersection with the center line of Christina Creek, thence generally in an easterly and northerly direction along the center line of Christina Creek, by its several courses, to its intersection with the center line of the southern boundary of the Town of Newport, thence in a counter-clockwise direction along the center line of the boundary of the Town of Newport, to its intersection with the center line of Newport-Gap Pike, thence in a northerly direction along the center line of Newport-Gap Pike to its intersection with the center line of Klamensi Road, thence in a northwesterly direction along the center line of Klamensi Road to its intersection with the center line of Red Clay Creek, thence southwesterly along the center line of Red Clay Creek, by its several courses, to its intersection with the center line of Main Street, thence in a westerly direction along the center line of Main Street, to its intersection with the center line of Limestone Road, thence in a northwesterly direction along the center line of Limestone Road to its intersection with the center line of Linden Hill Road, thence in a southwesterly direction along the center line of Linden Hill Road to its intersection with the center line of Upper Pike Creek Road, thence in a southerly direction along the center line of Upper Pike Creek Road to its intersection with the center line of Old Coach Road, thence in a westerly direction along the center line of Old Coach Road to its intersection with the center line of Polly Drummond Hill Road, thence in a northerly direction along the center line of Polly Drummond Hill Road to its intersection with the center line of Foxden Road, thence westerly along the center line of Foxden Road to its intersection with the center line of Middle Run Creek, thence generally in a southerly direction along the center line of Middle Run Creek, by its several courses, to its intersection with the center line of Capitol Trail, thence westerly along the center line of Capitol Trail to its intersection with the center of White Clay Creek, thence generally in a northeasterly direction along the center of White Clay Creek, by its various courses, to its intersection with the center line of Harmony Road, thence southeasterly along the center line of Harmony Road to its intersection with the center line of Ogletown-Stanton Road, thence southwesterly along the center line of Ogletown-Stanton Road to the place of beginning."

Section 33. Amend Chapter 8, Title 29, §832, subsection (7) (Tenth Senatorial District) of the Delaware Code by striking the words: "and the center line of Pulaski Highway (U. S. Route 40), thence in a southeasterly direction along the center line of Pulaski Highway (U. S. Route 40)" as the same appear in said subsection (7) and substituting in lieu thereof the following:

"and the center line of the westbound lane of Pulaski Highway (U.S. Route 40), thence in an easterly direction along the center line of the westbound lane of Pulaski Highway (U.S. Route 40)".

Section 34. Amend Chapter 8, Title 29, §832, subsection (8) (Eleventh Senatorial District) of the Delaware Code

(a) by striking the words: "The 11th Senatorial District shall comprise: all that portion of New Castle County beginning at the intersection of Sunset Lake Road and White Clay Creek, thence in a northeasterly direction along the center line of White Clay Creek, by its several courses" as the same appear in said subsection (8) and substituting in lieu thereof the following:

"The 11th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Sunset Lake Road and Old Baltimore Pike, thence southwesterly along the center line of Old Baltimore Pike to its intersection with the center line of South College Avenue, thence southerly along the center line of South College Avenue to its intersection with the center line of Rock Creek Curve, thence southeasterly along the center line of Rock Creek Curve to its intersection with the center line of Cooch's Bridge Road, thence northeasterly along the center line of Cooch's Bridge Road to its intersection with the center line of Eggarts Lane, thence southeasterly along the center line of Eggarts Lane to its intersection with the center line of Sunset Lake Road, thence northerly along the center line of Sunset Lake Road to its intersection with the center line of Reybold Road, thence easterly along the center line of Reybold Road";

(b) by inserting the word "easterly" after the words: "Stream to its intersection with Chapman Road, thence";

(c) by inserting the words: "Oakfield Drive, thence westerly along the center line of Oakfield Drive to its intersection with" between the words: "Pinefield Road to its intersection with the center line of" and the words: "Scottfield Drive,".

Section 35. Amend Chapter 8, Title 29, §832, subsection (9) (Twelfth Senatorial District) of the Delaware Code by striking the words: "Hamburg Road" wheresoever they appear in said subsection (9) and substituting in lieu thereof the following:

"River Road".

Section 36. Amend Chapter 8, Title 29, §832, subsection (10) (Thirteenth Senatorial District) of the Delaware Code by striking the words: "thence along the center line of Eleventh Street" as the same appear in said subsection (10) and substituting in lieu thereof the following:

"thence easterly along the center line of Eleventh Street".

Section 37.

(a) Amend Chapter 8, Title 29, §832, subsection (11) (Fourteenth Senatorial District) of the Delaware Code by striking the words: "Road (County Road 48) to its intersection with Christina Creek, thence southwesterly along the center line of Christina Creek to its intersection with Sunset Lake Road, thence northerly along the center line of Sunset Lake Road to the intersection of Old Baltimore Pike, thence along the center line of the Old Baltimore Pike in a westerly direction to intersection of Route 896, thence in a southerly direction along the center line of Route 896 to the intersection of Pulaski Highway (U.S. 40), thence in a westerly direction along the center line of Pulaski Highway (U. S. 40) to the center" as the same appear in said subsection (11) and substituting in lieu thereof the following:

"Road (County Road 48) to its intersection with the center line of Reybold Road, thence westerly along the center line of Reybold Road to its intersection with the center line of Sunset Lake Road, thence southeasterly along the center line of Sunset Lake Road to its intersection with Eggarts Lane, thence northwesterly along the center line of Eggarts Lane to its intersection with the center line of Cooch's Bridge Road, thence southwesterly along the center line of Cooch's Bridge Road to its intersection with the center line of Rock Creek Curve, thence northwesterly along the center line of Rock Creek Curve to its intersection with the center line of South College Avenue (State Route 896), thence in a southerly direction along the center line of South College Avenue (State Route 896) to its intersection with the center of the westbound lane of the Pulaski Highway (U.S. Route 40), thence westerly along the center line of the westbound lane of the Pulaski Highway (U.S. Route 40) to the center";

(b) Further amend §832, subsection (11) by striking the words: "Creek by its several courses northeasterly to its intersection with the boundary between Kent County and New Castle County, thence in a northeasterly direction along the center line of New" as the same appear in said subsection (11) and substituting in lieu thereof the following:

"Creek by its several courses northeasterly to its intersection with the eastern boundary of the Town of Smyrna, thence in a counter-clockwise direction along the middle of the boundary of the Town of Smyrna to its intersection with the middle of the boundary between Kent County and New Castle County, thence in a northeasterly direction along the center line of New".

(c) Amend §832 and §842 of Title 29 by striking paragraph (15) Fifteenth Senatorial District, in its entirety as presently contained in §832 and inserting it in §842, redesignated as paragraph (1) Fifteenth Senatorial District.

Section 38. Amend Chapter 8, Title 29, §841, subsection (1) (Twenty-Ninth Representative District) of the Delaware Code:

(a) by striking the words: "to its intersection with the center line of County Route 325, thence in a northeasterly direction along the center line of County Route 325" as the same appear in said subsection (1);

(b) by striking the words: "thence in a counter-clockwise direction along the middle of the northeastern and northern boundary of the Town of Dover to its intersection with the middle of Muddy Branch, thence in a northerly direction along the middle of Muddy Branch" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"thence in a counter-clockwise direction along the middle of the northeastern and northern boundary of the City of Dover to its intersection with the middle of Muddy Branch, thence in a northerly and southwesterly direction along the middle of Muddy Branch".

Section 39. Amend Chapter 8, Title 29, §841, subsection (3) (Thirty-First Representative District) of the Delaware Code:

(a) by striking the words: "thence southwesterly along the center line of County Route 331, thence easterly along the center line of County Route 331" as the same appear in said subsection (3) and substituting in lieu thereof the following:

"thence southwesterly along the center line of County Route 330 to its intersection with the center line of County Route 331, thence in a southwesterly direction along the center line of County Route 331";

(b) by striking the words: "of County Route 67, thence westerly along the center line of County Route 67 to its intersection with the middle of the St. Jones Creek, thence generally northerly along the middle of the St. Jones Creek and its various courses to its intersection with the center line".

Section 40. Amend Chapter 8, Title 29, §841, subsection (4) (Thirty-Second Representative District) of the Delaware Code by striking the words: "to its intersection with the center line of St. Jones River, thence generally southwesterly along the middle of the St. Jones River and its various courses to its intersection with the center line of County Route 67, thence easterly along the center line of County Route 67" as the same appear in said subsection (4).

Section 41. Amend Chapter 8, Title 29, §841, subsection (5) (Thirty-Third Representative District) of the Delaware Code

(a) by striking the words: "thence northeasterly along the center line of County Route 443" as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence northwesterly along the center line of County Route 443";

(b) by striking the words: "thence northerly along the center line of U.S. Route 113 to its intersection with the center line of Route 9," as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence southerly along the center line of U.S. Route 113 to its intersection with the center line of Route 9,".

Section 42. Amend Chapter 8, Title 29, §841, subsection (6) (Thirty-Fourth Representative District) of the Delaware Code

(a) by striking the words: "All that portion of Kent County bounded by a line beginning at the intersection of State Route 9 and U.S. Route 113 south of Dover Air Force Base, thence southerly along the center line of State Route 9" as the same appear in said subsection (6) and substituting in lieu thereof the following:

"All that portion of Kent County bounded by a line beginning at the intersection of County Route 68 and U.S. Route 113 south of Dover Air Force Base, thence southerly along the center line of U.S. Route 113";

(b) by striking the words: "thence in a southeasterly direction along the center line of U.S. Route 113 to its intersection with the center line of State Route 9" as the same appear in said

subsection (6) and substituting in lieu thereof the following:

"thence in a southwesterly direction along the center line of U.S. Route 113 to its intersection with the center line of County Route 68,"

Section 43. Amend Chapter 8, Title 29, §841, subsection (7) (Thirty-Fifth Representative District) of the Delaware Code by striking the words: "thence north along the center of the boundary between the States of Maryland and Delaware to its intersection with the center line of State Route 12 at Whiteleysburg." as the same appear in said subsection (7) and substituting in lieu thereof the following:

"thence north along the center of the boundary between the States of Maryland and Delaware to its intersection with the center line of State Route 14 which is the place of beginning."

Section 44. Amend Chapter 8, Title 29, §842 of the Delaware Code

(a) by striking the words:

"(16) Sixteenth Senatorial District.;"

"(17) Seventeenth Senatorial District.;"

"(18) Eighteenth Senatorial District.;"

and substituting in lieu thereof the following:

"(2) Sixteenth Senatorial District." for "(16) Sixteenth Senatorial District.;"

"(3) Seventeenth Senatorial District." for "(17) Seventeenth Senatorial District.;"

"(4) Eighteenth Senatorial District." for "(18) Eighteenth Senatorial District.;"

(b) Hereinafter in this Act all subsections under §842 shall be referred to by means of the revised numbering in Section 44 (a) above.

Section 45. Amend Chapter 8, Title 29, §832, subsection (1) (Fifteenth Senatorial District) of the Delaware Code

(a) by striking the words: "its intersection with the center line of County Road 100, thence in a northeasterly direction along the center line of County Road 100 to its intersection with the center line of County Road 330, thence in a northeasterly direction along the center line of County Road 330 to its intersection with the center line of County Road 331, thence in a northeasterly direction along the center line of County Road 331 to its intersection with the center line of Dyke Branch, thence in a northeasterly direction along the center line of Dyke Branch to the northwestern boundary of the Town of Leipsic, thence in an easterly and southerly direction along the boundary of the Town of Leipsic to its" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"its intersection with the center line of County Road 155, thence northeasterly along the center line of County Road 155 to its intersection with the center line of County Road 156, thence northeasterly along the center line of County Road 156 to its intersection with the center line of County Road 153, thence northeasterly along the center line of County Road 153 to its intersection with the center line of U.S. Route 13, thence northwesterly along the center line of U.S. Route 13 to its intersection with the center line of County Road 345, thence northeasterly along the center line of County Road 345 to its intersection with the middle of the easterly property boundaries of the subdivision of Eberton, thence northerly along the middle of the easterly boundaries of the subdivision of Eberton to an intersection with the middle of the northeastern boundary of a track located north of Eberton (which track and property boundaries constitute the boundary between Enumeration Districts 178 and 179 on the Kent County 1980 Census Map), thence in a northwest direction along the middle of said track and an extension thereof to its intersection with the center line of State Route 42, thence southwesterly along the center line of State Route 42 to its intersection with the center line of U.S. Route 13, thence northwesterly along the center line of U.S. Route 13 to its intersection with the middle of the Leipsic River (Duck Creek), thence easterly along the middle of the Leipsic River (Duck Creek) to its intersection with the middle of the boundaries of the Town of Leipsic, thence in a clockwise direction around the middle of the boundaries of the Town of Leipsic to its";

(b) by striking the words: "with the center line of Isaac Branch, thence in a westerly direction" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"with the center line of Isaac Branch, thence in an easterly direction";

(c) by striking the repetition of the words "thence in an easterly direction along the center line of County Road 289,";

(d) by striking the words: "thence in a northwesterly direction along the center line of unnamed stream to its intersection with the center line of County unnamed Road, thence in a westerly direction along the center line of unnamed road" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"as shown on the 1980 census map of Kent County, thence in a northwesterly direction along the center line of said unnamed stream to its intersection with the center line of a County unnamed road, or the northern boundary of London Village, which is also the site of the boundary between Enumeration Districts 232 and 233 as shown on the 1980 census map of Kent County, thence in a westerly direction along the center line of said unnamed road or boundary";

(e) by striking the words: "thence in a westerly direction along the center line of County Road 73" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"thence in an easterly direction along the center line of County Road 73".

Section 46. Amend Chapter 8, Title 29, §842, subsection (2) (Sixteenth Senatorial District.) of the Delaware Code by striking the words: "thence southerly along the center line of County Road 105 to its intersection with an unnamed road, thence easterly along the center line of said road to an unnamed stream," as the same appear in said subsection (2) and substituting in lieu thereof the following:

"thence southerly along the center line of County Road 105 to its intersection with a County unnamed road, or the northern boundary of London Village which is also the site of the boundary between Enumeration Districts 232 and 233 as shown on the 1980 Census Map of Kent County, thence easterly along the center line of said road or boundary to an unnamed stream directly east of London Village as shown on the 1980 Census Map of Kent County,".

Section 47. Amend Chapter 8, Title 29, §842, subsection (3) (Seventeenth Senatorial District.) of the Delaware Code

(a) by striking the words: "direction of the center line of Leipsic River to the northern boundary of the town of Leipsic to the intersection of the center line of Dykes Branch, thence in a southerly direction along the center line of Dykes Branch to its intersection with the center line of County Road 331, thence in a southwesterly direction along the center line of County Road 331 to its intersection with the center line of County Road 330, thence in a southwesterly direction along the center line of County Road 330, to its intersection with the center line of County Road 100, thence in a southwesterly direction along the center line of County Road 100 to its intersection with the center line of County Road 104," as the same appear in said subsection (3) and substituting in lieu thereof the following:

"direction along the center line of the Leipsic River to the middle of the eastern boundary of the Town of Leipsic, thence in a counter-clockwise direction along the middle of the boundary of the Town of Leipsic to its intersection with the center of the Leipsic River, thence in a westerly direction along the center line of the Leipsic River to its intersection with the center line of U.S. Route 13, thence in a southerly direction along the center line of U.S. Route 13 to its intersection with the center line of State Route 42, thence in a northeasterly direction along the center line of State Route 42 to its intersection with an imaginary line extended from the northeast boundary of a track located north of the subdivision of Eberton (which divides Enumeration District 178 from 179 on the 1980 Kent County Census Map), thence following said boundary in a southeasterly direction to its intersection with the easterly boundary of the subdivision of Eberton, thence southerly along the center line of said boundary to its intersection with the center line of County Road 345, thence westerly along the center line of County Road 345 to its intersection with the center line of U.S. Route 13, thence southerly along the center line of U.S. Route 13 to its intersection with the center line of County Road 153, thence southwesterly along the center line of County Road 153 to its intersection with the center line of County Road 156, thence southwesterly along the center line of County Road 156 to its intersection with the center line of County Road 155, thence southwesterly along the center line of County Road 155 to its intersection with the center line of County Road 104,";

(b) by striking the words "line of Delaware 9, thence in a southerly direction along the center line of Delaware 9 (U.S. 113) to" as the same appear in said subsection (3) and substituting in lieu thereof the following:

"line of State Route 9, thence in a southerly direction along the center line of State Route 9 to";

(c) by striking the words: "center line of U.S. 8, thence in a westerly direction along the center line of U.S. 8 to its intersection" as the same appear in said subsection (3) and substituting in lieu

thereof the following:

"center line of State Route 8, thence in a westerly direction along the center line of State Route 8 to its intersection".

Section 48. Amend Chapter 8, Title 29, §842, subsection (4) (Eighteenth Senatorial District) of the Delaware Code

(a) by striking the words: "corner of the boundary of the Town of Lewes, thence in a counter clockwise direction along said boundary to its intersection with County Road 266, thence along the center line of County Road 266 in a southwesterly direction to its intersection with County Road 14, thence in a southeasterly direction along the center line of County Road 14 to its intersection with State Route 1, thence" as the same appear in said subsection (4) and substituting in lieu thereof the following:

"corner of the boundary of the Town of Lewes, thence in a clockwise direction along said boundary to its intersection with the center line of County Road 266, thence along the center line of County Road 266 in a southwesterly direction to its intersection with the center line of County Road 266B, thence in a southeasterly direction along the center line of County Road 266B to its intersection with the center line of State Route 1, thence";

(b) by striking the words, as they first appear: "thence in a northerly direction along the center line of County Route 613,"

(c) by striking the words: "thence in an easterly direction along the center line of County Road 371 to its intersection with U.S. Route 113 to its intersection with the State Road 12," as the same appear in said subsection (4) and substituting in lieu thereof the following:

"thence in an easterly direction along the center line of County Road 371 to its intersection with the center line of U.S. Route 113, thence in a southerly direction along the center line of U.S. Route 113 to its intersection with the center line of State Road 12,";

(d) by inserting the word "southeasterly" between the words: "Town of Frederica to its intersection with County Road 389, thence" and the words: "along the center line of County Road 389";

(e) by striking the words, as they first appear: "thence along the center line of County Road 78,".

Section 49. Amend Chapter 8, Title 29, §851, subsection (1) (Thirty-Sixth Representative District) of the Delaware Code by striking the words: "the center line of State Route 1, thence northeasterly along the center line of State Route 1 to its intersection with the center line of County Route 38, thence westerly along the center line of County Route 38 to its intersection with" as the same appear in said subsection (1).

Section 50.

(a) Amend Chapter 8, Title 29, §851, subsection (2) (Thirty-Seventh Representative District) of the Delaware Code by striking the words: "center line of County Route 38, thence in an easterly direction along the center line of County Route 38 to its intersection with the center line of State Route 1, thence in a southeasterly direction along the center line of State Route 1 to its intersection with the" as the same appear in said subsection (2);

(b) Further amend §851 by inserting between the words: "center line of" and the words: "State Route 5, thence generally" the following words: "County Route 298, thence generally southeasterly and southerly along the center line of County Route 298 to its intersection with the center line of";

(c) Amend Chapter 8, Title 29, §851, subsection (3) Thirty-Eighth Representative District by inserting between the words: "of State Route 24" and the words: "thence northerly along the center line of State Route 24 to its intersection with the middle of Herring Creek" the following words: "thence southeasterly along the center line of County Route 22 to its intersection with the center line of County Route 298, thence generally northerly and northwesterly along the center line of County Route 298 to its intersection with the center line of State Route 24".

Section 51. Amend Chapter 8, Title 29, §851, subsection (4) (Thirty-Ninth Representative District) of the Delaware Code

(a) by striking the words: "thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 404, thence southeasterly along the center line of County Route 404 to its intersection with the center line of State Route 18," as the same appear in said subsection (4) and substituting in lieu thereof the following:

"thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of State Route 404, thence southeasterly along the center line of State Route 404 to its intersection with the center line of State Route 18,";

(b) by striking the words: "to its intersection with the center line of County Route 525, thence southerly along the center line of County Route 525 to its intersection with the center line of County Route 516, thence generally southerly along the center line of County Route 516 to its intersection with the center line of County Route 486, thence southeasterly along the center line of County Route 486 to its intersection with the center line of State Route 20, thence continuing southeasterly along the center line of State Route 20 to its intersection with the center line of County Route 479," as the same appear in said subsection (4) and substituting in lieu thereof the following:

"to its intersection with the center line of County Route 516, thence generally southerly along the center line of County Route 516 to its intersection with the center line of County Route 524, thence southwesterly along the center line of County Route 524 to its intersection with the center line of State Route 20A, thence continuing southeasterly along the center line of State Route 20A to its intersection with the center line of State Route 20, thence southeasterly along the center line of State Route 20 to its intersection with the center line of County Route 479,".

Section 52. Amend Chapter 8, Title 29, §851, subsection (5) (Fortieth Representative District) of the Delaware Code by striking the words: "thence generally southwesterly along the center line of State Route 20 to its intersection with the center line of County Route 486, thence continuing northwesterly along the center line of County Route 486 to its intersection with the center line of County Route 516," as the same appear in said subsection (5) and substituting in lieu thereof the following:

"thence generally northwesterly along the center line of State Route 20 to its intersection with the center line of County Route 20A, thence continuing northwesterly along the center line of County Route 20A to its intersection with the center line of County Route 524, thence northeasterly along the center line of County Route 524 to its intersection with the center line of County Route 516,".

Section 53. Amend Chapter 8, Title 29, §852 of the Delaware Code by striking the title: "Boundaries of the General Assembly Senatorial Districts Wholly in Sussex County." as the same appears in said §852 and substituting in lieu thereof the following:

"Boundaries of the General Assembly Senatorial Districts Wholly or Partially in Sussex County."

Section 54. Amend Chapter 8, Title 29, §852 of the Delaware Code

(a) by striking the words:

"(19) Nineteenth Senatorial District.";

"(20) Twentieth Senatorial District.";

"(21) Twenty-First Senatorial District.";

and substituting in lieu thereof the following:

"(1) Nineteenth Senatorial District." for "(19) Nineteenth Senatorial District.";

"(2) Twentieth Senatorial District." for "(20) Twentieth Senatorial District.";

"(3) Twenty-First Senatorial District." for "(21) Twenty-First Senatorial District.";

(b) Hereinafter in this Act all subsections under §852 shall be referred to by means of the revised numbering in Section 54 (a) above.

Section 55. Amend Chapter 8, Title 29, §852 (1) (Nineteenth Senatorial District) of the Delaware Code

(a) by striking the words: "the intersection of County Route 57, thence along the center line of County Route 57" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"at the intersection of State Route 12, thence along the center line of State Route 12";

(b) by inserting the word "easterly" between the words: "to its intersection with County Road 275, thence" and the words: "along the center line of County Road 275";

(c) by inserting the word "southeasterly" between the words: "to its intersection with County Road 211, thence" and the words: "along the center line of County Road 211";

(d) by striking the words: "thence in a northeasterly direction along the center line of County Road 38," as the same appear in said subsection (1) and substituting in lieu thereof the following:

"thence northeasterly on County Road 232 to its intersection with the center line of County Road 38,";

(e) by striking the words: "with the center line of County Road 544, thence in a northeasterly direction along the center line of County Road 544 to its intersection with the center line of County Road 546, thence in a northwesterly direction along the center line of County Road 546 to its intersection with the center" as the same appear in said subsection (1) and substituting in lieu thereof the following:

"with the center line of County Road 535, thence in a northeasterly direction along the center line of County Road 535 to its intersection with the center line of County Road 46, thence in a northwesterly direction along the center line of County Road 46 to its intersection with the center".

Section 56. Amend Chapter 8, Title 29, §852 (2) (Twentieth Senatorial District) of the Delaware Code

(a) by striking the words: "thence in a southwesterly direction along the center line of County Road 266 to the intersection of Route 14, thence along the center line of County Route 14 to its intersection with State Route 1, thence along" as the same appear in said subsection (2) and substituting in lieu thereof the following:

"thence in a southwesterly direction along the center line of County Road 266 to its intersection with the center line of County Road 266B, thence southeasterly along the center line of County Road 266B to its intersection with the center line of State Route 1, thence southeasterly along";

(b) by striking the words: "intersection of County Roads 402 and 403 to an intersection with County Roads 417 and 60, thence in a southwesterly direction along the center line of County Road 60 to its intersection with County Road 418, thence along the center line of County Road 418 in a generally southerly direction to the place of beginning," as the same appear in said subsection (2) and substituting in lieu thereof the following:

"intersection of County Roads 402 and 403 to an intersection with County Road 417 and State Route 54, thence along the center of an imaginary line from said intersection extending southeasterly across Cypress Swamp to the intersection of the center lines of County Road 378 and the middle of the boundary between the States of Maryland and Delaware, which is the place of beginning.";

(c) by striking the words: "County Road 418" as the same first appear in said subsection (2) and substituting in lieu thereof the following:
"County Road 378".

Section 57. Amend Chapter 8, Title 29, §852 (3) (Twenty First Senatorial District) of the Delaware Code

(a) by striking the words: "until it intersects with the center line of County Road 418, thence northerly along the center line of County Road 418 to its intersection with the center line of State Route 54, thence in a northeasterly direction along the center line of State Route 54 to a point where the center line of State Route 54 intersects with the center line of the County Road 417," as the same appear in said subsection (3) and substituting in lieu thereof the following:

"to its intersection with the center line of County Road 378, thence northwesterly along the center of an imaginary line from said intersection extending northwesterly across Cypress Swamp to its intersection with the center lines of State Route 54 and County Road 417,";

(b) by striking the words: "County Road 544, thence in a northeasterly direction along the center line of County Road 544 to its intersection with the center line of County Road 546, thence in a northwesterly direction along the center line of County Road 546 to its intersection with the center line of State Route 18, thence in a generally" as the same appear in said subsection (3) and substituting in lieu thereof the following:

"County Road 535, thence northeasterly along the center line of County Road 535 to its intersection with the center line of County Road 46, thence in a northwesterly direction along the center line of County Road 46 to its intersection with the center line of State

Route 18, thence in a generally".

Approved October 9, 1981.

CHAPTER 188

FORMERLY

SENATE BILL NO. 268

AS AMENDED BY

SENATE AMENDMENTS NOS. 1 AND 3 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 AND TITLE 29 OF THE DELAWARE CODE RELATING TO LAW ENFORCEMENT ADMINISTRATION; AND PROVIDING FOR THE REORGANIZATION OF CERTAIN LAW ENFORCEMENT AGENCIES.

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

Section 1. Amend Chapter 85, Part V, Title 11 of the Delaware Code by striking said Chapter in its entirety, and substituting in lieu thereof the following:

"CHAPTER 85. STATE BUREAU OF IDENTIFICATION

"§8501. Purpose of Chapter

(a) The purpose of this Chapter is to create and maintain an accurate and efficient Criminal Justice Information System in Delaware consistent with Chapter 85 of this Title and applicable federal law and regulations, the need of criminal justice agencies and courts of the State for accurate and current criminal history record information, and the right of individuals to be free from improper and unwarranted intrusions into their privacy.

(b) In order to achieve this result, the General Assembly finds that there is a need:

1. To designate the State Bureau of Identification as the Central State Repository for Criminal History Record Information;
2. To require the rapid identification, classification and filing of fingerprints;
3. To require the reporting of accurate, relevant, and current information to the central repository by all criminal justice agencies;
4. To insure that criminal history record information is kept accurate and current; and
5. To prohibit the improper dissemination of such information.
6. This Chapter is intended to provide a basic statutory framework within which these objectives can be attained.

§8502. 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) 'Administration of criminal justice' shall mean performance of any of the following activities: detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correction supervision, or rehabilitation of accused persons or criminal offenders, criminal identification activities, and the collection, storage, and dissemination of criminal history record information.

(b) 'Criminal history record information' shall mean information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system. Nor shall the term include information contained in:

(1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(2) original records of entry such as police blotters maintained by criminal justice agencies which are compiled chronologically and required by law with long-standing custom to be made public, if such records are organized on a chronological basis;

(3) court records of public judicial proceedings;

(4) published court or administrative opinions or public judicial, administrative or legislative proceedings;

(5) records of traffic offenses maintained by the Division of Motor Vehicles for the purpose of regulating the issuance, supervision, revocation, or renewal of driver's, pilot's or other operator's licenses;

(6) announcements of executive clemency.

(c) 'Criminal justice agency' shall mean:

(1) every court of this State and of every political subdivision thereof;

(2) a government agency or any sub-unit thereof which performs the administration of criminal justice pursuant to statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. Such agencies shall include, but not be limited to, the following:

(I) the Delaware State Police,

(II) all law enforcement agencies and police departments of any political subdivision of this State,

(III) the State Department of Justice,

(IV) the Office of the Solicitor of the City of Wilmington, and

(V) the Department of Correction.

(d) 'Disposition' shall include, but not be limited to, trial verdicts of guilty or not guilty, nolle prosequis, Attorney General probations, pleas of guilty or nolo contendere, dismissals, incompetence to stand trial, findings of delinquency or non-delinquency, and initiation and completion of appellate proceeding.

(e) 'Dissemination' shall mean the transmission of criminal history record information, or the confirmation of the existence or nonexistence of such information. The term shall not include:

(1) internal use of information by an officer or employee of the agency which maintains such information;

(2) transmission of information to the State Bureau of Identification;

(3) transmission of information to another criminal justice agency in order to permit the initiation of subsequent criminal justice proceedings;

(4) transmission of information in response to inquiries from criminal justice agencies via authorized system terminals, which agencies provide and/or maintain the information through those terminals.

(f) 'Law enforcement officer' shall include police officers, the Attorney General and his deputies, sheriffs and their regular deputies, prison guards, and constables.

(g) 'Release status' shall mean information concerning whether or not an individual is incarcerated and the reason therefor, which shall include but is not limited to information concerning releases on bail, or on-own recognizance, commitments in default of bail, referrals to other agencies, decision of prosecutors not to commence or to postpone criminal proceedings, release from institutions and any conditions imposed concerning those released.

(h) 'Conviction data' means any criminal history record information relating to an arrest which has led to a conviction or other disposition adverse to the subject. 'Conviction or other disposition adverse to the subject' means any disposition of charges, except a decision not to prosecute, a dismissal, or acquittal provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

(i) 'Nonconviction data' means arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; or information disclosing that the police have elected not to refer a matter to a prosecutor, or that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed, as well as all acquittals and all dismissals.

\$8503. Function; Supervision and Location; Appointment of Director

(a) The State Bureau of Identification, hereinafter referred to as the 'Bureau', is continued within the Division of State Police. The Bureau shall be the central State repository for criminal history record information (CHRI) and such additional information as specified in this Chapter.

(b) Subject to the provisions of this Chapter, the Bureau shall be administered by the Superintendent of State Police. It shall be equipped and maintained by the State Police as a separate budget unit within the Department of Public Safety.

(c) The Superintendent of State Police shall appoint, subject to the approval of the Department of Public Safety, a Director of the Bureau. The Director shall be a regularly appointed member of State Police, who shall be trained and experienced in the classification and filing of fingerprints, and he and all other employees of the Bureau shall be subject to the same rules and regulations governing the State Police.

(d) A representative of the Bureau to be designated by the Superintendent shall be a member of any Board or regulatory body established for the collection, retention, and dissemination of criminal history information.

\$8504. Personnel

The Bureau personnel shall consist of regular appointed members of the State Police, and such other personnel as may be deemed necessary to carry out this Chapter. The personnel so appointed shall each be experienced in the work to be performed by them.

8505. Duty to Provide Security

(a) The Director shall provide for the security of criminal history record information and other information pertaining to crimes and offenders by insuring that the Bureau and all other criminal justice agencies, and agencies providing computer support services to criminal justice agencies which collect, store or disseminate such information, comply with the following provisions:

(1) where computerized data processing is employed, effective and technologically adequate software and hardware designs shall be instituted to prevent unauthorized access to and/or unauthorized additions, changes, or deletions to such information;

(2) access to computer system facilities, systems operating environments, data file contents, whether while in use or stored in a media library, and system documentation shall be restricted to specifically authorized organizations and personnel;

(3) procedures shall be instituted to assure that the facilities of the Bureau provide safe and secure storage of all records;

(4) procedures shall be instituted to assure that an individual agency authorized to access either computerized records or data maintained in manual files by the Bureau is responsible for the physical security of criminal history record information under its control or in its custody and the protection of such information from unauthorized access, disclosure or dissemination;

(5) direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency, as necessary, to other authorized personnel essential to the proper operation of the criminal history record information system;

(6) each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of this Chapter.

\$8506. Duty to Maintain Complete and Accurate Records and Performance of Annual Audit

(a) The Bureau shall maintain in a complete and accurate manner information received pursuant to this Chapter to the maximum extent feasible.

(b) Any and all criminal history record and other information which is transmitted directly by computer terminal by a criminal justice agency shall be deemed to have been transmitted to the Bureau within the meaning of this Chapter.

(c) The Bureau shall file all information received by it and shall make a systematic record and index thereof, to the end of providing a method of convenient reference and consultation. No information identifying a person received by the Bureau may be destroyed by it until 10 years after the person identified is known or reasonably believed to be dead, except as otherwise provided by statute.

(d) A criminal justice agency shall, upon finding inaccurate criminal history record information of a material nature, notify all criminal justice agencies, and all other persons and agencies, known to have received such information.

(e) When a criminal justice agency receives notification that an inaccuracy appears in criminal history record information having originated with that agency, such agency shall take appropriate steps to correct the inaccuracy.

(f) The Bureau shall assure that an annual audit is conducted of a representative sample of agencies accessing or maintaining data files as provided in this Chapter. This audit shall encompass both manual and computerized data systems, and shall be conducted at such time and according to procedures as the Bureau shall prescribe. A full report of the findings of each audit made pursuant to this subsection shall be communicated to the individual agency so audited.

§8507. Information to be Supplied by Law Enforcement Officers

(a) Every law enforcement officer of the State and of any political subdivision thereof shall transmit to the Bureau:

(1) within 48 hours after the arrest of any individual, the names, fingerprints if taken and such other data as the Director may from time to time prescribe of all individuals arrested for a criminal offense, including, but not limited to:

(I) an indictable offense, or such non-indictable offense as is, or may hereafter be, included in the compilations of the United States Department of Justice,

(II) being a fugitive from justice.

(2) the fingerprints, photographs and other data prescribed by the Director concerning unidentified dead persons;

(3) the fingerprints, photographs and other data prescribed by the Director of all individuals making application for a permit to buy or possess illegal weapons or firearms or to carry concealed a deadly weapon;

(4) a record of the indictable offenses and such non-indictable offenses as are committed within the jurisdiction of the reporting officer, including a statement of the facts of the offense and a description of the offender, so far as known, the offender's method of operation, changes in release status and such other information as the Director may require;

(5) copies of such reports as are required by law to be made, and as shall be prescribed by the Director, to be made by pawnshops, second-hand dealers and dealers in weapons.

(b) All photographs submitted of individuals described in this section shall be of a recent date, taken while such individuals are attired in civilian clothes.

§8508. Information to be Supplied by Court Officials

Every court of this State or of any political subdivision thereof other than Family Court having original or appellate jurisdiction over indictable offenses, or over such non-indictable offenses as are herein mentioned, shall transmit to the Bureau in such manner as the Director shall designate such information regarding every indictment, information, or other formal criminal charge, and every change in release status, disposition and sentencing made thereof within 90 days of said action. The Family Court shall be required to transmit to the Bureau information regarding those proceedings charging a juvenile with delinquency which were initiated by petition of the Attorney General. Such information shall likewise be transmitted in such a manner as the Director shall designate within ninety (90) days of said action.

§8509. Information to be Supplied by Heads of Institutions

Every person in responsible charge of an institution to which there are committed individuals convicted of crime, or persons declared to be not guilty by reason of mental illness or declared incompetent to stand trial for criminal offenses, shall transmit to the Bureau the names, fingerprints, photographs and such other data prescribed by the Director, of all individuals so committed and shall report any subsequent change in release status. Every person in responsible charge of such institutions shall also forward to the Bureau the names and photographs of all individuals who are to be discharged from such institutions, after having been confined in such institutions. Such photographs shall be taken immediately before release of such individuals, and he or she shall be attired in civilian clothes.

§8510. Information to be Supplied by the Department of Correction

The Department of Correction shall within 48 hours, transmit to the Bureau:

(a) the names, fingerprints, photographs and other data prescribed by the Director, concerning all persons who are received or committed to such penal institution, or who are placed on parole or probation for any offense. Such photographs shall be of a recent date, and taken while such individuals are attired in civilian clothes;

(b) the names and photographs of all prisoners who are to be released or discharged from such institutions, after having been confined in such institutions. Such photographs shall be taken immediately before release of such persons, and he or she shall be attired in civilian clothes;

(c) notice of all paroles granted, revoked, or completed, changes in release status, conditional releases, commutations of sentence, pardons, and deaths of all persons described in subsections (a) and (b) of this section.

\$8511. Required Information

If no time period is prescribed in this Chapter for the submission of information to the Bureau, the information required shall be submitted within such time period and in such manner as the Director shall designate.

\$8512. Access to Institutions and Public Records

Any employee of the Bureau, upon written authorization by the Director, may enter any correctional center or mental institution to take or cause to be taken fingerprints or photographs or to conduct investigations relative to any person confined therein, for the purpose of obtaining information which may lead to the identification of criminals; and every person who has charge or custody of public records or documents from which it may reasonably be supposed that information described in this Chapter can be obtained, shall grant access thereto to any employee of the Bureau upon written authorization by the Director or shall produce such records or documents for the inspection and examination of such employee.

\$8513. Dissemination of Criminal History Record Information

(a) Upon application, the Bureau shall furnish a copy of all information available pertaining to the identification and criminal history of any person or persons of whom the Bureau has a record to:

(1) criminal justice agencies and/or courts of the State or of any political subdivision thereof or to any similar agency and/or court in any State or of the United States or of any foreign country for purposes of the administration of criminal justice and/or criminal justice employment;

(2) any person or his attorney of record who requests a copy of his or her own Delaware criminal history record, provided that such person:

(i) submits to a reasonable procedure established by standards set forth by the Superintendent of the State Police to identify one's self as the person whose record this individual seeks, and

(ii) pays a reasonable fee as set by the Superintendent, payable to the Delaware State Police;

(3) the State Public Defender when he requests information about an individual for whom he is attorney of record.

(b) Upon application, the Bureau shall, based on the availability of resources and priorities set by the Superintendent of State Police, furnish information pertaining to the identification and criminal history of any person or persons of whom the Bureau has a record, provided that the requesting agency or individual submits to a reasonable procedure established by standards set forth by the Superintendent of the State Police to identify the person whose record is sought. These provisions shall apply to the dissemination of criminal history record information to:

(1) individuals and public bodies for any purpose authorized by Delaware State statute or executive order, court rule or decision or order;

(2) individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. Said agreement shall embody a User Agreement as prescribed in §8514;

(3) individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to a specific agreement with a criminal justice agency. Said agency shall embody a User Agreement as prescribed in §8514;

(4) individuals and agencies for purposes of international travel;

(5) individuals and agencies required to provide a security clearance for matters of national security.

(c) Upon application the Bureau may, based upon the availability of resources and priorities set by the Superintendent of State Police, furnish information pertaining to the identification and conviction data of any person or persons of whom the Bureau has record provided that the requesting agency or individual submits to a reasonable procedure established by standard set forth by the Superintendent of State Police to identify the person whose record is sought. These provisions shall apply to the dissemination of conviction data to:

(I) Individuals and agencies for the purpose of employment of the person whose record is sought, provided:

(I) the requesting individual or agency pays a reasonable fee as set by the Superintendent, payable to the Delaware State Police, and

(II) the use of the conviction data shall be limited to the purpose for which it was given.

(2) members of the news media, provided that the use or conviction data shall be limited to the purpose for which it was given, and

(I) the requesting media or news agency pays a reasonable fee as set by the Superintendent, payable to the Delaware State Police.

(d) Dissemination of criminal history record information by any person or agency other than the Bureau or its designee is prohibited. This provision shall not prohibit dissemination by any criminal justice agency in those cases in which time is of the essence and the Bureau is technologically incapable of responding within the necessary time period. Under such circumstances the foregoing rules concerning dissemination are to be adhered to.

(c) Appropriate records of dissemination shall be retained by the Bureau and criminal justice agencies storing, collecting and disseminating criminal history record information to facilitate audits. Such records shall include, but not be limited to, the names of persons and agencies to whom information is disseminated and the date upon which such information is disseminated.

(f) Unless otherwise specified by the court order directing that a record be sealed, such sealing shall not preclude dissemination of the arrest or conviction information concerning the subject of the court order, nor shall it preclude dissemination of the fact a sealed record exists, providing any dissemination made is pursuant to the provisions of this Chapter and Chapter 43 of this Title.

§8514. User Agreements

(a) Use of criminal history record information disseminated to non- criminal justice agencies shall be restricted to the purpose for which it was given.

(b) No criminal justice agency shall disseminate criminal history record information to any person or agency pursuant to §8513 (a)(3) and (b)(1), (2) and (3) unless said person or agency enters into a User Agreement with the Bureau, which agreement shall:

(1) specifically authorize access to the data or information;

(2) limit the use of the data or information to purposes for which it was given;

(3) insure the security and confidentiality of the data or information consistent with this Chapter.

(c) An individual or agency which has entered into a User Agreement as prescribed by subsection (b) of this section, and which knowingly or recklessly violates the terms of that agreement, shall be guilty of a Class A misdemeanor and shall be punished according to the provisions of Chapter 42 of this Title. Upon such violation, the User Agreement shall be terminable at the option of the Bureau.

§8515. Furnishing Information of Injured or Deceased Persons

If a law enforcement officer or the Office of the Chief Medical Examiner transmits to the Bureau the identification data of any unidentified deceased or injured person or any person suffering from loss of memory, the Bureau shall furnish to such officer or Office any information available pertaining to the identification of such person.

§8516. Furnishing Information without Application

Although no application for information has been made to the Bureau as provided in §8513 of

this Title, the Bureau may transmit such information as the Director, in his discretion, designates to such persons as are authorized by §8513 of this Title to make application for it and as are designated by the Director.

§8517. Local Assistance

(a) At the request of any officer or official described in §8507, §8509 and §8510 of this Title, the Superintendent of State Police may direct the Director to assist such officers:

(1) in the establishment of local identification and record system;

(2) in investigating the circumstances of any crime and in the identification, apprehension and conviction of the perpetrator or perpetrators thereof, and for this purpose may detail such employee or employees of the Bureau, for such length of time as the Director deems fit; and

(3) without such request the Director shall, at the direction of the Governor, detail such employee or employees, for such time as the Governor deems fit, to investigate any crime within this State, for the purpose of identifying, apprehending and convicting the perpetrator or perpetrators thereof.

(b) The Governor may, in his discretion, delegate to the Secretary of Public Safety the powers, duties or functions set forth in this section.

§8518. Scientific Crime Detection Laboratory

To the end that the Bureau may be able to furnish the assistance and aid specified in §8517 of this Title, the Superintendent of the State Police may direct the Director to organize in the Bureau and maintain therein scientific crime detection laboratory facilities.

§8519. Certified Copies of Records

Any copy of a record, picture, photograph, fingerprint or other paper or document in the files of the Bureau certified by the Director or his designee to be a true copy of the original shall be admissible in evidence in any court of this State in the same manner as the original might be.

§8520. Annual Report

The Director shall submit to the Superintendent of State Police an annual report of the conduct of his office. This report shall present summary statistics of the information collected by the Bureau.

§8521. Access to Files

Only employees of the Bureau and persons specifically authorized by the Director shall have access to the files or records of the Bureau. No such file or record or information shall be disclosed by any person so authorized except to officials as in this Chapter provided.

§8522. Authority to take Fingerprints, Photographs and Other Data

(a) To the end that the officers and officials described in §8507, §8509, §8510 and §8525 of this Title may be enabled to transmit the reports required of them, such officers and officials shall have the authority and duty to take, or cause to be taken, fingerprints, photographs and other data of persons described in such section. A like authority shall be had by employees of the Bureau who are authorized to enter any institution under §8512 of this Title, as to persons confined in such institutions.

(b) Every person arrested for a crime or crimes enumerated in §8507 shall submit to being fingerprinted, photographed, and shall supply such information as required by the Superintendent. Whoever shall fail to comply with this section shall be guilty of a Class A misdemeanor and shall be punished according to the provisions of Chapter 42 of this Title.

§8523. Penalties

(a) Whoever intentionally neglects or refuses to make any report lawfully required of him under this Chapter, or to do or perform any other act so required to be done or performed by him, or hinders or prevents another from doing an act so required to be done by such person, shall be guilty of a Class A misdemeanor and shall be punished according to the provisions of Chapter 42 of this Title.

(b) Any person who knowingly and wrongfully destroys or falsifies by addition or deletion any computerized or manual record of the Bureau or of a criminal justice agency, which contains criminal history record information, or who knowingly permits another to do so, shall be guilty of a

Class E felony and shall be punished according to the provisions of Chapter 42 of this Title.

(c) Any person who knowingly provides CHRI to another for profit is guilty of a Class E felony and shall be punished according to Chapter 42 of this Title.

(d) Any person who knowingly provides criminal history record information to a person or agency not authorized by this Chapter to receive such information or who knowingly and wrongfully obtains or uses such information shall be guilty of a Class A misdemeanor and shall be punished according to the provisions of Chapter 42 of this Title.

(e) Conviction of a violation of this section shall be prima facie grounds for removal from employment by the State or any political subdivision thereof, in addition to any fine or other sentence imposed.

§8524. Construction of Chapter

Nothing in this Chapter, or amendments adopted pursuant thereto, shall provide the basis for exclusion or suppression of otherwise admissible evidence in any proceeding before a court, or other official body empowered to subpoena such evidence.

§8525. Information Voluntarily Supplied by Individuals

Whenever a person appears before any of the officers mentioned in §8507 of this Title, and requests an impression of his fingerprints, such mentioned officer shall comply with the request, and make at least two (2) copies of the impressions on forms supplied by the Bureau. One copy shall be forwarded to the Federal Bureau of Investigation at Washington, D.C., and one copy shall be forwarded promptly to the Bureau, subject to §8513 of this Title, together with any personal identification data obtainable. The Bureau shall accept and file such fingerprints and personal identification data submitted voluntarily by such resident in a separate filing system, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory or change of appearance.

Approved October 21, 1981.

CHAPTER 189
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 250
AS AMENDED BY SENATE AMENDMENTS NOS. 2 & 3

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY ESTABLISHING A NEW CHAPTER 50 AND REDESIGNATING THE DIVISION OF ECONOMIC DEVELOPMENT AS THE OFFICE OF ECONOMIC DEVELOPMENT DIRECTLY RESPONSIBLE TO THE GOVERNOR, AND AMEND TITLE 29, CHAPTER 86, TRANSFERRING ALL DUTIES AND FUNCTIONS OF THE DIVISION OF ECONOMIC DEVELOPMENT TO THE OFFICE OF ECONOMIC DEVELOPMENT AND ALL DUTIES AND RESPONSIBILITIES OF THE SECRETARY OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND ECONOMIC DEVELOPMENT TO THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT AND TO AMEND TITLE 29, CHAPTER 86, ABOLISHING SUBCHAPTER II, STATE DEVELOPMENT.

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

Section 1.

(a) Amend Chapter 86 of Title 29 of the Delaware Code by striking Subsection 8603(2)(a) in its entirety and redesignating the remaining subsections as §§8603(2)(a) through 8603(2)(e).

(b) Further amend Chapter 86 of Title 29 of the Delaware Code by striking §§8606 and 8607 and Subchapter II - State Development (being §§8631 through 8635) in their entirety.

(c) Further amend Chapter 86 of Title 29 of the Delaware Code by striking Subsection 8616(2) and redesignating the remaining subsections as §§8616(1) through 8616(6).

Section 2. Amend Title 29 of the Delaware Code by adding a new Chapter 50 as follows:

"Chapter 50 - State Economic Development
Subchapter I - General Provisions

§5001. Findings and Purpose.

(a) The General Assembly finds and declares that the good order of the State depends upon the steady employment in useful occupations of the citizens of the State. Such steady and useful employment can be made available by encouraging the economic development of the State through the inducement of a full range of commercial, industrial, agricultural, and other enterprises to locate, remain, and expand in the State. Uncontrolled industrialization and expansion, however, may contribute to possible dangers to the public health and welfare through the pollution of the air, water, and soil of the State. The reduction, abatement, and prevention of the pollution of the State's environment and the protection of its natural resources are important concerns to be considered in the process of encouraging the economic development of the State.

(b) The General Assembly further finds that promotion of the State as a destination for tourists and other travelers will help to enhance the State's economy and provide employment and recreational opportunities for citizens of the State.

(c) The General Assembly further finds that promotion and assistance to small and minority-owned businesses is vital to the overall balance between large and small firms, and that it is in the State's interest to insure a strong and diversified business community.

(d) The General Assembly further finds and declares that the creation of an office for economic development with powers and duties as specified by this Chapter can best accomplish the orderly development of the State while insuring that the protection and enhancement of its resources and environment will continue to be a critical concern.

§5002. Definitions.

(a) 'Director' means the Director of the Delaware Development Office.

(b) 'Office' means the Delaware Development Office.

- (c) 'State' means the State of Delaware.
- (d) 'Council' means the Council on Development Finance created by this Chapter.
- (e) 'Board' means the Tourism Advisory Board created by this Chapter.

§5003. Delaware Development Office.

(a) There is hereby created an office of economic development which shall be known as the Delaware Development Office.

(b) The Office shall be in the Executive Department responsible to the Governor.

(c) The Office shall serve as the Governor's staff agency in all general and economic development matters, and it shall function, as required, as an advisory, coordinating, or implementing agency [1] to harmonize its activities with similar activities of other departments, boards, commissions, agencies, or instrumentalities of federal, state, county, or municipal government; [2] to render, as necessary, assistance to all units of government and to private enterprise; [3] to stimulate public interest and participation in the orderly growth and development of the State; and [4] to insure that all private and public development activities are carried out in conformity with State law.

§5004. Director of the Office.

(a) The Office shall be headed by the Director. He shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the Governor's pleasure. The Director shall be qualified by training and experience to perform the duties of his position, and preference shall be given to a resident of this State, provided he is acceptable and equally qualified. The Director shall be paid an annual salary established by the Governor within the limitation of the funds appropriated therefor.

(b) In the event of the death, resignation, temporary incapacity, or removal of the Director, and prior to the appointment of his successor, the Governor may appoint any qualified employee of the Office or any of its subdivisions to serve as Acting Director. The Director may, during his absence from the State, appoint any qualified employee of the Office or any of its subdivisions to serve as Acting Director during such absence. In either case, the Acting Director shall have all the powers and shall perform all the duties and functions of the Director during his absence or incapacity or until his successor is duly appointed and qualified.

§5005. Powers, Duties, and Functions of the Director.

The Director shall have the following powers, duties, and functions:

(1) To supervise, direct, and account for the administration and operation of the Office, its subdivisions, offices, functions, and employees.

(2) To serve as Chairman of the Delaware Economic Development Authority and to supervise the administration of the Authority and to perform all duties heretofore vested in the Secretary of the Department of Community Affairs and Economic Development as shall be related to the Authority.

(3) To appoint and remove the staff of the Office in accordance with the provisions of this Chapter and such other limitations as may be imposed by law.

(4) To advise the Governor and other officials of the State government on all matters of economic development and to consult with them on matters of economic development affecting the duties and responsibilities of their offices.

(5) To have access (or to designate staff members who shall have access) to information, reports, and data which relate to economic development which are in the possession of departments, boards, commissions, agencies, or instrumentalities of the State or in the possession of county, municipal, or other local agencies and instrumentalities.

(6) To hold hearings on matters of general economic development or such other matters as may be required by law after notice thereof to interested parties.

(7) To attend and participate in meetings of federal, county, or municipal economic development bodies, interstate agencies, and other entities, whether public or private. The Director may cooperate with such instrumentalities in matters affecting the duties and responsibilities of the Office.

(8) To establish, consolidate, or abolish such subdivisions within the Office or transfer or combine the powers, duties, and functions of the subdivisions within the Office as he may deem necessary, provided that all powers, duties, and functions required by law shall be provided for and maintained.

(9) To make and enter into any and all contracts, agreements, or stipulations, to retain, employ, and contract for the services of private and public consultants, professional, research, and technical personnel, including the temporary exchange of personnel from all public or private entities, and to procure by contract consulting, research, professional, technical, and other services, whenever they shall be deemed by the Director necessary or desirable in the performance of the functions of the Office and whenever funds shall be available for such purpose. Legal services shall be procured pursuant to Chapter 25 of Title 29 of the Delaware Code.

(10) To delegate any of his powers, duties, or functions to a member of the staff authorized by this Subchapter, except his power to remove employees of the Office or to fix their compensation.

(11) To establish and promulgate such rules and regulations governing the administration and operation of the Office as may be deemed necessary by him and which are not inconsistent with the laws of this State.

(12) To occupy and/or maintain such facilities as may be required for the effective and efficient operation of the Office.

(13) To adopt an official seal or seals for the Office.

(14) To exercise all other powers necessary and proper for the discharge of his duties and such other powers as may be delegated by the Governor, not inconsistent with State law.

§5006. Powers and Duties of the Office.

The Office shall:

(1) Be responsible for attracting new investors and businesses to the State, promoting the expansion of existing industry, assisting small and minority-owned businesses, promoting and developing tourism, and creating new and improved employment opportunities for all citizens of the State at every economic level, provided that such development is carried out with a view to preserving existing agriculture, commercial, industrial, and recreational opportunities to be had within the State and conserving the natural resources and wildlife of the State.

(2) Act as the Governor's principal staff agency in economic development matters. Make studies and investigations, insofar as they may be relevant to the State's economy, of the resources of the State and of existing and emerging problems of agriculture, industry, commerce, transportation, and other matters affecting the development of the State and, in making such studies, seek the cooperation and collaboration of the appropriate departments, boards, commissions, agencies, and instrumentalities of federal, state, and local government, educational institutions, and research organizations, whether public or private, and of civic groups and private persons and organizations. Render advice and act as the Governor's designated agency in the execution of such matters relating to its powers as he may request.

(3) Provide information to, and cooperate with, the General Assembly or any of its committees in connection with studies relevant to the overall development of the State's economy.

(4) Prepare and administer the State's program of public works and major capital improvement projects.

(5) In cooperation with the Department of Administrative Services and the Department of Natural Resources and Environmental Control, prepare, and from time to time revise, an inventory listing the State's real property and facilities of all kinds.

(6) Cooperate with, and within the limitations of its appropriations, provide requested assistance to county or local governments in the State, or any of their instrumentalities; and cooperate with and assist departments and other agencies or instrumentalities of federal, state, and local government, as well as regional, metropolitan, county, municipal, or other local or private agencies in the execution of their functions with a view to harmonizing their development activities with the overall development plans and policies of the State. Whenever cooperation or assistance under this subdivision

includes the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement.

(7) Provide information to officials of departments, boards, commissions, agencies, and instrumentalities of state and local government, to civic and other groups, and to the public at large in order to foster public awareness and understanding of the objectives of a strong State economy and to stimulate public interest and participation in the orderly and integrated development of the State.

(8) Accept and receive, in furtherance of its function, funds, grants, and services from the Federal Government or its agencies, from departments, agencies, and instrumentalities of state or local government or from private and civic sources.

(9) Collect, compile, and audit the information and data necessary to discharge its principal functions. Where such data cannot be secured from federal, state, or local agencies or private organizations, the Office may engage in the required research. Before publishing any historical information, the information shall be reviewed and approved by the Department of State of the State of Delaware.

(10) Perform and be responsible for the performance of all powers, duties, and functions heretofore vested in the Division of Economic Development of the Department of Community Affairs and Economic Development immediately prior to the effective date of this Chapter.

(11) Exercise all other powers necessary and proper for the discharge of its duties.

\$5007. Council on Development Finance.

(a) The Council on Development Finance is hereby established and shall serve in an advisory capacity to the Director and shall consider matters relating to the financing and modernization of agricultural, industrial, commercial, and other facilities in the State and such other matters as may be referred to it, by the Governor, or by the Director. The Council on Development Finance may study, research, plan, and advise the Director, and the Governor, on matters it deems appropriate to enable the Office to function in the best possible manner.

(b) The Council on Development Finance shall be composed of the members of the Council on Industrial Financing whose terms, as of the effective date of this Chapter, have not expired. Each such member shall serve as a member of the Council on Development Finance for the period of his unexpired term as a member of the Council on Industrial Financing unless he vacates his position by resignation, death, or incapacity.

(c) The Council on Development Finance shall be composed of seven (7) members who shall be appointed by the Governor and serve for a term of three (3) years.

(d) After the adoption of this Act, the next ensuing three (3) vacancies on the Council shall be filled by a member of the bar of the Supreme Court of the State, by a certified public accountant certified by the Board of Accountancy of the State, and by an officer of a bank or trust company located in the State. Subsequent vacancies on the Council shall be filled so that thereafter at least one (1) member shall be a member of the bar of the Supreme Court of the State, at least one (1) member shall be a certified public accountant certified by the Board of Accountancy of the State, and at least one (1) member shall be an officer of a bank or trust company located in the State. At least three (3), but no more than four (4), members of the Council shall be affiliated with one (1) of the major political parties and at least two (2), but no more than three (3), of the members shall be affiliated with the other major political party; provided, however, that there shall be not more than a bare majority representation of one (1) major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members in accordance with State law.

(f) A Chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to this Section, to replace a member whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term.

(h) The Council on Development Finance shall have the power to perform and be responsible for the performance of all the powers, duties, and functions heretofore vested by statute in the Council on Industrial Financing immediately prior to the effective date of this Chapter.

§5008. Tourism Advisory Board.

(a) The Tourism Advisory Board is hereby established and shall serve in an advisory capacity to the Director and shall consider matters relating to the promotion of the State as a destination for tourists and other travelers and such other matters as may be referred to it, by the Governor, or by the Director. The Board may study, research, plan, and advise the Director, and the Governor, on matters it deems appropriate to enable the Office to function in the best possible manner.

(b) The Tourism Advisory Board shall be composed of seven (7) members who shall be appointed by the Governor and serve for a term of three (3) years.

(c) Members of the Board shall be residents of the State who are engaged in the tourist industry or who provide direct service to tourists and other travelers. At least two (2) members shall be appointed from each of the three (3) counties of the State. For purposes of this Section, a member's residence shall be considered his principal place of business. At least three (3), but no more than four (4), members of the Board shall be affiliated with one (1) of the major political parties and at least two (2), but not more than three (3), of the members shall be affiliated with the other major political party; provided, however, that there shall be no more than a bare majority representation of one (1) major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Board.

(d) The Director of the Office, or such person designated by him, shall serve as Secretary to the Board, and shall maintain minutes of all meetings and such other records as are deemed necessary by the Director.

(e) Members of the Board shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members in accordance with State law.

(f) A Chairman of the Board shall be chosen by the members of the Board from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(g) Any appointment, pursuant to this Section, to replace a member whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term.

§5009 Staff.

(a) The Director and all employees of the Office receiving compensation for services equivalent to or higher than Pay Grade 21, or successor classifications, hired on or after the effective date of this Chapter, shall be exempt from Chapter 59 of this Title. All employees of the Office receiving compensation for services equivalent to or less than Pay Grade 20, or successor classifications, of the State Classified Service, shall be covered in all respects by the provisions of Chapter 59 of Title 29 of the Delaware Code.

(b) The Division of Economic Development of the Department of Community Affairs and Economic Development and all positions therein classified as equal to or higher than Pay Grade 21 of the State's Classified Service, pursuant to Chapter 59 of Title 29 of the Delaware Code are hereby abolished. All positions within the Division classified as equal to or less than Pay Grade 20 shall remain as classified positions and any incumbent employee classified as equal to or less than Pay Grade 20 affected by this Act shall continue to retain all rights, protections, and privileges of the State Classified Service, pursuant to Chapter 59 of Title 29 of the Delaware Code.

(c) Any person classified as Pay Grade 21, or higher, of the State Classified Service, employed by the Office of Management, Budget, and Planning or the Division of Economic Development of the Department of Community Affairs and Economic Development immediately prior to the effective date of this Chapter who is transferred to the Delaware Development Office on or after the effective date of this Chapter and who is subsequently discharged by that Office, shall receive first preference in all other State employment opportunities which arise after such discharge and for which opportunities such person is qualified. Each such person shall also have the right of first refusal until permanent employment is obtained. The provisions of Chapter 59 of this Title and the rules created pursuant thereto shall apply with regard to the re-employment of such personnel.

(d) In the event of any conflict between or among any personnel who are given a first preference in State employment opportunities or a right of first refusal by any provision of this Chapter or by any other law of the State, such conflict shall be resolved according to the rules of the State Classified Service at the time such conflict arises. This Subsection shall apply only if at least one person governed by a provision of this Chapter is a party to such a conflict.

§5010. Collection and Distribution of Information.

(a) The Office may collect and disseminate any data or other information including, but not limited to, the population, demographics, and economy of the State. The Office shall take such steps as the Director deems appropriate to emphasize the investment, business, employment, and recreational opportunities and advantages of the State, and the potential for future development within the State.

(b) The Office may elect to publish any information on its own or to use any of the accepted advertising media to carry out the purposes of this Chapter. The Office may also distribute information and materials donated to, or purchased by, the Office, from private or public agencies, organizations, corporations, or individuals.

(c) The Director may offer such publications and other materials described in this Chapter for sale if deemed by him to be in the best interests of the State, provided that the price so charged for the sale of said publications and materials shall not exceed their original cost with the addition of a charge for postage and handling, if applicable.

(d) Such monies as received by the Office from the sale of publications and materials shall be deposited with the Treasurer of the State of Delaware in a Special Fund of the State upon which the Director may draw to replace such publications and materials offered for sale. Unexpended funds remaining in the Special Fund at the close of the fiscal year, and not previously expended or encumbered, shall not revert but shall remain on deposit in such Special Fund for future use pursuant to the provisions of this Section.

§5011. Preparation of Annual Capital Budget.

The Office shall prepare, and amend as necessary, a program of State public works, major capital improvement projects and other facilities undertaken or recommended to be undertaken by the State, or any of the Authorities or other instrumentalities of the State government. Such program shall be submitted as the annual capital budget to the Governor at such time as he shall deem appropriate for submission to the General Assembly. The Director shall maintain a report on the status of all capital projects funded by any debt offering issued by the State or by any of the Authorities or other instrumentalities of State government.

§5012. Assistance for Tourism and Business Promotion.

(a) The Director is hereby authorized and directed to establish a Special Fund of the State to encourage instrumentalities and political subdivisions of the State and private and public non-profit associations to attract new investors and businesses to the State, and to promote the State as a destination for tourists and other travelers.

(b) The Director may contract with any instrumentality or political subdivision of the State, and with any private or public non-profit association, to accomplish any work authorized by this Chapter, provided that the said instrumentality or political subdivision of the State, private or public non-profit association, contributes an equal share to the cost of the project.

(c) The Director shall establish such rules and regulations as are necessary to determine the eligibility of any instrumentality or political subdivision, private or public non-profit association for participation in contracts authorized by this Section. A private or public non-profit association shall submit a Letter of Exemption from the Internal Revenue Service as proof of non-profit status.

(d) The Director may, if he deems it necessary, limit the amount of money granted to any single project funded under this Section. Expenditures from this Special Fund shall be in accordance with the provisions of State law and shall be limited to appropriations provided therefor. Monies on deposit in this Special Fund which are unexpended or unencumbered shall not revert at the end of each fiscal year.

§5013. Assumption of Powers.

The Office shall have the power to perform and shall be responsible for the performance of all powers, duties, and functions heretofore vested by law in the Division of Economic

Development of the Department of Community Affairs and Economic Development immediately prior to the effective date of this Chapter and which are not otherwise specifically transferred by this Chapter.

§5014. Appeals.

Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions transferred by this Chapter to the Office, to any subdivision thereof, or to any council or board created by this Chapter shall continue to exist with respect to such act or acts as hereafter performed by the Office, by the subdivision, by the council, or by the board to which such function is transferred by this Chapter, and each such appeal shall be perfected in the manner heretofore provided by law.

§5015. Transfers and Continuity.

(a) All property, including all books, records, papers, maps, charts, plans, equipment, and other materials owned by or in the possession of any agency of the State and used in connection with a function transferred by this Chapter to the Office shall, on the effective date of this Chapter, be delivered into the custody of the Office. All investigations, petitions, hearings, and legal proceedings pending before, or instituted by, any agency from which functions are transferred by this Chapter and which are not concluded prior to the effective date of this Chapter shall continue unabated and remain in full force and effect, notwithstanding the passage of this Chapter and, where necessary, may be completed before, by or in the name of the Office. All orders, rules, and regulations made by any agency from which functions are transferred by this Chapter and which govern such functions, and which are in effect upon the effective date of this Chapter, shall remain in full force and effect until revoked or modified in accordance with law by the Office. All contracts and obligations of any agency made or undertaken in the performance of a function transferred by this Chapter to the Office and being in force on the effective date of this Chapter, shall, notwithstanding this Chapter, remain in full force and effect and be performed by the Office.

(b) All definitions and references to any commission, board, department, council, or agency which appear in any other act or law shall, to the extent that they are consistent with this Chapter and in connection with a function transferred by this Chapter to the Office or to any subdivision thereof or to any council or board created by this Chapter, be construed as referring and relating to the Office, to the appropriate subdivision thereof, or to the council or board as created and established by this Chapter.

(c) All definitions and references to any director, commissioner, executive secretary, commission, board, or council member or other similar person which appear in any other act or law shall, to the extent that they are consistent with this Chapter and in connection with a function transferred by this Chapter to the Office or to any subdivision thereof or to any council or board created by this Chapter, be construed as referring to or relating to the equivalent person or persons and their powers, duties and functions as established and created in this Chapter.

§5016. Reports and Accountability.

(a) The Office shall submit an annual report to the Governor and the General Assembly on or before October 15 of each year. Such report shall contain summaries of important accomplishments of the Office and summaries of the work of the Council on Development Finance and of the Tourism Advisory Board.

(b) The Office shall also submit special reports upon the request of the Governor, the General Assembly, the Council on Development Finance, or the Tourism Advisory Board or at the discretion of the Director of those aspects of the Office's work which may be deemed of current interest. Copies of all reports shall be made available for general distribution or sale.

(c) In preparing any reports on its operations, the Office may seek the advice of outside experts in the fields of tourist and travel promotion or general economic development.

§5017. Misnomer of Office in Donation.

Any misnomer shall not defeat or annul any gift, grant, devise, or bequest to the Office if it sufficiently appears by the will, conveyance, or other writing that the party making the same intended to pass and convey thereby to the Office, the estate or interest therein expressed or described.

§5018. Budgeting and Financing.

The Director shall prepare a proposed budget for the operation of the Office to be submitted for the consideration of the Governor and the General Assembly. The Budget may be presented in any manner consistent with guidelines provided by the Budget Director, provided, however, that at least one (1) Budget Unit, or successor budgetary component, shall detail the Governor's proposed budget for the support of tourism. The Office shall be operated within the limitation of the annual appropriation and any other funds appropriated by the General Assembly. Special funds may be used in accordance with approved programs, grants, or appropriations.

§5019. Supremacy.

All other laws or parts of laws now in effect inconsistent with this Chapter are hereby repealed, superseded, modified, or amended so far as necessary to conform to, and give full force and effect to, this Chapter."

Section 3.

(a) Amend Chapter 91 of Title 29 of the Delaware Code by redesignating Subchapter II, being §§9121 through 9124 of said Subchapter as a new Subchapter II of Chapter 50 of Title 29, being §§5030 through 5033 respectively.

(b) Amend new Subchapter II of Chapter 50 of Title 29 of the Delaware Code by deleting therefrom the words "Office of Management, Budget and Planning" in their entirety as such words appear in said Subchapter and inserting in lieu thereof the words "Delaware Development Office".

(c) Amend new §5031 of Title 29 of the Delaware Code by deleting therefrom the words "§9110" in their entirety as such words appear in said new Section and inserting in lieu thereof the words "§5011".

Section 4.

(a) Amend Chapter 91 of Title 29 of the Delaware Code by redesignating Subchapter III, being §§9130 through 9135 of said Subchapter, as a new Subchapter III of Chapter 50 of Title 29 of the Delaware Code, being §§5040 through 5045 respectively.

(b) Amend new Subchapter III of Chapter 50 of Title 29 of the Delaware Code by deleting therefrom the words "Office of Management, Budget, and Planning" in their entirety as such words appear in said Subchapter and inserting in lieu thereof the words "Delaware Development Office".

(c) Amend new §5041 of Title 29 of the Delaware Code by deleting therefrom the words "§9110" in their entirety as such words appear in said new Section and inserting in lieu thereof the words "§5011".

Section 5.

(a) Amend Title 6 of the Delaware Code and new Chapter 50 of Title 29 of the Delaware Code by redesignating the present Chapter 70 of Title 6 of the Delaware Code as a new Subchapter IV of Chapter 50 of Title 29 to be entitled "Delaware Economic Development Authority" and by renumbering §§7001 through 7017 of Title 6 as §§5051 through 5067 respectively of Chapter 50 of Title 29 of the Delaware Code.

(b) Amend new Subchapter IV of Chapter 50 of Title 29 of the Delaware Code by deleting therefrom the words "this chapter" wherever such words appear in said new Subchapter and inserting in lieu thereof the words "this Subchapter" except where such words appear in Subsection (e) of new §5054, of new Subchapter IV of Chapter 50 of Title 29 of the Delaware Code.

(c) Amend new Subchapter IV of Chapter 50 of Title 29 of the Delaware Code by deleting therefrom the word "Secretary" wherever such word appears in said new Subchapter in reference to the Secretary of the Department of Community Affairs and Economic Development and inserting in lieu thereof the word "Director" in reference to the Director of the Delaware Development Office.

(d) Amend new Subchapter IV of Chapter 50 of Title 29 of the Delaware Code by deleting therefrom the words "Department of Community Affairs and Economic Development" wherever such words appear in said new Subchapter and inserting in lieu thereof the words "Delaware Development Office".

(e) Amend new Subchapter IV of Chapter 50 of Title 29 of the Delaware Code by deleting therefrom the words "Council on Industrial Financing" as such words appear in said new Subchapter and inserting in lieu thereof the words "Council on Development Finance".

(f) Amend new §5052 of Title 29 of the Delaware Code by deleting therefrom Subsection 5052(14) in its entirety and inserting in lieu thereof a new Subsection 5052(14) to read as follows:

"(14) 'Director' means the Director of the Delaware Development Office."

(g) Title to property held in the name of the Department of Community Affairs and Economic Development by virtue of its exercise of any powers pursuant to Chapter 70 of Title 6 of the Delaware Code as in effect prior to June 25, 1980, shall, upon adoption of this Act, be vested in the Delaware Economic Development Authority.

(h) Amend Chapter 74 and Chapter 94 of Title 29 of the Delaware Code by deleting therefrom the words "Office of Management, Budget and Planning" in their entirety as such words appear in said Chapter and inserting in lieu thereof the words "Delaware Development Office".

(i) Amend Chapter 91 of Title 29 of the Delaware Code by striking Subsections 9108(e)(5) and 9108(e)(6) and §9110 in their entirety.

Section 6. Amend Title 29 of the Delaware Code by adding a new §8525 to read as follows:

"§8525. Development of Employment Opportunities.

The Department of Labor and the Delaware Development Office shall be jointly responsible for developing new and improved employment opportunities and coordinating with all other State and local agencies and private organizations in this field. The Governor and the General Assembly shall be kept fully apprised by the Department of Labor and the Delaware Development Office of all State, local, and private activities in the employment development field."

Section 7. Amend those chapters of the Delaware Code and those Laws of Delaware not herein amended by this Act by deleting therefrom the words "Department of Community Affairs and Economic Development" wherever such words appear in said Code and said Laws and inserting in lieu thereof the words "Department of Community Affairs".

Section 8. 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 9. 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 that 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 10. To the extent that this Act transfers duties and functions of the Division of Economic Development of the Department of Community Affairs and Economic Development or the Office of Management, Budget, and Planning, the Budget Director and the Controller General are hereby authorized and directed to transfer such funds and such positions as may be necessary to carry out the provisions of this Act for the remainder of Fiscal Year 1982.

Section 11. The provisions of the Delaware Sunset Act (Chapter 102 of Title 29 of the Delaware Code) shall apply to the Delaware Development Office, except that effective January 15, 1985, the powers enumerated in new Section 5006 (4) and Section 5011 of Title 29 and Sections 3 and 4 of this Act shall automatically be transferred to the Office of the Budget and shall not be subject to abolition pursuant to Chapter 102 of Title 29.

Section 12. This Act shall become effective November 1, 1981.

Approved October 23, 1981.

CHAPTER 190

FORMERLY

SENATE BILL NO. 364

AS AMENDED BY

SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 4

AN ACT TO AMEND CHAPTER 41, TITLE 9, DELAWARE CODE RELATING TO THE GOVERNMENT OF KENT COUNTY.

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

Section 1. Amend §4102, Chapter 41, Title 9, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following: "4102 Levy Court Districts in Kent County",

(a) Kent County shall be divided into six Levy Court districts, one additional Levy Court district is comprised of the County as a whole.

(b) The Levy Court districts are established as follows:

(1) First Levy Court District - The First Levy Court District shall comprise: ALL that portion of Kent County, more particularly described by reference to the general highway map of Kent County dated 1963 (revised January 1, 1978) and Sheet A of said highway map of Kent County dated 1963 (revised August 1, 1974) prepared by the mapping section of the Division of Highways, bounded by a line beginning at the point on the centerline of the boundary between the States of Delaware and Maryland, thence in an easterly direction along the centerline of the boundary between New Castle County and Kent County in an easterly direction and northeasterly direction passing U. S. Route 13 and in a northerly direction to a point where the said boundary line between Kent County and New Castle County intersects with the centerline of the boundary between the States of Delaware and New Jersey, thence continuing along the centerline of the Delaware and New Jersey boundary in a southeasterly direction to a point opposite the center of the mouth of the Leipsic River, thence, in a westerly direction to the mouth of the Leipsic River and, thence with the center of the Leipsic River in a westerly direction to its northern junction with Little Duck Creek in the Town of Leipsic, thence in a southerly direction along the centerline of the eastern boundary line of the Town of Leipsic, thence in a westerly direction along the centerline of the southern boundary of the Town of Leipsic crossing State Route 9, thence in a northerly direction along the centerline of the western boundary of the Town of Leipsic to its intersection with the center of Little Duck Creek, thence with the center of Little Duck Creek in a westerly direction to its point of intersection with the centerline of U. S. Route 13, thence with the centerline of U.S. 13 in a southerly direction to its point of intersection with County Road 100 (Denneys Road), thence with the centerline of County Road 100 (Denneys Road) in a westerly, southerly and westerly direction to its point of intersection with the centerline of County Road 104 (Kenton Road), thence along the centerline of County Road 104 (Kenton Road), in a southeasterly direction to its intersection with the center of Mudstone Branch, thence with the center of Mudstone Branch in a southwesterly direction and the center of a tributary to Mudstone Branch in a southerly direction (being the northerly boundary of Enumeration District 195 and the easterly boundary of Enumeration District 194 respectively as shown on the Official 1980 Census Map) to a point in the centerline of County Road 158, thence with the centerline of County Road 158 in a southwesterly direction to its intersection with the centerline of State Route 8 where it intersects with the centerline of County Road 199, thence with the centerline of County Road 199 in a southwesterly and southerly direction, crossing County Road 200, to its intersection with the centerline of County Road 73, thence northeasterly with the centerline of County Road 73 to its intersection with the centerline of County Road 204, thence with the centerline of County Road 204 in a southerly direction to its intersection with the center of Isaac Branch, thence with the center of Isaac Branch in an easterly direction to its intersection with the center of Almshouse Branch as shown on Sheet A of the general highway map of Kent County, Delaware, dated 1963 (revised August 1, 1974), thence with the center of Almshouse Branch in a southerly direction to its intersection with the centerline of County Road 52, thence with the centerline of County Road 52 in a westerly direction, crossing the intersection of County Road 228, thence in a northwesterly direction to its intersection with the centerline of County Road 73 at Hazlettville, thence with the centerline of County Road 73 in a northeasterly direction to its intersection with the centerline of County Road 101, thence with the centerline of County Road 101 in a northerly direction, crossing County Road 200 and State Route 8 to its intersection with the centerline of County Road 171, thence with the centerline of County Road 171 in a northwesterly direction, crossing the Conrail Railroad tracks to its intersection with the centerline of County Road 98 and State Route 11 at Fords Corner, thence with the centerline of County Road 98 in a westerly direction to its intersection with the centerline of State Route 44, thence in a northwesterly direction along the centerline of State Route 44 to

its intersection with the centerline of State Route 300 at Everetts Corner, thence in a westerly direction along the centerline of U.S. Route 300 to its intersection with the centerline of the boundary between the States of Delaware and Maryland, thence in a northerly direction along the centerline of the common boundary of Delaware and Maryland through the Blackston Wildlife Area to the point where the centerline of the boundary of the States of Delaware and Maryland intersects with the centerline of the boundary of Kent County and New Castle County which is the point and place of beginning.

(2) Second Levy Court District - The Second Levy Court District shall comprise: ALL that portion of Kent County, partially lying with the City of Dover and bounded as follows: ALL that portion of Kent County, more particularly described by reference to the general highway map of Kent County dated 1963 (revised January 1, 1978) and Sheet A of said highway maps of Kent County dated 1963 (revised August 1, 1974) prepared by the mapping section of the Division of Highways, bounded by a line beginning at a point which is the centerline of State Route 8 and County Road 199 and from said point and place of beginning, following the centerline of County Road 199 in a southwesterly direction, crossing County Road 200 and continuing in a southerly direction, to its intersection with the centerline of County Road 73, thence northeasterly along the centerline of County Road 73, to its intersection with the centerline of County Road 204, thence southerly along the centerline of County Road 204 to its intersection with the center of Issac Branch, thence northeasterly with the center of Issac Branch to its intersection with the center of a tributary to Issac Branch Known as Almshouse Branch, thence southerly with the center of Almshouse Branch to its intersection with the centerline of County Road 52, thence with the centerline of County Road 52 in an easterly direction to its intersection with the western boundary of the Town of Wyoming, thence following the boundaries of the Town of Wyoming in a northerly and easterly direction to its intersection with the centerline of Issac Branch, thence in an easterly direction along the centerline of Issac Branch, crossing its intersections with County Road 195, Conrail Railroad tracks and County Road 190 (New Burton Road), to its intersection with the centerline of the boundary separating the Towns of Wyoming and Camden, thence continuing along the meanderings of Issac Branch, also being the northerly boundary of the Town of Camden, to its intersection with the centerline of U.S. Route 13, thence in a southwesterly direction along the centerline of U.S. Route 13 to its intersection with the centerline of Delaware Route 10 (Lebanon Road), thence in an easterly direction along the centerline of Delaware Route 10, (Lebanon Road), to its intersection with the centerline of U.S. 113-A, thence in a northerly direction along the centerline of U.S. 113-A to a point in the center of the southerly boundary of the City of Dover as of June 30, 1981 which is also a portion of Issac Branch, thence with the southern boundary of the City of Dover in an easterly direction to its point of intersection with U.S. Route 113 (Bay Road), thence with the centerline of U.S. Route 113 (Bay Road), in a northerly direction to its intersection with the centerline of State Route 8 (Division and Forest Streets), thence westerly along the centerline of State Route 8 (Division and Forest Streets) to its intersection with the centerline of County Road 156 (Saulsbury Road), thence in a northerly direction along the centerline of County Road 156 (Saulsbury Road) to its intersection with the centerline of County Road 156 (McKee Road) to the point of its intersection with the centerline of County Road 100 (Denneys Road), thence in a southwesterly direction along the centerline of County Road 100 (Denneys Road) to its point of intersection with the centerline of County Road 104, thence along the centerline of County Road 104 in a southeasterly direction to a point in the center of Mudstone Branch, thence with the center of Mudstone Branch in a southwesterly direction and a tributary of Mudstone Branch in a southerly direction (being the northerly boundary of Enumeration District 195 and easterly boundary of Enumeration District 194 respectively as shown on the Official 1980 Census Map) to a point in the centerline of County Road 158, thence with the centerline of County Road 158 in a southwesterly direction to its intersection with State Route 8 and County Road 199 which is the point and place of beginning.

(3) Third Levy Court District - The Third Levy Court District shall comprise: ALL that portion of Kent County, particularly described by reference to the general highway map of Kent County, Delaware, dated 1963 (revised January 1, 1978) and Sheet A of the said highway map of Kent County dated 1963, (revised August 1, 1974) prepared by the mapping section of the Division of Highways, bounded by a line beginning with the centerline of the boundary between the States of New Jersey and Delaware at a point opposite the centerline of the mouth of the Leipsic River and, thence in a westerly direction to the mouth of the Leipsic River and, thence with the center of the Leipsic River in a westerly direction to its intersection with the eastern boundary of the Town of Leipsic, thence in a southerly direction along the center of the eastern boundary of the Town of Leipsic, thence in a westerly direction along the centerline of the southern boundary of the Town of Leipsic crossing State Route 9, thence in a northerly direction along the centerline of the western boundary of the Town of Leipsic to its intersection with the centerline of Little Duck Creek, thence with the center of Little Duck Creek in a westerly direction to its point of intersection with the centerline of U.S. Route 13, thence with the centerline of U.S. Route 13 in a southerly direction to its point of intersection with County Road 100 (Denneys Road) thence with the centerline of County Road 100 (Denneys Road) in a westerly, southerly and westerly direction to its point of intersection with the centerline of County Road 156 (McKee Road), thence southeasterly along the centerline of County Road 156 (McKee Road) to its intersection with the centerline of County Road 156 (Saulsbury Road),

thence southerly along the centerline of County Road 156 (Saulsbury Road) to its intersection with the centerline of State Route 8 (Forest and Division Streets), thence easterly along the centerline of State Route 8 (Forest and Division Streets), to its intersection with the centerline of U.S. Route 13, thence southeasterly along the centerline of U.S. Route 13 to its intersection with the centerline of U.S. Route 113 (Bay Road), thence in a southeasterly direction along the centerline of U. S. Route 113 (Bay Road) to its intersection with lands of the United States known as Dover Air Force Base, thence along the centerline of said boundary in a northeasterly, southeasterly, easterly, southeasterly, easterly, and northerly direction to a point of its intersection with the centerline of County Road 348 (Horsepond Road), thence with the centerline of County Road 348 (Horsepond Road) to its intersection again with lands of the United States known as Dover Air Force Base, thence along the centerline of said boundary in a northerly, easterly, and southerly direction to a point of intersection with the centerline of County Road 348, thence easterly with the centerline of County Road 348 to its intersection with State Route 9 at Postles Corner, thence southerly with the centerline of State Route 9 to its intersection with the centerline of U.S. Route 113 (Bay Road), thence southerly with the centerline of U.S. Route 113 (Bay Road) to its intersection with the center of St. Jones River thence with the center of St. Jones River in a southeasterly direction to its intersection with Delaware Bay, thence in an easterly direction to the boundary between the States of New Jersey and Delaware in Delaware Bay, thence with the New Jersey-Delaware boundary in a northerly and westerly direction to the point and place of beginning.

(4) Fourth Levy Court District - The Fourth Levy Court District shall comprise: ALL that portion of Kent County in Little Creek, East Dover, South Murderkill and Milford Hundreds and bounded as follows: BEGINNING at a point on the boundary between States of New Jersey and Delaware in the Delaware Bay opposite the mouth of the Mispillion River, thence in a westerly direction to the mouth of Mispillion River, which is also on the boundary between Kent and Sussex Counties, thence with the center of the boundary line between Kent and Sussex Counties, in a westerly direction to its intersection with the centerline of U.S. Route 13, thence northerly along the centerline of U.S. Route 13 to its intersection with the centerline of County Road 116, thence with the centerline of County Road 116 in an easterly direction to its intersection with the centerline of County Road 434, thence northerly and northeasterly with the centerline of County Road 434 to its intersection with the centerline of County Road 429, thence northerly with the centerline of County Road 429 crossing the Conrail Railroad tracks and County Roads 432, 431 and 430 to its intersection with the centerline of County Road 35, thence northeasterly with the centerline of County Road 35 to its intersection with the centerline of County Road 388, thence in a northwesterly direction along the centerline of County Road 388 to its intersection with the centerline of County Road 33, thence in a northwesterly direction along the centerline of County Road 33, to its intersection with the centerline of County Road 371, thence in a southwesterly direction along the centerline of County Road 371 to its intersection with the centerline of U.S. Route 13, thence in a northerly direction along the centerline of U.S. Route 13 to its intersection with the centerline of U.S. Route 13A, thence in a northwesterly direction along the centerline of U.S. Route 13A to a point approximately 755 feet North of its intersection with the centerline of County Road 370, said point being the centerline of its intersection with Double Run, thence in an easterly direction along the centerline of Double Run, also being the northern boundary of Enumeration District 266 as shown on the Official 1980 Census Map, to its intersection with the centerline of U.S. Route 13, thence with the centerline of U.S. Route 13 in a northerly direction approximately 600 feet to a point in the centerline of its intersection with an unnamed tributary of Double Run, said point being approximately 3,250 feet South of its intersection with County Road 30, thence along the centerline of said tributary to the centerline of its intersection of Double Run which is the southerly boundary of Enumeration District 234 as it appears on the Official 1980 Census Map, thence in an easterly direction along the centerline of Double Run across its intersection with County Road 105, to its intersection with the centerline of an unnamed tributary to Double Run, as it appears on the Official 1980 Census Map, thence in a northerly direction along the centerline of said unnamed tributary, being also a portion of the easterly boundary of Enumeration District 233 as it appears on the Official 1980 Census Map, crossing its intersection with County Road 368 and continuing in a northwesterly direction to the intersection of the centerline of an unnamed road at its easternmost point as shown on the Official 1980 Census Map, thence along the centerline of said unnamed road in a westerly direction to its intersection with the centerline of County Road 105, thence in a northerly direction along the centerline of County Road 105 to its intersection with the centerline of County Road 30, thence with the centerline of County Road 30 in a northeasterly direction for approximately 4,750 feet to its intersection with the center of an unnamed tributary to Voshell Pond, thence northerly and northeasterly along the meanderings of said tributary, Voshell Pond and Tidbury Creek to its intersection with the centerline of County Road 357 extended at Lebanon thence with the centerline of County Road 357 extended and County Road 357 in an easterly direction to its intersection with the southerly boundary of lands of the United States known as Air Base Housing, thence with the boundary of land of the United States southeasterly, northerly, southeasterly and northeasterly to its intersection with the centerline of U.S. Route 113 (Bay Road) thence with the centerline of U.S. Route 113 (Bay Road) in a southeasterly direction crossing its intersection with the centerline of State Route 9, thence in a southerly direction to its intersection with the center of the St. Jones River, thence with the

center of the St. Jones River in a southeasterly direction to its intersection with Delaware Bay at the northerly boundary of the Town of Bowers, thence in an easterly direction to the boundary between the States of New Jersey and Delaware in Delaware Bay, thence with the New Jersey-Delaware boundary in a southerly direction to the point and place of beginning.

(5) Fifth Levy Court District - The Fifth Levy Court District shall comprise: ALL that portion of Kent County including parts of West Dover, North Murderkill and East Dover Hundreds and bounded as follows: BEGINNING at a point where the centerline of County Road 52 intersects with the center of Almshouse Branch, thence southerly with the center of Almshouse Branch, also being the westerly boundary of Enumeration District 260 as shown on the Official 1980 Census Map, to its intersection with the center of a tributary to Almshouse Branch, thence southeasterly along the center of said tributary to its intersection with the center line of an unnamed road, thence easterly along the center line of said unnamed road, also being the southerly boundary of Enumeration District 260, to its intersection with the center line of County Road 125 thence southerly with the center line of County Road 125 to a power line which is also the northwesterly boundary of Enumeration District 262, thence southwesterly along the Enumeration District boundary to its intersection with the center line of County Road 232, thence southeasterly along the center line of County Road 232 to the center of an unnamed branch of Tidbury Creek being also the westerly boundary of Enumeration District 262, thence southerly along the meanderings of the said branch to its intersection with the center line of County Road 236, thence westerly along the center line of County Road 236 to its intersection with the center line of County Road 235, thence southerly along the center line of County Road 235 to its intersection with the center line of County Road 109, thence southwesterly with the center line of County Road 109 to its intersection with the center line of County Road 108, thence southeasterly along the center line of County Road 108 to its intersection with the center line of County Road 239, thence southeasterly with the center line of County Road 239 to a point in the center of Hudson Branch, thence in an easterly direction along the center of Hudson Branch, also being the northern boundary of Enumeration District 269 as shown on the Official 1980 Census Map, to the center of a power line, thence southerly along the center of said power line, also being the easterly boundary of Enumeration District 269, to a point in the center line of County Road 239, thence with the center line of County Road 239 in an easterly direction to its intersection with the center line of the Conrail Railroad tracks, thence in a northerly direction along the center line of the Conrail Railroad tracks to a point in the center of Hudson Branch, thence northeasterly and easterly along the center of Hudson Branch, also being the northerly boundary of Enumeration District 268 as shown on the Official 1980 Census Map, to its intersection with the center line of U.S. Route 13, thence in a northerly direction along the center line of U.S. Route 13 to its intersection with the center line of U.S. Route 13A, thence in a northwesterly direction along the center line of U.S. Route 13A to a point approximately 755 feet north of its intersection with the center line of County Road 370, said point being the center line of its intersection with Double Run, thence in an easterly direction along the center line of Double Run, also being the northern boundary of Enumeration District 266 as shown on the Official 1980 Census Map, to its intersection with the center line of U.S. Route 13, thence with the center line of U.S. Route 13 in a northerly direction approximately 600 feet to a point in the center line of its intersection with an unnamed tributary of Double Run, said point being approximately 3,250 feet south of its intersection with County Road 30, thence along the centerline of said tributary to the centerline of its intersection with Double Run which is the southerly boundary of Enumeration Districts 233 and 234 as they appear on the Official 1980 Census Map, thence continuing in an easterly direction along the centerline of Double Run across its intersection with County Road 105, to its intersection with the centerline of an unnamed tributary to Double Run, as it appears on the Official 1980 Census Map, thence in a northerly direction along the centerline of said unnamed tributary being also a portion of the easterly boundary of Enumeration District 233 as it appears on the Official 1980 Census Map, crossing its intersection with County Road 368 and continuing in a northwesterly direction to the intersection of the centerline of an unnamed road at its easternmost point as shown on the Official 1980 Census Map, thence along the centerline of said unnamed road in a westerly direction to its intersection with the centerline of County Road 105, thence in a northerly direction along the centerline of County Road 105 to its intersection with the centerline of County Road 30, thence with the centerline of County Road 30 in a northeasterly direction for approximately 4,750 feet to its intersection with the center of an unnamed tributary to Voshell Pond, thence northerly and northeasterly along the meanderings of said tributary, Voshell Pond and Tidbury Creek to its intersection with the centerline of County Road 357 extended at Lebanon, thence with the centerline of County Road 357 extended and County Road 357 in an easterly direction to its intersection with the southern boundary of the lands of the United States of America, known as Air Base Housing, thence with the boundary of the lands of the United States of America, known as Air Base Housing, thence with the boundary of the lands of the United States of America southeasterly, northerly and northeasterly to its intersection with the centerline of U.S. Route 113, thence with the centerline of U.S. Route 113 in a southeasterly direction to its intersection with the centerline of State Route 9, thence with the centerline of State Route 9 in a northerly direction to its intersection with County Road 348, thence with the centerline of County Road 348 to its intersection with lands of the United States of America, known as Dover Air Force Base, thence in a northerly, westerly, southerly, westerly, southerly and westerly direction with the lands of the United States to its intersection

with the centerline of U.S. Route 113, thence with the centerline of U.S. Route 113 in a northwesterly direction to its intersection with the southerly boundary of the City of Dover as of June 30, 1981, thence southwesterly along the centerline of the City of Dover boundary to a point in the centerline of U.S. Route 113-A, thence in a southerly direction to a point where the centerline of U.S. Route 113-A intersects with the centerline of State Route 10, thence in a westerly direction along the centerline of State Route 10, to its intersection with the centerline of U.S. Route 13, thence in a northerly direction along the centerline of U.S. Route 13 to its intersection with the centerline of Issac Branch, which is also the northern boundary of the Town of Camden, thence in a westerly direction along the meanderings of Issac Branch crossing its intersection with County Road 190 (New Burton Road), Conrail Railroad tracks and County Road 195, thence continuing along the northwesterly, westerly and southwesterly boundary of the Town of Wyoming to its intersection with the centerline of County Road 52, thence in a westerly direction along the centerline of County Road 52, to its intersection with the center of Almshouse Branch which is the point and place of beginning.

(6) Sixth Levy Court District - The Sixth Levy Court District shall comprise: ALL that portion of Kent County in Mispillion, South Murderkill and North Murderkill Hundreds lying within the following boundaries: BEGINNING at a point on the centerline of the boundary between the State and State of Maryland which intersects with the centerline of the boundary between Kent County and Sussex County and continuing in an easterly direction, to the center line of U.S. Route 13 thence northerly along the centerline of U.S. Route 13 to its intersection with the centerline of County Road 116, thence with the centerline of County Road 116, in an easterly direction to its intersection with the centerline of County Road 434, thence northerly and northeasterly with the centerline of County Road 434 to its intersection with the centerline of County Road 429, thence northerly with the centerline of County Road 429 crossing the Conrail Railroad tracks and County Roads 432, 431, 430 to its intersection with the centerline of County Road 35, thence northeasterly with the center line of County Road 35 to its intersection with County Road 388, thence northwesterly to its intersection with the centerline of County Road 33, thence with the centerline of County Road 33 in a northwesterly direction to its intersection with the centerline of County Road 371, thence in a southwesterly direction along the centerline of County Road 371 to its intersection with U.S. Route 13, thence in a northerly direction with the centerline of U.S. Route 13 to a point in the center of Hudson Branch, thence westerly and southwesterly along the center of Hudson Branch, also being the northerly boundary of Enumeration District 268 as shown on the Official 1980 Census Map, to its intersection with the center line of the Conrail Railroad tracks, thence southerly along the center line of the Conrail Railroad tracks to its intersection with the center line of County Road 239, thence westerly with the center line of County Road 239 to the center of a power line as shown on the Official 1980 Census Map, thence with the center of said power line in a northerly direction to its intersection with the center of Hudson Branch, thence westerly with the center of Hudson Branch, also being the northerly boundary of Enumeration District 269 as shown on the Official 1980 Census Map, to its intersection with the center line of County Road 239, thence northwesterly along the center line of County Road 239 to its intersection with the center line of County Road 108, thence northwesterly along the center line of County Road 108 to its intersection with the center line of County Road 109, thence northeasterly with the center line of County Road 109 to its intersection with the center line County Road 235, thence northerly along the center line of County Road 235 to its intersection with the center line County Road 236, thence easterly along the center line of County Road 236 to its intersection with the center of an unnamed branch of Tidbury Creek being also the westerly boundary of Enumeration District 262 as shown on the Official 1980 Census Map, thence northerly along the meanderings of said branch to its intersection with the center line of County Road 232, thence northwesterly along the center line of County Road 232 to a power line which is also the northwesterly boundary of Enumeration District 262 as shown on the Official 1980 Census Map, thence northeasterly along the northwesterly boundary of Enumeration District 262 to its intersection with the center line of County Road 125, thence northerly along the center line of County Road 125 to its intersection with the center line of an unnamed road, thence in a westerly direction along the center line of said unnamed road, also being the southerly boundary of Enumeration District 260 as shown on the Official 1980 Census Map, to its intersection with the center of a tributary of Almshouse Branch, thence northwesterly along the center of said tributary to its intersection with the center of Almshouse Branch, thence northerly along the center of Almshouse Branch, also being the westerly boundary of Enumeration District 260 as shown on the Official 1980 Census Map, to its intersection with the center line of County Road 52, thence westerly with the center line of County Road 52 to its intersection with the center line of County Road 73 at Hazlettville, thence in a northeasterly direction along the centerline of County Road 73 to its intersection with the centerline of County Road 101, thence in a northerly direction along the centerline of County Road 101 crossing State Route 8 to its intersection with County Road 171, thence in a northwesterly direction along the centerline of County Road 171 to its intersection with the centerline of State Route 11 and the centerline of County Road 98, thence southwesterly with the centerline of County Road 98 crossing County Road 175 to its intersection with the centerline of State Route 44, thence northwesterly with the centerline of State Route 44 to its intersection with the centerline of State Route 300 at Everett's Corner, thence in a westerly direction along the centerline of State Route 300 to the centerline of the boundary between the State and the State of Maryland, thence in a southerly

direction following the centerline of the boundary between the State and the State of Maryland through the Town of Marydel and continuing in a southerly direction to the point where the said boundary intersects with the centerline of the common boundary of Kent County and Sussex County, which is the point and place of beginning.

(7) The boundaries of the Seventh Levy Court District shall comprise of all of Kent County."

Section 2. Amend §4103(a), Chapter 41, Title 9, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof the following:

"(a) In Kent County, the governing body shall consist of seven elected officials, one from each of the representative districts as were in effect at the election of 1980, with certain minor changes in the lines so as to comply with the one man one vote requirement, as described in Section 4102(b) of this chapter, together with one elected official from the County as a whole. Each such official must be a resident of the Levy Court district from which he is elected, a citizen of the United States, a qualified elector of the County and be elected by a majority vote of the qualified voters of the district. The term of office shall be for 4 years. The Levy Court commissioners elected in the election of 1980 from the old 30th, 31st and 34th representative districts, now the 1, 3 and 5 Levy Court districts shall continue to serve out the unexpired portion of their terms and shall represent the 1, 3 and 5 Levy Court districts until the first Tuesday in January 1985. Levy Court Commissioners for the old 32, 33 and 35th representative districts now the 2, 4, and 6th Levy Court Districts together with the Levy Court Commissioner for the County as a whole, shall be elected for 4 year terms at the election in 1982. At each subsequent election, the Levy Court Commissioners elected shall serve for a 4 year term."

Approved October 23, 1981.

CHAPTER 191

FORMERLY

SENATE BILL NO. 368
AS AMENDED BY SENATE AMENDMENTS NOS. 1 & 2

AN ACT AMENDING TITLES 7, 14, 16, AND 29 OF THE DELAWARE CODE BY TRANSFERRING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL RESPONSIBILITY FOR THE ADMINISTRATION OF THE STATE'S COASTAL ZONE ACT AND COASTAL MANAGEMENT PROGRAM, TRANSFERRING TO THE BUDGET OFFICE RESPONSIBILITY FOR PROVIDING SUPPORT TO THE DELAWARE STATE CLEARINGHOUSE COMMITTEE, CREATING A CABINET COMMITTEE ON STATE PLANNING ISSUES AND AN ADVISORY PANEL ON INTERGOVERNMENTAL PLANNING AND COORDINATION, AMENDING AN ACT ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1982; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS," BEING HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 250 OF THE 131ST GENERAL ASSEMBLY OF THE STATE OF DELAWARE, AND MAKING OTHER NECESSARY CONFORMING AMENDMENTS TO THE LAWS OF DELAWARE AND THE DELAWARE CODE.

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

Section 1.

(a) Amend Chapter 70 of Title 7 of the Delaware Code by striking the words "Office of Management, Budget, and Planning" as such words appear in said Chapter and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

(b) Further Amend Chapter 70 of Title 7 of the Delaware Code by striking the word "Director" as such word appears in said Chapter in reference to the Director of the Office of Management, Budget, and Planning and inserting in lieu thereof the word "Secretary" in reference to the Secretary of the Department of Natural Resources and Environmental Control.

(c) Amend §7006 of Title 7 of the Delaware Code by striking from the first sentence thereof the number "10" as it appears in said Section and inserting in lieu thereof the number "9".

(d) Further Amend §7006 of Title 7 of the Delaware Code by striking the words "The additional 5 members shall be the Secretary of Natural Resources and Environmental Control, the Secretary of Community Affairs and Economic Development," as such words appear in said Section and inserting in lieu thereof the words "The additional four (4) members shall be the Director of the Delaware Development Office,"

Section 2. Amend Chapter 91 of Title 29 of the Delaware Code by striking §§9101 through 9113 in their entirety and inserting in lieu thereof the following:

"§9101. Cabinet Committee.

(a) A Cabinet Committee on State Planning Issues is established and shall serve in an advisory capacity to the Governor. It shall be comprised of the following members:

- (1) The Secretary of the Department of Natural Resources and Environmental Control.
- (2) The Secretary of the Department of Transportation.
- (3) The Secretary of the Department of Agriculture.
- (4) The Director of the Delaware Development Office.

(5) Such others as the Governor may designate.

(b) The Governor shall designate one member to serve as Chairman of the Committee.

(c) The Committee shall consider matters relating to the orderly growth and development of the State, including, but not limited to:

(1) Recommendations for the most desirable general pattern of land use within the State, in light of the best available information concerning topography, climate, soil and underground conditions, water courses and bodies of water and other natural or environmental factors, as well as in light of the best available information concerning the present and prospective economic bases of the State, trends of industrial, population or other developments, the habits and standards of life of the people of the State and the relation of land use within the State to land use within adjoining areas;

(2) The major circulation pattern recommended for the State, including major routes and terminals of transportation and communication facilities, whether used for movement of people and goods within the State or for movement from and to adjoining areas; and

(3) Recommendations concerning the need for and the proposed general location of major public and private works and facilities, such as utilities, flood control works, water reservoirs and pollution control facilities, military or defense installations, and other governmentally financed or owned facilities.

(d) The Cabinet Committee shall meet and shall consult with the Advisory Panel on Intergovernmental Planning and Coordination as necessary; however, at least two such meetings shall be held in each calendar year.

(e) The Cabinet Committee shall submit a report on its activities to the Governor and the General Assembly by the fifteenth day of October of each year, together with the recommendations for legislative and/or administrative changes it deems desirable.

(f) The Cabinet Committee's proceedings shall be conducted in accordance with the provisions of Chapter 100 of Title 29 of the Delaware Code (Freedom of Information Act).

(g) The Cabinet Committee shall be assisted by staff designated by each participating agency, and shall work in cooperation with all federal, State, and local agencies of government and with private organizations and individuals to obtain all necessary and relevant information for its assignments.

§9102. Advisory Panel.

(a) The Cabinet Committee shall be assisted in its efforts by an Advisory Panel on Intergovernmental Planning and Coordination whose membership shall include:

(1) Two members from each county to be appointed by the Governor.

(2) A member appointed by the President Pro Tempore of the Delaware State Senate and a member appointed by the Speaker of the House of Representatives of the State of Delaware.

(b) Members of the Panel shall serve for a term of three (3) years, however, three (3) of the initial appointees shall serve for a term of three (3) years, three (3) shall serve for a term of two (2) years, and two (2) shall serve for a term of one (1) year.

(c) At least four (4), but no more than five (5), members of the Advisory Panel shall be affiliated with one (1) of the major political parties and at least three (3), but no more than four (4), of the members shall be affiliated with the other major political party; provided, however, that there shall be no more than a bare majority representation of one (1) major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Advisory Panel on Intergovernmental Planning and Coordination.

(d) Members of the Advisory Panel shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their

duties as members in accordance with State law.

(e) A Chairman of the Advisory Panel shall be chosen by the members of the Advisory Panel from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

(f) Any appointment, pursuant to this Section, to replace a member whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term.

(g) The Advisory Panel shall cooperate with the Cabinet Committee to ensure that State and local planning issues, development policies, and resource management efforts are complementary to the maximum extent possible.

(h) The Advisory Panel shall be empowered to hear appeals permitted under the State's Land Use Planning Act, created pursuant to Chapter 92 of Title 29 of the Delaware Code."

Section 3.

(a) Amend Title 29 of the Delaware Code by deleting therefrom §7601 in its entirety and inserting in lieu thereof a new §7601 to read as follows:

"§7601. State Clearinghouse Committee.

There is hereby established the Delaware State Clearinghouse Committee for Federal Aid Coordination. The Committee shall consist of the Chairman and the Vice-Chairman of the Joint Finance Committee, the Controller General, the State Treasurer, the Personnel Director, the Budget Director, the Director of the Delaware Development Office, and the Secretary of Finance. The Chairman and Vice-Chairman of the Joint Finance Committee shall serve as Chairman and Vice-Chairman respectively of the Clearinghouse Committee. The Chairman and Vice-Chairman of the Clearinghouse Committee shall continue to serve in these capacities at the end of each General Assembly until their successors are appointed by the succeeding General Assembly. The Budget Director shall function as the Secretary of the Committee, and the Budget Office shall provide the necessary staff support. The Office of the Controller General shall provide staff support to the Committee as required by the Chairman and Vice-Chairman."

(b) Amend §§7603 and 7604 of Title 29 of the Delaware Code by deleting therefrom the words "Office of Management, Budget, and Planning" as such words appear in said Section and inserting in lieu thereof the words "Budget Office".

Section 4.

(a) Amend Chapter 170 of Volume 63 of the Laws of Delaware by striking the words "Office of Management, Budget, and Planning" in their entirety as they appear in said Volume and Chapter and inserting in lieu thereof the words "The Executive Department".

(b) Amend §1057 of Title 14 of the Delaware Code by deleting therefrom the words "Director of State Planning" in their entirety as such words appear in said Section and inserting in lieu thereof the words "Cabinet Committee on State Planning Issues".

(c) Amend Chapter 18 of Title 14 of the Delaware Code by deleting therefrom the words "Office of Management, Budget, and Planning" in their entirety as such words appear in said Chapter and inserting in lieu thereof the words "Delaware Development Office".

(d) Amend §9402 (a) (4) of Title 16 of the Delaware Code by deleting therefrom the words 'the Director of the Office of Management, Budget and Planning' as such words appear in said section and inserting in lieu thereof the words 'the Secretary of the Department of Community Affairs'.

(e) Amend §8404 of Title 29 of the Delaware Code by striking the words "State Planning Office" as they appear in said Section and inserting in lieu thereof the words "Delaware Development Office".

(f) Amend Chapter 407 of Volume 62 of the Laws of Delaware by deleting therefrom the words "Office of Management, Budget, and Planning" as such words appear in said Chapter and inserting in lieu thereof the words "Delaware Development Office".

(g) Amend Chapter 416 of Volume 62 of the Laws of Delaware by deleting therefrom in its entirety Section 2.

(h) Amend Chapter 118 of Volume 63 of the Laws of Delaware by striking the words "Office of Management, Budget, and Planning" in their entirety as they appear in said Volume and Chapter and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

(i) Amend §§4701, 5806, and 6107 of Title 7 of the Delaware Code by striking the words "State Planning Office" in their entirety as such words appear in said Sections and inserting in lieu thereof the words "Cabinet Committee on State Planning Issues".

Section 5.

(a) Amend Chapters 91 and 84 of Title 29 of the Delaware Code by redesignating §9114 as a new §8430 of Title 29 of the Delaware Code.

(b) Amend new §8430 of Title 29 of the Delaware Code by striking the words "Office of Management, Budget, and Planning" in their entirety as they appear in new Subsection 8430(4) and inserting in lieu thereof the words "Delaware Development Office".

Section 6.

(a) Amend Chapter 92 of Title 29 of the Delaware Code by striking the words "Office of Management, Budget, and Planning" in their entirety as they appear in said Chapter and inserting in lieu thereof the words "Department of Natural Resources and Environmental Control".

(b) Further Amend Chapter 92 of Title 29 of the Delaware Code by striking the words "Council on State Planning" and "Council" in their entirety as they appear in said Chapter and inserting in lieu thereof the words "Advisory Panel on Intergovernmental Planning and Coordination" and "Advisory Panel" respectively.

Section 7.

(a) The operations of the Delaware Development Office and the Delaware Economic Development Authority shall be governed, to the extent permitted by law, by the Freedom of Information Act (Chapter 100, Title 29 of the Delaware Code).

(b) All officers and employees of the Delaware Development Office and the Delaware Economic Development Authority shall comply with the provisions of Chapter 58A of Title 29 of the Delaware Code.

Section 8. Amend Section 1 of House Substitute No. 1 for House Bill No. 250 of the 131st 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, 1982; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS" by striking lines 16 through 26 of page 7 in their entirety and inserting in lieu thereof the following:

<u>"(10-02-000) Office of the Budget</u>		<u>Year Ending June 30, 1982</u>
<u>(10-02-001) Budget Office</u>		
(2)	Salaries (24)	\$ 559.6
	Other Employment Costs	129.8
	Travel	8.1
	Contractual Services	95.5
	Supplies and Materials	8.7
	Capital Outlay	8.3
	Data Processing	45.4
	Other Items	385.0
	Washington Contingency (2)	93.0
TOTAL -- Budget Office		\$1,333.4"

Section 9. Further Amend Section 1 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking lines 1 through 10 on page

8, lines 18 through 45 on page 41, and lines 1 through 10 on page 42 in their entirety and inserting in lieu thereof the following:

"(10-03-000) Delaware Development Office

Year Ending June 30, 1982

(10-03-001) Office of the Director

(2)	Salaries (13)	\$ 243.5
	Other Employment Costs	56.2
	Travel	1.0
	Contractual Services	4.0
	Supplies and Materials	5.0
	Capital Outlay	1.0
	TOTAL -- Office of the Director	\$ 310.7

(10-03-002) Tourism

	Salaries (8)	\$ 115.7
	Other Employment Costs	29.3
	Travel	12.2
	Contractual Services	224.7
	Supplies and Materials	8.6
	Capital Outlay	5.0
	Contingency - Junior Miss Pageant	.3
	Contingency - Mother of the Year	.5
	Contingency - Young Mother of the Year	.5
	Other Items - Business and Tourist Promotion	75.0
	TOTAL - Tourism	\$ 471.8

(10-03-003) Economic Development

(12)	Salaries (18)	\$ 307.2
	Other Employment Costs	65.4
	Travel	30.5
	Contractual Services	89.3
	Supplies and Materials	18.7
	Capital Outlay	15.9
	Other Items	60.6
	Subtotal	\$ 587.6
	Debt Service	
	General Obligation Bonds	\$ 25.2
	Guaranteed General Obligation Bonds	791.6
	TOTAL -- Economic Development	\$ 1404.4
	TOTAL -- Delaware Development Office	\$ 2186.9"

Section 10. Further Amend House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by adding a new Section as follows:

"(10-07-001) Delaware Criminal Justice Planning Commission

(12)	Salaries (3)	\$ 49.5
	Other Employment Costs	14.8
	Travel	3.4
	Contractual Services	13.8
	Supplies and Materials	1.3
	Data Processing	6.6
	TOTAL -- Delaware Criminal Justice Planning Commission	\$ 89.4"

Section 11. Further Amend House Substitute No. 1 for House Bill No. 250 of the 131st

Section 18. Further Amend the Index to Section 1 and the Index to the Epilogue of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking the words "Department of Community Affairs and Economic Development" wherever said words appear and inserting in lieu thereof the words "Department of Community Affairs".

Section 19. Amend Section 34 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking the words "Office of Management, Budget, and Planning" as they appear in said Section and inserting in lieu thereof the words "Executive Department".

Section 20. Amend Section 35 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking the words "Office of Management, Budget, and Planning" as they appear in said Section and inserting in lieu thereof the words "Budget Office".

Section 21. Amend Section 37 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking the words "the Director of the Office of Management, Budget, and Planning" as they appear and inserting in lieu thereof the words "a senior employee of the Executive Department designated by the Governor".

Section 22.

(a) Amend Sections 38 and 39 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking the words "Office of Management, Budget, and Planning (10-03-001)" as they appear in said Sections and inserting in lieu thereof "The Executive Department - Delaware Criminal Justice Planning Commission (10-07-001)".

(b) Further Amend Section 39 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking the words "four (4)" as they appear in said Section and inserting in lieu thereof the words "twelve (12)".

Section 23. Amend Section 94 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking lines 13 through 16 of page 126 in their entirety and inserting in lieu thereof the following:

- "13 Section 94. Section 1 of this Act provides an appropriation to the
14 Economic Development Budget Unit (10-03-003) of the Delaware Development
15 Office for Other Items. Of that amount, \$10.0 will be made available for
16 use by the 'Why Not Delaware Committee.'"

Section 24. Amend House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by striking Sections 98 and 99 in their entirety and by renumbering Sections 100 through 123 as Sections 98 through 121.

Section 25. Amend House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware by adding a new Section 122 to read as follows:

"Section 122. Section 1 of this Act provides a \$75,000 appropriation for Other Items - Business and Tourist Promotion to the Tourism Budget Unit (10-03-002) of the Delaware Development Office. These funds shall be used as the initial deposit to the Special Fund authorized for such purposes by new §5012 of Title 29 of the Delaware Code."

Section 26. All funds heretofore authorized in Capital Improvements Acts of the State of Delaware and appropriated to the Office of Management, Budget, and Planning which remain unexpended or unencumbered are hereby transferred to the Delaware Development Office.

Section 27. 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 28. 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 that 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 29. This Act shall become effective November 1, 1981.

Approved October 23, 1981.

CHAPTER 192

FORMERLY

HOUSE BILL NO. 418

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend §3125 of Title 19, Delaware Code, by changing the designation of subsection (a) to read subsection (a) (1) and by striking the words "or of the Secretary of Labor of the United States in the performance of their public duties" as they appear therein and substituting in their place the words "the Secretary of Labor of the United States in the performance of their public duties, or to agencies as provided in paragraphs (2) and (3) of this subsection (a)".

Section 2. Amend §3125 (a) of Title 19, Delaware Code, by adding new paragraphs thereto, to be designated paragraphs (2) and (3), to read as follows:

"(2) The Department shall disclose, upon request, to officers or employees of any State or local child support enforcement agency, any wage information with respect to an individual which is contained in its records. For the purposes of this subsection (a) (2):

a. The term 'State or Local child enforcement agency' means any agency of a State or political subdivision thereof operating pursuant to a plan described in Section 454 of the Social Security Act, which has been approved by the Secretary of Health and Human Services under part D, Title IV of the Social Security Act.

b. The requesting agency shall agree that such information is to be used only for the purpose of establishing and collecting child support obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under part D, Title IV of the Social Security Act.

c. The information shall not be released unless the requesting agency agrees to reimburse the costs involved for furnishing such information.

d. In addition to the requirements of this subsection (a) (2), all other requirements with respect to confidentiality of information obtained in the administration of this Act and the sanctions imposed on improper disclosure shall apply to the use of such information by officers or child support agencies.

(3) The Department shall disclose, upon request to officers and employees of the U. S. Department of Agriculture and any State food stamp agency, with respect to an identified individual, any of the following information which is contained in its records:

a. Wage information,

b. Whether the individual is receiving, has received, or has made application for unemployment compensation and the amount of any compensation being received or to be received by such individual,

c. The current or most recent home address of the individual, and

d. Whether the individual has refused an offer of employment and if so, a description of the employment offered and the terms, conditions and rate of pay therefor, and

e. Provided that, for the purposes of this subsection (a) (3):

1. The term 'State food stamp agency' means any agency described in Section 3 (n) (1) of the Food Stamp Act of 1977 which administers the food stamp program established under such Act.

2. The requesting agency shall agree that such information shall be used only for purposes of determining the applicant's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

3. In addition to the requirements of this subsection (a) (3), all other requirements with respect to confidentiality of information obtained in the administration of this Act and the sanctions imposed for improper disclosure of information obtained in the administration of this Act shall apply to the use of such information by the officers and employees of any food stamp agency or the U. S. Department of Agriculture."

Section 3. Amend §3326 of Title 19, Delaware Code by changing the designation of subsection (f) to read subsection (h) and by adding new subsections (f) and (g) to read as follows:

"(f) (1) Except as provided in paragraph (2) of this subsection, an individual shall not be eligible for extended benefits for any week if:

a. Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and

b. No extended benefit period is in effect for such week in such state.

(2) Paragraph (1) of this subsection shall not apply with respect to the first 2 weeks for which extended benefits are payable, (determined without regard to this subsection) pursuant to an interstate claim filed under the interstate benefit payment plan, to the individual from the extended benefit account established for the individual with respect to the benefit year.

(g) (1) Notwithstanding any other provisions of this chapter, payment of extended benefits shall not be made to any individual for any week of unemployment in his eligibility period if the Department finds that during such period:

a. He failed to accept any offer of suitable work (as defined in subsection (g) (3) of this section) or failed to apply for any suitable work to which he was referred by the Department; or

b. He failed to actively engage in a systematic and sustained effort to obtain work during such week, and/or failed to furnish tangible evidence that he did engage in such effort during such week.

(2) Any individual who has been found ineligible for extended benefits for any week by reason of a failure described in subsection (g) (1) of this section, shall also be denied benefits beginning with the first day of the week following the week in which such failure occurred until he has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned remuneration in covered employment equal to not less than 4 times the extended weekly benefit amount.

(3) For purposes of this subsection (g), the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities, provided, however, that the gross average weekly remuneration payable for the work must exceed the sum of:

a. The individual's extended weekly benefit amount as determined under §3326 (d) of this Title, plus the amount, if any, of supplemental unemployment benefits (as defined in section 501 (c) (17) (D) of the Internal Revenue Code of 1954) payable to such individual for such week; and further,

b. Pays wages not less than the higher of:

1. The minimum wage provided by section 6 (a) (1) of the Fair Labor Standards Act of 1938, without regard to any exemptions; or

2. The applicable State or local minimum wage;

c. Provided, however, that no individual shall be denied extended benefits for failure to accept an offer or to apply for any job which meets the definition of suitability as described in this section (g) if:

1. The position was not offered to such individual in writing or was not listed with the employment service.

2. Such failure would not result in a denial of benefits under the definition of suitable work for regular benefit claimants in §3315 of this Title to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this subsection (g) (3).

3. The individual furnishes satisfactory evidence to the Department that his or her prospects for obtaining work in his or her customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination or whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work for regular benefit claimants in §3315 of this Title without regard to the definition specified by this subsection (g) (3).

(4) Notwithstanding the provisions of subsection (b) of this section to the contrary, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions required by section 3304 (a) (5) of the Internal Revenue Code of 1954 and set forth herein under paragraphs a., b., c., and d. of subsection (3), §3315 of this Title.

(5) The employment service shall refer any claimant entitled to extended benefits under this Title to any suitable work which meets the criteria prescribed in subsection (g) (3) of this section.

Section 4. Amend §3345 (c) (1) of Title 19, Delaware Code by striking the words "of one half of" as they appear therein.

Section 5. Amend §3345 (c) (3) of Title 19, Delaware Code by striking the words "of one half of the extended benefits paid" as they appear in the first paragraph thereof and by substituting in their place the words "the first week of extended benefits paid and one half of the extended benefits paid in subsequent weeks."

Section 6. Amend §3345 (c) (3) c. of Title 19, Delaware Code by striking the second paragraph thereof in its entirety and substituting in its place a new paragraph to read as follows:

"The term 'reimbursement payments in lieu of assessments' means the money payments to the State Unemployment Compensation Fund in lieu of assessments (required under §3348 of this Title) by:

1. Nonprofit organizations, which are equivalent to the amount of regular benefits and the first week of extended benefits paid and one half of the extended benefits paid in subsequent weeks, which are attributable to service in the employ of such employers, and

2. Liable public employers, which are equivalent to the amount of regular benefits and extended benefits paid, which are attributable to service in the employ of such employers.

Section 7. Amend §3345 (c) (4) c. of Title 19, Delaware Code, by striking the words "plus one half of the amount of extended benefits paid" as they appear therein and by substituting in their place the words "and the first week of extended benefits paid plus one half of the amount of extended benefits paid in subsequent weeks".

Section 8. Amend §3348 (a) of Title 19, Delaware Code, by striking the words "September thirtieth" and "September thirtieth" as they appear therein and by substituting in their place "June thirtieth" and "June thirtieth".

Section 9. Amend §3349 (a) (2) of Title 19, Delaware Code, by striking the words "1st of October" and "September 30" as they appear therein and by substituting in their place respectively the words "1st of July" and "June 30".

Section 10. Amend §3349 (a) (3) of Title 19, Delaware Code, by striking the words "subsection (b)" as they appear therein and by substituting in their place "subsection (b) or (c)".

Approved October 23, 1981.

CHAPTER 193

FORMERLY

HOUSE BILL NO. 482

AN ACT TO AMEND AN ACT ENTITLED "A BOND ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY PAYABLE FROM MOTOR FUEL TAX REVENUES, PLEDGING SUCH REVENUES TO THE SUPPORT OF ALL BONDS ISSUED BY THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING THE TRANSFER FROM THE DELAWARE TRANSPORTATION AUTHORITY TO THE STATE GENERAL FUND A SUM EQUAL TO MOTOR FUEL TAX REVENUES LEVIED AT NINE CENTS PER GALLON, CHANGING THE MOTOR FUEL TAX FROM NINE CENTS PER GALLON TO ELEVEN CENTS PER GALLON AND THEN TO A PERCENTAGE OF THE WHOLESALE PRICE, CREATING A ROAD IMPROVEMENT FUND TO FINANCE ROAD IMPROVEMENTS WITH AVAILABLE MOTOR FUEL TAX REVENUES, MAKING NECESSARY CHANGES TO THE STATUTES UNDER WHICH THE DELAWARE TRANSPORTATION AUTHORITY MAY LEVY TOLLS, COLLECT AND DISBURSE INCOME AND OPERATE ITS SUBSIDIARIES, APPROPRIATING SUMS IN CERTAIN SPECIAL FUND ACCOUNTS AND PLACING CERTAIN CONDITIONS ON THOSE APPROPRIATIONS, AND MAKING CERTAIN ADDITIONAL CHANGES TO THE DELAWARE CODE APPLICABLE TO THE ISSUANCE OF BONDS BY THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY," BEING HOUSE BILL NO. 448, AS AMENDED, OF THE 131ST GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO PROVIDE FOR DIFFERENT MATCHING CONDITIONS WITH RESPECT TO IMPROVEMENTS TO THE NEW CASTLE TOWN WHARF.

WHEREAS, H.B. 448, as amended, became law on July 24, 1981, as Volume 63, Chapter 179 of the Laws of Delaware;

AND WHEREAS, federal funds intended to match State funds appropriated for improvements to the New Castle Town Wharf appear not to be available before December 31, 1981;

AND WHEREAS, THE Town of New Castle wishes to match State funds with its own local funds;

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. Amend Section 21 of H.B. 448, as amended, of the 131st General Assembly of the State of Delaware by striking in their entirety the last two sentences of said Section and inserting in lieu thereof the following:

"It is the intent of the General Assembly that these funds are to be used to match at least an equal amount of funds to be provided by the Town of New Castle and/or other local sources. If such local funds have not been irrevocably obligated to the State for this project by December 31, 1981, the State Treasurer and the Secretary of the Department of Natural Resources and Environmental Control are hereby authorized and directed to revert the entire sum of One Hundred Forty-Two Thousand Dollars (\$142,000.00) to said Bond Reversion Account no later than January 8, 1982."

Section 2. This Act shall become effective according to the provisions of State law.

Approved October 23, 1981.

CHAPTER 194

FORMERLY

SENATE BILL NO. 381
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1982; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 250 OF THE 131ST GENERAL ASSEMBLY OF THE STATE OF DELAWARE, CHAPTER 80, OF VOLUME 63, DELAWARE LAWS.

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

Section 1. Amend Section 1 of House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, Chapter 80 of Volume 63, Delaware Laws, being an Act entitled "An Act making appropriations for the expense of the State Government for fiscal year ending June 30, 1982; 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; with reference to the lines and pages on which the same appear in House Substitute No. 1 for House Bill No. 250, as hereinafter prescribed:

Page	Line	Organization/Item	From	To	Increase (Decrease)
7	16	<u>(10-02-000) OFFICE OF THE BUDGET</u>			
7	17	<u>(10-02-001) Budget Office</u>			
7	27	<u>(10-02-002) Budget Office - Contingencies</u>			
7	new	Contingency - Cash Management Policy Board			96.0
43	1	<u>(55-00-000) DEPARTMENT OF TRANSPORTATION</u>			
43	18	<u>(55-04-000) Division of Highways</u>			
44	5	<u>(55-04-050) Bureau of Traffic</u>			
44	9	Contractual Services	695.2	626.2	(69.0)
44	13	<u>(55-04-070) Bureau of Maintenance</u>			
44	17	Contractual Services	1738.7	1711.7	(27.0)

Section 2. Amend House Substitute No. 1 for House Bill No. 250 of the 131st General Assembly of the State of Delaware, Chapter 80 of Volume 63, Delaware Laws, being an Act entitled "An Act making appropriations for the expense of the State Government for fiscal year ending June 30, 1982; specifying certain procedures, conditions and limitations for the expenditure of such funds; and amending certain pertinent statutory provisions", by adding a new section to be designated as Section 125 to read as follows:

"Section 125. Section 1 of this Act provides an appropriation to (10-02-002) Budget Office - Contingencies for Contingency - Cash Management Policy Board for the purpose of providing staff support and Contractual Services. Before making any expenditures from this Contingency, the Cash Management Policy Board shall submit a proposal in writing to the Budget Director and the Controller General itemizing the expenditure and the justification for such expenditure. The Budget Director and Controller General shall take such action on the request as they deem appropriate prior to approval or disapproval."

Approved January 28, 1982.

CHAPTER 195

FORMERLY

HOUSE BILL NO. 421
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 5 AND 29 OF THE DELAWARE CODE, PROVIDING REORGANIZATION OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES; BY THE TRANSFER OF THE STATE BANK COMMISSIONER FROM THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO THE DEPARTMENT OF STATE; BY THE REORGANIZATION OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES THROUGH THE CONSOLIDATION AND ESTABLISHMENT OF DIVISIONS WITHIN THE DEPARTMENT; AND BY THE TRANSFER OF RESPONSIBILITY FOR THE STATE-FACILITIES ENERGY MANAGEMENT PLAN TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

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

Section 1.

A. Amend Title 29 of the Delaware Code by redesignating Sections 8811 and 8812 as new Sections 8720 and 8721 of Chapter 87 of Title 29.

B. Amend Chapter 1 of Title 5 of the Delaware Code by striking the words "Administrative Services" wherever they appear in said chapter and insert in lieu thereof the word "State".

C. Amend Title 29 of the Delaware Code by redesignating Subsection 8814(6) as new Subsection 8708(5) and by deleting Subsection 8810(a)(1)n.

Section 2.

A. Amend Section 8803 of Title 29 of the Delaware Code by striking Subsection (2) in its entirety and substituting in lieu thereof the following:

"(2) To appoint and fix the salary of, with the written approval of the Governor, the following division directors, who may be removed from office by the Secretary with the written approval of the Governor and who shall have such powers, duties and functions in the administration and operation of the Department as may be assigned by the Secretary:

(a) A Director of the Division of Central Data Processing who shall be known as the Director of Central Data Processing, and who shall be qualified by training and experience to perform the duties of his office;

(b) A Director of the Division of Support Operations who shall be known as the Director of Support Operations, and who shall be qualified by training and experience to perform the duties of his office;

(c) A Director of the Division of Purchasing who shall be known as the Director of Purchasing, and who shall be qualified by training and experience to perform the duties of his office;

(d) A Director of the Division of Facilities Management who shall be known as the Director of Facilities Management, and who shall be qualified by training and experience to perform the duties of his office;

(e) A Director of the Division of Alcoholic Beverage Control who shall be known as the Director of Alcoholic Beverage Control, and who shall be qualified by training and experience to perform the duties of his office;

(f) A Director of the Division of Public Utilities Control who shall be known as the Director of Public Utilities Control, and who shall be qualified by training and experience to perform the duties of his office;

(g) A Director of the Division of Business and Occupational Regulation who shall be known as the Director of Business and Occupational Regulation, and who shall be qualified by training and experience to perform the duties of his office."

B. Amend Section 8803 of Title 29 of the Delaware Code, by adding thereto two new Subsections (11) and (12) to read as follows:

"(11) To accept and to receive, in furtherance of the Department's function, funds, grants and services from the federal government or its agencies;

(12) Assume such other powers, duties and functions as the Governor may assign which are not otherwise inconsistent with the Laws of this State."

C. Amend Chapter 88 of Title 29 of the Delaware Code by striking Sections 8804 through 8809 in their entirety and substituting in lieu thereof the following new Sections 8804 through 8809:

"§8804. Office of Planning Systems Development

(a) The office of Planning Systems Development is established having powers, duties and functions related to information systems acquisition and procurement as follows:

(1) The Director is empowered and directed to make studies of all facets of data processing, word processing, computer and computer-related telecommunications concepts in state government or systems that may have been or will be installed or are proposed to be installed, and all matters pertaining thereto, including approval or disapproval of systems installed or to be installed or of changes or additions in or to equipment in any or all of the various state agencies, regardless of the method or source of funding.

(2) No data processing, word processing, computer or computer-related telecommunications equipment or software system acquisitions may be purchased, leased, rented or otherwise acquired by any state agency, department or institution without prior written approval of the Secretary of Administrative Services. Such approval shall not be made unless the Director has received complete details, including rental costs, detailed machine and equipment specifications, programs to be processed and any other data which he may require. All the data and pertinent programming information shall be furnished to the Director at least 90 days prior to the execution of any purchase, lease or rental contract.

(3) a. No new computer or computer-programming related systems study may be initiated by any Department/Agency unless covered by a formal project approved by the Department/Agency head. Such project will be in the form prescribed by the Director of Planning Systems Development 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 but not limited to 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 current fiscal year 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 Department of Administrative Services, 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 Secretary of Administrative Services 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 the Department of Administrative Services and the concerned Department/Agency, the Department of Administrative Services shall maintain staff support to the benefiting Department/Agency at the projected level of effort until the project work has been accomplished.

(b) The office of Planning Systems Development shall have powers, duties and functions associated with and be responsible for the development and coordination of new management improvement programs within the Department of Administrative Services.

(c) The Office of Planning Systems Development shall assume such other powers, duties and functions as the Secretary may assign which are not otherwise inconsistent with the Laws of this State.

(d) The Director of the Office of Planning Systems Development shall be an employee of the classified service of the State.

§8805. Division of Central Data Processing

(a) The Division of Central Data Processing is established having powers, duties and functions as follows:

(1) Provide operations and production support to ensure the efficient and reliable operation of the State's computer and telecommunications network;

(2) Provide technical support and assistance to maintain control programs for computer operations, program development, telecommunications network operation, and data base management;

(3) Evaluate the performance of computer system equipment;

(4) Provide analytical and programming support to maintain and upgrade existing information systems, applications and programs.

(b) The Division shall promote cooperation between the several state agencies, departments and institutions in order that work may be done by one agency for another agency and equipment and/or technical personnel in one agency may be made available to another agency and promote such improvements as may be necessary in joint or cooperative data processing operations. The Director, with the consent of the Secretary of Administrative Services, is authorized to purchase, lease or rent data processing equipment in the name of the Department and to operate the equipment in providing services to one or more state agencies, departments and institutions. When in the opinion of the Secretary of Administrative Services better and more efficient data processing services can be performed, the Director may enter into lease or purchase agreements with state agencies in the acquiring or the use of any data processing equipment and use such equipment in a consolidated or cooperative program. When the Division acts as a cooperative or consolidated data processing operating agency, the cost of the operation shall be prorated among the state agencies utilizing the data processing services provided thereby. The Director shall decide on the number of data processing centers, including the size of each and shall be empowered to pick the site or sites for the centers and the controlling agency.

(c) Any consolidated or cooperative plan approved by the Director shall be given effect. The Secretary of Administrative Services shall be the referee in all matters pertaining to the division of cost of data processing operations between the several agencies. The Department of Administrative Services shall maintain as a paramount consideration the successful internal organization and duties of the several agencies so that efficiency existing in the agencies shall not be adversely affected or impaired by the decisions that are made.

(d) The Division of Central Data Processing shall assume such other powers, duties and functions as the Secretary may assign which are not otherwise inconsistent with the Laws of this State.

§8806. Division of Support Operations

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

(1) Provide communication, telephone, messenger and mail services to State agencies;

(2) Provide graphics and printing services, including but not limited to printing, duplicating, photography, and photocopying, to all State agencies.

(b) The Division of Support Operations shall assume such other powers, duties, and functions as the Secretary may assign which are not otherwise inconsistent with the Laws of this State.

§8807. Division of Purchasing

(a) The Division of Purchasing is established having powers, duties and functions relating to the distribution of surplus property as follows:

(1) The Division may:

a. Acquire from the United States of America in conformity with the federal Property and Administrative Services Act of 1949 as amended (40 U.S.C.A. §484 et seq.), surplus property;

b. Warehouse such property;

c. Distribute such property within the State to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges and universities within the State, to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which have been held exempt from taxation under §501 of the United States Internal Revenue Code of 1954 (26 U.S.C. §501), to civil defense organizations of the State, duly authorized volunteer fire departments within the State or political subdivisions and instrumentalities thereof, which are established pursuant to state law and to such other types of institutions or activities as may become eligible under federal law to acquire such property;

d. Receive applications from eligible institutions for the acquisition of federal surplus real property, investigate the same, make recommendations regarding the need of such applicant for the property and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under §203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. §484);

e. Make such certifications, take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the State including cooperative agreements with any federal agencies providing for utilization by, and exchange between them, of the property, facilities, personnel and services of each by the other, and require such reports and make such investigations as may be required by law or regulation of the United States of America in connection with the disposal of real property and the receipt, warehousing and distribution of personal property received from the United States of America.

(2) The Division shall:

a. Act as the responsible agency to operate the surplus commodity program in Delaware, in accordance with the regulations and procedures prescribed by the United States Department of Agriculture. The Department may take such action, make such expenditures and enter into such contracts, agreements and undertakings for the State to provide for the distribution of available commodities, to all eligible recipients in the State who make proper application therefor;

b. Act as the sole State agency to receive, warehouse and distribute food commodities issued by the federal government for use in nonprofit school lunch programs, nonprofit summer camps for children, nonpenal, nonprofit, tax exempt private or public institutions, State correctional institutions and assistance to other needy persons in accordance with §416 of the Agricultural Act of 1949 (7 U.S.C.A. §1431), as amended, and other applicable federal laws and regulations; provided, however, that the Department shall have no control over the administration of the school lunch program beyond receiving, warehousing and distributing such food commodities;

3. a. The State Treasurer shall maintain in the name of the Department of Administrative Services, Division of Purchasing, a special revolving account. There shall be deposited in this special account all monies received as handling charges for the acquisition, warehousing, distribution or transfer of property of the United States of America as authorized under subsection (a)(1) of this Section.

b. All funds collected by the Division of Purchasing shall be accounted for as provided by law for receipts of state agencies. Such funds shall be used to cover the expenses of the program. In accordance with federal regulations no funds in such special account shall revert to the General Fund of the State.

(b) The Division of Purchasing has power, duties and functions relating to the central purchasing as follows:

(1) Inaugurate a system of central purchasing for those agencies of the State and those local government units and duly authorized volunteer fire departments within the State desiring to participate.

(2) Serve as a clearinghouse for information on central or joint purchasing by two or more agencies of the State, local government unit or duly authorized volunteer fire departments within the State;

(3) With the consent of any state agency, local government unit or duly authorized volunteer fire departments within the State, act as the purchasing and contracting agent for such state agency, local government unit or duly authorized volunteer fire departments within the State for the purchasing of supplies or obtaining of contractual services;

(4) Collect and furnish to any state agency, local government unit or duly authorized volunteer fire departments within the State market prices and such other information as will be usable in purchasing;

(5) Serve as a clearinghouse for information on bids for supplies, materiel or contractual services for state agencies, local government units or duly authorized volunteer fire departments within the State;

(6) Perform such other services and duties as may encourage the most economical purchasing by state agencies, local government units or duly authorized volunteer fire departments within the State.

(c) The Secretary of Administrative Services may charge any agency of this State, local government unit or duly authorized volunteer fire departments within the State, for which the Department makes purchases or to which it distributes materiel, a reasonable service charge.

(d) Any state agency, local government unit or duly authorized volunteer fire department within the State for which the Department makes purchases or supplies contractual services shall pay to the Department the cost of such purchases or services.

(e) The Secretary of Finance shall maintain, in the name of the Department of Administrative Services, a special revolving account. There shall be deposited in this account all monies and credits received from other state agencies, local governmental units or duly authorized volunteer fire departments within the State. Fund shall be expended from this account to cover the costs of handling and distributing materiel and the costs of supplies and contractual services purchased for or supplies to other state agencies, local governmental units or duly authorized volunteer fire departments within the State. Whenever the Department of Administrative Services and the Budget Director determine that the special account contains a surplus, the surplus shall be turned over to the General Fund of the State.

(f) As used in this section:

(1) "Duly authorized volunteer fire department" shall mean a volunteer fire department recognized as such by the State Fire Prevention Commission.

(2) "Local government unit" shall mean any municipality incorporated in this State under the authority of the General Assembly and any of the three counties.

(g) The Division of Purchasing shall assume such other powers, duties and functions as the Secretary may assign which are not otherwise inconsistent with the Laws of this State.

§8808. Division of Facilities Management

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

(1) Advise the Secretary on the allocation of existing space in facilities owned or leased by the State among State agencies, boards and commissions;

(2) Advise the Secretary on any need to acquire additional facilities for any State agency, board or commission;

(3) Provide facility maintenance programs, including but not limited to building maintenance, grounds maintenance, security and custodial services.

(b) The Division of Facilities Management may review all building design, construction, and operations for state agencies, including school districts. The purpose of this review shall be to:

(1) Establish and apply evaluation factors and performance specifications for structural and mechanical functions;

(2) Research and analyze design and construction factors as they relate to economical construction and reliability and maintenance performance;

(3) Advise, recommend and refer to the Governor matters dealing with state building design and construction practice;

(4) Review bidding procedures and study and make recommendations dealing with bid laws;

(5) Make such studies and provide such information as shall cause the selection of the best cost/performance components that will satisfy a particular function;

(6) Review and make recommendations regarding the operation, maintenance and efficiency of the physical plant of state facilities.

(c) The Division of Facilities Management shall be responsible for implementing the state-facilities energy management plan to ensure that energy conservation methods are employed in all new and existing facilities owned by State agencies or local school districts. The State-facilities energy management plan shall include but not be limited to the following:

(1) Development, promulgation and maintenance of standards to be applied and enforced by the Department of Administrative Services in reviewing the design, construction, renovation and maintenance of facilities owned by State agencies or local school districts;

(2) A program of energy audits of facilities owned by State agencies or local school districts in cooperation with designated representatives of said facilities;

(3) Development, maintenance and distribution to facilities owned by State agencies or local school districts of guidelines, recommendations and technical assistance for energy conservation measures to be employed, installed and monitored in said facilities;

(4) A detailed description of the estimated energy savings.

(d) The Division of Facilities Management shall be responsible for the performance of all the powers, duties and functions vested in the Department of Administrative Services pursuant to Chapter 4 of Title 29 of the Delaware Code.

(e) The Division of Facilities Management shall assume such other powers, duties, and functions as the Secretary may assign which are not otherwise inconsistent with the Laws of this State.

§8811. Division of Public Utility Control

The Division of Public Utility Control is established having powers, duties and functions as follows:

(a) The administrative, ministerial, budgetary and clerical functions, including but not limited to appointment, removal, compensation and duties of employees as provided by law, of the Public Service Commission, except to the extent such powers, duties and functions are vested in the Public Service Commission under the provisions of Chapter 1 of Title 26 of the Delaware Code.

(b) Such other powers and functions as the Secretary may assign which are not otherwise inconsistent with Title 26 or the other laws of the State.

§8812. Division of Alcoholic Beverage Control

The Division of Alcoholic Beverage Control is established having powers, duties and functions as follows:

(a) The administrative, ministerial, budgetary and clerical functions, including but not limited to appointment, removal, compensation and duties of employees as provided by law, of the Alcoholic Beverage Commission as set forth in Chapter 3 of Title 4 of the Delaware Code.

(b) Such other powers and functions as the Secretary may assign which are not otherwise inconsistent with the laws of the State."

E. Amend Chapter 88 of Title 29 of the Delaware Code by striking Sections 8814 and 8815 in their entirety and substituting in lieu thereof the following new Sections 8814 and 8815:

"§8814. Exemptions

The following positions set forth in this section shall be exempt from Chapter 59 of Title 29 of the Delaware Code:

(1) Secretary of Administrative Services;

(2) Director of Central Data Processing;

(3) Director of Support Operations;

- (4) Director of Purchasing;
- (5) Director of Facilities Management;
- (6) Director of Alcoholic Beverage Control;
- (7) Director of Public Utilities Control;
- (8) Director of Business and Occupational Regulation.

§8815. Functions Prior to Effective Date of this Chapter

The Department, through appropriate divisions, subdivisions and offices, shall have the power to perform and shall be responsible for the performance of all the powers, duties and functions vested in the Division of Facilities Management, Division of Maintenance and Communications, Division of Purchasing, Division of Central Data Processing, Division of Graphics and Printing, Division of Business and Occupational Regulation, Division of Alcoholic Beverage Control, Division of Public Utility Control and the State Architect within the Department of Administrative Services immediately prior to the effective date of this chapter and which are not otherwise specifically assigned to the Department by this chapter, excepting only those powers, duties and functions expressly vested in or retained by any such person, department, board, commission or agency."

F. Amend Chapters 66 and 68, Title 29, Delaware Code, by striking them in their entirety.

G. Amend Chapter 94, Title 29, Delaware Code, by striking Section 9410 in its entirety.

Section 3.

All books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment in the possession of any agency of the State and used in connection with a function transferred by this Act to several Departments named in this Act shall, on the effective date of this Act, be delivered into the custody of said Departments. All investigations, petitions, hearings and legal proceedings pending before, or instituted by, any agency from which functions are transferred by this Act and which are not concluded prior to the effective date of this Act shall continue unabated and remain in full force and effect, notwithstanding the passage of this Act and, where necessary, may be completed before, by or in the name of the Departments. All orders, rules and regulations made by any agency from which functions are transferred by this Act and which govern such functions, and which are in effect upon the effective date of this chapter, shall remain in full force and effect until revoked or modified in accordance with law by the Departments. All contracts and obligations of any agency made or undertaken in the performance of a function transferred by this chapter to the Departments and being in force on the effective date of this Act, shall, notwithstanding this Act, remain in full force and effect and be performed by the Department.

Employees of any commission, board, department, council or agency whose functions are consistent with this Act and have been transferred to the Departments named by this Act, shall continue and be deemed to be the employees of said Departments on the effective date of this Act and, where applicable, with all the benefits accrued as merit employees as of the effective date of this Act.

All definitions and references to any commission, board, department, council or agency which appear in any other act or law shall, to the extent that they are consistent with this Act and in connection with a function transferred by this chapter to the Departments named in this Act, be construed as referring and relating to the said Departments as reorganized in this Act.

All definitions and references to any director, commissioner, executive secretary, commission, board or council member or other similar person which appear in any other act or law shall, to the extent that they are consistent with this Act, and in connection with a function transferred by this Act to the Departments named in this Act, be construed as referring or relating to such person or persons and their powers, duties and functions as established and created in this Act.

Section 4.

Notwithstanding any other provision of State Law, any sums appropriated to any board, commission, department, council, agency or person transferred by this Act and which, upon the effective date of this Act, are unencumbered or unexpended shall be and are hereby appropriated and transferred to the Departments or agencies, boards, commissions or authorities as may be required by this Act. The Budget Director and the Controller General are hereby authorized and directed to make such transfers of funds and positions as may be required to carry out the provisions of this Act.

Section 5.

If any provision of this Act, or of any rule, regulation or order thereunder of the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid, shall not be affected hereby.

Section 6.

The provisions of this Act shall become effective on July 1, 1981.

Approved February 8, 1982.

CHAPTER 196

FORMERLY

HOUSE BILL NO. 503

AN ACT TO AMEND CHAPTER 63, TITLE 29, DELAWARE CODE, TO PROVIDE FOR A DEFINITION OF GRANTS-IN-AID, AND TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE, TO LIMIT APPROPRIATIONS TO 1.2 PERCENT OF THE ESTIMATED NET STATE GENERAL FUND REVENUE FOR GRANTS-IN-AID.

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

Section 1. Amend Section 6301, Chapter 63, Title 29, Delaware Code, by adding a new paragraph (5) to read as follows:

"(5) A grant-in-aid is an appropriation of the public money from the General Fund for a public purpose to any county, municipality, corporation, private agency or person."

Section 2. Amend Chapter 63, Title 29, Delaware Code, by adding a new Section 6341 to read as follows:

"§6341. Grants-in-Aid.

No appropriation for a grant-in-aid shall be made otherwise than pursuant to an act by the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House."

Section 3. Amend Section 6533, Chapter 65, Title 29, Delaware Code, by adding a new subsection (f) to read as follows:

"(f) No appropriation or supplemental appropriation enacted for any given fiscal year for grants-in-aid in the aggregate shall (1) exceed 1.2 percent of the estimated net State general fund revenue estimated in March for such fiscal year from all sources, and (2) cause the aggregate State general fund appropriations enacted for any given fiscal year to exceed 98 percent of the estimated net State general fund revenue for such fiscal year from all sources, including estimated unencumbered funds remaining at the end of the previous fiscal year. The term 'estimated net State general fund revenue' means the estimated gross State general fund revenue less estimated Revenue Refunds."

Approved February 8, 1982.

CHAPTER 197

FORMERLY

SENATE BILL NO. 248

AN ACT TO AMEND SUBSECTION 103(f), CHAPTER 1, TITLE 7 OF THE DELAWARE CODE RELATING TO FORFEITURE OF PROPERTY USED IN CONNECTION WITH THE ILLEGAL HUNTING OR POSSESSION OF DEER.

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

Section 1. Amend Subsection 103(f) (2), Chapter 1, Title 7 of the Delaware Code by striking the period after the first sentence and adding the following:

" , and forfeited according to procedures set forth in the Superior Court Criminal Rules. Wherever the State seeks to have property allegedly used in violation of this subsection forfeited, the Superior Court shall have jurisdiction over both the violation of this subsection and the issue of forfeiture".

Section 2. Amend Subsection 103(f) (3), Chapter 1, Title 7 of the Delaware Code by striking the last sentence of the subsection.

Section 3. Amend Subsection 103(f) (3), Chapter 1, Title 7 of the Delaware Code by adding at the end of the last sentence in the subsection the following sentence:

"Except as otherwise provided in this subsection, the Justices of the Peace Court shall have jurisdiction of offenses hereunder".

Section 4. Amend Subsection 103(f) (4), Chapter 1, Title 7 of the Delaware Code by striking the Subsection in its entirety.

Approved February 8, 1982.

CHAPTER 198

FORMERLY

SENATE BILL NO. 284

AN ACT TO PERMIT FAMILY COURT TO ORDER CHILDREN UNDER FOURTEEN YEARS OF AGE TO WORK AND MAKE RESTITUTION TO REPAY THEIR VICTIMS.

WHEREAS, Section 511, Title 19 of the Delaware Code, prohibits the employment of children under fourteen years of age except in connection with certain listed occupations; and

WHEREAS, it would appear from an Attorney General's opinion that Family Court may not order children under fourteen years of age to work to repay victims of their offenses; and

WHEREAS, it would be in the best interest of children under fourteen years of age who commit delinquent acts to become accountable in their younger years by performing work so as to make restitution to their victims.

NOW, THEREFORE:

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

Section 1. Amend §501, Title 19 of the Delaware Code, by adding a new Subsection (e) thereto, to read as follows:

"(e) Nothing in this Chapter shall prevent children of any age from performing work as ordered by the Family Court as a condition of probation."

Approved February 8, 1982.

CHAPTER 199

FORMERLY

SENATE BILL NO. 297

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO THE STATE EMPLOYEES PENSION PLAN.

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

Section 1. Amend Section 5527(d), Title 29 of the Delaware Code by deleting the sentence beginning with the words "The minimum amount" and ending with the words "elected official" and substituting in lieu thereof the following:

"The minimum amount of pension payable to an elected member of the General Assembly or a retired elected member of the General Assembly shall be computed by multiplying his years of service as an elected member of the General Assembly times the highest rate of payment being paid to any retired member of the General Assembly, such rate to be computed by dividing the monthly pension being paid to such retired member by his or her years of service as an elected member of the General Assembly. An elected official shall be eligible to receive a pension beginning with the first month after the attainment of age 60, provided that he or she shall have served at least 5 years at the time of his or her termination of service as an elected official."

Approved February 8, 1982.

CHAPTER 200

FORMERLY

HOUSE BILL NO. 504

AN ACT PROPOSING AMENDMENTS TO ARTICLE VIII, SECTION 4 OF THE CONSTITUTION OF 1897 OF THE STATE OF DELAWARE TO PROVIDE FOR A DEFINITION OF GRANTS-IN-AID, AND PROPOSING AN AMENDMENT TO ARTICLE VIII, SECTION 6 OF THE CONSTITUTION OF 1897 OF THE STATE OF DELAWARE BY LIMITING APPROPRIATIONS TO 1.2 PERCENT OF THE ESTIMATED NET STATE GENERAL FUND REVENUE FOR GRANTS-IN-AID.

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 VIII, Section 4 of the Constitution of 1897 of the State of Delaware by designating the existing paragraph thereof as subsection (a) and adding a new subsection (b) to read as follows:

"(b) A grant-in-aid is an appropriation of the public money from the General Fund for a public purpose to any county, municipality, corporation, private agency or person. No appropriation for a grant-in-aid shall be made otherwise than pursuant to an act by the General Assembly, passed with the concurrence of three-fourths of all the members elected to each House."

Section 2. Amend Article VIII, Section 6 of the Constitution of 1897 of the State of Delaware by adding a new subsection (e) to read as follows:

"(e) No appropriation or supplemental appropriation enacted for any given fiscal year for grants-in-aid in the aggregate shall (1) exceed 1.2 percent of the estimated net State general fund revenue for such fiscal year from all sources, and (2) cause the aggregate State general fund appropriations enacted for any given fiscal year to exceed 98 percent of the estimated net State general fund revenue for such fiscal year from all sources, including estimated unencumbered funds remaining at the end of the previous fiscal year. The term 'estimated net State general fund revenue' means the estimated gross State general fund revenue less the estimated Revenue Refunds."

Approved January 1, 1982.

CHAPTER 201

FORMERLY

HOUSE BILL NO. 344

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO PROVIDE FOR THE REPORTING OF MOTOR VEHICLE ACCIDENTS, EQUIPMENT ON MOTOR VEHICLES, THE REMOVAL AND DISPOSITION OF ABANDONED MOTOR VEHICLES, TO MAKE PROVISION FOR STOLEN, UNAUTHORIZED USE AND DAMAGE TO MOTOR VEHICLES, AND FOR REMOVAL OF MOTOR VEHICLES FROM PUBLIC STREETS.

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 30A, Chapter 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end of said Section 30A the following five paragraphs:

"All reporting of accidents occurring within the corporate limits of the Town of Laurel shall be governed by the provisions of Sections 4201 through 4208, inclusive, Title 21, Del. C. of 1974, as heretofore or hereafter amended by the General Assembly of the State of Delaware except to the extent that such provisions may be altered or supplemented by an ordinance duly passed by the Town Council. The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

Equipment on motor vehicles operated within the corporate limits of the Town of Laurel shall be governed by the provisions of Sections 4302 through 4304, inclusive, Section 4306, Sections 4308 through 4311, inclusive, Sections 4315 through 4318, inclusive, Sections 4331 through 4334, inclusive, Sections 4336 through 4353, inclusive, Sections 4355 through 4358, inclusive, Section 4371 and Section 4372, Title 21, Del. C. of 1974, as heretofore or hereafter amended by the General Assembly of the State of Delaware except to the extent that such provisions may be altered or supplemented by an ordinance duly passed by the Town Council. The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

The removal and disposition of abandoned vehicles within the corporate limits of the Town of Laurel shall be governed by the provisions of Sections 4401 through 4406, inclusive, Sections 4408 through 4413, inclusive, and Sections 4412 through 4414, inclusive, Title 21, Del. C. of 1974, as heretofore or hereafter amended by the General Assembly of the State of Delaware except to the extent that such provisions may be altered or supplemented by an ordinance duly passed by the Town Council. The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

The theft, unauthorized use and damage to motor vehicles occurring within the corporate limits of the Town of Laurel shall be governed by the provisions of Sections 6701 through 6707, inclusive, Title 21, Del. C. of 1974, as heretofore or hereafter amended by the General Assembly of the State of Delaware except to the extent that such provisions may be altered or supplemented by an ordinance duly passed by the Town Council. The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to.

The removal of motor vehicles from the public streets within the corporate limits of the Town of Laurel shall be governed by the provisions of Sections 6901 through 6902, inclusive, Title 21, Del. C. of 1974, as heretofore or hereafter amended by the General Assembly of the State of Delaware except to the extent that such provisions may be altered or supplemented by an ordinance duly passed by the Town Council. The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to."

Approved February 11, 1982.

CHAPTER 202

FORMERLY

HOUSE BILL NO. 346

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO PROVIDE FOR THE DETERMINATION OF OTHER INCOME TO THE TOWN AND FOR THE FIXING OF THE TIME OF ASSESSMENT OF TAXES.

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

Section 1. Section 37, Chapter 277, Volume 49, Laws of Delaware, be and the same is hereby further amended by adding at the end of said Section 37 a new Subsection to be designated as Subsection (f) to read as follows:

"(f) 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 the Town Council to be used as aforesaid; provided, however, that sources (d) (e) (f) may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any regular or special meeting of the Town Council."

Approved February 11, 1982.

CHAPTER 203
FORMERLY
HOUSE BILL NO. 347

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO PROVIDE FOR THE APPOINTMENT OF AN ALDERMAN AND AN ASSOCIATE ALDERMAN; TO ESTABLISH LIMITS OF JURISDICTION; TO PERMIT THE REMOVAL OF THE ALDERMAN AND ASSOCIATE ALDERMAN AND PROVIDING FOR DISPOSITION OF BOOKS AND RECORDS UPON REMOVAL.

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 26, Chapter 277, Volume 49, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 26 and substituting in lieu thereof a new Section 26 to read as follows:

"Section 26 - Alderman and Associate Alderman

The Mayor shall appoint some suitable person to act as Alderman and may appoint not more than two (2) suitable persons to act as Associate Aldermen. Any person appointed by the Mayor to serve as Alderman or Associate Alderman shall be at least twenty-one (21) years of age, shall be of good character and reputation, and shall not be a member of The Mayor and Council of Laurel.

Any person appointed by the Mayor to serve as Alderman or Associate Alderman shall be appointed by the Mayor for an indefinite term and any such appointment shall be confirmed by a majority of all members of the Town Council. Either the Alderman or the Associate Alderman may be removed from office at any time by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council of Laurel.

Before entering upon the duties of office, the persons appointed by the Mayor to serve as Alderman and Associate Alderman shall be sworn or affirmed by the Mayor to perform the duties of office honestly, faithfully, and diligently and to uphold and enforce the Charter of the Town of Laurel and Ordinances duly enacted by the Mayor and Council of the Town of Laurel made pursuant to any law of the State of Delaware. The Associate Alderman shall perform the functions of the Alderman if the Alderman is unavailable. During such periods, the Associate Alderman shall have all the powers and duties of the Alderman. In addition, the Alderman and Associate Alderman shall carry into effect all orders of Mayor and Council of the Town of Laurel made pursuant to any law of the State of Delaware.

The Mayor and Council of Laurel shall procure a suitable record for the use of the Alderman and the Associate Alderman. Such record shall be known as the 'Alderman's Docket.' The Alderman and the Associate Alderman shall each record all official acts and proceedings in the 'Alderman's Docket.'

The Alderman and the Associate Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of the Town of Laurel, fine and imprison offenders for any offense, penalty or forfeiture prescribed by the Charter of the Town of Laurel and any Ordinance enacted thereunder, of all neglects, omissions or defaults of any town officer, agent, or employee; provided however, that neither the Alderman nor the Associate Alderman shall impose any fine in excess of two hundred dollars (\$200.00) nor imprison any offender for more than sixty (60) days except as otherwise provided in this Charter. The Alderman and the Associate Alderman may, in addition to any fine or term of the imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinances enacted by the Town Council; provided, however, that no cost shall be imposed which is in excess of that which may be imposed by a Justice of the Peace for like service.

The Alderman and the Associate Alderman shall prepare and submit a monthly report to the Mayor and Council of the Town of Laurel reporting all fines and penalties imposed during the preceding calendar month and shall remit, not later than the tenth (10th) day of the month, to the Town Manager all fines and costs collected by him during the preceding calendar month.

If any Alderman or Associate Alderman shall be removed from office as hereinbefore provided, he shall deliver to the Town Manager, within two (2) days after his removal from office all the books and papers belonging to his office, and shall pay over to the Town Manager all funds in his hands within five (5) days after receiving the notice of his removal from office.

Immediately after the receipt of the books and papers belonging to the office of either Alderman or the Associate Alderman, the Town Manager shall require the auditor of the Town, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from office. Upon the neglect or failure to deliver all the books and papers to the Town Manager within the time specified by this Charter, or to pay over all the funds to the Town Manager within the time specified, the Alderman or Associate Alderman, so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day that he fails to deliver the books and papers to the Town Manager or to pay over all funds to the Town Manager."

Approved February 11, 1982.

CHAPTER 204

FORMERLY

HOUSE BILL NO. 430
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO REINCORPORATE THE TOWN OF WOODSIDE.

WHEREAS, it is deemed advisable that the Charter of the Town of Woodside, set forth in Chapter 229, Volume 28, 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. INCORPORATION

(1.1) Body Corporate

The inhabitants of the village of Woodside, within the limits and boundaries described in Section 2 of this Charter, as the same may from time to time hereafter be revised, are hereby constituted a municipal corporation and body politic in Law and in Equity by the corporate name of "The Town of Woodside", and under that name shall have perpetual succession.

The Town of Woodside 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 its predecessor, "The Commissioners of Woodside".

(1.2) Powers

The Town of Woodside:

(1.21) May have and use a corporate seal which may be altered, changed or renewed at pleasure.

(1.22) May sue and be sued, plead and be impleaded, answer and defend in all courts of Law and Equity in the State of Delaware, or of the United States subject to such immunities as have heretofore, or may hereafter, be enacted or developed by statutory or common law pertaining to municipal corporations of this State, and their officers, employees, and agents.

(2.23) May hold and acquire by gift, negotiation and purchase, devise or lease, 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; and
- (d) recreational facilities

for the proper furnishing of adequate municipal services to the citizens of the Town.

(1.24) May sell, grant, alien, 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.

(1.25) May pay for the acquisition, construction, improvement, extension, alteration, or demolition of any municipal or public property, real, personal, or mixed, from the general funds of the Town and/or from the proceeds of any grant or loan made to the Town by any agency of the United States or of the State of Delaware, where the Town is lawfully empowered to obtain such grant or loan and where the proceeds of the grant or loan are for purposes lawfully authorized by this Charter or by the laws of the State of Delaware.

(1.26) May enter into such contracts and agreements as are deemed necessary or in the best interests of the Town, provided the purposes of such contracts are otherwise lawful and authorized by this Charter, or the laws of the State of Delaware.

(1.27) May pass ordinances and rules for the good government and good order of the Town and for all matters relating to the general health, safety, morals, peace, and welfare of the Town. By way of example and not in limitation, the Town shall have authority to adopt ordinances:

- (a) for the lighting and improvement of streets;
- (b) for the paving or other improving of sidewalks;
- (c) for the planting and protection of ornamental trees;
- (d) to define, prevent, and abate nuisances;
- (e) to define, investigate, prevent, abate, and remove fire and explosive hazards;
- (f) to construct, improve, extend, and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations;
- (g) to regulate and control pedestrian, automobile and animal-drawn traffic over the streets, squares, lanes, alleys, sidewalks, and other public places in the town, (including the parking and non-parking of vehicles in the town); provided however, that such ordinances shall not conflict with any laws of the State of Delaware;
- (h) to prevent, suppress, and regulate bonfires, the firing of firearms, air or spring guns, and the setting off or exploding of firecrackers, fireworks, torpedoes, or any other explosives;
- (i) to prevent or regulate the keeping of animals within the Town and to prohibit the running-at-large of such animals;
- (j) to prohibit gaming and fraudulent devices;
- (k) to regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games;
- (l) to require the removal of ice, snow, dirt or other foreign substances from sidewalks and gutters by owners or abutting owners;
- (m) to prevent vice, drunkenness, and immorality;
- (n) to provide for or regulate the numbering of houses and lots on the streets of the Town and the naming of public streets, alleys, and avenues;
- (o) to exercise all powers and authorities vested in the Town by virtue of Chapter 3, Title 22 of the Delaware Code regarding the zoning and subdivision of lands as the same may, from time to time hereafter be amended;
- (p) to define, abate, demolish, and remove dangerous buildings and other dangerous structures in the Town, including the power to condemn and cause to be torn down and removed any such structure which, upon inspection, is determined to be a fire hazard or otherwise be unsafe; provided however, that any such ordinance shall provide procedures for notice and opportunity to be heard and to correct the hazardous condition by the affected property owner and/or lienholders, and to otherwise comply with Chapter 39, Title 25 of the Delaware Code as it may from time to time hereafter be amended;
- (q) to regulate solicitors, peddlers, travelling salesmen, hucksters, and hawkers;
- (r) to license any responsible person, firm, association or corporation for such period of time and upon such terms, restrictions, stipulations, and conditions, and for such considerations as the Town Council shall deem in the best interests of the municipality to use the present and future streets, alleys, squares, parks, sidewalks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph or television from, through, or into the Town; provided however, that such ordinances shall be subordinate to any appropriate State or federal statute, and to any appropriate rule or regulation adopted by a State or federal agency acting pursuant to statute.

(1.28) May 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, safety, and welfare of the Town and its inhabitants.

(1.29) May provide for the punishment of a violation of any ordinance of the Town by a fine not exceeding one hundred dollars (\$100.00).

(1.3) Liberal Construction.

(1.31) Liberal Construction.

The powers of the Town of Woodside under this Charter shall be liberally construed in favor of the Town of Woodside, and the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but are in addition to the powers enumerated herein. The Town shall have all powers implied hereby or necessary or appropriate to the exercise of its enumerated powers.

(1.32) Manner of Exercise.

All powers of the Town of Woodside, whether express or implied, shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, then in the manner provided by State law, by ordinance, or by resolution of the Town Council. The Town Council may, by resolution, do such other act or thing necessary, incidental to, or useful in connection with any of the matters in this Charter, duly authorized.

(1.4) Intergovernmental Cooperation.

The Town of Woodside 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 thereof, except as prohibited or restricted by the Constitution or laws of the State of Delaware, or by this Charter.

SECTION 2. BOUNDARIES.

The boundaries of said corporation, hereinafter designated as the Town of Woodside, shall be as follows:

Beginning at a point in the middle of the road leading from Woodside to Magnolia, and five hundred feet east from the middle of an intersection of the State Highway, running three hundred and seventy-five feet north; thence, running in a westerly direction in a line parallel with the concrete or main road through Woodside, across the Delaware Railroad tracks and continuing to the middle of a public road, known as the Dickson Road, leading to the Woodside and Petersburg Road; thence, with the middle of said road southerly about three hundred and seventy-five feet to the middle of the road leading to Woodside from the east; thence, continuing by the said line in a southerly direction a distance of eleven hundred and fifty-five feet; thence, by a line parallel to the concrete or main road through Woodside, easterly, crossing the railroad south of the station as now located, and continuing to the middle of the State road; thence, continuing said line five hundred feet from the middle of the said State road in a northerly direction to the point and place of beginning.

SECTION 3. MAYOR AND TOWN COUNCIL.

(3.1) Town Council.

The government of the Town, and the exercise of all powers conferred upon it by this Charter or by the laws of the State of Delaware shall be vested in a Town Council composed of a Mayor, Treasurer, Secretary, Tax Collector, and three "non-officer" Council members, all of whom shall be elected at-large by the qualified voters of the Town as is more fully hereinafter set forth.

(3.2) Qualifications for Office.

No person shall be eligible to run for any office or Council seat in the Town unless he or she is at least twenty-one years of age, and has been a *bona fide* domiciliary of the Town for at least six months prior to the day of the election. In addition, no person shall be eligible to run for any Town office or Council seat unless and until he shall have complied with such ordinances governing the nomination of candidates adopted by the Town Council, if any; provided however, that no such ordinance shall alter the qualifications for office as are set forth in this Charter. No person shall be eligible to run for more than one position on the Council at any election, and no member of Council whose term of office does not expire at the upcoming election may be a candidate for another position on Council in that election unless he first resigns from his existing position at least thirty days prior to the date of the election.

(3.3) Elections.

(3.31) Date, Place, Notice.

Town elections shall be held on the last Saturday in March of each year at the Town Hall or at such other convenient place within the Town limits as the Council shall establish by resolution. The Council shall advertise the place, date, and times of the election at least once a week for two successive weeks immediately prior to said election in a newspaper of general circulation in the Town of Woodside, and post public notices containing that information in at least three public places within the Town at least two weeks prior to the day of the election.

(3.32) Time, Voting Machines, Paper Ballots.

In any election where one or more offices or Council seats are contested, the polls shall remain open between the hours of 10:00 a.m. and 7:00 p.m., and the elections shall be conducted with the use of voting machines obtained from the Department of Elections of Kent County, or its successor. In any Town election where no contest exists as to any office or Council seat, the polls shall remain open at least between the hours of 6:00 p.m. and 7:00 p.m.; in uncontested elections the use of voting machines shall not be required, but all paper ballots shall be deposited into a Ballot Box by the officers conducting the election, and shall not be removed until the election is closed, at which time the ballots shall be removed and counted openly and publicly in the presence of such citizens of the municipality as may care to attend.

(3.33) Elections Board.

Every election shall be conducted by an Elections Board consisting of the Mayor, or any other qualified voter in the Mayor's absence, and two other citizens of the Town chosen by those legally qualified voters present at the opening of the polls.

The Election Board shall pass upon the qualifications of voters and conduct the election, keeping a list of all voters who vote. At the close of such election the Board shall canvass the votes, and the candidates having the highest number of votes for each office or Council seat shall be declared elected. Certificates shall be made out and delivered to the person or persons so elected, and the results of the election shall be noted on the records of the Town. In the event of a tie, the Elections Board shall, by majority vote, determine who is to be elected.

(3.34) Voter Qualifications.

Each person who, on the day of 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, nor been disenfranchised pursuant to Section 3 or Section 7, Article V of the Constitution of the State of Delaware; and
- (e) has properly registered to vote in elections of the Town of Woodside according to such ordinances, if any, adopted by the Town Council governing registration of such voters shall be entitled to vote in any regular or special election of the Town.

For purposes of this section (3.34) 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; provided 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 Woodside residence as his fixed and permanent home.

(3.35) Voter Registration.

The Town Council shall have the authority to enact such ordinances concerning the registration of qualified voters for municipal elections in the Town of Woodside 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.

(3.4) Term of Office, Forfeiture, Vacancies

(3.41) Terms.

The term of office of the Mayor shall be one year and the terms of all other officers shall be two years from the day after their respective elections and until their respective successors shall be duly elected and qualified; provided however, that in 1982, the three "non-officer" councilmembers shall be elected to serve for a term of only one year or until their successors are duly chosen and qualified. At every subsequent annual election, the successors to the officers and council members whose terms have expired shall be chosen to serve for a term of two years, with the exception of the Mayor whose term shall always be one year, the result being that the Treasurer, Secretary, and Tax Collector shall be elected in even numbered years and the non-officer council members shall be elected in odd-numbered years.

(3.42) Forfeiture of Office.

Any officer or council member shall forfeit his office when he:

- (a) lacks at any time during his term of office, any qualification required to be elected to that office, or
- (b) willfully violates any express prohibition of this Charter, or
- (c) is convicted of a crime classified as a felony under the laws of this State or of the United States, or of any crime involving moral turpitude, or
- (d) fails to attend three consecutive regular meetings of the Town Council without being excused by Council, or
- (e) is physically, mentally, or emotionally incapable of performing the functions of his office.

Determinations concerning forfeiture of office shall be made by the Town 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 unanimous vote that a forfeiture has occurred, it shall, within twenty-four hours of that determination, provide the affected party with written notice of that fact, stating specific reasons in support thereof. The affected party shall have ten days, counting the day he receives such written notice as the first day, in which to make a written demand for a public hearing before the Town Council at which hearing he may appear with the assistance of Counsel. At such hearing, the Town Council shall state publicly the grounds and reasons for its determination and shall present such relevant evidence as it deems appropriate in support thereof. The affected party shall likewise be afforded an opportunity to present such relevant evidence as he deems appropriate in opposition thereto. Any persons testifying at such proceedings shall be sworn according to law and shall be subject to cross-examination. Strict rules of evidence shall not apply. If, at the conclusion of such hearing, the Council again determines by unanimous vote of the unaffected members that a forfeiture has occurred, that decision shall be final and conclusive.

Failure of the affected party to make a timely written demand for a public hearing before the Council, as hereinabove provided, shall be an absolute bar to his right to challenge the Council's decision in any court of competent jurisdiction.

During, or in connection with, any forfeiture proceedings, the Town Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence.

(3.43) Filling Vacancies.

In the event that the position of any elected officer or council member becomes vacant by reason of the death, resignation, or forfeiture of office by the person holding that position during his term of office, the remaining members of the Council shall themselves elect, by majority vote, another qualified person to serve until the next regular election at which time such vacancy shall be filled by election to serve the remainder of the term, if any there be.

(3.5) Compensation; Reimbursement.

(3.51) Compensation.

Each officer-member of the Town Council (i.e. Mayor, Treasurer, Secretary, and Tax Collector) may receive the sum of \$25.00 for each regularly scheduled town council meeting attended. Each of the three non-officer council members may receive the sum of \$10.00 for each regularly scheduled meeting attended. These monies shall be paid from the general funds of the Town not less than every four months.

(3.52) Reimbursement.

By unanimous vote of those members present at any regularly-scheduled meeting of Council at which a quorum is present, any member of Council may be reimbursed for those actual, reasonable, and necessary expenses incurred by him in the performance of the business of the Town; provided however, that such business was duly authorized by motion, resolution or order of the Council. Any Council member requesting reimbursement shall present documented proof of such expenditures which documents shall be maintained by the Town Treasurer in a file set aside for that purpose.

(3.6) Prohibitions.

(3.61) 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 Woodside with any member of the Council or with any partnership in which any member of the Council is a partner, or with any corporation in which any member of the Council is a director or stockholder or with any firm or company in which any member of the Council is peculiarly interested, except with the unanimous consent of the entire Council, and such contract 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 \$100.00.

(3.7) Officers.

(3.71) Oath of Office.

Before entering upon the duties of their office, the newly elected 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.

(3.72) Mayor.

(a) 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; and shall have general superintendence of all 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. The Mayor 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.

(b) The Mayor shall 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.

(c) The Mayor shall have the same right as other officers and councilmembers to vote on all matters and may at any time appoint another officer or 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. For purposes of establishing a majority vote, the Mayor shall be counted as a member of Council.

(3.73) Secretary.

The duties of the Secretary shall be to keep a true and faithful record of all the proceedings of Council at all meetings; sign, with the Mayor, all warrants on the Treasurer for the payment of any Town money; and to do and perform such other matters and things as may be prescribed by this Chapter, or by law, or which council may from time to time prescribe by resolution or ordinance.

(3.74) Treasurer.

The Treasurer, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council in a penal sum equal the 150% of the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his office and for the payment to his successor in office of all sums of money remaining in his hands upon settlement of his accounts, to which said bond and warrant there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Treasurer shall pay all orders drawn on him by order of the Council and signed by the Mayor and Secretary out of any monies in his hands belonging to the Town. He shall settle his accounts with the Town annually in the month of March and at such other times as the Council

may, by majority vote, require.

(3.75) Tax Collector.

The Tax Collector, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council in a penal sum equal to 150% of the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his office and for the settlement of his accounts with the Treasurer of the Town not later than the last day of each fiscal year, and oftener and at such other times as Council may require, to which bond and warrant there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Tax Collector shall be responsible for the collection of all Town taxes, interest, and penalties, and all other kinds of Town revenue and money from time to time due the Town. The Tax Collector shall pay all monies collected by him to the Town Treasurer not less than once every two months.

(3.8) Meetings.

(3.81) Regular Meetings.

The Town Council shall meet regularly on the first Tuesday of the odd-numbered months of each year, provided that when any regularly scheduled meeting falls on a holiday, that meeting shall be held on the next business day.

The regularly scheduled council meetings shall be held at the Town Hall in the Town at 7:30 p.m. unless the Council, by majority vote of those members present at a duly convened regular or special meeting of council at which a quorum is present, selects some other place or time; provided however, that no regularly scheduled council meeting shall be held outside the Town limits of the Town of Woodside.

(3.82) Special Meetings; 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 by the Secretary must be deposited in the U.S. mails 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 the 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 Woodside 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 such special meeting, give public notice thereof by posting a copy of the notice and proposed agenda at the Town Hall, and making a reasonable number of copies thereof available to the public upon request.

(3.83) Quorum; Adjournment for Lack of Quorum.

The presence of a majority of those members of the Council serving in office shall constitute a quorum for the transaction of any business of the Town at any regular or special meeting. They may adjourn from time to time and compel the attendance of absent members such in manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council.

(3.9) 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 prescribed by this Charter or if not prescribed herein, or otherwise by law, then in the manner provided by ordinance or resolution of Council.

No ordinance, resolution, motion, order, or other act of Council (except adjournment for lack of a quorum) shall be valid unless it receives the affirmative vote of a majority of all members serving on the Council; and except as otherwise provided by this Charter, the acts,

doings, and determinations of a majority of the entire Council shall be as good as the acts, doings, and determinations of all the members of Council.

Section 4. TAXATION.

(4.1) Taxation; Limits.

The Town Council is authorized to levy and collect from the taxables of the Town according to the terms and provisions of this Charter, and of any other act 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 the Town, which sum of money shall in no year exceed a sum of money in excess of two percent of the total assessed value of all the real estate subject to taxation in the Town. The amount to be raised annually by taxation and the rate of taxation shall be fixed annually at the regular May meeting of the Council.

(4.2) Assessment.

The Tax Collector shall, in the month of July following the annual Town election, obtain from the records of the Kent County Board of Assessment at Dover, Delaware, a list of the taxable real estate within the limits of the Town, together with the names of the owners thereof, and of the assessment of such property by the County Board of Assessment.

The Tax Collector shall be authorized to add to such list any taxable real estate within the Town which may have been omitted from the County list, or where any property has undergone some significant change of condition since the County's last assessment. He shall have authority to make a true, just, and impartial assessment of such added or changed property and assess the same to the proper owners thereof.

In addition, the Tax Collector shall be authorized to add to said assessment list any and all charges, costs, or other assessments owed to the Town, including but not limited to curb and gutter assessments, sidewalk assessments and grass cutting charges. This list shall be the official assessment list of the Town.

(4.3) Appeals.

After preparing the assessment list as aforesaid, the Tax collector shall post a notice in three or more public places in the Town during the last half of the month of July, stating that the assessment list is available for inspection upon request. On the notice shall be a statement to the effect that the Town Council will sit at its regular meeting in August to hear appeals from said assessment. At such meeting, the Council shall have the power to add to or decrease only those assessments made by the Tax Collector himself (pertaining to property omitted from the County list or substantially changed since the County's assessment); otherwise the Council shall be bound to accept the County's assessment. The Council may also make such determinations as it deems fit with regard to any charges, costs, or other assessments owed to the Town as shown on said list. No Council member shall sit to hear his own appeal.

(4.4) Levy; Other Charges and Assessments.

When the appeal day is past the Council shall, without delay, cause the assessment list to be transcribed. The transcribed list shall contain: the name and address of the taxable, the address of the property taxed, the assessed value of such property, the rate of tax per hundred dollars of assessed value, and the amount of taxes due. Such list or assessment shall also include any and all charges, costs, and other assessments owed to the Town as hereinabove described. Such transcript, signed by the Mayor and Secretary shall be delivered to the Tax Collector within seven days of appeal day who shall thereupon collect from each taxable his proportion of the tax laid and pay over to the Treasurer, not less than once every two months, all such monies coming into his hands. Not later than the third week in March of the following year, the Tax Collector shall settle all his accounts with the Town Treasurer.

(4.5) Collection and Tax Liens.

The Tax Collector shall immediately after receiving said list from the council proceed to collect the taxes as written and contained in said list. The Tax Collector, in collecting such taxes shall have all powers conferred by law on the Receiver of Taxes in Kent County by virtue of the laws of Delaware now in force or hereafter enacted. All taxes, charges, costs, and assessments levied on real estate under authority this Charter shall be and continue as a lien against the property assessed for a period of five years from the date prescribed herein for the delivery of the assessment list to the Town Tax Collector. Such lien may be extended in the same manner as provided by law for the extension of tax liens for Kent County taxes.

(4.6) Due Date, Penalty.

All taxes shall be due the Town as soon as the Assessment list has been delivered to the Tax Collector by the Town Council. After September 1st of each year, a penalty of 1 1/2% per month shall be added to all uncollected taxes until fully paid, which penalty shall also apply to any other charges, costs, or assessments shown on the assessment list.

(4.7) Exemptions.

(4.71) Discretionary.

The Town Council 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 Council, will best promote the public welfare.

(4.72) Mandatory.

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 owned by any college or school and used for educational or school purposes, or owned by any church or religious society and not held by way of investment, or any corporation created for charitable purposes and not held by way of investment, shall not be liable to taxation and assessment.

Section 5. FINANCES

(5.1) Use of Town Money.

The Town Council shall have full power and authority to use the money in the treasury of the Town, or any portion thereof, from time to time, for the general improvement, benefit, protection, ornament, and best interests of the 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 Charter, and all lawful ordinances and resolutions of Council.

No monies shall be paid out by the Treasurer except as directed by action of a majority of all members of Council.

(5.2) Debts.

The Town Council is authorized to create debts upon the Town and to borrow monies upon the faith and credit of the Town; provided however, that at no time shall the total amount of all such debts or loans exceed the amount of money which the Town is authorized to raise by taxation in that fiscal year, except where the debt or obligation is to be paid upon maturity by funds supplied as a grant to the Town by an agency of the State of Delaware or by an agency of the United States Government, and only if such debt or obligation is contingent upon actual receipt of such grant monies by the Town.

Any sum of money borrowed, or any debt incurred upon the Town, shall be repaid in full, with all interest and charges thereon, within a period not to exceed four years from the date incurred and shall be repaid at a rate of not less than 25% of the principal debt in each fiscal year.

Section 6. STREETS AND SIDEWALKS

(6.1) Streets, Authority to Locate.

The Town Council shall have superintendence of all roads and streets now opened, or hereafter to be opened, within the limits of the Town. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen and alter existing streets or parts thereof, and to vacate, close or abandon streets or parts thereof, whenever they shall deem it in the best interests of the Town.

(6.2) Procedure to Open, Alter, Close.

The procedure to open, widen, alter, vacate, close or abandon streets or parts thereof shall be as follows:

(a) The Council shall adopt a resolution calling for a public hearing on the proposed action, which resolution shall provide a general description of the street or part thereof involved, indicating the action that is proposed; and stating the time, date, and place of a public hearing which shall be held not less than 10 days nor more than 20 days after the date of the adoption of such resolution, counting that day as the first day at which Council will sit to hear comments for and against said action, and shall receive evidence of any

damages to be sustained by the owners of any property affected thereby. Within 24 hours of adopting said resolution, the Council shall cause a copy of said resolution shall be posted in three public places within the Town, one of which shall be on the lands affected, and shall cause a copy of said resolution to be mailed to the last known post office address of each property owner whose lands comprise all or part of the street involved or whose lands abut upon, are contiguous to, or which are accessible only by, along, or across the street or part thereof which is the subject of the resolution. In addition, the Council shall cause to be published a copy of said resolution in a newspaper of general circulation in the Town of Woodside at least 7 days prior to the day of said hearing.

(b) At such public hearing, the Council shall hear any interested person wishing to speak on the proposed action, and shall hear such evidence as is presented concerning damages to be sustained by the owners of property affected by the proposed action. At the conclusion of such hearing, Council shall decide by majority vote of all those serving on the Council, whether or not to proceed with the proposed action. If the vote is to proceed, the Council shall then determine the amount of damages, if any, to be sustained by the properties affected thereby and direct payment thereof to the proper parties by the Town Treasurer from the general funds of the Town. In any case where the Town opens or widens a street, fee simple title to said lands, free and clear of all liens and encumbrances, shall vest in the Town of Woodside upon such payment; in any case where the Town vacates, closes, or abandons a street, fee simple title, free and clear of any and all public or private rights or easements of ingress, egress, travel or otherwise connected with that land's previous use or dedication as a street, shall be in the owner of record title.

If anyone who will be deprived of property under these proceedings be dissatisfied with the amount of compensation awarded by Council, he may, within 10 days after the award appeal to the Superior Court of the State of Delaware, in and for Kent County which shall appoint three impartial appraisers to determine and fix such damages and return their findings to the Court at a date and time fixed by the Court.

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 affected property owner 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. 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.

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 affected property owner and his witnesses and the council and its witnesses, and shall without delay, determine and fix the damages, if any, which the affected property owner 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 Superior Court which shall cause the return to be delivered to the Secretary of Council or Mayor and such return shall be final and conclusive. The amount of damages being ascertained as aforesaid, the 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 deposit the same to his or her credit in any Bank in Kent County, Delaware, within the said 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 paying 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.

(6.3) Sidewalks and curbs.

The Council may pass ordinances governing the paving or improving of sidewalks and curbs in the Town. Such ordinances may set standards and specifications for such improvements and may require the owners of property fronting on such sidewalks or curbs to bear the expenses of such improvements; provided however, that such ordinances shall provide affected property owners notice and opportunity to be heard prior to the adoption of any resolution authorizing or requiring such improvements.

In the event an affected property owner fails to comply with such resolution within three months of its adoption, Council may authorize the materials and work to be done and collect the expense of same from the owner of the affected property in an action at law. When added to the Town's Assessment list as provided by §4.2 of this Charter, such expenses shall constitute

a lien upon the affected property the same as if it were a lien for town taxes.

Section 7. CONTRACTS TO BE ADVERTISED.

All contracts for any services to be rendered to the Town for any materials to be purchased by the Town, or for any improvements or repairs to Town property where the amount of the Contract exceeds \$1,000, shall be let only after competitive bidding in response to advertisements published in a newspaper of general circulation in Kent County, Delaware at least three times during the 30 days immediately preceding the date set for the opening of the bids; provided however, that this requirement shall not apply to contracts for professional services not within the scope of the Delaware Professional Services Act (29 Del. C., Chapter 69, Subchapter II) as it may from time to time be amended.

The Council shall not be required to accept the lowest bidder but may, in its discretion, select the bidder which it determines to be best qualified and suited to serve the best interests of the Town.

Section 8. TRANSITIONAL PROVISIONS; SEPARABILITY.

(8.1) Transitional Provisions.

The Act entitled "An Act to Incorporate the Town of Woodside in Kent County, Delaware, passed at Dover, 26 Del. Laws 229, as amended, 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 Woodside (formerly, "The Commissioners of Woodside"), not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinance resolutions, orders, and regulations of the Town of Woodside's predecessor, The Commissioners of Woodside, 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. 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. All debts, fines or penalties and forfeitures due to said Town of Woodside and/or its predecessor "The Commissioners of Woodside" 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. All powers conferred by law upon the Tax Collector 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 Tax Collector and Treasurer 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 Town of Woodside or its predecessor, "the Commissioners of Woodside" 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. Those persons holding an elective office in the Town of Woodside formerly "the Commissioners of Woodside", 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.

All rights, claims, actions, order, contracts, or legal or administrative proceedings shall continue as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with, by the Town department, office, or agency appropriate under this Charter.

(8.2) Severability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Approved February 11, 1982.

CHAPTER 205

FORMERLY

HOUSE BILL NO. 313
 AS AMENDED BY HOUSE AMENDMENT NO. 2, HOUSE AMENDMENT NO. 1
 TO HOUSE AMENDMENT NO. 2 AND HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 29, DELAWARE CODE RELATING TO PUBLIC WORKS 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. Amend Section 6919, Title 29 of the Delaware Code by striking subsection (a) thereof and substituting in lieu thereof a new subsection (a) to read as follows:

"§6919. Substitution of Securities for Retainages on State Contracts; Interest Paid on Monies Retained; Partial Payments for Materials Stored on Site or in Secured Locations and Retainage Thereon.

(a) Under any public works contract made or awarded by an agency or by any political sub-division of the State, the contractor may, from time to time, withdraw the whole or any portion of the total amount then being retained for payments to the contractor pursuant to the terms of the contract, upon depositing with the agency: (1) United States treasury bonds, United States treasury notes, United States treasury certificates of indebtedness or United States treasury bills; or (2) bonds or notes of the State; or (3) bonds of any political subdivision of this State; or (4) certificates of deposit from state or national banks located in this State; provided, however, that no amount shall be withdrawn by the contractor at any particular time which shall be in excess of the aggregate market value of the above-described securities so deposited at the time of an in relation to such particular withdrawal or of the aggregate face value of such securities at such time, whichever shall be lower."

Section 2. Amend Section 6919(b) of Title 29 of Delaware Code by adding the following thereto:

"If the contractor does not deposit securities as provided in subsection (a), the monies being withheld by the agency shall promptly be deposited by the agency, with a banking institution or savings and loan association insured by an agency of the Federal government, in an account bearing interest at the rate currently being paid by such institutions or associations on time or savings deposits. The amount withheld and any interest accruing thereon shall be returned to such withholding. Any interest accruing on cash payments withheld for non-performance of work shall be credited to the agency.

All accounts created pursuant to this Section shall be established by the contractor in the manner and form approved by the agency. The contractor shall be entitled to collect all interest and/or income on the obligations from monies and/or securities withheld as retainage and shall be entitled to collect same at any time, in a manner approved by the agency, with all costs for such transactions to be borne by the contractor."

Section 3. Amend Section 6919 of Title 29 of the Delaware Code by adding new subsections (d) and (e) thereto to read as follows:

"(d) With respect to any public works contract described in subsection (a) of this section for which the contractor does not deposit securities as provided in said subsection (a), the agency may exclude retainage, but if retainage is required by an agency a ceiling of 5% of the amount due on each partial payment may be withheld by the agency pending completion of the contract or agreement.

(e) Any public works contract described in subsection (a) of this section may also provide for partial payments with respect to materials placed along or upon the sites or stored at secured locations, which are suitable for use in the execution of the contract or agreement. When approved by the agency, partial payments may include the values of tested and acceptable materials of a nonperishable or noncontaminative nature which have been produced or furnished for incorporation as a permanent part of work yet to be completed, provided acceptable provisions have been made for storage. Any allowance made for materials on hand will not exceed the delivered cost of the materials as verified by invoices furnished by the contractor, nor will it exceed the contract bid price for the material complete in place. Upon completion of the work under the contract, the agency may release 60% of the amount then retained. The balance of the amount retained will be held until all reports required of the contractor are received and final payment is authorized by the

Agency. The Agency, may, at its option, retain temporarily or permanently a smaller amount and may cause the contractor to be paid temporarily or permanently, from time to time, such portion of the amount retained as it deems equitable."

Approved April 2, 1982.

CHAPTER 206

FORMERLY

HOUSE BILL NO. 345
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND AN ACT BEING CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL" TO GRANT THE ALDERMAN JURISDICTION FOR CERTAIN CRIMINAL OFFENSES.

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 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by adding following Section 30A a new Section to be designated as Section 30B to read as follows:

"Section 30B. Criminal Acts and Defenses

Criminal acts defined as misdemeanors and defenses as heretofore or hereafter amended by the General Assembly of the State of Delaware set forth in this Section may be tried before the Alderman of the Town of Laurel, duly appointed by the Mayor of the Town of Laurel, who shall have jurisdiction over such acts committed within the corporate limits of the Town of Laurel:

(a) Section 501, Section 511, Sections 521 through 523, inclusive, Sections 531 through 533 only if punishable as a misdemeanor, inclusive, and Section 541, Title 11, Del. C. of 1974, relating to Inchoate Crimes;

(b) Section 601 through 603, inclusive, Section 611, Section 621, Section 625 and Section 627, Title 11, Del. C. of 1974, relating to Offenses Against the Person;

(c) Section 761 and Section 768, Title 11, Del. C. of 1974, relating to Sexual Offenses;

(d) Section 781, Section 784, Section 786, and Section 791, Title 11, Del. C. of 1974, relating to Unlawful Imprisonment;

(e) Section 804 and Section 811, Title 11, Del. C. of 1974, relating to Burning and Criminal Mischief;

(f) Sections 820 through 823, inclusive, Title 11, Del. C. of 1974, relating to Criminal Trespass;

(g) Section 840, Title 11, Del. C. of 1974, relating to Shoplifting only if punishable as a misdemeanor;

(h) Sections 841 through 845, inclusive, Title 11, Del. C. of 1974, relating to Theft only if punishable as a misdemeanor;

(i) Section 853, Title 11, Del. C. of 1974, relating to Unauthorized Use of a Motor Vehicle;

(j) Sections 900 through 907, inclusive, and Section 910, Title 11, Del. C. of 1974, relating to Fraud and Cheats only if punishable as a misdemeanor;

(k) Section 1221, Section 1224, Section 1225, Sections 1231 through 1233, inclusive, and Section 1235, Title 11, Del. C. of 1974, relating to False Swearing;

(l) Sections 1241 through 1246, inclusive, Title 11, Del. C. of 1974, relating to Obstruction to Governmental Operations;

(m) Section 1251, Section 1257 and Section 1258, Title 11, Del. C. of 1974, relating to Escape;

(n) Section 1271, Section 1272, and Section 1274, Title 11, Del. C. of 1974, relating to Criminal Contempt;

(o) Section 1301, Section 1311, Section 1312, Sections 1321 through 1325, inclusive, Section 1331, Section 1332, and Section 1335, Title 11, Del. C. of 1974, relating to Disorderly Conduct and Related Offenses;

(p) Sections 1341 through 1343, inclusive, Sections 1354 through 1356, inclusive, Title 11, Del. C. of 1974, relating to Public Indecency;

(q) Sections 1361 through 1364, inclusive, Title 11, Del. C. of 1974, relating to Obscenity only if punishable as a misdemeanor;

(r) Section 1401, Sections 1403 through 1411, inclusive, and Section 1432, Title 11, Del. C. of 1974, relating to Gambling;

(s) Section 1445 and Section 1446, Title 11, Del. C. of 1974, relating to Weapons;

(t) Sections 4206 through 4213, inclusive, but excepting Section 4209, Title 11, Del. C. of 1974, relating to Penalties and Disposition of Intoxicated Persons.

The Alderman of the Town of Laurel, duly appointed by the Mayor of the said Town, shall have the power to impose the maximum penalty authorized by the provisions above referred to."

Approved April 6, 1982.

CHAPTER 207

FORMERLY

SENATE BILL NO. 337

AN ACT TO AMEND CHAPTER 33, TITLE 12 OF THE DELAWARE CODE TO PERMIT BANKS OR TRUST COMPANIES AUTHORIZED TO ESTABLISH COMMON FUNDS FOR THE COLLECTIVE INVESTMENT OF FUNDS HELD IN A FIDUCIARY CAPACITY TO ACQUIRE FRACTIONAL INTERESTS OF PARTICIPATION IN SUCH FUNDS WITH PROPERTY OTHER THAN CASH.

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

Section 1. Amend Section 3307 (b), Chapter 33 Title 12, Delaware Code, by striking the first sentence thereof and substituting the following in lieu thereof:

"At least once each 3 months, as of a predetermined date, a bank or trust company administering a common fund shall determine the fair value of the assets in the common fund. No fractional interest in the common fund shall be acquired or redeemed except on the basis of such valuation and as of such valuation date. A fractional interest in such common fund may only be acquired by payment

(i) in cash, or

(ii) in property other than cash, provided that such property other than cash is a permissible investment under the terms of §3302 of this chapter and under the terms of the plan of a common fund.

If a fractional interest is acquired with property other than cash, such property shall be valued for the purposes of the acquisition in the same manner as assets are valued when held in the common fund and the purchaser shall bear all costs of the transfer to the common fund of title to such property. A fractional interest in such common fund may be redeemed by payment of an amount in cash, or ratably in kind, or partly in cash and partly in kind, equal to its proportionate part of the fair value of the common fund."

Approved April 6, 1982.

CHAPTER 208

FORMERLY

SENATE SUBSTITUTE NO. 1 TO SENATE BILL NO. 466

AN ACT TO AMEND CHAPTER 7, TITLE 13, DELAWARE CODE, RELATING TO CONSENT OF MINORS TO DONATE BLOOD VOLUNTARILY WITHOUT THE NECESSITY OF OBTAINING PARENTAL PERMISSION OR AUTHORIZATION.

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

Section 1. Amend §709 (a) of Chapter 7, Title 13, Delaware Code, by striking paragraph (a) in its entirety and inserting a new paragraph (a) to read as follows:

"(a) Anything otherwise provided in the law to the contrary notwithstanding, any person over 17 years old shall be eligible to donate blood in any voluntary and noncompensatory blood program without parental permission or authorization."

Section 2. Amend §709 (b), Chapter 7, Title 13, Delaware Code by striking the number "21" wherever it appears in said paragraph (b) and inserting in lieu thereof the number "18".

Approved April 6, 1982.

CHAPTER 209

FORMERLY

HOUSE BILL NO. 353
AS AMENDED BY HOUSE AMENDMENT NO. 1
HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1
HOUSE AMENDMENT NOS. 2, 3, 4, 9 AND SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 14 AND TITLE 7 OF THE DELAWARE CODE TO PROVIDE A MECHANISM BY WHICH SCHOOL DISTRICTS MAY DISPOSE OF UNNEEDED BUILDINGS AND LAND BY SALE OR LEASE.

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

Section 1. Amend Delaware Code, Title 7, §4518 (d) by inserting in that paragraph (d) immediately after the words "herein above set forth" the words "and except lands or buildings for which title is held by a reorganized school district".

Section 2. Amend Delaware Code, Title 14, §1057 by deleting the title of that section and inserting in lieu thereof a new title as follows:

"Sale or lease of property and disposition of proceeds"

Section 3. Amend Delaware Code, Title 14, §1057 by striking paragraphs (a) and (b) of that section in their entirety and substituting in lieu thereof new paragraphs (a) and (b) as follows:

(a) When any real property, title to which is held by a reorganized school district, is no longer needed for school purposes, it may be sold by the school district subject to the following:

(1) The board of education of the school district shall receive documented recommendations from the superintendent of schools of the district showing why the property is no longer needed for school district purposes.

(2) The board shall take action to consider such recommendations.

(3) The board shall release the recommendations for public review and shall announce by 10 days' notice in a news release to print and electronic media covering the district the time and place of a public hearing on the recommendation to dispose of the property in question.

(4) The board shall conduct the public hearing as announced.

(5) The board shall within 60 days of said hearing take action to accept, reject, or modify the recommendation and proceed according to the terms of the recommendation in its current status. If the recommendation was rejected, no further action is required pending any future recommendation.

(6) Except for property acquired or constructed with 100% state funds upon affirmative decision to sell a property the board shall retain the services of one or more licensed real estate brokers or realtors who are not associated with any member of the board of education of that district and who shall determine a minimum price at which the property is to be offered for sale. In the event the property was acquired or constructed with 100% state funding, then paragraph (a)(6) of this section shall not apply.

(7) The property for sale shall first be offered to other state agencies at the price determined in subsection (6) above.

(8) Such offer to other state agencies shall be made through the Secretary of Administrative Services who shall in turn confer with the Director of the Delaware Development Office and the State Board of Education. Together, they shall approve a purchase under subsection (7) above or release the district to proceed with another sale within 30 days of the offer by the board of education to the Secretary of Administrative Services.

(9) A state agency may negotiate to the extent feasible and practical to assume the state share in such property by transfer of the debt service obligation to the account of that agency without payment of cash for that share of the price set.

(10) If no other agency of state government declares an intent to purchase the property, the Board of Education shall proceed to offer said property to the local government in whose jurisdiction the property is located. Such an offer shall be made to the chief elected official of that local government. If the offer is not accepted within 30 days, the board may proceed to offer the property on the open market.

(11) Sale of the property on the open market must be advertised at least once a week for two consecutive weeks in a newspaper published or circulated in each county of the State. Such sale may be conducted by the Board and administrative staff of the district or through a licensed realtor or agency who is not associated with the appraiser or any member of the board of education of that district. Any final contract for such sale shall be approved within a period of 60 (sixty) days by the Secretary of Administrative Services, who shall confer with the Director of the Delaware Development Office and the State Board of Education. Approval will not be withheld unless the contract is found by the Secretary to be unreasonable, in which event the Secretary shall disapprove the sale and make specific written findings for such disapproval.

(12) When an offer to purchase the property at a price not less than fixed pursuant to subsection (a)(6) is accepted by the board, the Secretary of Administrative Services shall direct that an appraisal be prepared by two independent appraisers licensed in Delaware who are from different firms.

The amount of this confirmatory appraisal will be the average of the two appraisals. Any offer to purchase the property, including offers from state agencies or local governments, at a price not less than that fixed pursuant to subsection (a)(6) may be accepted by the board provided that the purchase price specified in the offer is either not less than the amount established by the confirmatory appraisal or is amended to increase to the amount established by the confirmatory appraisal.

(13) The rights of bond holders shall not be jeopardized through such sale. 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.

(14) No sales agreement shall be entered into until it can be demonstrated that the purchaser of the property will use the property for purposes authorized according to the zoning requirements, if any, for the area in which the property is located. If any modification of zoning requirements is necessary, those modifications must be certified to by the appropriate zoning authority prior to the conclusion of the sale.

(15) Proceeds from such a sale shall be deposited in the account of the school district for disposition in the following manner and in the following order of priority:

a. Payment of fees and/or taxes, if any connected with the appraisal and/or sale and found to be the responsibility of the seller.

b. Any residual funds shall be distributed to the state (and deposited in the school bond reversion account) and to the district (and deposited in the local school district debt service account or for districts formed under the provisions of §1028 (k) of this Title in the school tax district debt service account) in the same proportion as the state and the district participated in the purchase, construction and/or additions or alternations to the property being sold.

(i) If documentation to show the portion of investment by the state and local school district cannot be established, then the distribution of residual fund shall be 60% state, 40% local school district.

(ii) If the 'local share' of funds for purchase, construction or alteration of the property was from a municipality or county, that portion of the residual shall be assigned to the school district.

c. Notwithstanding the provisions of subsection b. above, when it can be documented that the building - all or part - was a gift to a reorganized school district, or its antecedent, the portion of the residual representing the gift shall be assigned to the school district to be used at the discretion of the local board of education. That portion not identifiable as a gift shall be distributed and deposited as in b. above.

(b) Notwithstanding any provision of §1056 of this Title when any real property or part thereof, of any reorganized school district is no longer needed for school purposes, temporarily or

permanently, the board of education of the district may lease such property or part thereof to any person or organization who may be required to pay a rental or fee to be determined by the board and to assume sole responsibility for the complete maintenance and preservation of the property, including compliance with all applicable building and housing codes so that there will be no cost or obligation to the school district for the continued ownership of such property. Any funds raised from rent or charges collected by the school district shall be applied to the costs of maintaining and operating the leased property, if any, with the balance to be turned over to the State Treasurer to be assigned to the State and the school district according to the provisions of subsection (a) (15) of this Section. Before leasing such property or part thereof to any person or organization, the Board of Education shall first offer to lease the property to the local government in whose jurisdiction the property is located."

Section 4. Amend Delaware Code, Title 14, §1057 (c) by adding to that paragraph (c) a sentence as follows:

"Assignment of funds to bond payment shall occur according to the priority schedule in item (a) (15) of this Section."

Section 5. Amend Delaware Code, Title 14, Chapter 1057 by adding thereto new subsections (c) and (d) to read as follows:

"(c) No sales agreement, lease or donation of real property described within this section shall be negotiated when such property contains or is an integral part of recreational facilities, such as athletic fields or playgrounds, unless and until the Board has made specific findings with respect to such facilities after discussion thereof in public forum as described in subsection (a)(3) of this Section. In the event the property was acquired or constructed with 100% state funding, then this subsection shall not apply.

(d) Any purchases, leases or donations not finalized as of the effective date of this Act shall be subject to all the terms and conditions described herein."

Section 6. 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 affected thereby.

Section 7. Nothing contained in this Act shall be construed as repealing any section of Delaware law except as specifically provided in this Act.

Approved April 8, 1982.

CHAPTER 210

FORMERLY

SENATE BILL NO. 182

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE AWARD OF CONTRACTS.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 130th General Assembly, being Chapter 313, Volume 62, Laws of Delaware, as follows:

"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."; and

WHEREAS, the said proposed amendment was agreed to by two-thirds of all members elected to each House in the said 130th 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 of the State of Delaware.

Approved March 24, 1982.

CHAPTER 211

FORMERLY

SENATE BILL NO. 399

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE III, SECTION 22, OF THE 1897 CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TERM OF THE OFFICE OF SHERIFF.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 130th General Assembly being Chapter 271, Volume 62, Laws of Delaware as follows:

"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."

WHEREAS, the said proposed amendment was agreed to by two-thirds of all the Members elected to each House in the said 130th 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 adopted and shall forthwith become a part of the Constitution of the State of Delaware.

Effective March 25, 1982.

CHAPTER 212

FORMERLY

HOUSE BILL NO. 232

AN ACT TO AMEND CHAPTER 21, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES; AND PROVIDING FOR ISSUANCE OF SUCH PLATES TO OWNERS OF COMMERCIAL VEHICLES.

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

Section 1. Amend §2121, Chapter 21, Part II, Title 21 of the Delaware Code by adding the words "(regardless of weight)" immediately prior to the word "otherwise" as the same appears in the first sentence of subsection (h).

Approved April 15, 1982.

CHAPTER 213

FORMERLY

HOUSE BILL NO. 291
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 57, TITLE 25, OF THE DELAWARE CODE TO PERMIT A SUMMARY PROCEEDING FOR POSSESSION TO BE MAINTAINED ONLY IN THAT JUSTICE OF THE PEACE COURT WHICH HANDLES CIVIL CASES AND WHICH IS IN THE SAME COUNTY AS AND IS CLOSEST TO THE LEASED PREMISES.

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

Section 1. Amend Section 5701, Chapter 57, Title 25 of the Delaware Code by striking Section 5701 in its entirety and substituting in lieu thereof a new Section 5701 to read as follows:

"§5701. Jurisdiction and Venue

A summary proceeding to recover the possession of premises, when maintained in a Justice of the Peace Court which handles civil cases, shall be maintained in the court which is closest to the leased premises and in the same county."

Approved April 15, 1982.

CHAPTER 214

FORMERLY

HOUSE BILL NO. 332
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41 AND CHAPTER 70, TITLE 21 OF THE DELAWARE CODE RELATING TO ISSUANCE OF MAIL-IN SUMMONS FOR CERTAIN PARKING VIOLATIONS, AND APPROPRIATE FINES FOR VIOLATIONS.

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

Section 1. Amend Chapter 41, Title 21 of the Delaware Code by removing §§4182 and 4183 from Subchapter XI and adding said sections to Subchapter X thereof.

Section 2. Amend §7001, Chapter 70, Title 21 of the Delaware Code by redesignating subsection (e) and (f) as (g) and (h), and adding new subsections (e) and (f) which shall read as follows:

"(e) A Uniform Parking Summons may be attached to an unattended vehicle found in violation of this section by any person authorized to make arrests for violations of this section. It shall be permissible for an owner or operator to mail such summons and the appropriate fine directly to the court designated upon the summons instead of appearing before such court for trial of the charge, provided that such remittance of the summons and fine is mailed at least 2 days before the trial date designated upon the summons.

(f) Whoever violates this section shall be fined not less than \$2 or more than \$25."

Approved April 15, 1982.

CHAPTER 215

FORMERLY

HOUSE BILL NO. 506

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 21, TITLE 11 OF THE DELAWARE CODE TO PERMIT A COURT TO HOLD AN OPERATOR'S LICENSE AS SECURITY FOR THE APPEARANCE FOR TRIAL, OR FOR SENTENCING OF A PERSON CHARGED WITH A VIOLATION OF DELAWARE'S TRAFFIC OR CRIMINAL LAWS.

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 §2106, Chapter 21, Part II, Title 11 of the Delaware Code by redesignating said section as new subsection (c) of present §2105, Title 11 of the Delaware Code.

Section 2. Amend Chapter 21, Title 11 of the Delaware Code by adding thereto a new section, designated as §2106, which new section shall read as follows:

"§2106. Posting of an Operator's License as Security for Court Appearance.

(a) In addition to the provisions of §2104 of this chapter, whenever any person lawfully possessed of an operator's license theretofore issued to him by the Division of Motor Vehicles of the Department of Public Safety of the State of Delaware, or under the laws of any other state or territory or the District of Columbia, shall be arrested and charged with any violation of the traffic or criminal laws of this State, or of any political subdivision thereof, a Court may take and hold, as security for the appearance of the defendant for trial or for sentencing, the operator's license so issued to the defendant.

(b) Any person whose operator's license has been deposited with a Court, pursuant to the provisions of subsection (a) above, shall be issued a receipt by the Court taking said license upon a form substantially as set forth below, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of this State until and including the date scheduled for trial or sentencing, unless his license or privilege to operate a motor vehicle is otherwise revoked, suspended or cancelled.

FORM OF RECEIPT

The operators license of _____, license number _____ is held by the _____ Court, State of Delaware, as security for the appearance of said person for trial or for sentencing in connection with Case No. _____. Please accept this receipt as a substitute for that license as provided by Title 11, §2106 (a), Delaware Code, as amended. Appearance is scheduled for _____. **THIS RECEIPT IS NOT VALID AFTER SAID DATE. FAILURE TO APPEAR WILL RESULT IN LICENSE SUSPENSION. AN ATTEMPT TO SECURE, OR THE SECURING OF, A DUPLICATE OPERATORS LICENSE DURING THE PERIOD IN WHICH THIS COURT HOLDS AN OPERATORS LICENSE SHALL BE CONSIDERED AS A CONTEMPT OF COURT UNDER 11 DEL.C., §1271 (3).**

Judge"

(c) The Clerk of the Court in which a person's operator's license was taken as security for reappearance pursuant to subsection (a) of this section, shall immediately forward to the Division of Motor Vehicles of the State of Delaware the license if the person fails to reappear by the date indicated in the receipt as prescribed by subsection (b) above. The Director of the Division of Motor Vehicles shall, upon receipt of a license so forwarded by the Clerk, suspend the operator's license and/or driving privileges of the defendant until notified by the Court that said defendant has appeared at Court for trial or sentencing. If the person be from another state or territory or from the District of Columbia, the Director of the Division of Motor Vehicles shall further advise the Motor Vehicle Administrator of the state, territory or the District of Columbia of this State's suspension and request that said person's license to drive be suspended until the defendant has appeared at Court for trial or sentencing.

(d) The Clerk of the Court in which a person's license was taken as security pursuant to subsection (a) of this section, shall immediately return to said person his operator's license upon his reappearance on the date as ordered by the Court, and as reflected in the form as prescribed by subsection (b) above.

(e) In determining whether or not a defendant shall post his operators license as security for his appearance for trial or for sentencing, the Court shall consider the criteria set forth in §2105 (b), Chapter 21 of this title."

Approved April 15, 1982.

CHAPTER 216

FORMERLY

HOUSE BILL NO. 590

AN ACT TO AMEND CHAPTER 81 OF TITLE 10, DELAWARE CODE, RELATING TO LIABILITY FOR FOOD DONATED TO AND SERVED BY A CHARITY KITCHEN.

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

Section 1. Amend Chapter 81 of Title 10 of the Delaware Code by adding thereto a new Section 8132 which shall read as follows:

"§8132. Exemption from liability for donation of prepared food.

(a) Any person, business, or institution who makes a good faith donation of prepared or left-over perishable food which appears to be fit for human consumption at the time it is donated to a charitable organization serving free meals to the needy public shall not be liable for damages in any civil action or subject to criminal prosecution for any illness, injury, or death due to the condition of such food.

(b) A charitable organization which receives, prepares, and serves to the needy public free food which appears to be fit for human consumption at the time it is served shall not be liable for damages in any civil action or subject to criminal prosecution for any illness, injury or death due to the condition of such food unless the condition is a direct result of the gross negligence, recklessness, or intentional misconduct of employees of the organization."

Approved April 15, 1982.

CHAPTER 217

FORMERLY

HOUSE BILL NO. 601
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL LAND SURVEYORS.

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

WHEREAS, historically the procedure for renewing the license of professional land surveyors in the event of expiration followed a specific pattern which was set forth in the Delaware Code, and

WHEREAS, several years ago, the method for renewing the expired certificate of a professional land surveyor was changed by an act of the General Assembly, and

WHEREAS, confusion has resulted from the changed procedure, especially since there is no provision that specific notice be given to registered land surveyors of the time to renew his or her certificate, and

WHEREAS, it is desirable to re-establish the pre-existing procedure, and

WHEREAS, it is desirable to afford individuals who were adversely affected by the change in procedure an opportunity to have their certificates reinstated by a method consistent with the pre-existing law;

NOW, THEREFORE:

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

Section 1. Amend §2729, Chapter 27, Title 24 of the Delaware Code by adding, to the last paragraph of said section, the following sentence:

"The Board shall have authority to waive the renewal provisions of this section, and to permit renewal for any person whose registration has lapsed; provided however, that such authority shall cease and not be effective after June 30, 1982."

Approved April 15, 1982.

CHAPTER 218

FORMERLY

SENATE BILL NO. 194
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 6 AND TITLE 11 OF THE DELAWARE CODE, RELATING TO TRADE AND COMMERCE; AND PROVIDING FOR A UNIFORM TRADE SECRETS ACT.

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

Section 1. Amend Title 6 of the Delaware Code, by adding thereto a new chapter, designated as Chapter 20, which new chapter shall read as follows:

"CHAPTER 20. TRADE SECRETS

§2001. 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) 'Improper means' shall include theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means;

(b) 'Misappropriation' shall mean:

(1) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(2) disclosure or use of a trade secret of another without express or implied consent by a person who

(i) used improper means to acquire knowledge of the trade secret; or

(ii) at the time of disclosure or use, knew or had reason to know that his knowledge of the trade was

(A) derived from or through a person who had utilized improper means to acquire it;

(B) acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(C) derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(iii) before a material change of his position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

(c) 'Person' shall mean a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(d) 'Trade secret' shall mean information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

§2002. Injunctive Relief

(a) Actual or threatened misappropriation may be enjoined. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

(b) If the court determines that it would be unreasonable to prohibit future use, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time the use could have been prohibited.

(c) In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

§2003. Damages

(a) In addition to or in lieu of injunctive relief, a complainant may recover damages for the actual loss caused by misappropriation. A complainant also may recover for the unjust enrichment caused by misappropriation that is not taken into account in computing damages for actual loss.

(b) If willful and malicious misappropriation exists, the court may award exemplary damages in an amount not exceeding twice any award made under subsection (a).

§2004. Attorney's Fees

If a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or resisted in bad faith, or willful and malicious misappropriation exists, the court may award reasonable attorney's fees to the prevailing party.

§2005. Preservation of Secrecy

In an action under this Chapter, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

§2006. Statute of Limitations

An action for misappropriation must be brought within 3 years after the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For the purposes of this section, a continuing misappropriation constitutes a single claim.

§2007. Effect on Other Law

(a) This Chapter displaces conflicting tort, restitutionary, and other law of this State pertaining to civil liability for misappropriation of a trade secret.

(b) This Chapter does not affect:

(1) contractual or other civil liability or relief that is not based upon misappropriation of a trade secret; or

(2) criminal liability for misappropriation of a trade secret.

§2008. Uniformity of Application and Construction

This Chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Chapter among states enacting it.

§2009. Short Title

This Chapter may be cited as the Uniform Trade Secrets Act."

Section 2. Amend §857, Chapter 5, Part I, Title 11 of the Delaware Code by adding the words "trade secrets," immediately following the words "contract rights," as the same appear in subsection (4).

Section 3. Amend §857, Chapter 5, Part I, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (9), which new subsection shall read as follows:

"(9) 'Trade secret' shall mean 'Trade secret' as defined in §2001, Title 6 of the Delaware Code.

Section 4. If any provision of this Act or its application to any person or circumstances 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 5. This Act does not apply to misappropriation occurring prior to its effective date.

Approved April 15, 1982.

CHAPTER 219

FORMERLY

SENATE BILL NO. 239

AN ACT TO AMEND CHAPTER 7, TITLE 5 OF THE DELAWARE CODE RELATING TO BANKING; AND PROVIDING FOR THE LOCATION OF MEETINGS OF STOCKHOLDERS.

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 §743, Chapter 7, Title 5 of the Delaware Code by striking the words "at the corporation's place of business." in subsection (a), and substituting therefor the words "in this State."

Approved April 15, 1982.

CHAPTER 220

FORMERLY

HOUSE BILL NO. 61

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 1, TITLE 13 OF THE DELAWARE CODE RELATING TO THE FEE FOR ISSUING MARRIAGE LICENSES.

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. Amend §108, Chapter 1, Title 13 of the Delaware Code by striking the figure "\$5" as the same appears in the first sentence of said section, and substituting the figure "\$10" in lieu thereof.

Section 2. Amend §108, Chapter 1, Title 13 of the Delaware Code by striking the figure "\$2" as the same appears in the first sentence of said section, and substituting the figure "\$4" in lieu thereof.

Approved April 20, 1982.

CHAPTER 221

FORMERLY

HOUSE BILL NO. 95

AN ACT TO AMEND CHAPTER 7, OF TITLE 21, OF THE DELAWARE CODE TO REMOVE AS OBSOLETE THE REQUIREMENT THAT A PERSON ARRESTED WITHOUT A WARRANT FOR A MOTOR VEHICLE OFFENSE BE TAKEN, OR SUMMONED TO APPEAR, BEFORE THE NEAREST AVAILABLE JUSTICE OF THE PEACE.

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

Section 1. Amend Section 703, Chapter 7 of 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) A person arrested without a warrant in the City of Wilmington for a violation of any section of this Title shall be taken before a Judge of the Municipal Court for the City of Wilmington, except that persons arrested for a violation of any section of this Title occurring on any part of the interstate highway system may be taken before a Justice of the Peace. A person arrested without a warrant outside of the City of Wilmington for a violation of any section of this Title or arrested for any moving traffic violation of any municipal ordinance regulating traffic within its territorial limits as set forth in Chapter 41 of this Title shall have his case heard and determined by a Justice of the Peace."

Section 2. Amend Section 703, Chapter 7 of Title 21 of the Delaware Code by striking subsection (b) of said section in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) Notwithstanding subsection (a) of this section the arresting officer may issue a summons to the person arrested for an appearance at a subsequent date before a Justice of the Peace, or, where appropriate, before a Judge of the Municipal Court."

Section 3. Amend Section 703, Chapter 7 of Title 21 of the Delaware Code by striking subsection (c) of said section in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) The arresting officer shall take the person arrested without a warrant, or shall summon the person arrested to appear at a subsequent date, before a Justice of the Peace Court which is located in the same county wherein the violation occurred, unless a Justice of the Peace Court located in another county is closer to the place where the violation occurred, in which case the arresting officer may take the person arrested without a warrant, or may summon the person arrested to appear at a subsequent date, before said Court."

Approved April 20, 1982.

CHAPTER 222

FORMERLY

HOUSE BILL NO. 398

AN ACT DIRECTING THE TRANSFER OF OAK GROVE SCHOOL SITE OF EAST DOVER HUNDRED, KENT COUNTY DELAWARE TO J. WARD HURLEY AND MILDRED J. HURLEY FOR A FEE.

WHEREAS, the State of Delaware claims title to and interest in a certain tract of property located on South Little Creek Road, Dover, East Dover Hundred, Kent County, Delaware, having an area of 0.8676 acres, more or less, and which was formerly the site of the Oak Grove School; and

WHEREAS, the State has not used or maintained this land for some years and has no plans to use this site; and

WHEREAS, between the years 1955 and 1977, J. Ward and Mildred J. Hurley, his wife, who were the owners of record of property adjoining the above-described tract, went into possession of the site; and

WHEREAS, during this time the said Mr. and Mrs. Hurley maintained and improved the tract by removing debris, regular mowing, burning and removing the abandoned school building, and filling and fencing the site; and

WHEREAS, in 1978, the 129th General Assembly of the State of Delaware recognized that, because of their long possession of and care for the site, Mr. and Mrs. Hurley had a claim to the premises of the Oak Grove School site and passed legislation directing the transfer of this property to Mr. and Mrs. Hurley; and

WHEREAS, this legislation, House Bill No. 440, was vetoed by the Governor because it transferred State property to private individuals without monetary consideration, which the Governor deemed to be an unwise precedent; and

WHEREAS, it has been established that \$3,500 would be a fair price for the property, that price being arrived at by taking into account the fair market value of the property and the cost of maintenance provided by Mr. and Mrs. Hurley.

NOW, THEREFORE:

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

Section 1. The Secretary of State is hereby authorized and directed to execute and deliver, subject to the provisions of Section 2 hereof, in the name of and under the Great Seal of the State of Delaware, a deed and such affidavits as are required by law, conveying to J. Ward Hurley and Mildred J. Hurley, as tenants by the entirety, all the right, title and interest of the State of Delaware in and to the Oak Grove School site, East Dover Hundred, Kent County, Delaware, the said Oak Grove School site consisting of the original triangular shaped lot containing 47 square perches of land and an irregular size lot containing approximately .75 acres, which .75 acres is more particularly described as follows:

All that certain lot, piece and parcel of land situated in East Dover Hundred of the County of Kent in the State of Delaware and lying on the North side of the Public road leading from the City of Dover to Little Creek Landing and adjoining other lands of late of the said Charles E. Peake deceased lands of Thomas H. Denney and the original lot of land belonging to the said School District No. 13 of Kent County aforesaid: The courses and distances whereof are as follows, to wit: Beginning at a stone in the middle of the above said Public road leading from Dover to Little Creek Landing that stone being the Southeast corner of the said original school house lot and thence running with the lines of said lot North nine and one-half degrees East ninety-four feet to a stone. Thence South eighty and three-fourths degrees West two hundred and forty-four feet to a marked corner sweet gum on the North side of the aforesaid public road to a corner for said original school house lot and the lands hereby conveyed and is at or near the corner of land of Thomas H. Denney. Thence with the line of Denney's land North thirty-six and one-half degrees West one hundred and ninety-one feet to a stone now set in said Denney's line for a corner of the land hereby conveyed and for other land late of the aforesaid Charles E. Peake. Thence with the other land of said Peake South eighty-one degrees East three hundred and seventy-eight feet to a stone. Thence South nine and one-half degrees West one hundred and fifty-two feet to a stone now set in the middle of the aforesaid Public road leading from Dover to Little Creek Landing for a corner of the land hereby conveyed and the other lands late of the aforesaid Charles E. Peake deceased and thence with said road North eighty-one degrees West ten feet to the place of beginning containing three-fourths of an acre of land, net measurement according to a survey thereof made in the month of May, A.D. 1880: The same being part of the farm or tract of land which the said Charles E. Peake died seized and

possessed: . . .".

Section 2. The State of Delaware shall convey all its right, title and interest in and to the Oak Grove School site of East Dover Hundred, Kent County, Delaware, to J. Ward Hurley and Mildred J. Hurley if the grantees comply with the following prerequisites:

- a. Pay to the State of Delaware the sum of Three Thousand and Five Hundred Dollars (\$3,500); and
- b. Have prepared at their own expense a deed containing a survey description of the lands to which the grantees claim title; and
- c. Have prepared at their own expense such affidavits and other documents as are required by law to transfer legal title and to comply with applicable recording statutes.

Section 3. This Act shall be deemed and taken to be a public Act.

Approved April 20, 1982.

CHAPTER 223

FORMERLY

HOUSE BILL NO. 507

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

AN ACT TO AMEND CHAPTER 41, TITLE 11 OF THE DELAWARE CODE TO PERMIT A COURT TO HOLD AN OPERATOR'S LICENSE AS SECURITY FOR THE PAYMENT OF FINES, COSTS, RESTITUTION AND FOR THE VICTIMS COMPENSATION FUND 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 §4104, Chapter 41, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (e), which new subsection shall read as follows:

"(e) Whenever any person lawfully possessed of an operator's license theretofore issued to him by the Division of Motor Vehicles of the Department of Public Safety of the State of Delaware, or under the laws of any other state or territory, or of the District of Columbia, shall be arrested and charged with any violation of the traffic or criminal laws of this State, or of any political subdivision thereof, a Court, as a condition of sentencing, may take and hold, as security for the payment of any fine, costs, restitution or Victims Compensation Fund assessment, the operator's license so issued to the defendant."

Section 2. Amend §4104, Chapter 41, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (f), which new subsection shall read as follows:

"(f) Any person whose operator's license has been deposited with a Court, pursuant to the provision of subsection (e) above, shall be issued a receipt by the Court taking said license upon a form substantially as set forth in this subsection, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of this State during the pendency of the case in which the license was taken, unless his license or privilege to operate a motor vehicle is otherwise revoked, suspended or cancelled.

FORM OF RECEIPT

The operators license of _____, license number _____ is held by the _____ Court, State of Delaware, as security for the payment of a fine, costs, restitution or victims compensation fund assessment in Case No. _____.

Please accept this receipt as a substitute for that license as provided by Title 11, §4104 (e), Delaware Code, as amended. Payment is due by _____. THIS RECEIPT IS NOT VALID AFTER SAID DATE. FAILURE TO APPEAR WILL RESULT IN LICENSE SUSPENSION. AN ATTEMPT TO SECURE, OR THE SECURING OF, A DUPLICATE OPERATORS LICENSE DURING THE PERIOD IN WHICH THIS COURT HOLDS AN OPERATORS LICENSE SHALL BE CONSIDERED AS A CONTEMPT OF COURT UNDER 11 DEL.C., §1271 (3).

Judge"

Section 3. Amend §4104, Chapter 41, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (g), which new subsection shall read as follows:

"(g) The Clerk of the Court in which the sentence was imposed and for which a person's license was taken as security, pursuant to subsection (e) of this section, shall immediately forward to the Division of Motor Vehicles of the State of Delaware the license if the person fails to pay by the date indicated in the receipt as prescribed by subsection (f) above. The Director of the Division of Motor Vehicles shall, upon receipt of a license so forwarded by the Clerk, suspend the operators license and driving privileges of the defaulting driver until notified by the Court that payment of the fine, costs, restitution or victims compensation fund assessment has been made. If the person be from another state or territory or the District of Columbia of the United States, the Director of the Division of Motor Vehicles shall further advise the Motor Vehicle Administrator of the state, territory or the District of Columbia of this State's suspension and request that said person's license to drive be suspended until the fine, costs, restitution, or Victims Compensation Fund assessment have been paid."

Section 4. Amend §4104, Chapter 41, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (h), which new subsection shall read as follows:

"(h) The Clerk of the Court in which the sentence was imposed and for which a person's operator's license was taken as security pursuant to subsection (e) of this section, shall immediately

return to said person his operator's license upon payment of the fine, costs, restitution or Victims Compensation Fund assessment within the period as prescribed by the sentencing judge and as reflected in the form set forth in subsection (f) above."

Approved April 20, 1982.

CHAPTER 224

FORMERLY

HOUSE BILL NO. 522 AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES," BY AMENDING THE PROCEDURE FOR MAKING APPOINTMENTS TO THE POLICE FORCE.

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 24, Chapter 170, Volume 57, Laws of Delaware, is amended by striking out the first two sentences of Subsection (a), and substituting in lieu thereof the following:

"The Director of Public Safety shall make such appointments to the Police Force consisting of a Chief of Police and such members or subordinates as the City Council may deem wise. If no Director of Public Safety is to be appointed by the City Council, the Chief of Police shall be appointed by the City Council. All members of the Police Force shall be hired for an indefinite term and may be removed by the Director of Public Safety at any time, unless otherwise provided by resolution of the City Council. He shall exercise his sole discretion in the appointment or hiring of any Police Officer. The City Council shall sit as a Board of Appeal to review the removal of any Police Officer pursuant to rules and regulations adopted by the City Council. If no Director of Public Safety has been appointed by the City Council pursuant to Section 40 of this Charter, or if the Director of Public Safety is unavailable for any reason, or if the Office of Director of Public Safety is vacant for any reason, the Chief of Police shall be appointed by the City Council and any action authorized or empowered to be taken by the Director of Public Safety shall be taken by the Chief of Police. If the Chief of Police is appointed by the City Council, he shall serve at the pleasure of the City Council and may be removed by a majority vote of all the elected members of the City Council. At least thirty (30) days before such removal shall become effective, the City Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reason for his removal. The Chief of Police may reply in writing and may request a hearing which shall be held not less than twenty (20) days nor later than thirty (30) days after the filing of the request. Any such hearing shall be private, unless the request is made by the Chief of Police for the hearing to be public. After the hearing, if one be requested, and after full consideration, the City Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the City Council may suspend the Chief of Police from duty, but shall cause him to be paid forthwith any balance of his salary due at the time of the adoption of the preliminary resolution."

Approved April 20, 1982.

CHAPTER 225

FORMERLY

HOUSE BILL NO. 523
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 197, VOLUME 54, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT REVISING THE PRIOR CHARTER OF THE CITY OF REHOBOTH BEACH AND ESTABLISHING A NEW CHARTER THEREFOR, AND PRESCRIBING THE POWERS AND DUTIES OF THE COMMISSIONERS OF REHOBOTH BEACH," TO AMEND THE INTEREST RATE COLLECTED ON DELINQUENT TAXES.

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

Section 1. Subsection (e), Section 25, Chapter 197, Volume 54, Laws of Delaware, as amended, by Chapter 50, Volume 62, Laws of Delaware, is hereby further amended by striking out the last sentence of said Subsection (e) and substituting in lieu thereof the following:

"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 for each month or part thereof interest in an amount computed on a monthly rate based upon an annual rate of Five Percent (5%) over the Federal Reserve Discount Rate. The percentage of interest to be charged for each fiscal year of the City shall be Five Percent (5%) over the Federal Reserve Discount Rate in effect on September 1 in the fiscal year when the taxes are due and payable."

Approved April 20, 1982.

CHAPTER 226

FORMERLY

SENATE BILL NO. 266

AN ACT TO AMEND CHAPTER 86, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF THE DELAWARE COMMISSION FOR WOMEN.

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

Section 1. Amend Chapter 86, Title 29, Delaware Code, by adding Sections 8628 to 8631 to read as follows:

"§8628. Establishment and Membership of Delaware Commission for Women

The Delaware Commission for Women is hereby established and shall consist of twenty-five (25) members appointed by the Governor. The membership shall be broadly representative of all fields of interest of the women of Delaware. At least four (4) members shall be from each of the three counties of the State, and four (4) members shall be from the City of Wilmington. No more than fifteen (15) members shall be members of any one political party. The Commission shall be a unit of the Department of Community Affairs and Economic Development and shall report to the Governor and legislature through the Secretary.

§8629. Appointment and Terms of Members; Vacancies; Chairperson; Officer By-laws

(a) The present members of the Governor's Commission on the Status of Women shall, without further action required, become members of the Delaware Commission for Women on the effective date of this act, and shall serve the balance of their term. Thereafter, the term of a member shall be three (3) years.

(b) The members shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Commission, in accordance with State law.

(c) If any member fails to attend four (4) successive meetings of the Commission, the position may be deemed vacant, and upon recommendation of the Chairperson, the Governor may appoint a replacement. Any appointment to replace a member whose position becomes vacant prior to the expiration of the term shall be filled only for the remainder of the term.

(d) The Chairperson shall be appointed by the Governor from among the twenty-five (25) members, and shall serve at the pleasure of the Governor. The Commission may elect such officers as it deems necessary.

(e) The Commission shall adopt such by-laws as it deems necessary.

§8630. Powers and Duties

The powers and duties of the Commission shall be:

(a) To foster an understanding of and appreciation for the many contributions of the women of Delaware to the home, the community, the State and the Nation;

(b) To consider matters of concern to the women of the State of Delaware and, to this end, hold hearings, conduct forums and discussion groups, issue reports, and compile and distribute statistics and information;

(c) To make recommendations to the Governor for action which may be taken to end discriminatory practices within State government and to establish policies and programs within the Executive Branch designed to benefit the women of the State;

(d) To review legislation pending in the General Assembly dealing with issues of particular interest to the women of Delaware and make recommendations concerning such legislation to the Governor and the General Assembly;

(e) To make specific legislative proposals dealing with removing discriminatory laws and practices in the State of Delaware and with furthering the welfare of the women of the State; to transmit such legislation, with any report or information thereon, to the Governor and to the General Assembly; and to work toward the passage of such legislation;

(f) To serve as a clearinghouse for providing information on the status of women to the general public, to State agencies and to the women of the State; and to refer complaints and inquiries to the appropriate State departments or agencies or community organizations;

(g) To cooperate and work with appropriate agencies of other states which are concerned with the status of women and with the elimination of discrimination on the basis of sex;

(h) To perform such other functions and duties as imposed upon it by law or as are assigned to it by the Governor and the General Assembly.

§8631. Reports

The Commission shall make periodic reports to the Governor, through the Secretary of the Department of Community Affairs and Economic Development, and shall issue such other reports or assistance as the Governor or General Assembly shall from time to time require or request.

Approved April 20, 1982.

CHAPTER 227

FORMERLY

SENATE BILL NO. 394

AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

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

Section 1. Amend Section 9012(a), Chapter 90, Title 11, Delaware Code, by striking the number "10" as it appears in the first sentence of said subsection (a) and inserting in lieu thereof the number "15".

Approved April 20, 1982.

CHAPTER 228

FORMERLY

SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 500

AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS.

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

Section 1. Amend Chapter 8, Title 29, §822, subsection (2) (Second Senatorial District) of the Delaware Code by striking the words "East Avenue, thence in a southerly direction along the center line of East Avenue to its intersection with Eleventh Street, thence in a westerly direction along the center line of Eleventh Street to its intersection with West Avenue, thence in a westerly direction along the center line of West Avenue to its intersection with New Castle Avenue, thence in a southerly direction along the center line of New Castle Avenue" as the same appear in said subsection (2) and substituting in lieu thereof the following:

"Pigeon Point Road, thence in an easterly direction along the center line of Pigeon Point Road to its intersection with the Penn Central Railroad, thence in a southwesterly direction along the center line of the Penn Central Railroad".

Section 2. Amend Chapter 8, Title 29, §822, subsection (3) (Third Senatorial District) of the Delaware Code by striking the words "thence northeasterly along the center line of Lancaster Avenue to its intersection with the center line of Chestnut Run" as the same appear in said subsection (3) and substituting in lieu thereof the following:

"thence northwesterly along the center line of Lancaster Avenue to its intersection with the center line of Chestnut Run,".

Section 3. Amend Chapter 8, Title 29, §831 subsection (9) (Fourteenth Representative District) of the Delaware Code by adding after the words "thence in an easterly direction along Faulkland Road to its intersection with the center line of duPont Road" the following:

"thence in a northeasterly direction along the center line of duPont Road to its intersection with the boundary of the City of Wilmington, which is the place of beginning."

Section 4. Amend Chapter 8, Title 29, §831, subsection (11) (Sixteenth Representative District) of the Delaware Code by striking the words "thence in a southwesterly direction along the center line of Memorial Drive to its intersection with the center line of New Castle Avenue," as the same appear in subsection (11) and substituting in lieu thereof the following:

"thence in a southeasterly direction along the center line of Memorial Drive to its intersection with the center line of New Castle Avenue,".

Section 5. Amend Chapter 8, Title 29 §831, subsection (22) (Twenty-Seventh Representative District) of the Delaware Code by striking the words "Silver Lake, thence easterly along the middle of Silver Lake to its intersection with the southeastern boundary of the town of Middletown, thence easterly along the center of said boundary to its intersection with the middle of Deep Creek, thence easterly along the middle of Deep Creek to its intersection with the center line of County Route 10," as the same appear in subsection (22) and substituting in lieu thereof the following:

"Silver Lake, thence westerly along the middle of Silver Lake to its intersection with the southeastern boundary of the town of Middletown, thence westerly along the center of said boundary to its intersection with the middle of Deep Creek, thence westerly along the middle of Deep Creek to its intersection with the center line of County Route 10,"

Section 6. Amend Chapter 8, Title 29, §831, subsection (23) (Twenty-Eighth Representative District) of the Delaware Code by striking the words "and the boundary line between St. George's Hundred and Appoquinimink Hundred, in a general easterly direction along and with the boundary line between St. George's Hundred and Appoquinimink Hundred extended along an imaginary line beginning at the mouth of the Appoquinimink River and extending to a point opposite the mouth of the Appoquinimink River in the center of the boundary between the States of New Jersey and Delaware," as the same appear in subsection (23) and substituting in lieu thereof the following

"and the center line of County Route 445, thence southeasterly along County Route 445 to its intersection with the center line of County Route 10, thence in a northeasterly direction along the center line of County Route 10 to its intersection with the middle of Deep Creek, thence

easterly along the middle of Deep Creek to its intersection with the southwestern boundary of the town of Middletown, thence easterly along the center of said boundary to its intersection with the middle of Silver Lake, thence easterly along the center of Silver Lake to its intersection with the Appoquinimink River, thence easterly along the center of the Appoquinimink River and an imaginary extension of the Appoquinimink River to its intersection with the center line of the boundary between the States of New Jersey and Delaware."

Section 7. Amend Chapter 8, Title 29, §832, subsection (1) (Fourth Senatorial District) of the Delaware Code

(a) by striking the words "thence easterly and southeasterly along the center line of Fairfax Boulevard to its intersection with Sandra Road, thence southwesterly along the center line of Sandra Road to its intersection" as the same appear in subsection (1) and substituting in lieu thereof the following:

"thence westerly along the center line of Fairfax Boulevard to its intersection".

(b) FURTHER AMEND subsection (1) by inserting between the words "Thomas Road to its intersection with" and the words "Murphy Road" the following:

"Oakwood Road, thence easterly along the center line of Oakwood Road to its intersection with Bybrook Road, thence southerly along the center line of Bybrook Road to its intersection with".

(c) FURTHER AMEND subsection (1) by striking the words "highway, thence along the center line of the highway in a southwesterly direction to its intersection with the center line of Sherwood Road, thence in a northwesterly direction along the center line of Sherwood Road to its intersection with the center line of Hillside Road, thence in a southwesterly direction along the center line of Hillside Road to its intersection with the center line of Sherwood Road, thence in a northwesterly direction along the center line of Sherwood Road to its intersection with Grubb Road, thence northwesterly along the center line of Grubb Road," as the same appear in subsection (1) and substituting in lieu thereof the following:

"boundary of the Town of Arden, thence in a clockwise direction along said boundary."

Section 8. AMEND Chapter 8, Title 29, §832, subsection (2) (Fifth Senatorial District) of the Delaware Code by striking the words, "Grubb Road, thence in an easterly direction along the center line of Grubb Road to its intersection with Sherwood Road, thence southeasterly along the center line of Sherwood Road to its intersection with Hillside Road, thence southerly along the center line of Hillside Road to its intersection with Sherwood Road, thence along the center line of Sherwood Road in a southeasterly direction to its intersection with the highway, thence northeasterly along the center line of the highway," as the same appear in subsection (2) and substituting in lieu thereof the following:

"the boundary of the Town of Arden, thence in a counter clockwise direction along said boundary."

Section 9. AMEND Chapter 8, Title 29 §832, subsection (3) (Sixth Senatorial District) of the Delaware Code

(a) by striking the words "to its intersection with Red Mill Creek, thence southeasterly along the center line of Red Mill Creek," as the same appear in subsection (3) and substituting in lieu thereof the following:

"to its intersection with Red Clay Creek, thence southeasterly along the center line of Red Clay Creek,".

(b) FURTHER AMEND subsection (3) by striking the words "Sandra Road, thence in an easterly direction along the center line of Sandra Road to its intersection with the center line of Fairfax Road, thence in a northerly direction along the center line of Fairfax Road" as the same appear in subsection (3) and substituting in lieu thereof the following:

"Fairfax Boulevard, thence in an easterly direction along the center line of Fairfax Boulevard".

(c) FURTHER AMEND subsection (3) by inserting between the words "Murphy Road to its intersection with the center line of" and the words "Thomas Road, thence" the following:

"Bybrook Road, thence northerly along the center line of Bybrook Road to its intersection with Oakwood Road, thence westerly along the center line of Oakwood Road to its intersection with".

Section 10. AMEND Chapter 8, Title 29, §832, subsection (4) (Seventh Senatorial District) of the Delaware Code

(a) by inserting between the words "Centre Road" and "to its intersection with the Reading Railroad" the following:

"to its intersection with the center line of Barley Mill Road, thence in an easterly direction along the center line of Barley Mill Road".

(b) FURTHER AMEND subsection (4) by inserting between the words "thence in a northeasterly direction along the center line of Little Mill Creek" and "to its intersection with the center line of the boundary of the City of Wilmington," the following:

"to its intersection with the southern boundary of the town of Elsmere, thence in an easterly direction along said boundary".

Section 11. AMEND Chapter 8, Title 29, §832, subsection (5) (Eighth Senatorial District) of the Delaware Code by inserting between the words "to its intersection with" and the words "the center line of White Clay Creek," the following:

"an imaginary line parallel to and above White Clay Drive, thence easterly along said line to its intersection with".

Section 12. AMEND Chapter 8, Title 29, §832, subsection (8) (Eleventh Senatorial District) of the Delaware Code by inserting between the words "to its intersection with" and the words "the center line of North College Avenue" the following:

"an imaginary line parallel to and above White Clay Drive, thence westerly along said line to its intersection with".

Section 13. Amend Chapter 8, Title 29, §832, subsection (9) (Twelfth Senatorial District) of the Delaware Code by striking the words "Hazeldell Avenue, thence in a southerly direction along the center line of Hazeldell Avenue and along the extension of Hazeldell Avenue to its intersection with the center line of U. S. 1-295," as the same appear in said subsection (9) and substituting in lieu thereof the following:

"A point midway between Hazeldell Avenue and Karlyn Drive, which is one hundred and thirty feet northeast of Hazeldell Avenue, thence in a southerly direction along the center of an imaginary line drawn from said point to its intersection with the center of U. S. 1-295,".

Section 14. AMEND Chapter 8, Title 29, §832, subsection (10) (Thirteenth Senatorial District) of the Delaware Code by

(a) striking the words "the center line of an imaginary extension of Hazeldell Avenue, thence in a northeasterly and northerly direction along the center line of the extension and the center line of Hazeldell Avenue" as the same appear in subsection (10) and substituting in lieu thereof the following:

"the point where an imaginary line running midway between Hazeldell Avenue and Karlyn Drive from a point on U.S. Route 13 one hundred and thirty feet northeast of Hazeldell Avenue meets U.S. Route 295, thence northerly along the center line of said imaginary line".

(b) FURTHER AMEND §832, subsection (10) by striking the words "thence in a northerly direction along the center line of New Castle Avenue to its intersection with West Avenue, thence in a southeasterly direction along the center line of West Avenue to its intersection with Eleventh Street, thence along the center line of Eleventh Street to its intersection with East Avenue, thence along the center line of East Avenue in a northeasterly direction to its intersection with" as the same appear in said subsection (10) and substituting in lieu thereof the following:

"thence in a southerly direction along the center line of New Castle Avenue to its intersection with U.S. Routes 295 and 40, thence in an easterly direction along the center line of U.S. Routes 295 and 40 to its intersection with the center line of the Penn Central Railroad, thence in a northeasterly direction along the center of the Penn Central Railroad to its intersection with Pigeon Point Road, thence in a westerly direction along the center line of Pigeon Point Road to its intersection with".

(c) FURTHER AMEND §832, subsection (10) by striking the words "thence in a southerly direction along the center line of 2nd Avenue to its intersection with the center line of the boundary line of the Town of Newport," as the same appear in subsection (10) and substituting in lieu thereof the following:

"thence in a westerly direction along the center line of 2nd Avenue to its intersection with an extension of the northeastern boundary of the town of Newport, thence in a southerly direction along the center line of said extension and".

Section 15. AMEND Chapter 8, Title 29, §841, subsection (2) (Thirtieth Representative District) of the Delaware Code

(a) by inserting between the words "County Route 52 to its intersection with the center line "and the words "County Route 125" the following:

"Almshouse Branch, which is also the northwest boundary of Enumeration District 262 (1980 U. S. Census Map), thence southerly along said boundary to its intersection with",

(b) FURTHER AMEND subsection (2) by inserting between the words "thence southerly along the center line of the southbound lane of U. S. Route 13 "and the words "to its intersection with the center line of County Route 33" the following:

"to its intersection with an unnamed tributary of Double Run, said point being approximately 3,250 feet south of County Road 30, thence westerly along said tributary to its intersection with U. S. Route 13A, thence southerly along the center line of U. S. Route 13A to its intersection with U. S. Route 13, thence southerly along the center line of U. S. Route 13 to its intersection with the center line of County Route 371, thence northeasterly along the center line of County Route 371".

Section 16. AMEND Chapter 8, Title 29, §841, subsection (4) (Thirty-Second Representative District) of the Delaware Code by striking the words "to its intersection with the center line of County Route 67-South Little Creek Road, thence westerly along the center line of County Route 67-South Little Creek Road to its intersection with the center line of U.S. Route 113, thence southeasterly along the center line of U.S. Route 113 to its intersection with the center line of County Route 347-Lafferty Lane, thence northeasterly along the center line of County Route 347-Lafferty Lane" as the same appear in subsection (4) and substituting in lieu thereof the following:

"to its intersection with the center line of County Route 67-South Little Creek Road, thence easterly along the center line of County Route 67-South Little Creek Road".

Section 17. AMEND Chapter 8, Title 29, §841, subsection (5) (Thirty-Third Representative District) of the Delaware Code

(a) by striking the words "to its intersection with the center line of the southbound lane of U. S. Route 13, thence northerly along the center line of the southbound lane of U. S. Route 13 to its intersection with the center line of County Route 370, thence northeasterly and northerly along the center line of County Route 370" as the same appear in subsection (5) and substituting in lieu thereof the following:

"to its intersection with County Route 371, thence southwesterly along the center line of County Route 371 to its intersection with the southbound lane of U. S. Route 13, thence northerly along the center line of the southbound lane of U. S. Route 13 to its intersection with U. S. Route 13A, thence northerly along the center line of U. S. Route 13A to its intersection with an unnamed tributary of Double Run, thence easterly along the middle of said unnamed tributary to its intersection with the southbound lane of U. S. Route 13 said point being approximately 3,250 feet south of County Route 30, thence in a northerly direction along the center line of the southbound lane of U. S. Route 13".

(b) FURTHER AMEND subsection (5) by striking the words "thence southerly along the center line of U.S. Route 113 to its intersection with the center line of Route 9," as the same appear in subsection (5) and substituting in lieu thereof the following:

"thence northerly along the center line of U. S. Route 113 to its intersection with the center line of Route 9, ",

(c) FURTHER AMEND subsection (5) by striking the words "to its intersection with the center line of County Route 347 (Lafferty Lane), thence southwesterly along the center line of County Route 347 (Lafferty Lane) to its intersection with the center line of U.S. Route 113, thence northwesterly along the center of U.S. Route 113 to its intersection with the center line of South Little Creek Road (County Route 67), thence easterly along the center line of South Little Creek Road (County Route 67)" as the same appear in subsection (5) and substituting in lieu thereof the following:

"to its intersection with the center line of South Little Creek Road (County Route 67), thence westerly along the center line of South Little Creek Road (County Route 67)".

(d) FURTHER AMEND subsection (5) by striking the words "thence generally northwesterly along center line of County Route 388 to its intersection with the middle of a branch connecting McCauley Pond and the Murderkill River, thence northeasterly along the middle of said branch to its intersection with the middle of the Murderkill River," as the same appear in subsection (5) and substituting in lieu thereof the following:

"thence generally northwesterly along the center line of County Route 388 to its intersection with the middle of an unnamed stream, which is located about 1500 feet north of the dam at McCauley's Pond, thence generally in a southeasterly direction along the middle of said unnamed stream and its various courses to its intersection with the middle of Brown's Branch, thence in a northeasterly direction along the middle of Brown's Branch to its intersection with the middle of the Murderkill River."

Section 18. AMEND Chapter 8, Title 29, §841, subsection (6) (Thirty-Fourth Representative District) of the Delaware Code

(a) by striking the words "the center line of County Route 370, thence southerly and westerly along the center line of County Route 370 to its intersection with the center line of the southbound lane of U.S. Route 13, thence northerly along the center line of the southbound lane of U.S. Route 13 to its intersection with the center line of County Route 30, thence westerly along the center line of County Route 30 to its intersection with" as the same appear in subsection (6).

(b) FURTHER AMEND subsection (6) by inserting between the words "Route 125 to its intersection with" and "the center line of County Route 52" the following:

"a power line, which is also the northwestern boundary of Enumeration District 262 (1980 U. S. Census Map), thence along said boundary to its intersection with".

Section 19. AMEND Chapter 8, Title 29, §841, subsection (7) (Thirty-Fifth Representative District) of the Delaware Code by striking the words "thence generally southwesterly along the middle of the Murderkill River and its various courses to its intersection with the center line of County Route 390, thence continuing across County Route 390 in a southwesterly direction along a stream connecting the Murderkill River with McCauley Pond and intersecting with the center line of County Route 388," as the same appear in subsection (7) and substituting in lieu thereof the following:

"thence generally southwesterly along the middle of the Murderkill River and its various courses to its intersection with the middle of Brown's Branch, thence in a generally southwesterly direction along the middle of Brown's Branch to its intersection with an unnamed stream which is located about 1500 feet north of the dam at McCauley's Pond, thence in a northwesterly direction along the middle of said unnamed stream and its various courses to its intersection with County Route 388,".

Section 20. AMEND Chapter 8, Title 29, §842, subsection (1) (Fifteenth Senatorial District) by inserting between the words "in a northerly direction along the center line of County Road 125" and the words "to its intersection with the center line of County Road 52 the following:

"a power line, which is also the northwestern boundary of Enumeration District 262 (198 U. S. Census Map), thence along said boundary to its intersection with".

Section 21. AMEND Chapter 8, Title 29, §842, subsection (2) (Sixteenth Senatorial District) by inserting between the words "County Route 52 to its intersection with the center line of" and the words "County Route 125," the following:

"Almshouse Branch, which is also the northwest boundary of Enumeration District 262 (1980 U. S. Census Map), thence southerly along said boundary to its intersection with".

Section 22. AMEND Chapter 8, Title 29, §851, subsection (2) (Thirty-Seventh Representative District) of the Delaware Code by striking the words "County Route 298, thence generally southeasterly and southerly along the center line of County Route 298 to its intersection with the center line of ".

Section 23. AMEND Chapter 8, Title 29, §851, subsection (3) (Thirty-Eighth Representative District) of the Delaware Code by striking the words "thence southeasterly along the center line of County Route 22 to its intersection with the center line of County Route 298, thence generally northerly and northwesterly along the center line of County Route 298 to its intersection with the center line of State Route 24".

Approved April 20, 1982.

CHAPTER 229

FORMERLY

HOUSE BILL NO. 274
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LICENSING OF DRUG ABUSE PREVENTION, CONTROL, TREATMENT AND EDUCATION PROGRAMS.

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. Amend Title 16 by striking Chapter 48 in its entirety and substituting in lieu thereof a new Chapter 48, which new chapter shall read as follows:

"CHAPTER 48. LICENSING OF DRUG ABUSE PREVENTION, CONTROL TREATMENT AND EDUCATION PROGRAMS.

Section 4801. Definitions.

The following words and phrases, as used in this chapter, have the following meanings, unless the context otherwise requires:

- (1) "Department" means the Department of Health and Social Services.
- (2) "Bureau" means the Bureau of Alcoholism and Drug Abuse.
- (3) "DATE Center" means a drug abuse, treatment, and education center, and shall include, but not be limited to, the following:

a. A residential rehabilitation center which is a live-in facility operating 24 hours a day, 7 days a week, staffed by professional and paraprofessional persons offering therapeutic programs for drug-dependent persons;

b. A nonresidential day care center, which is a facility offering therapeutic programs operated by trained professional and paraprofessional persons for treatment of drug-dependent persons who are able to live in their own homes in the community;

c. An education information center, which is an information center facility offering education and information to drug-dependent persons, their families, and the general community, but limits treatment to individual, group, or family counseling by persons trained to do so, with direct referral to more appropriate programs as required. Such a center shall make referrals to approved treatment facilities both in and out of the state;

d. Drop-in-center, communication center or "rap house," which is a program oriented toward youth with a goal of prevention of drug dependency. Such a center shall make referrals to appropriate treatment facilities and may also provide counseling as in paragraph c. of this definition;

e. "DIAL" (Drug Information Action Line) means a telephone installed to respond to requests for information about drugs, drug treatment facilities, emergency treatment centers and drug crisis intervention;

f. "DATE Center" shall not include hospitals or nursing homes;

g. Methadone treatment and detoxification programs are for schedules administration of methadone under appropriate Food and Drug Administration regulations and by permit issued and verified by the Department and Bureau as a program providing supporting rehabilitative services such as counseling, therapy, and vocational rehabilitation.

(4) "Substance Evaluation Team" (SET) means a special assembly appointed by the Chief of the Bureau whose responsibilities will be:

a. To assist all "DATE Centers" in determination of the proper treatment modalities for all referred patients;

b. To accept all referrals made by any State or private agency or individual seeking for himself an evaluation if such person is felt to be a drug abuser.

Section 4802. Duties of Bureau

The Bureau of Alcoholism and Drug Abuse as a component of the Department of Health and Social Services shall:

- (1) Formulate a comprehensive plan for diagnosis, treatment, rehabilitation and education in the areas of drug abuse and dependence and revise such plan from time to time;
- (2) Promote, develop, establish, coordinate, and conduct unified programs of education, prevention, diagnosis, treatment and rehabilitation in the field of drug abuse and dependence and foster cooperation with appropriate Federal, State, local and private agencies;
- (3) Provide public education and training and disseminate and gather information relating to drug abuse and dependency;
- (4) Promote, develop, establish, coordinate and conduct through the Department or any approved agency, public or private, unified programs for education, prevention, diagnosis, research, treatment, aftercare, community referral and rehabilitation in the field of drug abuse and dependency and, within the funds made available by appropriation to implement and administer such programs;
- (5) Encourage and coordinate single and multiple programs for drug abuse treatment and education across the departmental division lines of authority and utilize the maximum resources of the Department in the most efficient manner possible;
- (6) Promulgate rules and regulations with the approval of the Secretary of the Department for the implementation of the authority and responsibilities within this chapter and employ persons responsible for implementing the purposes of this chapter;
- (7) Establish guidelines, and provide for the systematic and comprehensive evaluation of the effectiveness of various programs licensed by the Bureau;
- (8) Establish a Substance Evaluation Team to assist all other agencies in determination of the appropriate treatment modalities for patients referred;
- (9) License organizations described in paragraph (3) Section 4801 and facilities providing the same or similar services as those defined in that paragraph, according to the provisions of this chapter.
- (10) The Bureau shall provide or fund adequate services as appropriate within the limits of available State and Federal funds.

Section 4803. Hospital and outpatient facilities for drug dependents.

The Bureau shall:

- (1) Have the authority to designate all facilities to be used exclusively or partially for the treatment of drug dependents upon application and under the provisions of this chapter. These facilities may be operated as inpatient or outpatient facilities. The licensing law of Section 341 to 344 of Title 31 is not applicable to these facilities.
- (2) Establish procedures whereby persons who are drug dependents shall seek admission to these programs on a voluntary basis and provide a system to accept appropriate referrals from all components of the criminal justice system and provide assistance where necessary for security for such referrals.
- (3) Have the authority to contract with other governmental or private agencies for additional diagnostic and treatment facilities or programs. The Bureau is encouraged to establish these programs on a regional basis with emphasis on prevention and preventative education and broad community involvement.
- (4) Authorize any eligible person in the care or custody of any division of the Department to be transferred for treatment to an approved program.
- (5) Provide that no person who voluntarily enters any hospital or outpatient facility or program for treatment of drug dependency shall be retained in such facilities or program against his will nor shall such voluntary admission be used as evidence for criminal prosecution.

Section 4804. Application for license.

- (a) Organizations described in paragraph (3) of Section 4801 desiring to be designated to operate within the state shall apply to the Bureau for a license at the time of organization and before the anniversary of the initial license of each succeeding year which such organization proposes to operate.

(b) Organizations described in paragraph (3) of Section 4801 desiring to be designated to operate within the state will be required to participate in the centralized drug abuse medical record-keeping system.

(c) Payment of a \$15 fee shall accompany the submission of the application for license.

Section 4805. Review and action upon license applications.

(a) The Bureau shall review each application and inspect the premises and evaluate the program of each applicant for a new or renewal license by rules and regulations established under paragraph (7) of Section 4802.

(b) The Bureau shall issue or deny the application as made or grant a license with whatever modifications deemed fit.

(c) The Bureau shall issue a license without restrictions or deny same only when the public interest dictates. Any applicant aggrieved by the Bureau's failure, in whole or in part, to grant a license on the terms requested may appeal to the Secretary of the Department who shall have jurisdiction to hear appeals from decisions of the Bureau, such hearings to be public.

Section 4806. Expiration of license and renewal; conditional permit.

(a) A license issued for operation of a DATE Center, unless sooner superseded or revoked, shall expire on the day prior to the anniversary of the issuance date, unless the same shall have been renewed prior thereto.

(b) Licensed operators against whom a revocation proceeding is pending at the time of license renewal shall be issued a conditional permit effective until final disposition by the Department of such proceedings.

Section 4807. Refusal of license; renewal; revocation; notice; hearing.

(a) No license shall be denied, revoked or suspended except after notice in writing to the applicant or licensee setting forth the particular reasons for the proposed action and provision for a fair hearing. Within 10 days after receipt of said notice, a licensee or applicant may demand a hearing by delivering the written request to the Department in person or by mail. If no such request is made within the time fixed, the Secretary of the Department shall proceed to deny, revoke or suspend said license as set out in the notice of the proposed action.

(b) All hearings under this section shall be held after due public notice by the Secretary of the Department or any agent designated by the Secretary within the county in which the licensee or applicant operated or applies for a license to operate a DATE Center, as defined in paragraph (4) of Section 4801. A transcript of the proceedings shall be reviewed by the Secretary of the Department, who shall enter the decisions thereupon. All hearings under this section shall be public.

(c) The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the Department. The Department or any agent designated by it may take testimony concerning any matter within its jurisdiction and may administer oaths, summons, or subpoenas for any witness and subpoenas duces tecum, which shall be served and returned as provided by law. At the hearing, the applicant or licensee shall have the right to cross-examine witnesses against him, to produce witnesses in his defense and to appear personally or by counsel.

(d) On the basis of any such hearing or upon the failure of the applicant or licensee to request a hearing, the Secretary of the Department shall make a determination specifying its findings of fact and conclusions. A copy of such determination shall be sent by registered mail or certified mail or be personally served upon the applicant or licensee.

(e) A full and complete record shall be kept of all proceedings and all testimony shall be reported. Copies of the transcription may be obtained by any interested party on payment of the cost of preparing such copies.

Section 4808. Reinstatement of revoked or suspended license.

(a) When a license has been revoked or suspended, the licensee, if he has not previously had a license revoked or suspended under this chapter, may at any time after the determination has become final, request a hearing for the purpose of showing that the reasons for the revocation or suspension of the license have been corrected and that the license should be reinstated. No licensee who has previously had a license suspended or revoked under this chapter may request a hearing to reinstate the license prior to year 1 after the determination becomes final.

(b) The request for hearings shall be in writing and shall be delivered to the Secretary of the Department in person or by mail.

(c) Any hearing conducted under this section shall not operate to stay or supersede any decision revoking or suspending a license.

(d) Hearings conducted under this section shall be conducted in the same manner as provided in Section 4809.

Section 4809. Injunctive proceedings for violations.

Any person establishing, conducting, managing or operating any DATE Center without proper license under this chapter shall be subject to injunctive proceedings to restrain and enjoin the operation of any DATE Center in violation of the provisions hereof. The Department of Justice shall represent the Department in such proceedings in the appropriate court.

Section 4810. Right of entry and inspection.

The Department or Bureau or any duly designated officer or employee thereof shall have the right to enter upon and into the premises of any DATE Center licensed pursuant to this chapter at any reasonable time in order to determine the state of compliance with the provisions of this chapter and any rules and regulations enforced pursuant thereof. Such right of entry and inspection shall also extend to any premises which the Department or the Bureau has reason to believe is being operated or being maintained as a DATE Center without a license but no such entry or inspection of any premises shall be made without the permission of the owner or person in charge thereof unless a warrant is first obtained from the appropriate court authorizing same. Any application for a DATE Center license made pursuant to this chapter shall constitute permission for a complete acquiescence in any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with such application.

Section 4811. Methadone Treatment Medication Units.

Methadone Treatment Medication Units may only be established in compliance with appropriate Federal Food and Drug Administration regulations.

Section 4812. Annual Reports.

All licensees shall furnish the Bureau with an annual report in accordance with the rules and regulations established under paragraph (16) of §4802. Such report must include at the least narrative and statistical data on services rendered and achievements in justification of the expenditure of public funds.

Section 4813. Exceptions.

(a) For the purpose of this chapter, licensure shall not be required for those programs that provide drug abuse education in public or private schools as a matter of and in conjunction with a general education of students.

(b) This chapter does not require registration of law enforcement agencies which provide drug abuse education in the course of their normal performance of duties.

(c) Nothing in this chapter shall prohibit registration of such programs of education or law enforcement if such law enforcement and education agencies so desire."

Approved April 30, 1982.

CHAPTER 230

FORMERLY

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

AN ACT TO AMEND SUBCHAPTER III, TITLE 10 OF THE DELAWARE CODE RELATING TO THE CIVIL JURISDICTION OF THE COURT OF COMMON PLEAS.

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 §1314, Chapter 13, Title 10, Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§1314. Civil Jurisdiction: Amount in Controversy

(a) The Court shall have jurisdiction over all civil actions at law where the matter or thing in controversy, exclusive of interest, does not exceed \$15,000.

(b) The Court shall have unlimited jurisdiction over counterclaims, cross-claims and third party claims as defined and provided by rule of Court, and any judgement rendered on any such counterclaim, cross-claim, or third party claim which exceeds the sum of \$15,000 shall be valid in all respects."

Approved April 30, 1982.

CHAPTER 231

FORMERLY

HOUSE BILL NO. 428

AN ACT TO AMEND DELAWARE CODE, CHAPTER 17, TITLE 14 AS IT RELATES TO THE EDUCATIONAL SERVICES TO PERSONS WHO ARE DEAF-BLIND.

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

Section 1. Amend Delaware Code, Title 14, §1703 (k) by deleting from that subsection the words "deaf-blind" as they appear in the first sentence of that subsection.

Section 2. Amend Delaware Code, Title 14, §1703 by adding to that section a new subsection (l) as follows:

"(l) In the case of persons, infant through age 20 inclusive, who are deaf-blind, programs of instruction may be prepared, according to rules and regulations of the State Board of Education. Programs for children of the pre-kindergarten ages may include the parents of those children. The minimum age described in §3101 of this Title shall not be applicable to children served under this subsection. 'Unit' or 'unit of pupils' shall mean four (4) deaf-blind persons per unit. Because of the very low incidence of persons who are deaf-blind, school districts may, with the approval of the State Board of Education, aggregate the enrollments of such deaf-blind persons among a combination of school districts for the purpose of establishing a unit, except that even though the pupil count may be less than otherwise required by this chapter, there shall be a minimum of one (1) such unit for the deaf-blind in each county. A unit so established shall be assigned for administrative purposes to one of the school districts involved and the enrollees so counted shall not be counted in any other school district. An enrollee so counted may be served by either, a teacher in the district counting the enrollee when the enrollee is transported to that district or, in the district of residence by an itinerant teacher sent there by the district authorized to count the unit. Enrollments may also be aggregated by combinations of school districts for the purpose of supporting related services specialists, or a coordinator for the state or areawide programs of related services or administration."

Section 3. The effective date of this Act shall be upon the Governor's signature.

Approved April 30, 1982.

CHAPTER 232

FORMERLY

HOUSE BILL NO. 533
AS AMENDED BY HOUSE AMENDMENT NO. 1, HOUSE AMENDMENT NO. 1
TO HOUSE AMENDMENT NO. 1 AND HOUSE AMENDMENTS NO. 2, 3, AND 4

AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, TO PERMIT THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO LICENSE ESTABLISHMENTS AS "BOTTLE CLUBS."

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. Amend Section 515 of Chapter 5 of Title 4 of the Delaware Code by adding thereto a new paragraph which shall read as follows:

"Establishments commonly known as 'bottle clubs' shall be an exception to the definition of clubs set forth in Section 101 (6) of this Chapter. A 'bottle club' shall be defined as an establishment operated for profit or pecuniary gain where persons enter upon the premises for the purpose of consuming alcoholic liquors which are brought onto the premises by customers of the establishment and are consumed therein and removed by such persons upon their departure. Excluded from this definition are restaurants which serve meals a minimum of eight hours per day, five days per week between the hours of eight a.m. and twelve o'clock midnight."

Section 2. Chapter 5, Title 4, Delaware Code, is amended by adding immediately after Section 515, the following new Section 515a:

"§515a. Licenses for establishments commonly known as 'bottle clubs'.

(a) Except as provided in this section, it shall be unlawful to operate for profit or pecuniary gain a "bottle club".

(b) The Commission may, upon application, grant a license to the owner, lessor or person in charge of the premises to operate a 'bottle club' in accordance with this chapter.

(c) A 'bottle club' license authorized by this section shall be granted only to persons doing business in an establishment meeting the standards of a restaurant as defined by this Title. Such license shall permit the establishment to operate as a 'bottle club' on every day of the week and on holidays except between the hours of 2:00 A.M. and 9:00 A.M."

Section 3. Section 902, Title 4, Delaware Code, is amended by inserting immediately after subsection (7) the following new subsection (8):

"(8) Not being the holder of a license authorized by §515a, operates or maintains an establishment commonly known as a 'bottle club'."

Section 4. Amend Section 554, Title 4, Delaware Code, by adding thereto a new Subsection (aa) which shall read as follows:

"(aa) For a license as a 'bottle club' authorized by §515a of this title, the fee shall be \$75."

Approved April 30, 1982.

CHAPTER 233

FORMERLY

HOUSE BILL NO. 564
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN MILL CREEK HUNDRED TO THE MILL CREEK FIRE COMPANY.

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 transfer and conveyance of the excess land behind Justice of the Peace Court No. 10 on the Kirkwood Highway in Mill Creek Hundred, New Castle County, to the Mill Creek Fire Company for the consideration of one dollar (\$1.00) is specifically approved.

Section 2. The Department of Administrative Services is hereby authorized and empowered to execute and deliver to the Mill Creek Fire Company a good and sufficient deed transferring and conveying the said real property in accordance with the provisions of §4518 (d), Chapter 45, Title 7 of the Delaware Code.

Section 3. In the event that the land now occupied by the Mill Creek Fire Company is no longer utilized as a fire station, the land authorized to be transferred and conveyed by this Act shall automatically revert to the State of Delaware, and the deed conveying the said land shall contain a reverter provision to that effect.

Approved May 8, 1982.

CHAPTER 234

FORMERLY

HOUSE BILL NO. 49

AN ACT TO AMEND CHAPTER 25, TITLE 24 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATING PHARMACY LICENSING PROVISIONS.

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 §2529(e), Title 24 of the Delaware Code by adding the phrase "or any other title or description of like import" after the words "or medicine store" and before the comma (,) as it appears before the words "contrary to §2527".

Approved May 13, 1982.

CHAPTER 235

FORMERLY

HOUSE SUBSTITUTE NO. 1 TO HOUSE BILL NO. 91

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, Title 16 of the Delaware Code by striking subsection (c) in its entirety and inserting in lieu thereof the following:

"(c) Any persons having attended and successfully completed a course in Advanced Life Support, which has been approved by the State Board of Medical Practices, 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 Board of Medical Practices, 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."

Section 2. Further amend §6801, Title 16 of the Delaware Code by adding a new subsection (d) to read as follows:

"(d) For the purpose of assisting the Board of Medical Practice in developing standards for Advanced Life Support Services, there is hereby created the Advanced Life Support Standards Committee. The Standards Committee shall be composed of the chairman and nineteen (19) members. The chairman will be appointed by the Board of Medical Practice. The 19 members shall be selected from names submitted to the Board of Medical Practice by resolution of the following respective organizations:

- (1) Three representatives of the American College of Emergency Physicians (one representing each county).
- (2) One representative from the American College of Surgeons Committee on Trauma.
- (3) One representative from the Medical Society of Delaware.
- (4) One representative from the Delaware Chapter of the Emergency Department Nurses Association.
- (5) Three active practicing ambulance attendants, one from each county, appointed by respective county Fireman's Association.
- (6) One representative from the State of Emergency Medical Services Office.
- (7) One representative from the State Fire Prevention Commission.
- (8) One representative from New Castle County Government.
- (9) One representative from Kent County Government.
- (10) One representative from Sussex County Government.
- (11) One representative from the City of Wilmington.
- (12) One representative from the City of Dover.
- (13) One representative from Delaware Chapter of the American Heart Association.
- (14) One representative from the Bureau of Health, Planning, and Resources Development Division of the State Department of Health and Social Services.
- (15) One representative from Delaware State Fire School.

Each representative shall serve at the pleasure of the organization which he or she represents and his or her successor shall be chosen in a like manner. The Standards Committee will meet at the call of the Chairman of the Standards Committee or the Chairman of the Board of Medical Practice.

The Standards Committee shall provide technical assistance for establishment of minimum standards for Advanced Life Support Services, review curricula for training programs submitted to the Board of Medical Practice referring them back to the board with appropriate recommendations."

Approved May 13, 1982.

CHAPTER 236

FORMERLY

HOUSE BILL NO. 331 .

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE TO REQUIRE INSURERS TO INFORM THEIR CLAIMANT, IN WRITING, OF THE APPLICABLE STATUTE OF LIMITATIONS PERIOD.

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

Section 1. Amend Title 18 of the Delaware Code by adding a new section designated as §3915 thereto to read as follows:

"§3915 Notice of Statute of Limitations

An insurer shall be required during the pendency of any claim received pursuant to a casualty insurance policy to give prompt and timely written notice to the claimant informing him of the applicable state statute of limitations regarding actions for his damages."

Section 2. This Act shall become effective one year after its enactment into law.

Approved May 13, 1982.

CHAPTER 237

FORMERLY

SENATE BILL NO. 280
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULTS UPON PERSONS RENDERING EMERGENCY CARE.

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

Section 1. Amend §612, Chapter 5, Part I, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (5), which new subsection shall read as follows:

"(5) He intentionally causes physical injury to the operator of an ambulance, a rescue squad member, licensed practical nurse, registered nurse, paramedic, licensed medical doctor or any other person while such person is rendering emergency care."

Section 2. Amend §613, Chapter 5, Part I, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (6), which new subsection shall read as follows:

"(6) He intentionally causes serious physical injury to the operator of an ambulance, a rescue squad member, licensed practical nurse, registered nurse, paramedic, licensed medical doctor or any other person while such person is rendering emergency care."

Approved May 13, 1982.

CHAPTER 238

FORMERLY

SENATE BILL NO. 410
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 10 AND 11, TITLE 16 AND CHAPTER 28, TITLE 31, OF THE DELAWARE CODE REQUIRING CERTAIN HEALTH CARE FACILITIES TO ASCERTAIN UPON ADMISSION WHETHER OR NOT A PATIENT HAS DONATED ALL OR PART OF HIS OR HER BODY AS AN ANATOMICAL GIFT AND TO MAINTAIN A RECORD THEREOF.

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

Section 1. Amend Chapter 10, Title 16 of the Delaware Code by adding thereto a new §1018 which shall read as follows:

"§1018. Recording Anatomical Gift Data

(a) All hospitals covered by this section shall, if possible, ascertain from a patient upon admission whether or not he or she has donated all or part of his or her body as an anatomical gift either by Will or by a form provided for in Subchapter VIII, Chapter 17, Title 24, Delaware Code and the person, institution or organization to which such gift has been made.

(b) All such hospitals as defined in Paragraph (a) shall maintain as a part of a patient's permanent record the information required under this Section and such other pertinent information about said anatomical gift which will facilitate the carrying out of the patient's wishes in the event of his or her death. Upon the death of a patient who has made an anatomical gift, such hospital shall make every reasonable effort to contact without delay the person, institution or organization to which such gift has been made."

Section 2. Amend Chapter 11, Title 16 of the Delaware Code by adding thereto a new Section 1126 which shall read as follows:

"§1126. Recording Anatomical Gift Data

(a) All sanatoria, rest homes and other health care facilities covered by this Chapter shall, if possible, ascertain from a patient upon admission whether or not he or she has donated all or part of his or her body as an anatomical gift either by Will or by a form provided for in Subchapter VIII, Chapter 17, Title 24 of the Delaware Code and the person, institution or organization to which such gift has been made.

(b) All facilities as defined in Paragraph (a) shall maintain as part of a patient's permanent record the information required under this Section and such other pertinent information about said anatomical gift which will facilitate the carrying out of the patient's wishes in the event of his or her death. Upon the death of a patient who has made an anatomical gift, health care facilities as defined in Paragraph (a) shall make every reasonable effort to contact without delay the person, institution or organization to which such gift has been made."

Section 3. Amend Chapter 28, Title 31 of the Delaware Code by adding thereto a new §2824 which shall read as follows:

"§2824. Recording Anatomical Gift Data

(a) The Delaware Home and Hospital shall, if possible, ascertain from a patient upon admission whether or not he or she has donated all or part of his or her body as an anatomical gift either by Will or by form provided for in Subchapter VIII, Chapter 17, Title 24 of the Delaware Code and the person, institution or organization to which such gift has been made.

(b) The Delaware Home and Hospital shall maintain as part of a patient's permanent record the information required under this Chapter and such other pertinent information about said anatomical gift which will facilitate the carrying out of the patient's wishes in the event of his or her death. Upon the death of a patient who has made an anatomical gift, the Delaware Home and Hospital shall make every reasonable effort to contact without delay the person, institution or organization to which such gift has been made."

Approved May 13, 1982.

CHAPTER 239

FORMERLY

SENATE BILL NO. 449
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF TITLE.

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

Section 1. Amend §2301, Chapter 23, Title 21 of the Delaware Code by adding the following subsection:

"(d) The Department shall not transfer the title of a mobile home or house trailer to a new owner until all county taxes levied by the jurisdiction in which the trailer is located have been paid in full."

Section 2. Amend §2302, Chapter 23, Title 21 of the Delaware Code by adding a new subsection (e) to read as follows:

"(e) When a mobile home or house trailer is sold by a Delaware licensed mobile home dealer the dealer shall be responsible for immediately submitting the application for certificate of title, related documents and all fees to the Division of Motor Vehicles for the purpose of securing a title."

Approved May 13, 1982.

CHAPTER 240

FORMERLY

SENATE BILL NO. 318

AN ACT TO AMEND CHAPTER 73, TITLE 7 OF THE DELAWARE CODE TO SPECIFY TERMS OF OFFICE FOR THE MEMBERS OF THE DELAWARE NATURAL AREAS ADVISORY COUNCIL.

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

Section 1. Amend Subsection 7305(b), Chapter 73, Title 7 of the Delaware Code by adding after the period at the end of said Subsection the following:

"Council members shall serve for a period of four years, except that members initially appointed to the council shall serve as follows: Two members shall serve for one year; two members shall serve for two years; two members shall serve for three years; and, two persons shall serve for four years."

Approved May 13, 1982.

CHAPTER 241

FORMERLY

SENATE BILL NO. 502

AN ACT TO AMEND CHAPTER 59 OF TITLE 29, DELAWARE CODE BY PROVIDING FOR THE ASSIGNMENT OF RETIRED JUSTICES AND STATE JUDGES TO ACTIVE DUTY.

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

Section 1. Amend §5610 of Chapter 59, Title 29, Delaware Code by striking paragraph (a) and (b) of said section and by inserting in lieu thereof the following new paragraphs:

"(a) (i) Any judge retired from a statutorily created court and receiving a judicial pension may be designated by the Chief Justice of the Supreme Court to perform such judicial duties in any court where such retired judge could serve if he still held the judicial position from which he retired; provided, however, that such retired judge assents to such designation and provided further that such retired judge is not actively engaged in the practice of law.

(2) Any justice, judge, chancellor or vice chancellor who is retired and receiving a judicial pension may be designated by the Chief Justice of the Supreme Court pursuant to a constitutional or statutory authority 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; provided however, that such retired justice, judge, chancellor or vice chancellor assents to such designation, is not actively engaged in the practice of law and provided further that no former justice, judge, chancellor or vice chancellor shall be designated to sit in the Supreme Court except temporarily to fill up the number of that Court to the required quorum."

(b) Any retired justice, judge, chancellor or vice chancellor accepting an active duty designation pursuant to a constitutional or statutory authorization shall be compensated on a per diem basis of \$150 per day, but in no event shall the total compensation received on a per diem basis when added to his retirement pay exceed the then current annual salary of the judicial position from which such justice, judge, chancellor or vice chancellor has retired. In addition, each retired justice, judge, chancellor or vice chancellor so serving shall receive reimbursement for expenses for travel or secretarial services necessarily incurred for the performance of such active duty."

Approved May 13, 1982.

CHAPTER 242

FORMERLY

HOUSE BILL NO. 220

AN ACT TO AMEND THE DELAWARE CODE, TITLE 29 PROVIDING FOR THE APPROPRIATE SHARING OF EXPENSES INVOLVED IN THE PROPER CLOSING AND SECURING OF VACATED PUBLIC SCHOOL DISTRICT BUILDINGS.

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

Section 1. AMEND Delaware Code, Title 29, §7528(a) by inserting between the second and third sentences of that subsection, the following new sentence: "These funds may also be applied to the preparation and securing of a public school district building that is being vacated but preserved for an unspecified period of time or for the return of such a building from a closed condition to use by a public school district."

Section 2. The provisions of this Act shall take effect immediately upon its enactment into law.

Approved May 20, 1982.

CHAPTER 243

FORMERLY

HOUSE BILL NO. 369
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 39 OF TITLE 18 OF DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS.

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

Section 1. Amend Section 3902, Title 18 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new Section 3902 which shall read as follows:

"§3902. Uninsured Vehicle Coverage; Insolvency of Insurer

(a) No policy insuring against liability arising out of the ownership, maintenance or use of any motor vehicle shall be delivered or issued for delivery in this State with respect to any such vehicle registered or principally garaged in this State unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured or hit and run vehicles for bodily injury, sickness, disease, including death, or personal property damage resulting from the ownership, maintenance or use of such uninsured or hit and run motor vehicle.

(1) No such coverage shall be required in or supplemental to a policy where rejected in writing on a form furnished by the insurer describing the coverage being rejected, by an insured named therein, or upon any renewal of such policy, unless the coverage is then requested in writing by the named insured, the coverage herein required may be referred to as uninsured vehicle coverage.

(2) The amount of coverage to be so provided shall not be less than the minimum limits for bodily injury, death and property damage liability insurance provided for under the motorist financial responsibility laws of this State. The coverage for property damage shall be subject to a \$250 deductible for property damage arising out of one accident, unless the insured and the insurer agree in writing to a different deductible. As used herein, the term "property damage" shall include the loss of use of a vehicle.

(3) For the purposes of this section an uninsured vehicle shall be defined as:

a. One for which there is no auto liability bond, insurance, or other security applicable at the time of the accident in at least the amounts required by the financial responsibility law where the auto is principally garaged.

b. One for which the insuring company denies coverage or becomes insolvent.

c. A hit and run motor vehicle that causes an accident resulting in bodily injury or property damage to property of the insured. Bodily injury or property damage must be caused by physical contact of the hit and run vehicle with the insured or with an insured motor vehicle, or by a non-contact vehicle where the identity of both the driver and the owner of such vehicle are unknown. The accident must be reported to the police or proper governmental authority. The insured must notify his insurer within 30 days, or as soon as practicable thereafter, that the insured or his legal representative has a legal action arising out of the accident.

(4) In the event of payment of any person under uninsured vehicle coverage and, subject to the terms of such coverage, to the extent of such payment, the insurer shall be entitled to the proceeds of any settlement recovery from any person legally responsible for the bodily injury or property damage as to which such payment was made and to amount recoverable from the assets of the insolvent insurer of the other vehicle; provided that this right of subrogation is limited to the amount of coverage required by the financial responsibility law.

(b) Every insurer shall offer to the insured the option to purchase additional coverage for personal injury or death up to a limit of \$300,000 but not to exceed the limits for personal injury set forth in the basic policy. Such additional insurance shall be underinsured coverage.

(1) Acceptance of such underinsured coverage shall operate to amend the policy's uninsured coverage to pay for bodily injury damage that the insured or his legal representative are legally entitled to recover from the driver of an underinsured motor vehicle.

(2) An underinsured motor vehicle is one for which there may be bodily injury liability coverage in effect, but the limits of bodily injury liability under all bonds and insurance policies applicable at the time of the accident total less than the limits provided by the underinsured motorist coverage. These limits shall be stated in the Declaration Sheet.

(3) The insurer shall not be obligated to make any payment under this coverage until after the limits of liability under all bodily injury bonds and insurance policies applicable at the time of the accident have been exhausted by payment of settlement or judgments.

(c) The affording of insurance under this section to more than one person or to more than one vehicle shall not operate to increase the limits of the insurers' liability. When two or more vehicles are insured under one policy, the limits of liability shall apply separately to each vehicle as stated in the Declaration Sheet, but shall not exceed the highest limit of liability applicable to any one vehicle."

Section 2. Amend subsection 3903 (a), Title 18 of the Delaware Code by adding a new subsection (4) to read as follows:

"(4) 'Certified Mail' as used in this Chapter shall refer to either as used by the postal service.

- a. Certified Mail.
- b. Certified Mail, Return Receipt.
- c. Certified Mailing List."

Section 3. Amend Section 3905, Title 18 of the Delaware Code by striking subsection (c) in its entirety and adding a new subsection (c) to read as follows:

"(c) The mailing of notice of cancellation, or of intention not to renew, to the named insured at his last address of record with the insurer, shall be by certified mail. This subsection shall not apply in case of non-payment of premium."

Section 4. This Act shall become effective 90 days after signature of the Governor.

Approved May 20, 1982.

CHAPTER 244

FORMERLY

HOUSE BILL NO. 414
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO AMOUNT OF SERVICE OR DISABILITY PENSION.

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

Section 1. Amend Section 5527, Title 29, Delaware Code by adding a new subsection (f) to read as follows:

"§5527 (f). Notwithstanding provisions of this chapter to the contrary, the minimum amount of monthly service, including vested, or disability pension payable to any full time or regular part time employee shall be \$1 multiplied by each year of service taken to the nearest one-twelfth of a year. In the case of a regular part time cafeteria worker also eligible for a minimum pension under subsection (e) of this section the minimum shall be the greater of (e) or (f). The minimums specified in this subsection shall not apply to members of Boards or Commissions."

Section 2. The effective date of this Act shall be January 1, 1980.

Approved May 20, 1982.

CHAPTER 245

FORMERLY

HOUSE BILL NO. 541

AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, 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 4.103 (a) by deleting from the first sentence thereof the phrase "thirty (30) days prior to the end of the fiscal year" and inserting in lieu thereof "the first day of March".

Section 2. Amend Section 4.103 (d) by deleting from the first sentence thereof "the 30th day of the eleventh month of the fiscal year currently ending." and inserting in lieu thereof "the 31st day of March."

Section 3. Amend Section 5.103 by deleting the word "assessment" therefrom and inserting in lieu thereof the word "taxes".

Section 4. Amend Section 5.104 (a) by deleting from the second sentence thereof the phrase "the first day of May" and inserting in lieu thereof the phrase "the 15th day of February".

Section 5. Amend Section 5.104 (a) by deleting from the third sentence thereof the phrase "thirty (30)" and inserting in lieu thereof "twenty (20)".

Section 6. Amend Section 5.104 (a) by deleting from the fourth sentence thereof the phrase "the first day of June" and inserting in lieu thereof "the 31st day of March".

Approved May 20, 1982.

CHAPTER 246

FORMERLY

HOUSE BILL NO. 579
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO GROSS RECEIPTS TAX ON DRAYMEN OR MOVERS.

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

Section 1. Amend §2301(g) of Chapter 23, Title 30, Delaware Code, by striking the period "." immediately following the word "transports" and adding thereto the following:

"nor shall the provisions of this Section be applicable to receipts received during the time in which said Section was enacted into law."

Approved May 20, 1982.

CHAPTER 247

FORMERLY

HOUSE BILL NO. 458

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO ELIGIBILITY FOR APPROVED LEAVE.

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

Section 1. Amend subsection 5501(b)(11), Chapter 55, Title 29, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(11) Approved leave, other than approved medical and sabbatical leaves, provided that the employee 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 employee contributions and State appropriations times the average of the 60 months of creditable compensation used to calculate the individual's pension benefit times the months or fractions thereof so credited. Any credited service purchased under this paragraph shall not be used to determine eligibility for benefits under this chapter."

Approved May 24, 1982.

CHAPTER 248

FORMERLY

SENATE BILL NO. 358

AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO REGULATION OF SOLID WASTE.

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

Section 1. Amend §6002 of Chapter 60, Title 7, Delaware Code, by adding new subsections (34) and (35) to read as follows:

"(34) The term 'open dump' means any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under 7 Delaware Code, §6010(g)(1) and which is not a facility for disposal for hazardous waste.

(35) The term 'sanitary landfill' means a facility for the disposal of solid waste which meets the criteria under 7 Delaware Code, §6010(g)(1)."

Section 2. Amend §6010 of Chapter 60, Title 7, Delaware Code, by striking the section heading in its entirety and substituting in lieu thereof a new heading to read as follows:

"§6010. Rules and Regulations; Plans; Open Dump Inventory, Prohibition of Open Dumps and Open Dumping; Closure and Upgrading; Removal from Inventory"

Section 3. Amend §6010 of Chapter 60, Title 7, Delaware Code, by adding thereto a new paragraph (e) to read as follows:

"(e) The Secretary shall formulate, amend, develop and implement, after public hearing, a State solid waste plan in accordance with the requirements of Subtitle D of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) as amended, and any regulations thereunder, hereafter referred to as RCRA; provided, however, that such plan shall be formulated in coordination with the Delaware Solid Waste Authority and shall include provisions of the statewide solid waste management plan adopted by the Delaware Solid Waste Authority pursuant to 7 Delaware Code, §6403(j) which reflect the applicable functions and activities of the Delaware Solid Waste Authority under 7 Delaware Code, Chapter 64."

Section 4. Amend §6010 of Chapter 60, Title 7, Delaware Code, by adding a new subsection (g) to read as follows:

"(g)(1) The Secretary, after notice and public hearing, shall promulgate regulations containing criteria for determining which facilities shall be classified as sanitary landfills and which shall be classified as open dumps within the meaning of this Chapter. At a minimum such criteria shall provide that a facility may be classified as a sanitary landfill and not an open dump only if there is no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility. Such regulations may provide for the classification of the types of sanitary landfills.

(2) On the date as determined under (g)(3) below, the open dumping of solid waste or hazardous waste and the establishment of new open dumps is prohibited and all solid waste (including solid waste originating in other states but not including hazardous waste) shall be utilized for resource recovery or disposed of in sanitary landfills (within the meaning of this chapter) or otherwise disposed of in an environmentally sound manner, except in the case of any practice or disposal of solid waste under a timetable or schedule for compliance established under (g)(5) below.

(3) Except as provided in (g)(4) and (5) below, the prohibition contained in (g)(2) above shall take effect on the date of promulgation of regulations containing criteria under (g)(1) or on the date of approval of the State Solid Waste Plan under §4007 of RCRA, whichever is later.

(4) To assist in the formulation of the State Solid Waste Plan, the Secretary, utilizing the criteria adopted pursuant to (g)(1) above, shall develop and publish an inventory of all disposal facilities or sites in Delaware which are open dumps within the meaning of this Chapter. With respect to any active disposal facilities or sites the Secretary shall coordinate the development of the inventory with the Delaware Solid Waste Authority. Prior to publication of the inventory the Secretary shall provide written notice of the proposed open dump designation to the owner and operator of the disposal facility or site which notice shall contain a detailed statement of deficiencies under the criteria adopted pursuant to (g)(1) above. Upon receipt of notification the owner or operator shall, within thirty (30) days, be entitled to request a public hearing before the

Secretary pursuant to §6006 of this Chapter to challenge the designation; otherwise, the designation shall become a final decision of the Secretary. Within sixty (60) days of publication of the open dump inventory the owner or operator of a disposal facility or site may apply to the Secretary for a timetable or schedule for compliance or closure under (g)(5) below. During the pendency of any such application and prior to final action and disposition thereon the prohibition set forth in (g)(3) above shall not apply with respect to that site. Upon application by the owner or operator, a site or facility may be removed from the Open Dump Inventory after a determination by the Secretary that the basis upon which the site was designated as an open dump no longer exists. Any such application to remove a site or facility from the inventory shall be advertised in accordance with 7 Delaware code, §6004(b).

(5) All existing disposal facilities or sites for solid waste which are open dumps listed in the inventory under §6010(g)(4) shall comply with such measures as may be required by the Secretary, consistent with the requirements of RCRA, for closure or upgrading. The Secretary shall establish a timetable or schedule for compliance for such practice or disposal of solid waste which specifies a schedule of remedial measures, including an enforceable sequence of actions or operations, leading to compliance with the prohibition on open dumping of solid waste within a reasonable time (not to exceed 5 years from the date of publication of criteria under §6010(g)(1))."

Approved May 26, 1982.

CHAPTER 249

FORMERLY

HOUSE BILL NO. 323

AS AMENDED BY HOUSE AMENDMENT NO. 1, SENATE AMENDMENT NO. 1 AND
SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 66, OF TITLE 7, DELAWARE CODE, TO PROVIDE FOR
ENFORCEMENT BY CIVIL PENALTY AND TO ADD A LESSER CRIMINAL PENALTY.

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 §6617 of Chapter 66, Title 7, Delaware Code, by striking said §6617 in its
entirety and inserting a new §6617 to read as follows:

"§6617. Penalties

(a) Any person who intentionally or knowingly violates any rule, regulation, order, permit
condition, or provision of this Chapter shall be fined not less than \$500 or more than \$10,000 for
each offense. Continuance of any activity prohibited by this Chapter during any part of a day shall
constitute a separate offense. Any person found guilty of violating any cease and desist order of the
Secretary shall be fined for each offense, starting from the date of receipt of the order. The
Superior Court shall have jurisdiction of offenses under this subsection.

(b) Any person who violates any rule, regulation, order, permit condition, or provision of this
Chapter shall be fined not less than \$50 or more than \$500 for each violation. Each day of violation
shall be considered as a separate violation. The Justice of the Peace Courts shall have jurisdiction
of offenses under this subsection.

(c) Any person who violates a provision of this Chapter, any condition or limitation in a permit,
rule, regulation, or order shall be liable for a civil penalty of not less than \$1,000 nor more than
\$10,000 for each completed violation. The Superior Court shall have jurisdiction of offenses under
this subsection.

(d) In addition to any penalties imposed under §6617 or injunctive relief under §6615, a person
who effects or permits any activity in wetlands in violation of this Chapter may be liable to the
State for the cost of restoration of the affected wetland to its condition prior to such violation
insofar as that is technically feasible. The Attorney General of the State, upon complaint of the
Secretary, shall institute a civil action to recover such damages, or may request such cost of
restoration to be imposed in the Chancery Court injunctive action or Superior Court civil action."

Approved June 1, 1982.

CHAPTER 250

FORMERLY

HOUSE BILL NO. 395
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 23, PART II, TITLE 19 OF THE DELAWARE CODE RELATING TO THE USE OF DEDUCTIBILITY CLAUSES IN THE STATE WORKMENS' COMPENSATION ACT.

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

Section 1. Amend §2301, Chapter 23, Part II, Title 19 of the Delaware Code by re-designating subsection (7) as new subsection (8), and by re-designating each succeeding subsection accordingly.

Section 2. Amend §2301, Chapter 23, Part II, Title 19 of the Delaware Code by adding thereto a new subsection, designated as subsection (7), which new subsection shall read as follows:

"(7) 'Deductible Clause' shall mean a clause in an agreement between an employer and an insurer that the employer shall be liable for a specified initial amount, per occurrence or per employee, of each claim, loss or liability; but that the insurer shall be liable for any excess liability up to and including the maximum amount permitted by law."

Section 3. Amend §2344, Chapter 23, Part II, Title 19 of the Delaware Code by adding at the end of said section, the following sentence:

"The provisions of this section shall not apply to deductible clauses."

Section 4. Amend §2372, Chapter 23, Part II, Title 19 of the Delaware Code by adding thereto a new subsection, designated as subsection (c), which new subsection shall read as follows:

"(c) Every insurer licensed to issue Workers' Compensation and Employers' Liability Insurance by the Insurance Department pursuant to Title 18, Delaware Code, shall offer to write each such policy subject to a deductible applying only to medical reimbursement and death benefits. The insured employer shall be permitted to accept or reject such a deductible at the time the policy is issued or renewed. Any applicable deductible shall be subject to the following provisions:

(1) The deductible shall apply separately to each occurrence during the policy term regardless of the number of employees injured in the occurrence.

(2) The deductible shall be subject to a minimum of \$500 and a maximum of \$5,000, with intermediate deductible increments of \$500.

(3) The premium charged for a deductible form of policy shall be subject to an actuarially sound credit related to the amount of the deductible.

(4) In the event of a claim under a deductible form of policy, the insurer shall administer the claim as though no deductible applied and shall then be entitled to reimbursement from the employer for the amount of said deductible.

Section 6. The provisions of this Act shall apply to any Workers' Compensation and Employers' Liability policies that are issued or renewed six months following the effective date of this Act.

Approved June 1, 1982.

CHAPTER 251

FORMERLY

HOUSE BILL NO. 154

AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 3, 4 and 6

AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD AND THE USE OF CHILD RESTRAINT SYSTEMS.

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 41, Title 21, Delaware Code, by adding a new §4199C which shall read as follows:

"§4199C. Child Restraint in Motor Vehicles

(a) Every parent or legal guardian of a child under the age of four (4) years who resides in this state shall be responsible, when transporting his child in a motor vehicle owned by that parent or guardian operated on the roadways, streets or highways of this state, for providing for the protection of his child by properly using a child passenger restraint system meeting federal motor vehicle safety standards.

(b) The court may, upon presentation of evidence that a violator of this section has purchased or obtained a child passenger restraint system subsequent to the violation, dismiss all charges pursuant to this section.

(c) A violation of this section shall be an offense punishable by a fine of no more than twenty-five dollars (\$25) for each violation. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required by this Section, shall not be treated as a separate offense.

(d) Failure to wear a child passenger restraint system shall not be considered as evidence of contributory negligence in any civil suit arising out of any motor vehicle accident in which a child under four is injured, nor shall failure to wear a child passenger restraint system be admissible as evidence in the trial of any civil action."

Approved June 2, 1982.

CHAPTER 252

FORMERLY

HOUSE BILL NO. 589

AN ACT TO AMEND CHAPTER 17 OF TITLE 24, DELAWARE CODE TO PERMIT THE BOARD OF MEDICAL PRACTICE TO DISCIPLINE A PHYSICIAN WHOSE LICENSE TO PRACTICE MEDICINE HAS BEEN SUSPENDED OR REVOKED IN ANOTHER STATE.

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

Section 1. Amend Section 1731, (b) of Subchapter IV of Title 24, Delaware Code by adding a new paragraph (18) which shall read as follows:

"(18) Suspension or revocation of a license to practice medicine or other disciplinary action taken by the appropriate licensing authority in another State or territory; provided, however, that the underlying grounds for such action in another State have been presented to the Board by either certified record or live testimony and the Board has determined that the facts found by the appropriate authority in the other state constitutes unprofessional conduct as that term is defined in Subsection (b) (1) through (17) of this Section."

Approved June 3, 1982.

CHAPTER 253

FORMERLY

HOUSE BILL NO. 698

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO POLLING PLACES IN SCHOOL DISTRICT ELECTIONS.

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

Section 1. Amend Subsection (b), Section 1072, Subchapter IV, Chapter 10, Title 14 of the Delaware Code by striking said subsection in its entirety and substituting therefor the following:

"(b) The school board of each reorganized school district shall designate and procure the buildings within the district, including buildings not owned by the school district, which shall be used as polling places for any public school election. The suitability, convenience and accessibility of a polling place to voters of the school district must be given prime consideration in its selection. Whenever possible, such polling place shall be located in public buildings which shall include suitable schools, government buildings, firehouses, community buildings, churches, financial institutions, lobbies or other gathering places. In the event that no public building is available in a conveniently located and readily accessible place, then the school board may designate a suitable, conveniently located and readily accessible private business establishment."

Section 2. Amend Subsection (a) Section 2122, Chapter 21, Title 14 of the Delaware Code by striking said subsection in its entirety and substituting therefor the following:

"(a) Before any school board issues bonds under this chapter, it shall call a special election. The school board shall establish voting district boundaries and designate and procure the buildings within the district, including buildings not owned by the school district, which shall be used as polling places for any special election. The suitability, convenience and accessibility of a polling place to voters of the school district must be given prime consideration in its selection. Whenever possible, such polling place shall be located in public buildings which shall include suitable schools, government buildings, firehouses, community buildings, churches, financial institutions, lobbies or other gathering places. In the event that no public building is available in a conveniently located and readily accessible place, then the school board may designate a suitable, conveniently located and readily accessible private business establishment."

Approved June 4, 1982.

CHAPTER 254

FORMERLY

SENATE BILL NO. 427

AN ACT TO AMEND CHAPTER 31, TITLE 20 AND CHAPTER 61, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF EMERGENCY PLANNING AND OPERATIONS; AUTHORIZING THE DIVISION OF EMERGENCY PLANNING AND OPERATIONS TO CREATE AND MAINTAIN A DELAWARE RADIOLOGICAL EMERGENCY PLAN AND TO ACCEPT AND EXPEND FUNDS FROM PUBLIC OR PRIVATE SOURCES IN CONNECTION THEREWITH.

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

Section 1. Amend Chapter 31 of Title 20 of the Delaware Code by redesignating Sections 3104 through 3120 as Sections 3106 through 3122 and inserting new §3104 and §3105 to read as follows:

"§3104. Division of Emergency Planning and Operations; Delaware Radiological Emergency Plan; Authority and Power to Enter Contracts and Accept Services, Gifts, Grants and Loans

The Division of Emergency Planning and Operations of the Department of Public Safety is authorized and directed to:

(1) Develop and maintain a Delaware Radiological Emergency Plan (hereinafter referred to as 'The Plan') in accordance with relevant regulations and guidelines promulgated by the United States Nuclear Regulatory Commission and the Federal Emergency Management Agency. The purpose of the Plan is to comply with applicable federal regulations and to implement all necessary and appropriate protective or remedial measures on behalf of the citizens of the State of Delaware with respect to a radiological accident, or threatened radiological accident, resulting from the operation of commercial nuclear generating facilities.

(2) Carry out all obligations and duties associated with the Plan and execute all duties and responsibilities imposed by federal rules or regulations governing State radiological emergency preparedness.

(3) Apply for, accept and expend funds, grants, gifts or other forms of financial assistance from public or private sources in order to defray expenses of the Division directly associated with implementing and maintaining the Plan, including but not limited to expenses connected with retaining personnel and with acquiring and maintaining equipment, supplies and other material necessary to carry out the Division's obligations and responsibilities under the Plan.

(4) Enter into and perform contracts or agreements with any public or private source; procure by contract such consulting, research, technical and other services as are necessary for the Division to carry out its responsibilities under the Plan; accept and expend funds paid by private or public sources in consideration for the performance of obligations under such contracts or agreements. Each contract or agreement between the Division and any public or private source shall be submitted, at least 30 days prior to its execution, to the Emergency Planning and Operations Council which serves in an advisory capacity to the Director of the Division. The Council shall review the terms and conditions of such agreements or contracts, and advise the Director whether the terms thereof are consistent with the Division's responsibilities under the Plan and attendant federal guidelines.

§3105. Division of Emergency Planning and Operations; Administration of Monies Received from Public or Private Sources

(1) All grants or payments of money by the Federal Government, or by any other public or private source, pursuant to any contract, agreement or otherwise, to the Department of Public Safety for a designated use by the Division of Emergency Planning and Operations is appropriated to the Division for the designated purpose, and no other, for which the money was paid and received. All such money shall be payable to the State Treasurer. The Treasurer shall credit the deposit to a special fund to be known and designated as the "Delaware Radiological Emergency Plan Account", and any money received for the use of the Division in connection with its duties under the Delaware Radiological Emergency Plan shall be paid out of the special account by the State Treasurer upon warrants executed by the Secretary, Department of Public Safety, for the designated use, without any further authority from the General Assembly.

(2) The Secretary of the Department of Public Safety on behalf of the Division of Emergency Planning and Operations, shall cause to be prepared, and shall submit to the Budget Director and the Joint Finance Committee, in accordance with Chapters 63 and 65 of Title 29 of the Delaware Code, a detailed budgetary plan which (a) depicts all anticipated operational expenses for the ensuing

fiscal year associated with the duties of the Division under the Delaware Radiological Emergency Plan or under any contract or agreement in connection therewith, (b) provides an accurate statement of all funds, grants, gifts, or other forms of financial assistance to be paid or furnished to the Division for the ensuing fiscal year by the Federal Government or any other public or private source, and (c) describes the designated use of any funds, grants, gifts or other forms of financial assistance received by the Division as well as any other relevant restrictions regarding the expenditure of such monies."

Section 2. Amend §6102 of Chapter 61 of Title 29 of the Delaware Code by adding thereto a new subparagraph (j) which shall read as follows:

"(j) Provisions of this Chapter to the contrary notwithstanding, the Division of Emergency Planning and Operations shall have the right to apply for, receive and expend funds or grants, pursuant to contracts or otherwise, from public or private sources, for operating expenses associated with the Delaware Radiological Emergency Plan, and to have such funds maintained in a special fund account for such purposes."

Approved June 8, 1982.

CHAPTER 255

FORMERLY

SENATE BILL NO. 508

AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BANK BRANCHES.

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

Section 1. Amend Chapter 7, Subchapter IV, Title 5 of the Delaware Code by striking subparagraph (c) of Section 770 thereof and substituting in lieu thereof, the following:

"(c) Any bank, with the prior approval of the State Bank Commissioner, may install and operate one or more electronic devices or machines at locations in this State 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 and other payments may be made or cash may be received or dispensed. 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. An off-premise facility as described herein shall be deemed to be a branch office of the bank installing and operating it. Without the approval of the State Bank Commissioner, a facility as described herein, whether off-premises or on, may be shared among banks, savings banks, national banks, savings and loan associations and credit unions having their main offices within or without the State, and shall not be deemed to be a branch office of any bank, savings bank, national bank, savings and loan association or credit union other than the bank installing and operating it. Such facilities may be manned by personnel of the bank installing and operating it, or may be unmanned or manned by the person under contract with, but not an officer or employee of, the installing and operating bank."

Section 2. Amend Chapter 7, Subchapter IV, Title 5 of the Delaware Code by adding a new subparagraph (d) to Section 771 thereof as follows:

"(d) Electronic devices or machines located without the State which may be utilized to accomplish banking transactions by customers of banks located within the State by whatever arrangement, shall not be deemed to be a branch office under this section or any other provision of Delaware law, nor shall any such arrangement require approval of the State Bank Commissioner."

Approved June 8, 1982.

CHAPTER 256

FORMERLY

HOUSE BILL NO. 426

AS AMENDED BY HOUSE AMENDMENT NO. 1, HOUSE AMENDMENT 1
TO HOUSE AMENDMENT NO. 1, HOUSE AMENDMENT NO. 4, AND HOUSE AMENDMENT NO. 5

AN ACT TO AMEND CHAPTER 37, TITLE 10, OF THE DELAWARE CODE RELATING TO WRONGFUL
DEATH ACTIONS.

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

Section 1. Amend Chapter 37, Title 10, Delaware Code by striking the chapter heading and substituting in lieu thereof a new chapter heading to read as follows:

"Survival of Actions and Causes of Action; Wrongful Death Actions".

Section 2. Amend Chapter 37, Title 10, Delaware Code by inserting therein after the chapter heading and before Section 3701 the following:"

"Subchapter I. Survival of Actions and Causes of Action".

Section 3. Amend §3704, Chapter 37, Title 10, Delaware Code by striking subsection (b) of said section in its entirety.

Section 4. Amend Chapter 37, Title 10, Delaware Code by adding thereto a new subchapter to read as follows:"

"Subchapter II. Wrongful Death Actions.

§3721. Definitions.

As used in this subchapter:

- (a) 'Child' includes an illegitimate child.
- (b) 'Parent' includes the mother and father of a deceased illegitimate child.
- (c) 'Person' includes an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.
- (d) 'Wrongful act' means an act, neglect, or default including a felonious act which would have entitled the party injured to maintain an action and recover damages if death had not ensued.

§3722. Liability Notwithstanding Death.

(a) An action may be maintained against a person whose wrongful act causes the death of another.

(b) If the death of a person was caused by a wrongful act, neglect, or default of a vessel, an action in rem may be maintained against the vessel.

(c) If a person whose wrongful act caused the death of another, dies before an action under this section is commenced, the action may be maintained against his personal representative.

§3723. When Wrongful Act Occurs Outside of Delaware.

(a) If the wrongful act occurred in another state, the District of Columbia, or a territory of the United States, a Delaware Court shall apply the substantive law of that jurisdiction.

(b) Notwithstanding the fact that the wrongful act occurred in another jurisdiction, a Delaware Court in which the action is pending shall apply its own rules of pleading and procedure.

§3724. Action for Wrongful Death.

(a) An action under this subchapter shall be for the benefit of the wife, husband, parent, and child of the deceased person.

(b) If there are no persons who qualify under subsection (a), an action shall be for the benefit of any person related to the deceased person by blood or marriage.

(c) In an action under this subchapter, damages may be awarded to the beneficiaries proportioned to the injury resulting from the wrongful death. The amount recovered shall be divided among the beneficiaries in shares directed by the verdict.

(d) In fixing the amount of damages to be awarded under this Act, the court or jury shall consider all the facts and circumstances and from them fix the award at such sum as will fairly compensate for the injury resulting from the death. In determining the amount of the award the court or jury may consider the following:

- (1) deprivation of the expectation of pecuniary benefits to the beneficiary or beneficiaries that would have resulted from the continued life of the deceased;
- (2) loss of contributions for support;
- (3) loss of parental, marital and household services, including the reasonable cost of providing for the care of minor children;
- (4) reasonable funeral expenses not to exceed \$2,000.00;
- (5) mental anguish resulting from such death to the surviving spouse and next of kin of such deceased person. However, when mental anguish is claimed as a measure of damages under this statute, such mental anguish will be applicable only to the surviving spouse, children, father and mother, (if there is no surviving spouse or children) or person standing in loco parentis to the deceased and persons to whom the deceased stood in loco parentis at the time of the injury which caused the death of the deceased.

(e) Only one action under the subchapter lies in respect to the death of a person.

(f) For the purposes of this section, a person born to parents who have not participated in a marriage ceremony with each other is considered to be the child of his mother. He is considered to be the child of his father only if his father (1) has been judicially determined to be the father, or (2) prior to the death of the child, (a) has acknowledged himself in writing, to be the father, or (b) has openly and notoriously recognized the person to be his child, or (c) has subsequently married the mother and has acknowledged himself, orally or in writing, to be the father.

\$3725. Purpose.

The purpose of this Act is to permit the recovery of damages not limited to pecuniary losses by persons injured as the result of the death of another person.

Section 5. The effective date of this Act shall be December 1, 1982.

Approved June 9, 1982.

CHAPTER 257

FORMERLY

HOUSE BILL NO. 520
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO REASONS FOR CANCELLATION OR NONRENEWAL OF AUTOMOBILE INSURANCE.

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

Section 1. AMEND §3904 (a)(7-H), Chapter 39, Title 18, Delaware Code by inserting after the word "violations" and before the word "within" the following:

" , the point total for which exceeds eight (8) points, or three (3) at fault accidents in which claims are paid in excess of \$250 per accident"

Approved June 9, 1982.

CHAPTER 258

FORMERLY

HOUSE BILL NO. 536

A BILL TO AMEND THE "TIED-HOUSE" PROVISIONS OF THE LIQUOR CONTROL ACT TO PERMIT CORPORATIONS WHOSE STOCK IS PUBLICLY TRADED TO HAVE OWNERSHIP INTERESTS IN MANUFACTURING AND CONSUMER SALES OF ALCOHOLIC LIQUORS WHERE SUCH OWNERSHIP WOULD NOT BE ANTI-COMPETITIVE.

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

Section 1. Section 506, Title 4, Delaware Code, is amended by striking said section 506 in its entirety and inserting in lieu thereof the following new Section 506:

"§506. Interest in establishment selling to consumer.

(a) It shall be unlawful:

(1) For a manufacturer or supplier, or the owner, partner or stockholder of a manufacturer or supplier, to own or be interested in any manner in any establishment licensed by the Commission to import alcoholic liquors into the State or to sell alcoholic liquors, either by the bottle or by the glass, to the consumer thereof, for consumption either on or off the premises where sold; or

(2) For any importer, or the owner, partner or stockholder of an importer, to own or be interested in any manner in any establishment licensed by the Commission to sell alcoholic liquors, either by the bottle or by the glass, to the consumer thereof, for consumption either on or off the premises where sold.

(b) This section shall not be construed to prohibit a manufacturer, supplier or importer doing business as a corporation, or the stockholders thereof, from having an interest in any establishment licensed to sell alcoholic liquors to the consumer thereof; where:

(1) The stock of such manufacturer, supplier or importer and such establishment is publicly traded on a national or regional exchange or over-the-counter.

(2) The manufacturer, supplier or importer does not use its ownership interest in such establishment as to induce, directly or indirectly, such establishment to purchase any products from the manufacturer, supplier or importer to the exclusion, in whole or in part, of products sold or offered for sale by other manufacturers, suppliers or importers."

Approved June 9, 1982.

CHAPTER 259

FORMERLY

HOUSE BILL NO. 617

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO THE SHELTERED WORKSHOP PROGRAM OF THE DIVISION FOR THE VISUALLY IMPAIRED.

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

Section 1. Amend Section 9603 of Title 16, Delaware Code, by striking Subsection (a) in its entirety and substituting in lieu thereof the following new Subsection (a):

"(a) A Commission for the Purchase of Products and Services of the Blind shall be appointed by the Governor to advise the Director of the Division for the Visually Impaired in the management of the Sheltered Workshop operated by the Division. The Commission shall be composed of nine members as follows: from the private sector, a person with business experience in production, a person skilled in marketing, a person experienced in industrial purchasing, a person experienced in industrial engineering, a person experienced in sales, a person experienced in accounting, a person experienced in the field of advertising; and from State government, the Director of Purchasing and the Secretary of Finance or their designated representatives, and, ex officio, the Director of the Division for the Visually Impaired. The members of the Commission shall be appointed for terms of four years and shall serve until new appointments are made at the end of their terms. Four of the members appointed in 1982 shall serve terms of two years in order to stagger the expiration dates of the terms of the members from the private sector. No more than five of the members from the private sector shall be members of the same political party."

Section 2. Amend Chapter 96, Title 16, Delaware Code, by striking Section 9604 in its entirety and substituting in lieu thereof the following new Section 9604:

"§9604. The Commission for the Purchase of Products and Services of the Blind.

(a) The Commission for the Purchase of Products and Services of the Blind shall provide a market for products and services of visually handicapped and otherwise disabled persons. The Director of the Division for the Visually Impaired shall determine, with the advice of the Commission, the price of all products manufactured and services provided by the Workshop which are offered for sale to the various agencies of the State. The price shall recover for the Workshop the cost of raw materials, labor, overhead and delivery costs, but shall not include a profit to the Commission or to the Workshop. The Director, with the advice of the Commission, may revise such prices from time to time in accordance with changing cost factors, and may make such rules and regulations regarding specifications, time of delivery and other matters of operation as shall be necessary to carry out the purposes of the Workshop and this Chapter.

(b) The Commission may create subcommittees to facilitate its work. It shall act as an advisory committee to the Director of the Division for the Visually Impaired in the operation of the Workshop and shall provide technical assistance to the Workshop in the areas of sales promotion, public relations, market development, market analysis, and budget preparation.

(c) The Director shall publish periodically a list of products and services provided by the Workshop for the Blind which the Commission recommends as suitable for procurement by agencies of this State pursuant to the provisions of this Chapter. The list shall be distributed thereafter to every person who procures materials for each agency of the State."

Section 3. This Act shall take effect 30 days following its enactment into law. Current members of the Commission for the Purchase of Products and Services of the Blind shall serve as interim Commission members until such time as the Governor appoints each new member of the Commission.

Approved June 9, 1982.

CHAPTER 260

FORMERLY

SENATE BILL NO. 395
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND SUBCHAPTER VII OF CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO
ABANDONMENT OF ANIMALS.

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 1325, Subsection (a) (3), Subchapter VII, Chapter 5, Title 11 of the
Delaware Code by striking the period "." at the end of said subsection and adding thereto the following:

"or abandonment of any domesticated animal by its owner or custodian."

Approved June 9, 1982.

CHAPTER 261

FORMERLY

SENATE BILL NO. 563

AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE BY PROVIDING FOR THE ORGANIZATION OF LIMITED PURPOSE TRUST COMPANIES AND TO AMEND THE CAPITAL STOCK REQUIREMENTS OF BANKS AND TRUST COMPANIES.

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 may be referred to as "The Limited Purpose Trust Company Act."

Section 2. Amend Part II, Title 5, Delaware Code, by denominating Subchapter V as Subchapter VI.

Section 3. Amend Part II, Title 5, Delaware Code, by adding a new Subchapter V as follows:

"Subchapter V. Limited Purpose Trust Companies

§773. Definitions.

As used in this subchapter:

(a) 'Affiliate' means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. 'Control' means beneficial ownership directly, or indirectly through one or more intermediaries, of more than 50 per centum of the voting securities or partnership interests in any person other than an individual.

(b) 'Loans' means consumer loans for personal, property or household purposes, mortgage loans, and commercial loans other than to affiliates.

(c) 'Located in the State' means, with respect to state chartered banks or trust companies, banks or trust companies created under the laws of this State and, with respect to national banking associations, banks or trust companies whose principal place of business is located in this State.

(d) 'Trust company powers' means all of the powers, rights, privileges and franchises incident to a trust company established under Subchapter IV of Part II of this Title, except:

(1) to receive deposits subject to check or to repayment upon presentation of a passbook, certificate of deposit, or other evidence of debt, or upon request of the depositor; and

(2) to make loans.

§774. Limited Purpose Trust Companies.

A corporation established under this subchapter shall be known as a limited purpose trust company. The Commissioner shall issue no certificate of public convenience and advantage with respect to any corporation proposed to be established under this chapter solely for the purpose of exercising trust company powers, excepting a corporation organized under this subchapter.

§775. Powers of Limited Purpose Trust Company.

(a) With respect to a limited purpose trust company, the powers conferred by Subchapter IV of Part II of this Title or otherwise by law shall be limited solely to such powers as are necessary or incidental to the performance of trust company powers.

(b) No limited purpose trust company established under this subchapter may:

(1) amend its articles of association, charter, certificate of incorporation or by-laws by addition to its corporate purpose or powers;

(2) merge or consolidate, except with:

(A) an affiliate or affiliates; or

(B) a corporation or corporations established under this subchapter; or

(3) have more than a single office within this State open to the public for the conduct of its business.

§776. Organization, Number of Incorporators.

(a) Except as otherwise required by the provisions of this subchapter, the organization of a limited purpose trust company shall be governed by the provisions of Subchapter II of Part II of this Title, provided that:

(1) the articles of association of a limited purpose trust company shall specifically state that the formation of a limited purpose trust company is the purpose for which the subscribers thereto associate themselves;

(2) any application for a certificate of public convenience and advantage made with respect to a limited purpose trust company shall plainly state on its face that the application is for such a certificate with respect to a limited purpose trust company and not for a certificate with respect to a bank or trust company; and

(3) any certificate of public convenience and advantage issued by the Commissioner on such application shall similarly state on its fact that such certificate approves the formation of a limited purpose trust company pursuant to this subchapter.

(b) The number of persons who associate themselves for the purpose of forming a limited purpose trust company shall be no less than three.

§777. Conditions and Findings.

(a) In determining whether a certificate of public convenience and advantage shall be issued with respect to any limited purpose trust company, the Commissioner shall consider:

(1) the financial and managerial resources of the limited purpose trust company;

(2) the future prospects of the limited purpose trust company;

(3) the financial history of affiliates of the limited purpose trust company, if any;

(4) whether the organization of the limited purpose trust company may result in undue concentration of resources or substantial lessening of competition in this State; and

(5) the convenience and needs of the public and this State.

(b) No certificate of public convenience and advantage shall be issued with respect to any limited purpose trust company except on a finding:

(1) that the limited purpose trust company will be operated in a manner so as not to attract customers from the general public in this State to the substantial detriment of existing banks or trust companies located in this State other than corporations established under this subchapter, provided that such limited purpose trust company may be operated in a manner likely to attract and retain customers with whom it or any affiliate thereof have or have had business relations;

(2) that the limited purpose trust company itself, or together with its affiliates, will employ within 3 years of its commencement of business in this State at least 100 persons within this State, provided that the Commissioner shall extend, upon request of the limited purpose trust company, the time within which to employ such 100 persons to a fourth year if 50 such persons are employed by the end of the third year and thereafter to a fifth year for reasonable cause shown; and

(3) that the limited purpose trust company itself, or together with its affiliates, has a total ownership equity of at least \$25,000,000.

(4) that, pursuant to its application for such certificate, the limited purpose trust company has specifically agreed to be bound by the conditions set forth in this Subchapter V.

(c) Every corporation formed under this subchapter shall operate in compliance with the standards set forth in subsection (b) of this section.

§778. Revocation of Charter.

If any limited purpose trust company is found by the Commissioner to have violated any condition of §777(c) of this subchapter or to have exercised powers beyond those conferred by §775 of this subchapter, the Commissioner shall issue an order pursuant to §136 to cease and desist such violation by a date certain. Upon a finding that the limited purpose trust company has not complied with such order, the Commissioner shall take such steps as set forth in §131 as regards violations of this Code.

§779. Applibility of Other Provisions of Law; Severability of Provisions.

(a) To the extent not inconsistent with the object, purpose, and provisions of this subchapter, a limited purpose trust company shall be subject to any section of this Code or any other statute or law of this State applicable to trust companies.

(b) If any provision of this subchapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this subchapter, and the application of such provision to persons or circumstances other than those as for which it is held invalid, shall not be affected thereby."

Section 4. Any persons having undertaken prior to the enactment of this Act any of the actions required by Title 5 of the Delaware Code for the organization and establishment of a trust company may elect to have such procedures apply to the organization and establishment of a limited trust company under this Act and the State Bank Commissioner shall accept such procedures in fulfillment of the requirements of the Act, or allow such amendments to the actions already taken so they are in substantial compliance with the requirements of this Act, but shall not require more than one public notice of such election.

Section 5. Amend Section 745, Part II, Title 5, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§745. Capital Stock; Minimum Required.

The capital stock of a bank organized under this chapter shall be as follows: not less than \$500,000 if the bank is located in a city or town having a population of more than 50,000 persons; not less than \$350,000 if the bank is located in a city or town of not more than 50,000 nor less than 5,000 persons; and not less than \$250,000 if the bank is located in a town of not more than 5,000 persons. The capital stock of a trust company or limited purpose trust company organized under this chapter shall not in any case be less than \$500,000. In addition to the capital stock required by the foregoing, every corporation organized under this chapter shall have a paid in surplus account equal to no less than one-half of the minimum capital stock required by this section."

Approved June 9, 1982.

CHAPTER 262

FORMERLY

HOUSE BILL NO. 547
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE BY ESTABLISHING MINIMUM STANDARDS FOR MEDICARE SUPPLEMENT INSURANCE.

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

Section 1. This Act shall be known and referred to as the "Medicare Supplement Insurance Minimum Standards Act."

Section 2. Amend Title 18 of the Delaware Code by adding thereto a new Chapter 34, which shall read as follows:

"CHAPTER 34. MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS**§3401. Definitions**

(a) 'Applicant' means:

(1) in the case of an individual Medicare supplement policy or subscriber contract, the person who seeks to contract for insurancee benefits, and

(2) in the case of a group Medicare supplement policy or subscriber contract, the proposed certificate holder.

(b) 'Certificate' means, for the purposes of this Act, any certificate issued under a group Medicare supplement policy which has been delivered or issued for delivery in this State.

(c) 'Medicare Supplement Policy' means a group or individual policy of accident and sickness insurance or a subscriber contract of hospital and health service corporations which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare by reason of age. Such term does not include:

(1) A policy or contract of one or more employers or labor organizations or of the trustees of a fund established by one or more employers or labor organizations or a combination thereof, for employees or former employees or a combination thereof or for members or former members, or a combination thereof, of the labor organizations, or

(2) A policy or contract of any professional, trade, or occupational association for its members or former or retired members or combination thereof, if such association:

(i) is composed of individuals all of whom are actively engaged in the same profession, trade, or occupation;

(ii) has been maintained in good faith for purposes other than obtaining insurance; and

(iii) has been in existence for at least two (2) years prior to the date of its initial offering of such policy or plan to its members.

(3) Individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when such group or individual policy or contract includes provisions which are inconsistent with the requirements of this Chapter.

(d) 'Medicare' means the 'Health Insurance for the Aged Act', Title XVIII of the Social Security Amendments of 1965, as amended.

§3402. Standards for policy provisions

(a) The Commissioner shall issue reasonable regulations to establish specific standards for policy provisions of Medicare supplement policies. Such standards shall be in addition to and in accordance with applicable laws of this State, and may cover, but shall not be limited to:

- (1) terms of renewability;
- (2) initial and subsequent conditions of eligibility;
- (3) nonduplication of coverage;
- (4) probationary periods;
- (5) benefit limitations, exceptions and reductions;
- (6) elimination;
- (7) requirements for replacement;
- (8) recurrent conditions; and
- (9) definitions of terms.

(b) The Commissioner may issue reasonable regulations that specify prohibited policy provisions not otherwise specifically authorized by statute which, in the opinion of the Commissioner, are unjust, unfair or unfairly discriminatory to any person insured or proposed for coverage under a medicare supplement policy.

(c) Notwithstanding any other provision of law of this State, a Medicare supplement policy may not deny a claim for losses incurred more than six (6) months from the effective date of coverage for a preexisting condition. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.'

§3403. Minimum standards for benefits

The Commissioner shall issue reasonable regulations to establish minimum standards for benefits under Medicare supplement policies.

§3404. Loss ratio standards

Medicare supplement policies shall be expected to return to policyholders benefits which are reasonable in relation to the premium charged. The Commissioner shall issue reasonable regulations to establish minimum standards for loss ratios of Medicare supplement policies on the basis of incurred claims experience and earned premiums for the entire period for which rates are computed to provide coverage and in accordance with accepted actuarial principles and practices. For purposes of regulations issued pursuant to this Section, Medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

§3405. Disclosure standards

(a) In order to provide for full and fair disclosure in the sale of Medicare supplement policies, no Medicare supplement policy shall be delivered or issued for delivery in this State, and no certificate shall be delivered pursuant to a group Medicare supplement policy delivered or issued for delivery in this State unless an outline of coverage is delivered to the applicant at the time application is made.

(b) The Commissioner shall prescribe the format and content of the outline of coverage required by subsection (a). For purposes of this section, 'format' means style, arrangements and overall appearance, including such items as the size, color and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

- (1) a description of the principal benefits coverage provided in the policy;
- (2) a statement of the exceptions, reductions and limitations contained in the policy;
- (3) a statement of the renewal provisions, including any reservation by the insurer of a right to change premiums;
- (4) a statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

(c) The Commissioner may prescribe by regulation a standard form and the contents of an informational brochure for persons eligible for Medicare by reason of age, which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of Medicare. Except in the case of direct response insurance policies, the

Commissioner may require by regulation that the information brochure be provided to any prospective insureds eligible for Medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the Commissioner may require by regulation that the prescribed brochure be provided upon request to any prospective insureds eligible for Medicare by reason of age, but in no event later than the time of policy delivery.

(d) The Commissioner may promulgate reasonable regulations for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not Medicare supplement coverages, for all accident and sickness insurance policies sold to persons eligible for Medicare by reason of age.

(e) The Commissioner may further promulgate reasonable regulations to govern the full and fair disclosure of information in connection with the replacement of accident and sickness policies, subscriber contract, or certificates by persons eligible for Medicare by reason of age.

S3406. Notice of free examination

Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within ten (10) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Medicare supplement policies or certificates issued pursuant to a direct response solicitation to persons eligible for Medicare by reason of age shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination, the the applicant is not satisfied for any reason.

Section 3. Amend Section 2502 of Title 18 of the Delaware Code by striking Subsection (a) (4) in its entirety and substituting in lieu thereof a new Subsection (a) (4) which shall read as follows:

"(a) (4). Health insurance, group health insurance, blanket health insurance, Medicare supplement insurance and health service corporations."

Section 4. Amend Chapter 63 of Title 18 of the Delaware Code, by adding a new paragraph to Section 6309, to be known and referred to as Subsection paragraph (6), which shall read as follows:

"(6) Chapter 34 (Medicare Supplement Insurance)."

Section 5. This Act shall become effective six (6) months after enactment into law.

Approved June 14, 1982.

CHAPTER 263

FORMERLY

HOUSE BILL NO. 471

AN ACT TO AMEND CHAPTER 68, TITLE 16 OF THE DELAWARE CODE RELATING TO EXEMPTIONS FROM CIVIL OR CRIMINAL LIABILITY FOR FOOD DONATIONS.

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

Section 1. Amend Chapter 68, Title 16, Delaware Code by adding thereto a new Subchapter to be designated as Subchapter III and to read as follows:

"SUBCHAPTER III. IMMUNITY FOR FOOD DONORS

§6820. Food Donors Exempt from Liability

A person, including a farmer, processor, distributor, wholesaler or retailer of food, who, in good faith, donates an item of food for use or distribution by a non-profit organization shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition or packaging of the donated food. This section does not apply if the non-profit organization sells or offers for sale the donated items of food. Nothing in this section is intended to limit any liability on the part of the donee non-profit organizations accepting food items under this section. The Division of Public Health is authorized to inspect donated food items upon the request of the donee non-profit organization."

Approved June 15, 1982.

CHAPTER 264

FORMERLY

HOUSE BILL NO. 578

AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO PURCHASING BY THE DIVISION OF VISUALLY IMPAIRED.

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

Section 1. Amend §6903 of Title 29, Delaware Code, by adding to Subsection (a) the following new paragraph (5), which shall read as follows:

"(5) where the purchased material will be used by the Sheltered Workshop Program of the Division for the Visually Impaired within the Department of Health and Social Services as raw material for goods which the program manufactures for resale."

Approved June 15, 1982.

Commissioner may require by regulation that the information brochure be provided to any prospective insureds eligible for Medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the Commissioner may require by regulation that the prescribed brochure be provided upon request to any prospective insureds eligible for Medicare by reason of age, but in no event later than the time of policy delivery.

(d) The Commissioner may promulgate reasonable regulations for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not Medicare supplement coverages, for all accident and sickness insurance policies sold to persons eligible for Medicare by reason of age.

(e) The Commissioner may further promulgate reasonable regulations to govern the full and fair disclosure of information in connection with the replacement of accident and sickness policies, subscriber contract, or certificates by persons eligible for Medicare by reason of age.

§3406. Notice of free examination

Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within ten (10) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Medicare supplement policies or certificates issued pursuant to a direct response solicitation to persons eligible for Medicare by reason of age shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination, the the applicant is not satisfied for any reason.

Section 3. Amend Section 2502 of Title 18 of the Delaware Code by striking Subsection (a) (4) in its entirety and substituting in lieu thereof a new Subsection (a) (4) which shall read as follows:

"(a) (4). Health insurance, group health insurance, blanket health insurance, Medicare supplement insurance and health service corporations."

Section 4. Amend Chapter 63 of Title 18 of the Delaware Code, by adding a new paragraph to Section 6309, to be known and referred to as Subsection paragraph (6), which shall read as follows:

"(6) Chapter 34 (Medicare Supplement Insurance)."

Section 5. This Act shall become effective six (6) months after enactment into law.

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Section 1. Amend Chapter 68, Title 16, Delaware Code by adding thereto a new Subchapter to be designated as Subchapter III and to read as follows:

"SUBCHAPTER III. IMMUNITY FOR FOOD DONORS

§6820. Food Donors Exempt from Liability

A person, including a farmer, processor, distributor, wholesaler or retailer of food, who, in good faith, donates an item of food for use or distribution by a non-profit organization shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition or packaging of the donated food. This section does not apply if the non-profit organization sells or offers for sale the donated items of food. Nothing in this section is intended to limit any liability on the part of the donee non-profit organizations accepting food items under this section. The Division of Public Health is authorized to inspect donated food items upon the request of the donee non-profit organization."

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

Section 1. Amend §6903 of Title 29, Delaware Code, by adding to Subsection (a) the following new paragraph (5), which shall read as follows:

"(5) where the purchased material will be used by the Sheltered Workshop Program of the Division for the Visually Impaired within the Department of Health and Social Services as raw material for goods which the program manufactures for resale."

Approved June 15, 1982.

CHAPTER 265

FORMERLY

SENATE BILL NO. 43
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21, CHAPTER 44, RELATING TO ABANDONED VEHICLES.

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

Section 1. Amend Section §4402, Chapter 44, Title 21, of the Delaware Code, by adding thereto a new subsection (g) to read as follows:

"(g) Any person who possesses or on whose property any abandoned vehicle or motor vehicle is found may transfer such vehicle or motor vehicle if such vehicle or motor vehicle is more than 8 years old and has no engine or otherwise is totally inoperable. Such transfer may be made to a salvage yard without a certificate of title but shall be made on forms furnished by the Department.

Before any person transfers any such abandoned vehicle or motor vehicle said person shall obtain from the Division of Motor Vehicle the name and last known address of the owner of such abandoned vehicle or motor vehicle and shall send notice to said owner by certified mail return receipt requested to said owner's last known address, to remove such abandoned vehicle or motor vehicle within 30 days. Such vehicle or motor vehicle may be transferred, sold or otherwise disposed of after 30 days from receipt of such notice. If the owner cannot be located for the purpose of sending the written notice, a sticker or tag shall be placed on such vehicle or motor vehicle showing the time and date of its affixing, advising the owner that if the vehicle or motor vehicle is not removed within 24 hours from the time of the affixing of the sticker or tag, such vehicle may be transferred, sold or otherwise disposed of. Such vehicle may be transferred, sold or otherwise disposed of after said 24 hour period."

Approved June 17, 1982.

CHAPTER 266

FORMERLY

SENATE BILL NO. 590

A BOND ACT OF THE STATE OF DELAWARE DEAUTHORIZING PREVIOUSLY AUTHORIZED GENERAL OBLIGATION BONDS OF THE STATE OF DELAWARE AND APPROPRIATING CERTAIN SUMS FROM THE FUTURE SCHOOL CONSTRUCTION FUND FOR THE REPAIR OF A FREE PUBLIC SCHOOL.

WHEREAS, previously authorized general obligation bonds can now be deauthorized because of the deposit of the proceeds of the sale of Farmers Bank Common Stock into the Future School Construction Fund; and

WHEREAS, a fire has seriously damaged the instruction area and library of the Frederick Douglass School in the Seaford School District; and

WHEREAS, the School District must immediately sign a contract for the school renovations in order for the work to be completed prior to the Fall of 1982.

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. Repeal of Prior General Obligation Bond Authorizations. There is hereby repealed the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following Department pursuant to the following law for the following project in the following amount:

<u>Department</u>	<u>Authorized Volume & Chapter</u>	<u>Project Account Code</u>	<u>Amount</u>
State Board of Education	Vol. 63, Ch. 179	95-01-002-52-82	\$442,000

Section 2. There is hereby appropriated to the State Board of Education the sum of \$442,000 out of the "Future School Construction Fund" created by the Bond Issuing Officers of the State of Delaware, by resolution of such officers on February 26, 1982, pursuant to Title 29, Section 2717 of the Delaware Code.

Section 3. The sum appropriated in Section 2 of this act to the State Board of Education shall be paid by the State Board with the prior approval of the Office of the State Insurance Commissioner pursuant to Title 18, Chapter 65 of the Delaware Code, to the Seaford School District to pay for the costs incurred in reconstructing, rehabilitating, and refurbishing the Frederick Douglass School.

Approved June 17, 1982.

CHAPTER 267

FORMERLY

HOUSE BILL NO. 130
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 15, PART IV, TITLE 12 OF THE DELAWARE CODE RELATING TO POWERS OF ATTORNEY; AND PROVIDING FOR A UNIFORM DURABLE POWER OF ATTORNEY ACT.

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

Section 1. Amend Part V, Title 12 of the Delaware Code by adding thereto a new chapter, designated as Chapter 49, which new chapter shall read as follows:

"CHAPTER 49. DURABLE POWERS OF ATTORNEY

§4901. Definition

A durable power of attorney is a power of attorney by which a principal designates another his attorney-in-fact in writing, and the writing contains the words: "This power of attorney shall not be affected by subsequent disability or incapacity of the principal," or "This power of attorney shall become effective upon the disability or incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incapacity.

§4902. Durable Power of Attorney Not Affected by Disability

All acts done by an attorney-in-fact pursuant to a durable power of attorney during any period of disability or incapacity of the principal have the same effect and inure to the benefit of and by the principal, and his successors in interest, as if the principal were competent and not disabled.

§4903. Relation of Attorney-In-Fact to Court-Appointed Fiduciary

(a) The appointment of a guardian or other fiduciary charged with the management of the principal's property or the care of his person shall terminate all powers of attorney created pursuant to this subchapter to the extent the powers held by the attorney-in-fact prior to the appointment of a guardian or other fiduciary are granted to the guardian or other fiduciary; provided, however, that the person or entity serving as attorney-in-fact pursuant to this subchapter shall, upon his request and absent cause to the contrary, be appointed the guardian or other fiduciary in a proceeding under Chapter 37 or Chapter 39 of this Title.

(b) After the appointment of a guardian or other fiduciary charged with the management of the principal's property or the care of his person, the attorney-in fact is accountable to such guardian or other fiduciary as well as to the principal as to any powers which the attorney-in-fact continues to hold. A guardian or other fiduciary shall only have such powers to revoke or amend the powers of the attorney-in-fact as shall be given to such guardian or other fiduciary by the Court.

§4904. Power of Attorney Not Revoked Until Notice

(a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke nor terminate the agency as to the attorney-in-fact, or other person who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the successors in interest of the principal.

(b) The disability or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke nor terminate the agency as to the attorney-in-fact, or other person who, without actual knowledge of the disability or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his successors in interest.

§4905. Proof of Continuance of Durable and Other Power of Attorney by Affidavit

As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney-in-fact under a power of attorney, durable or otherwise, stating that he did not have at the time of exercise of the power actual knowledge of the termination of the power by revocation or of the principal's death, disability, or incapacity is conclusive proof of the non-revocation or

non-termination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section does not affect any provision in a power of attorney for its termination by expiration of time, the occurrence of an event other than an expressed revocation, or a change in the principal's capacity."

Section 2. This Act may be cited as the Uniform Durable Power of Attorney Act.

Section 3. This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

Section 4. If any provision of this Act or its application to any person or circumstances 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 5. The provisions of the present Sections 175-186 of Title 25 are hereby repealed effective on the date specified in Section 6 of this Act.

Section 6. The provisions of this Act shall become effective on the first day of the month following the date of enactment.

Approved June 21, 1982.

CHAPTER 268

FORMERLY

HOUSE BILL NO. 566

AN ACT TO AMEND CHAPTER 7, TITLE II, DEL. C., RELATING TO CHILD CUSTODY.

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

Section 1. Amend Chapter 7, Title II, Del. C., by striking §785 and by inserting in lieu thereof the following:

"§785. Interference With Custody; Class E. Felony; Class A Misdemeanor

A person is guilty of interference with custody when:

(1) Being a relative of a child less than 16 years old, intending to hold the child permanently or for a prolonged period and knowing that he has no legal right to do so, he takes or entices the child from his lawful custodian; or

(2) Knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or an institution.

(3) Interference with custody is a Class A Misdemeanor except that if the person who interferes with the custody of a child thereafter causes the removal of said child from Delaware, it is a Class E Felony."

Approved June 21, 1982.

CHAPTER 269

FORMERLY

HOUSE BILL NO. 580

AN ACT TO AMEND SECTION 10004 OF TITLE 29, DELAWARE CODE BY EXEMPTING TOWNS WHICH ARE DIRECT DEMOCRACIES FROM KEEPING INDIVIDUAL VOTING RECORDS.

WHEREAS, the principal of the secret ballot protects the liberty of all citizens in a free society; and

WHEREAS, the Freedom of Information Act requires that the votes of public bodies be kept as a written record available to the public; and

WHEREAS, any town which operates as a direct democracy is thereby required to record the votes of all citizens attending town meetings; and

WHEREAS, this requirement operates as a burden on such towns and violates their right to take secret ballots.

NOW, THEREFORE:

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

Section 1. Amend Subsection (f) of Section 10004 of Title 29, Delaware Code, by inserting the words "(except where the public body is a town assembly where all citizens are entitled to vote) after the words, "by individual members", and before the words "of each vote taken" as they appear in the second sentence.

Approved June 21, 1982.

CHAPTER 270

FORMERLY

SENATE BILL NO. 265

AN ACT TO AMEND CHAPTER 17, TITLE 24, DELAWARE CODE, RELATING TO THE PRACTICE OF MEDICINE.

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

Amend Section 1710(f), Subchapter II, Chapter 17, Title 24 of the Delaware Code by repealing said subsection in its entirety and renumbering all subsequent subsections accordingly.

Approved June 21, 1982.

CHAPTER 271

FORMERLY

SENATE BILL NO. 307

AN ACT TO AMEND TITLE 11, DELAWARE CODE, SECTION 475, RELATING TO IMMUNITY AS AN AFFIRMATIVE DEFENSE.

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

Section 1. Amend Title 11, Section 475, Delaware Code, by adding to the second sentence thereof, after the words "when prosecution for the offense" and before the words "as to which immunity", the following:

"Now charged would have been barred by prosecution for the offense"

Approved June 21, 1982.

CHAPTER 272

FORMERLY

SENATE BILL NO. 451
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO REINCORPORATE THE TOWN OF CAMDEN.

WHEREAS, it is deemed advisable that the Charter of the Town of Camden, contained in Chapter 159, Volume 43, Laws of Delaware, as amended, be consolidated into one complete Act and in certain respects amended and revised.

NOW, THEREFORE:

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

INCORPORATION

Section 1. The inhabitants of The Town of Camden within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided are hereby declared to be a body politic incorporated in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever by the corporation name of "The Town of Camden".

TERRITORIAL LIMITS

Section 2. The present boundaries and limits of The Town of Camden are hereby established and declared as follows:

BEGINNING at a point in the middle of Camden-Wyoming Avenue (formerly Commerce Street), said point being in the West line of the limits of The Town of Camden and being distant thirty feet from the Southwest corner of the Caesar Rodney School District lands; thence continuing along the Easterly limits of The Town of Wyoming in a Northerly direction along the centerline of Caesar Rodney Avenue a distance of approximately 650 feet to the intersection of the centerline of Caesar Rodney Avenue with the centerline of Center Street; thence continuing along the centerline of Center Street in an Easterly direction along with the limits of The Town of Wyoming a distance of approximately 800 feet to a point in said centerline of Center Street; thence in a Northeasterly direction along the limits of The Town of Wyoming a distance of approximately 851 feet to a point in the centerline of Old North Road, said point being approximately 250 feet West of the intersection of the centerlines of Old North Road and Weeks Drive; thence in a Northwesterly direction along the limits of The Town of Wyoming in a course parallel to and approximately 250 feet West of Weeks Drive a distance of approximately 937 feet to a point in the center of Isaacs Branch; thence with the said center of the Isaacs Branch in an Easterly direction along its meanderings to a point in the center of the median strip of U.S. Route 13 in a Southerly direction a distance of approximately 7125 feet to a point in the center of the median strip of U.S. Route 13 at its intersection with the centerline of County Road #105 a distance of approximately 2125 feet to a point which is the intersection of the centerline of County Road #105 and U.S. Route 13-A; thence in a Southwesterly direction along the centerline of U.S. Route 13-A a distance of approximately 4125 feet to a point in the centerline of said U.S. Route 13-A; thence in a Westerly direction a distance of approximately 3000 feet to a point in the Easterly right-of-way line of lands now or formerly of Penn Central Railroad; thence with the Easterly right-of-way line of the Penn Central Railroad (Conrail) in a Northerly direction a distance of approximately 1500 feet to its intersection with the centerline of Route 10; thence in a Northeasterly direction along the centerline of Route 10 to the place of beginning.

ANNEXATION OF TERRITORY

Section 3. In the event it becomes feasible and necessary in the future for the Town of Camden to enlarge its then existing limits and territory, such annexation accomplished pursuant to the following procedures shall be lawful:

(a) If all of the property owners of the territory contiguous to the then existing corporate limits and territory of The Town of Camden, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Camden shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. Territory which is otherwise contiguous except for its separation from the corporate limits and territory of The Town of Camden by public roadway, street, thoroughfare, easement or

right-of-way shall be deemed contiguous for purposes of annexation under this Charter. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its finding and conclusions to the Mayor and Town Council of Camden. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Camden and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Camden may then pass a second Resolution annexing such territory to The Town of Camden. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be following shall be the same as hereinafter provided as if the annexation were proposed by five (5) or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of the Town of Camden.

(b) If five (5) or more property owners, but less than all of the property owners of a territory contiguous to the then limits and territory of The Town of Camden by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of the Town of Camden shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or the Town Council, by majority vote of the elected members thereof may, by resolution; propose that a committee composed of not less than three (3) of the elected members of the Town Council be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of The Town of Camden.

(c) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the Town Council of Camden. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Camden and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within thirty (30) days after receiving the report, a second resolution shall then be passed by the Town Council proposed to the property owners and residents of both The Town of Camden and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, within thirty (30) days after receiving the report of the Committee, the Resolution proposing annexation to the property owners and residents of both the Town and the territory proposed to be annexed shall be passed by the affirmative vote of two-thirds (2/3) of the elected members of the Town Council. If the Resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the Resolution failed to receive the required affirmative vote. The second Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper having a general circulation in The Town of Camden at least one (1) week prior to the date set for the public hearing, or, at the discretion of the Town Council, the said Resolution shall be posted in four (4) public places both in The Town of Camden and in the territory proposed to be annexed.

(d) Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then be passed by a majority of the Town Council ordering a Special Election to be held not less than thirty (30) nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. Passage of this Resolution shall ipso facto be considered the determination of the Town Council to proceed with the matter of the proposed annexation.

(e) The notice of the time and place of the said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in The Town of Camden, or, in the discretion of the Town Council, the said notice may be posted in public places, both in The Town of Camden and in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the said Special Election.

(f) At the Special Election, every citizen of either the Town of Camden or of the territory proposed to be annexed over the age of eighteen (18) years shall have one (1) vote. Every owner of property within either The Town of Camden or in the territory proposed to be annexed who is not a

citizen therein; whether an individual partnership or a corporation, shall have one (1) vote. In the cases of jointly owned property the votes of the owners of shares therein shall be in accordance with their respective shares or, if all owners appear at the polls and so consent, all of the votes may be cast by the owner of any share. Life tenants shall have the entire vote as to the property so held and holders of remainder interest only shall have no vote by reason thereof. In no event shall any person be entitled to more than one (1) vote. Property owners whose property is exempt from taxation or is not assessed for taxation shall not be entitled to vote. The books and records of The Town of Camden in the case of property owners and citizens of the Town and the books and records of the Board of Assessment of Kent County, in the case of property owners and residents of the territory to be annexed, shall be conclusive evidence of the right of such property owners and citizens to vote at the Special Election.

(g) In the event that an individual holds a Power of Attorney duly executed and acknowledged specifically authorizing the said individual to vote at the said Special Election, a duly authenticated Power of Attorney shall be filed with the Town Council of The Town of Camden. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election.

(h) The Town Council of The Town of Camden shall cause voting machines to be used in the Special Election, the form of ballot to be printed as follows:

For the proposed annexation

Against the proposed annexation

(i) The Mayor of The Town of Camden shall appoint three (3) persons to act as a Board of Special Elections, at least one (1) of whom shall own property in The Town of Camden and at least one (1) of whom shall own property in the property proposed to be annexed. One (1) of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in a public place as designated by the Resolution calling the Special Election. The Board of Special Elections shall have available, clearly marked, two (2) voting machines. All votes cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be accomplished on one such voting machine and all ballots cast by those persons, partnerships, or corporation who are authorized to vote as residents or property owners of The Town of Camden shall be accomplished on the other such voting machine. The polling place shall be open from one o'clock in the afternoon, prevailing time, until six o'clock of the event, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for closing of the polls.

(j) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their Hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the Town Council of The Town of Camden. Said Certificate shall be filed with the papers of the Town Council.

(k) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from The Town of Camden, and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one (1) year from the date of the said Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Camden 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 Kent County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be a part of The Town of Camden from the time of recordation. The failure to record the description of the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(l) If the territory proposed to be annexed includes only territory which is exempt from taxation or which is not assessed on the books on the Board of Assessment of Kent County, no election shall be necessary and the Town Council of The Town of Camden may proceed to annex such territory by receiving a certified copy of a Resolution requesting such annexation, if such property is owned by a corporation, or by a written Petition with the signature of each such Petitioner duly acknowledged, if such property is owned by an individual, requesting the Town Council to annex that certain territory in which they own property. The certified copy of the Resolution or the Petition shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Upon receipt of the certified copy of the Resolution or the Petition, the Mayor of The Town of Camden shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of

annexation. No later than ninety (90) days following its appointment by the Mayor, as aforesaid, the committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Camden. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Camden and to the territory proposed to be annexed and shall contain the recommendation of the committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Camden may then pass a second Resolution annexing such territory to The Town of Camden. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the Resolution shall be passed by three fourths (3/4) of all the elected members of the Town Council. If the Resolution fails to receive the required number of votes, no part of the territory proposed for annexation shall again be proposed for annexation for a period of one (1) year from the date that the Resolution failed to receive the required votes. If the Resolution receives the required number of votes, the Town Council of The Town of Camden, 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 Kent County, and in no event shall such recordation be completed more than ninety (90) days following the passage of the Resolution. The territory considered for annexation shall be considered to be a part of The Town of Camden from the time of recordation. The failure of the Town Council 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 the passage of the Resolution.

STRUCTURE OF GOVERNMENT

Section 4. The government of the Town and the exercise of all powers conferred by this Charter except as otherwise provided herein, shall be vested in the Town Council. The Town Council shall be composed of five (5) members, each of whose terms shall be for a period of three (3) years, commencing at the Annual Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified.

QUALIFICATIONS FOR TOWN COUNCILMAN

Section 5. 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 Camden for at least one (1) year next preceding the Annual Municipal Election; and
- (b) At least eighteen (18) years of age;
- (c) Be non-delinquent in his town taxes;
- (d) 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 the office.

METHOD OF MAKING NOMINATIONS FOR TOWN COUNCILMAN

Section 7. The procedure for holding the Annual Municipal Election shall be as follows:

(a) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of the Town of Camden on the last Saturday in March of each and every year from twelve o'clock in the afternoon, prevailing time, until four o'clock in the afternoon, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the last Saturday in February, A.D. 1983.

(b) 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 last Saturday in February, A.D. 1983, after the passage of this Act as provided for in Section 6 of this Act, five (5) Councilmen shall be elected, two of whom shall be elected for the term of one year, or until their successors shall be duly qualified, and two for the term of two years, or until their successors shall be duly qualified, and one shall be elected for the term of three years, or until his successors shall be duly qualified, and thereafter at every subsequent annual election the successors to the Councilmen whose terms shall have expired shall be chosen to serve for the term of three (3) years, or until their successors shall be duly qualified; and if any vacancy or vacancies shall occur among them by death, resignation, refusal to serve, or otherwise, the remaining Councilmen shall have the power to fill such vacancy or vacancies shall be filled by

the election of Councilman or Councilmen to fill the unexpired term of the Councilman or Councilmen in whose stead they shall be elected.

(c) The Annual Municipal Election shall be conducted by a Board of Elections consisting of an Inspector and two (2) judges appointed by the Mayor of The Town of Camden, with the concurrence of a majority of the members of the Town Council, not later than the last regular meeting of the Town Council prior to the Date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote thereat, take reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance and shall take reasonable steps for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Annual Municipal Election shall not be present at the polling place at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding such Annual Municipal Election to elect from among their own number a person to fill each vacancy and such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.

(d) 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 Annual Municipal Election and who shall be a bona fide resident of the Town of Camden shall have one (1) vote. All voters must be residents of The Town of Camden. The Town Council may, by ordinance, establish a reasonable procedure for the registration of voters and, in such event, compliance therewith may be a prerequisite for voting at the election.

(e) All votes offered at the Annual Municipal Election shall be offered in person.

(f) Upon the close of the election the votes shall be read and counted publicly. 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 there shall be a run-off election between the candidates so tied.

(g) The Election Board shall enter in a Book to be provided for that purpose, minutes of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the Election, which Book consisting such minutes, shall be preserved by the Council, and shall be evidence in any Court of Law and Equity. All ballots cast, all tabulations of votes from voting machines and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten (10) days.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 8. (a) Before entering upon the duties of their respective offices, the Councilmen Elect shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over member of the Council to perform faithfully and impartially the duties of their respective offices with fidelity. At seven-thirty o'clock in the evening, prevailing time, at the first regular meeting following the Annual Municipal Election, the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

(b) At the annual meeting, held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect, by ballot, a President and a Vice-President who shall hold office for the term of one (1) year or until his successor shall be duly elected. The person elected as President of the Town Council shall have the title of Mayor. The Town Council shall likewise select a Secretary, who may or may not be from among their own number, to serve until the first regular meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary to serve as aforesaid, who may or may not be from among their own number, and such other officers or employees as may be determined to be necessary.

REGULAR AND SPECIAL MEETINGS

Section 9. The Town Council of The Town of Camden shall hold one (1) meeting in each month on the first Monday of the month. If the first Monday of the month shall be a legal holiday the monthly meeting of the Town Council of The Town of Camden shall be held on the next succeeding Monday. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Camden, or upon the written request of any two (2) members of the Town Council of The Town of Camden stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main post office of The Town of Camden at least forty-eight (48) hours before the time of said special meeting; provided, however, that a written waiver of such notice signed by the Mayor of The Town of Camden and by all members of the Town

Council prior to or immediately upon convening of the said such special meeting shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states.

QUORUM

Section 10. A majority of the members elected to the Town Council shall constitute a quorum at any regular or special meeting; but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

RULES AND MINUTES OF COUNCIL

Section 11. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

VACANCIES

Section 12. If any vacancy shall occur in the office of Councilman by death, resignation, loss of residence in The Town of Camden, refusal to serve, or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council. The person or persons so chosen to fill such vacancy shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.

DISQUALIFICATIONS

Section 13. If any Councilman, during his term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever, or violates (a), (b), or (c) of Section 5, or shall for any reason cease to be a resident of the Town, he shall forthwith be disqualified to act as a member of Council and his office shall be deemed vacant and shall be filled by the Town Council as aforesaid. A resignation may or may not be requested by the Town Council.

CONTRACTS

Section 14. (a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, services, work or labor, for the benefit and use of The Town of Camden with any member of the Town Council or with any partnership in which any member of the Town Council is a General Partner, or with any corporation of which any member of the Town Council is a Director or controlling stockholder or any firm or company which any member of the Town Council is pecuniarily interested; provided, that if all the elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a responsive 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 One Thousand Dollars (\$1,000.00);
- (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 services to be rendered by the State of Delaware or any political subdivision;
- (5) The purchase or contract is for property or services for which it is impracticable to obtain competition;
- (6) The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;
- (7) The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition;
- (8) A public emergency as determined by The Town Council exists.

DUTIES OF THE MAYOR AND PRESIDENT OF COUNCIL

Section 15. (a) The President of the Town Council shall preside at all meetings thereat, and shall vote on all matters brought before the Town Council for a vote. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. He may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, to proceed upon such infractions or violations of law and ordinances immediately in the event that he deems such action to be required. The President of the Town Council shall perform such other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this Charter.

(b) The President of the Town Council, within thirty (30) days following his election, may appoint, by and with the advice and consent of a majority of the elected members of the Town Council, two (2) suitable persons who shall be qualified voters of the Town of Camden to act as Alderman and Assistant Alderman. Both the Alderman and the Assistant Alderman shall hold office until each successor shall be duly appointed and chosen.

(c) The President of the Town Council may, for any reasonable cause, by and with the consent and upon the address of a majority of all the members of the Town Council, remove from office any person appointed by him or any of his predecessors. The person against whom the Council may be about to proceed shall receive five (5) days' written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the President of the Town Council by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.

(d) The President of the Town Council may appoint such other committees as he deems necessary for the proper administration of the Town of Camden or the Council may, by resolution, authorize the President of the Town Council to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(e) It shall be the duty of the Vice-President of the Town Council, in the absence of the President, to preside at all meetings of the Town Council in the event of absence of the President and perform such other duties and to have such other powers of the President as are prescribed by the Charter of the Town of Camden or by any ordinance of the Town Council.

SECRETARY

Section 16. (a) The Secretary shall have charge and custody of books, journals, records, papers and other effects of the Town and shall keep the same in a safe and secure place. They shall keep a full and complete record of all the transactions in The Town of Camden. The Secretary shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by Ordinance or rule of the Town Council of The Town of Camden. They shall file and keep in a safe place, as may be determined by the Town Council, the seal of The Town of Camden and all papers and documents arising out of the proceedings of the Town Council of the Town of Camden relative to the affairs of the Town. They shall deliver the same to his successor in office. They shall attest the seal of The Town of Camden which authorized by the Town Council and shall perform such other duties and have such other papers as may be prescribed by Ordinance.

(b) All books, records and journals of The Town of Camden in the custody of the Secretary may, in the presence of the Mayor, Secretary, Assistant Secretary or any member of the Town Council of The Town of Camden, be inspected by any registered voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the Town.

(c) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The Town of Camden.

(d) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

ASSISTANT SECRETARY

Section 17. The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by resolution to the Town Council of The Town of Camden and shall receive such compensation as the Town Council by Resolution shall determine.

ALDERMAN AND ASSISTANT ALDERMAN

Section 18. (a) The Mayor may appoint some suitable person to act as Alderman and may appoint some suitable person to act as Assistant Alderman. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be at least twenty-one (21) years of age, shall be of good character and reputation and shall be a resident of The Town of Camden and shall not be a member of the Town Council of the Town of Camden. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be appointed for an indefinite term and any such appointment shall be confirmed by a majority of all members of the Town Council of The Town of Camden. Either the Alderman or the Assistant Alderman may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council of The Town of Camden.

(b) Before entering upon the duties of his office, the person appointed by the Mayor to serve as Alderman and the person appointed by the Mayor to serve as Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully and diligently and to uphold and enforce the Charter of The Town of Camden and Ordinances duly enacted by the Town Council of the Town of Camden and to carry into effect all orders of the Town Council of The Town of Camden made pursuant to any law of this State. The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods the Assistant Alderman shall have all the powers and duties of Alderman.

(c) The Town Council shall procure suitable records for the use of the Alderman and the Assistant Alderman. Such records shall be known as the "Alderman's Docket." The Alderman and the Assistant Alderman shall each record all official acts and proceedings in the Alderman's Docket.

(d) The Alderman and the Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of The Town of Camden so far as to arrest and hold for bail or fine and imprison offenders for any offense, penalty or forfeiture prescribed by the Charter of The Town of Camden and any Ordinance enacted thereunder; of all neglects, omissions or default of any officer, agent or employee of the Town; PROVIDED, HOWEVER, that neither the Alderman nor the Assistant Alderman shall impose any fine in excess of Five Hundred Dollars (\$500.00) nor imprison any offender for more than sixty (60) days, or both, except as otherwise provided in the Charter of the Town of Camden. The Alderman and the Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by Ordinance or Resolution of the Town Council of The Town of Camden; PROVIDED, HOWEVER, that no costs shall be imposed which are in excess of that which may be imposed by a Justice of the Peace for like service.

(e) The Alderman and the Assistant Alderman shall prepare and submit a monthly report to the Town Council reporting all fines and penalties imposed during the preceding calendar month and shall pay to the Treasurer of the Town all such fines and penalties.

(f) The Alderman or the Assistant Alderman shall receive such salary as may be fixed from time to time by Resolution of the Town Council.

(g) If any Alderman or Assistant Alderman shall be removed from office as hereinbefore provided, he shall deliver to the Council, within two days after his removal from office, all the books and papers belonging to his office, and to pay over to the Council all moneys in his hands within five (5) days after receiving the notice of his removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the Council shall require the auditor of the Town, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from the office. Upon the neglect or failure to deliver all the books and papers to the Council within the time specified by this Charter, or to pay over all of the moneys to the Council within the time specified, the Alderman or Assistant Alderman, so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each day that he fails to deliver the books and papers to the Council or to pay over all moneys to the Council.

TREASURER

Section 19. The Treasurer shall be above the age of twenty-one years of age 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 acting President of Council.

The Town Treasurer, before entering upon the duties of his office, shall also give bond to the Town of Camden, with sufficient surety to be approved by Council, in the penal sum of the amount

in the municipal aid account or in the amount of Five Thousand Dollars (\$5,000.00), whichever is greater, conditioned for the faithful discharge of duties of his office and for the payment of his successor in office of all sums of money belonging to said Town, which remain in his hands upon the settlement of his accounts, to which bond and petition shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Treasurer shall pay all orders drawn on him by order of said Council and be signed by the President and Secretary thereof, out of any moneys 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.

COLLECTOR OF TAXES

Section 20. The Collector of Taxes shall be citizen and resident of the said Town above the age of twenty-one years of age 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 pay the same to the Town Treasurer as herein otherwise provided.

The Town Collector, before entering upon the duties of his offices, shall give bond to The Town of Camden with sufficient surety to be approved by Council, in the sum of the amount of the municipal aid account, conditioned for the faithful performance of the duties of his office, and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town from taxes, sewer and water rents, electric current accounts and all other Town revenue, and for the settlement of his accounts with the Treasurer of the Town at the end of each fiscal year, and oftener and at such other times as Council may require, to which bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment for said penalty.

TOWN SOLICITOR

Section 21. The Mayor of The Town of Camden with the advice and consent of a majority of the elected members of the Town Council, shall select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of the Town Council of The Town of Camden either with or without due cause stated. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware, with offices in Kent County. It shall be his duty to give legal advice to the Town Council and other officers of the Town and to perform other legal services as may be required of him by the Town Council.

BOARD OF HEALTH

Section 22. (a) The Board of Health shall consist of four (4) members, one of whom shall be a practicing physician. The Board shall be appointed by the Mayor of The Town of Camden with the advice and consent of a majority of the elected members of the Town Council at the annual meeting hereinafter, provided, and shall serve for one (1) year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of and interest in the life and health of the people of the Town. The Board shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the citizens of The Town of Camden. The Board shall organize by the election of a Chairman and Secretary within ten (10) days after notice of their appointment and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

(b) The Secretary of the Board may be allowed a reasonable annual compensation for his services, which shall be determined by the Town Council and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the Mayor, but he shall be a resident of The Town of Camden.

(c) The Board of Health shall have the power to recommend the adoption of ordinances relating to the health of the population of the Town or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the same and such ordinances, when adopted by the Town Council, shall extend to an area outside the Town limits for a distance of one (1) mile.

(d) If the Council fails to appoint a Board of Health, the five (5) Council members shall duly serve.

POLICE FORCE

Section 23. (a) The Town Council shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police force. The police shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force shall have such other duties as

the Town Council shall, from time to time, prescribe. The Chief of Police and the members of the police force shall be subject to the direction of the Police Commission of the Town Council.

(b) Each member of the police force shall have police powers similar to those of constables within the Town limits and within one (1) mile outside said limits and shall be conservators of the peace throughout The Town of Camden, and they shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. They shall compel the enforcement of all laws enacted by the Town Council of The Town of Camden. In the case of a pursuit of an offender, the power and authority of the police force shall extend outside the territorial limitations of The Town of Camden to all part of the State of Delaware.

(c) Every person sentenced to imprisonment by the Alderman or the Assistant Alderman or a Justice of the Peace, as the case may be, shall be delivered by a member of the police force to the correctional institution located in Kent County to be there imprisoned for the term of his sentence.

(d) In the case of an arrest at any time when the Alderman or the Assistant Alderman of The Town of Camden shall not be available, or if no such Alderman or Assistant Alderman has been appointed, the person arrested may be taken before the nearest Justice of the Peace with offices in Kent County who shall hear and determine the charge, and who, in such case, is vested with all the authority and powers granted by this Charter under the Alderman or the Assistant Alderman. In the case of an arrest at a time when the Alderman or The Assistant Alderman or the Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be transferred to the correctional institution located in Kent County for imprisonment until such reasonable time thereafter as shall enable the Alderman or Assistant Alderman or the Justice of the Peace to hear and determine the charge against such person.

(e) It shall be the duty of the police force 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 the view of the above or upon view of the violation of any Ordinance of the Town relating to peace and good order thereof, the police force shall have the right and power to arrest without warrant.

ANNUAL AUDIT

Section 24. At the annual meeting hereinbefore provided, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, shall appoint an accountant to be the auditor of accounts of The Town of Camden. It shall be the duty of the auditor to audit the accounts of the Town and all its officers whose duty involves the collection, custody and payment of moneys to the Town. The Auditor shall audit the books of the Alderman and the Assistant Alderman of The Town of Camden, the record of all fines, penalties, costs imposed or collected by him pursuant to any judgment, order to decree made. 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, under his hand and seal, shall be printed in a newspaper having a general circulation in the Town in the issue immediately preceding the annual report. The Auditor, in the performance of his duties, shall have access to all records and accounts of the offices of the Town Council and he is hereby authorized and empowered to employ such clerks as in his judgment may be necessary in the proper performance of his duties.

BOARD OF ASSESSMENT

Section 25. (a) The Board of Assessment shall be appointed by the Mayor of The Town of Camden with the advice and consent of a majority of the elected members of the Town Council for an indefinite term. The Board of Assessment shall consist of three (3) members, all of whom shall be over the age of twenty-one (21) years, bona fide residents of The Town of Camden and free holders of the town.

(b) They shall be sworn or affirmed by the Mayor of The Town of Camden or by a Notary Public to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situate within the corporate limits of the Town and to perform such other duties and reference thereto as shall be prescribed from time to time by the Town Council of The Town of Camden. Compensation to be received by them for the performance of their duties in the hiring of employees to assist them in the performance of their duties shall be fixed by and subject to the approval of the Town Council of The Town of Camden.

(c) In making such assessment, the rules and exemptions now applicable by law to the making of the assessment for Kent County of persons and property shall be applicable insofar as consistent with the provision of this Charter.

ASSESSMENT OF TAXES

Section 26. The Board of Assessment shall, within ninety (90) days prior to the beginning of the next fiscal year, make a just, true and impartial annual valuation or assessment of all real estate

and improvements located thereon located within The Town of Camden. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown." A mistake in the name of the owner or owners or a wrong name or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any municipal tax or assessment based thereon; PROVIDED, HOWEVER, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds in and for Kent County. The Board of Assessment shall also make a personal assessment of all male and female citizens of the Town above the age of eighteen (18) years, whether an owner of real estate or not; said personal assessment shall be determined by the Town Council and certified to the Board of Assessment. Said personal assessment or per capita tax shall be in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever.

(a) The Board of Assessment, after making such annual assessment, shall, at least ninety (90) days prior to the end of the fiscal year, deliver to the Town Council of The town of Camden a list containing the names of all persons assessed and the amount of assessment against each. They shall also deliver at such time as many copies of said list as the Town Council shall direct.

(b) The annual assessment shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per capita assessment shall appear in separate columns or spaces. In making this assessment the Board shall make its valuation accordingly.

(c) The real property of the several members of the Board of Assessment shall be assessed by the Town Council of The Town of Camden.

(d) Immediately upon receiving the annual assessment list from the Board of Assessment, the Town Council of The Town of Camden shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung in a public place in The Town of Camden and there it shall remain for a period of at least ten (10) days for the information of and examination by all concerned. Appended thereto and also in public places in said Town shall be posted notices advertising to all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices that at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place they shall hear appeals from the said annual assessment. The decision of the Town Council sitting as the Board of Appeals shall be final and conclusive and said Town Council shall revise and complete said assessment at this sitting. No member of the Town Council shall sit upon his own appeal but the same shall be heard and determined by the other councilmen.

(e) All the members of the Board of Assessment shall be present on the day fixed for hearing appeals and shall furnish to the Town Council such information and answer such questions as the Town Council may require in respect to any assessment for which an appeal has been taken. The town Council shall have the authority to enforce the attendance of the Board of assessment by appropriate process.

LEVY OF ANNUAL TAXES

Section 27. (a) At the last regular meeting in the fiscal year, after having revised and completed the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be raised by the Town to meet the fixed and anticipated expenses and obligation of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover unanticipated expenses and emergencies.

(b) The Town Council should then proceed to determine, in its 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. They shall then proceed to determine, assess, fix and/or levy as follows:

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

(2) The amount of personal or per capita tax upon each citizen of the Town over the age of Eighteen (18) years; and/or

(3) The rate of tax upon all poles, construction, erections, wires and appliances more particularly mentioned, or intended so to be in Section 30 of this Charter as amended; and/or

(4) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment, trash assessment; and/or

(5) The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to itemize the amount to be raised from each such source determined by them to be used as aforesaid; PROVIDED, HOWEVER, that sources (4) and (5) aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and that any regular or special meeting of the Town Council as the Town Council, in its own proper discretion, shall determine.

(c) Immediately after the last regular meeting prior to the end of the fiscal year 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 (1), (2) and (3) above-mentioned. This list shall be known as the Annual Tax List of The Town of Camden. In addition to the information contained in the assessment list, it shall also contain information as to the rate of tax upon real estate for each One Hundred Dollars (\$100.00) of assessed valuation thereof.

(d) The Town Council shall cause to be delivered to the Town Tax Collector a duplicate of said Annual Tax List and the Town Tax Collector shall immediately proceed to collect the same as hereinafter provided.

(e) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due The Town of Camden, under existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Camden created hereby.

COLLECTION OF ANNUAL TAXES

Section 28. (a) The Tax Collector, as soon as the Town Council shall have placed in his hands a 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 Town of Camden in such Annual Tax List shall be and constitute a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed at any time after such taxes shall have been levied and imposed that is situate within The Town of Camden. Such lien shall have preference and priority to all other liens on the real estate, as aforesaid, created or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the attaching of such lien for taxes.

(c) All taxes, when and as collected by the Tax Collector, shall be due and payable at and from the time of the delivery of the Annual Tax List to the Tax Collector.

(d) In the Collection of said taxes, there shall be an abatement of three percent (3%) of any taxes paid on or after the first day of July and prior to the last day of August. On all taxes paid after September 30 there shall be added for each month or part thereof interest in an amount computed on a monthly rate based upon an annual rate of five percent (5%) over The Federal Reserve Discount Rate in effect on September 1 in the fiscal year when the taxes are due and payable, and said interest 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 30th of September 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.

(e) The Town Council may, by ordinance, establish a tax exemption of any town resident who has reached the age of sixty-five (65) years and who meets such other qualifications as the Town Council may establish which will exempt said resident from town property tax for assessments up to \$10,000.00

(f) 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 engaged in any manufacturing business within the limits of said Town and employing no less than six persons.

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 revocable upon a breach of a condition contained in such ordinance or resolution.

(g) The Town Tax Collector, when any tax has become delinquent, may, in the name of the Town of Camden, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Kent County, or in the Superior Court of the State of Delaware, in and for Kent County, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas, or in the Superior Court as the case may be.

(h) However, should the Town Tax Collector so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent tax payer alienated subsequent to the levy of the tax by the following procedure:

(1) The Town Tax Collector shall present in the name of The Town of Camden to the Superior Court of the State of Delaware, in and for Kent County, a petition in which shall be stated:

(A) The name of the taxable;

(B) The year for which the tax was levied;

(C) The total amount due;

(D) The total amount due;

(E) The date from which interest and the penalty for nonpayment shall commence and the rate of such interest and penalty and any collection charge permitted;

(F) A reasonable, precise description of the lands and tenements proposed to be sold;

(G) A statement that the bill of said tax has been mailed to the taxable at his last post office address with return receipt requested by certified mail and postage prepaid;

(H) That it has been found impractical to attempt to collect the said tax by any other remedy hereinbefore provided. The petition shall be signed by the Town Tax Collector and shall be verified before a Notary Public.

(2) At least ten (10) days prior to the filing of any such petition as described herein, the Town Tax Collector shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon together with a notice to the delinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Town Tax Collector shall exhibit the return registry receipt to the Court by filing the same with the petition; PROVIDED, HOWEVER, that if the taxpayer cannot be found, it shall be sufficient for the Town Tax Collector to file with said petition the evidence that such statement has been mailed in accordance with this Subsection and has been returned.

(3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Kent County, and shall endorse upon the said record of said petition the following: "This petition, filed the _____ day of _____, A.D. _____, and the Town Tax Collector of the Town of Camden is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due." This endorsement shall be signed by the Prothonotary.

(4) Any sales of lands and tenements of a delinquent taxpayer shall be advertised in public places in The Town of Camden and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the day fixed for the sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.

(5) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Kent County, at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the Town Tax Collector making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his allenee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

(6) No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs, no deed shall be made until the expiration of one (1) year from the date of the sale within which time the owner, his heirs, executors, or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representative or assigns, the costs, the amount of the purchase price, and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(7) After satisfying the tax due and the costs of expense of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, upon the refusal of the said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in The Town of Camden either to the credit of the owner or in a manner in which the fund may be identified.

(8) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be:

(A) To the Prothonotary for filing and recording the petition, One Dollar (\$1.00);

(B) For filing and recording the return of sale, One Dollar and Fifty Cents (\$1.50);

(C) To the Town Tax Collector for preparing the Certificate, Twenty-five Cents (\$.25), for making the sale of lands, Two Dollars (\$2.00), for preparing and filing a return, One Dollar and Fifty Cents (\$1.50), for posting sale bills, One Dollar (\$1.00).

In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.

(9) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of the sale.

(10) If any person is assessed for several parcels of land and tenements in the same assessment in The Town of Camden, the total of said taxes may be collected from the sale of any part of portion of said lands and tenements, provided that the land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.

(11) In the event of death, resignation or removal from office of the Town Tax Collector of The Town of Camden before the proceedings for the sale of lands shall have been completed, his successor in office shall succeed to all of his powers, rights, and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment, or otherwise, may refer to the Superior Court of the State of Delaware, in and for Kent County, a petition representing the facts and praying for an order authorizing and requiring the Town Tax Collector to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(12) The Town Tax Collector shall have the right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Kent County now has by law or may hereafter have.

TOWN BUDGET

Section 29. (a) The fiscal year for The Town of Camden shall be as determined by Resolution of the Town Council.

(b) Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Town Council shall prepare a rough draft of the Town Budget. From this rough draft, the Town Council shall not later than the regular meeting following the presentation of the rough draft prepared of the Town Budget, prepare the budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

(c) The budget shall contain the following information:

(1) A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year;

(2) The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof;

(3) The amount of the debt of the Town, together with the schedule of maturities of Bond issues;

(4) An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuing fiscal year;

(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, water rents, sewer service charges, front foot assessments, license fees 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.

(e) The budget shall be printed in a newspaper having a general circulation in the Town in an issue within one week following its adoption.

ENUMERATION OF POWERS

Section 30. (a) Not by way of limitation upon the power vested in the Town Council of The Town of Camden to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but rather by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, health, and public 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, good order and public welfare 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, shall, improve, dredge, erect, remove, repair or 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;
- (6) To regulate or control the observance of the Sabbath Day;
- (7) To 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;
- (8) To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer and manure plants or restabishments, swine pens, privies, water closets in any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature;
- (9) To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners;
- (10) To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, post or any other erection or projection 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;
- (11) To define, prevent, abate or remove nuisances, obstructions or any other conditions 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 or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by The Town of Camden 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 the equipment, property or rights 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 the 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 municipality itself.

(13) To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or 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, plan 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 thereof of the Town itself.

(14) To provide, construct, extend, maintain, manage and control the 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, water courses, parks, lake, strands, sidewalks, crosswalks, wharfs, docks, public buildings or other public places in 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 necessarily proper 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 town may be used, the manner of its use, the amount to be paid by the users thereof, the means whereby such amounts are to 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 of 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 Town 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 and 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, 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, properly protected that the general public might enjoy the use thereof.

(17) To grant franchises or licenses to any responsible persons, 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 the persons, firms or corporation 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 wharfs and piers and for the purpose of vending any article or merchandise upon or from any vehicle upon any 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 except that an exclusive license for sewer and/or water services may be granted to The Camden-Wyoming Sewer and Water Authority, a body politic existing under Chapter 14 of Title 16 of the Delaware Code.

(18) To regulate and control the exercise of any license or franchise mentioned in Section 30 of this Charter, or intended so to be;

(19) To direct, regulate and control the planning, rearing, treating 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;

(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 gun powder, 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 resecure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires;

(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; to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material; and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under any by virtue of Chapter 3, Title 22, Del. C. of 1974, and all amendments heretofore or hereafter adopted.

(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 Ordinance, or for detention of persons accused of violation of law or Ordinances for a reasonable time in cases of necessity prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars, and vagrants; provided that any correctional institution located in Kent County may be used for any such purpose;

(25) To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping the offices of the Town;

(26) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which may cause bodily injury or injury or harm 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 Five Hundred Dollars (\$500.00) or sixty (60) days, or both;

(28) To 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 unto 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;

(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 the abatement of nuisances and the like, laying out and repairing sidewalks, curbs or gutters, or other charges due the town and to sell the same;

(30) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon; provided, however, that the amount to be raised from the course shall not exceed in any one year the sum of Five Hundred Thousand Dollars (\$500,000.00); and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether hereinbefore or hereafter incurred;

(31) To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of the Town of Camden to be used for any and all municipal purposes;

(32) To levy and collect taxes upon all telephone, telegraph, power poles, pipelines, rail lines, or other constructions or erections of a like character, erected within the 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 construction or erection wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 27 of this Charter, the Town Council shall have the authority to cause the same to be removed;

(33) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the 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 an 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;

(34) The Town Council may, by ordinance, establish and collect a realty transfer tax not to exceed the rate of one percent (1%) of the value of property in conformance with the definitions and exceptions from the realty transfer tax as contained within Chapter 54, Title 30, Del. C. of 1974, and all amendments heretofore or hereafter adopted;

(35) To determine from which authorized source and in what proportion taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the town and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness;

(36) To provide for the collection of and disbursements of all moneys 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;

(37) To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall selected for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all state, county or municipal taxes; provided, however, that in no event shall the indebtedness of the Town for any and all purposes at any one time exceed in the aggregate twenty-five percent (25%) of the assessed value of all real estate in the Town subject to the assessment for the purpose of levying the annual tax hereinbefore mentioned;

(38) To acquire, and/or to vacate the use of land tenements, personalty, property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to the Town of Camden by this Charter. Proceedings by way of condemnation in any case shall be as prescribed in Chapter 61, Title 10, Del. C. of 1974, as heretofore or hereafter amended;

(39) 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;

(40) 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;

(41) To inquire into and investigate the conduct of any officer, agent or employee of the Town or 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;

(42) To establish by Ordinance duly adopted pursuant to 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 Town Council, in its discretion, may deem most appropriate; provided, however, that any annual appropriation which is made by the Town Council 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 desirable by the Town Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in the State and approved by a majority of the elected member of the Town Council;

(43) To borrow money in anticipation of revenues on the full faith and credit of The Town of Camden sum or sums not exceeding One Hundred Thousand Dollars (\$100,000.00) in any one year when, in the opinion of a majority of the Town Council of The Town of Camden, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of The Town of Camden, duly authorized by Resolution adopted by the Town Council of The Town of Camden and signed by the Mayor of The Town of Camden, and attested by the Secretary of the Town Council with the corporate seal affixed, and no officer or member of the Town Council shall be liable for the payments of such notes because it is signed by them as officers of the town and is authorized by the resolution of Town Council; 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 that such ad valorem taxes shall be levied as are necessary to pay the principal or the 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 contract with any municipality, county, the State or any agency or instrumentality thereof, for cooperation in the maintenance and operation of police, trash collection or other municipal services which under this Charter which The Town of Camden individually may perform and to participate in such commissions as the Town Council may deem necessary to carry into effect such cooperative arrangements.

(45) 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 good government of the Town, the protection and preservation of persons and property, and of the public health and 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) mile from said limits.

STREETS

Section 31 (a) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall deem it for the best interest of the Town.

(b) The procedure to be used for any of those things heretofore listed in this Section shall be as follows:

(1) Whenever five (5) or more property owners in a portion of the Town directly affected or abutting on the proposed street to be opened, layed out, changed, altered, widened, vacated or closed shall be written petition with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter any existing street or any part thereof or to vacate or abandon a street or any part thereof, the Mayor of The Town of Camden shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of changing the structure of said streets in the Town. The petition presented to the Council by the property owners shall include a description of the property through which the proposed street shall be layed out or description of the street on which any of the other actions heretofore described shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council, by a majority vote of the elected members thereof, may by resolution, propose that a committee composed of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the Town.

(2) Not later than ninety (90) days following its appointment, the committee shall submit a report concerning its findings to the Mayor and to the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changes of the street structure and shall contain the conclusion of said committee either recommending or disapproving the change of said street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of the Town of Camden, the Council by resolution, passed by a majority of the elected members of the Town Council concurring therein, shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the Town. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of the Town of Camden, the resolution proposing the change in the street structure to the property owners and citizens of the Town of Camden shall be passed by a majority of three-fourths (3/4ths) of the elected members of the Town Council. The resolution shall contain a description of the proposed change and shall affix a time and place for a public hearing on the matter of changing the street structure. The resolution adopted by the Town Council shall be printed in a newspaper having a general circulation in the Town of Camden or, in the discretion of the Town Council, the resolution shall be posted in public places in the Town for at least one (1) week before the time set for the public hearing. The notice shall be published at least one (1) week prior to the date set for the public hearing. The resolution shall also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the

Town.

(3) Whenever the Town Council shall have determined to locate or lay out or widen any street, lane or alley and shall have affixed compensation therefor, it shall be the duty of the Town Council immediately after the survey and location of said street, lane or alley, to notify by certified mail with return receipt requested and postage prepaid, the owner or owners of the real estate, through or over whom such street, lane or alley may run, of their determination to open or widen the same and to furnish a general description or location thereof; also the amount of compensation or damages allowed to each such property owner, and if such owner be not a resident of the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known, if there be no holder or tenant resident in said Town, and the address of the owner be unknown or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the town as aforesaid said property owner may, within ten (10) days after such notice as aforesaid was posted or mailed, appeal from written notice of assessment or compensation or damages allowed by the Town as aforesaid, said property owner may, within ten (10) days after such notice as aforesaid, was posted or mailed, appeal from written notice of assessment or compensation or damages by serving written notice, by certified mail with return receipt requested and postage prepaid, on the Mayor of the Town to the effect that he or she is dissatisfied with the amount of such compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware, in and for Kent County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall, within fifteen (15) days after serving such notice upon the Mayor as aforesaid make written application to said Judge of the Superior Court of the State of Delaware, in and for Kent County, for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a commission directed to five (5) freeholders of said county, three (3) of whom shall be residents of the Town of Camden, and two (2) of whom shall be non-residents of said Town, requiring them to assess the damages which the owner of the real estate through or over which the said street, lane or alley shall pass, or who shall have suffered damage because of any other action taken by the Town pursuant to the provisions hereof, and who shall have notified the said Town Council of their intention to appeal may incur by reason thereof, and to make a return of their proceeding to the said Judge at the time therein appointed.

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

(5) If the ascertainment and assessment of damages by the freeholders appointed by the Judge, as aforesaid, shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Town Manager belonging to the Town, but if said damages shall not be increased the cost of the appeal shall be paid by the party appealing. The said freeholder members of the commission shall receive and be entitled for each day's actual service or any part of a day the sum of Five Dollars (\$5.00). After the damage shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or upon the payment of the costs only, may abandon the proposed improvements. In the event that either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted by the Supreme Court of the State of Delaware.

CURBING AND PAVING

Section 32. (a) Whenever the Town Council shall have determined that any paving, graveling, curbing or any or all of them shall be done, it shall cause a notice to be sent to the owner or owners along or in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner or owners to cause such paving, graveling, and/or curbing, or any of them, to be done in conformity with said notice. In the event any owner or owners neglect to comply with said notice for the space of thirty (30) days, the said Town Council may proceed to have the same done and when done, the Town Council shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill sharing expenses of such paving, graveling and curbing, or any of them. If such owner or owners be not resident in the Town of Camden, such bills shall be sent by certified mail with postage prepaid or to such owner or owners directed to him, her or them at the last known address. If such bill be not paid by the owner or owners of such lands within sixty (60) days after the presentation thereof, as aforesaid, the Town

Tax Collector shall proceed to collect the same in the same manner and under the same terms and conditions as are provided for the collection of delinquent taxes.

(b) Any notice sent to one co-owner shall be notice to all owners and in the case no owners shall reside in said Town, notice serviced as set forth herein or posted upon the premises shall be sufficient.

(c) The provisions contained herein shall apply to any order made by the Town Council in respect to any pavement, sidewalk or curb heretofore made or done which the said Town Council may deem insufficient or need repairing.

COLLECTION OF CHARGES DUE THE TOWN

Section 33. (a) In the collection of any charges due the town for water rentals, sewer service charges, electric bills, gas bills, license fees, tapping fees, trash assessment from foot assessment, charges growing out of the abatement of nuisances, laying out and repairing paving, graveling, curbing, or any of them, such charges shall become a first lien against all real estate of the delinquent property owners and/or taxpayers situate within the Town, and such charges shall have preference and priority for a period of ten (10) years from the date the charge became due and owing to all other liens on real estate created or suffered by the taxable and property owner, although such other lien or liens be of a date prior to the time for the attaching of such liens for such charges.

(b) The remedies available to the Town Tax Collector for the collection of such charges shall be the same as those set forth in this Charter for the collection of delinquent taxes.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 34. (a) The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of the Town of Camden to provide funds for the erection, extension, enlargement, purchase or the repair of any plant, machinery, appliances, or equipment for the supply or the manufacture and distribution of electricity or gas for light, heat or power purposes for the furnish of water to the public, for the construction, repair and improvements of highways, streets or lanes or the paving, curbing or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; or to defray the cost or the share of the Town of the costs of any permanent municipal improvements; provided, however, that the borrowing of money therefor shall have been authorized for the Town Council in the manner following:

(1) The Town Council by resolution shall propose to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for any of the purposes above stated. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan which deemed pertinent by the Town Council and in their possession at the time of the passage of the resolution and shall fix a time and place for a hearing on the said resolution.

(2) 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 or distributed in circular form at least one week before the time set for the public hearing.

(3) Following the public hearing, a second resolution shall then be passed by the Town Council ordering a special election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the money, the said special election to be for the purpose of voting for or against the proposed loan. The passing of the second resolution calling a special election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue.

(4) The notice of the time and place of holding the said special election shall be printed in two (2) issues of a newspaper having a general circulation in the Town of Camden within thirty (30) days prior to the said special election, or both, at the discretion of the Town Council.

(5) At the said special election every citizen of the Town Council of Camden shall have one vote, and in addition, every partnership or corporation owning property within the corporate limits of the Town of Camden shall also have one vote, and the said votes may be cast either in person or by proxy.

(6) The Town Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the said special election. The special election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The Mayor of the Town of Camden by and with the

advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of Special Election. The polling places shall be opened from 12:00 noon prevailing time, until 6:00 in the evening, prevailing time, on the date set for the special election.

(7) The Board of Special Elections shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Special Election shall make a certificate under their Hands of the number of votes cast for and against the proposed loan and the number of void votes and shall deliver the same to the Town Council which said certificates shall be retained by the Town Council with the other papers of the Town Council.

(8) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the classes of the bonds, the time or times of maturity, and the provisions as to registration shall be determined by the Town Council after the said special election.

(9) The bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be described by the Town Council for at least one (1) month before offering the same for sale.

(10) The Town Council shall provide in its budget and in the fixing of the rate of tax for the payment of interest on and principal of the said bonds at the maturity thereof.

(11) The faith and credit of the Town of Camden shall be deemed to be pledged for the due payment of the bonds and interest thereon issued pursuant to the provisions thereof when the same had been properly executed and delivered for value.

(b) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of twenty-five percent (25%) of the value of real property situate within the limits of the Town of Camden shown by the last assessment preceding the creation of the said indebtedness.

ACTIONS OR SUITS

Section 35. No action, suit or proceeding shall be brought or maintained against the Town of Camden for damages, either compensatory or punitive on account of any physical injury or injuries, death or injury to property by reason of the negligence, simple, gross, or wilful or wanton of the said Town of Camden or any of its departments, officers, agents, servants or employees unless the person by or on behalf of whom such claim or demand is asserted, within ninety (90) days from the happening of said injury or the suffering of such damages shall notify the Town of Camden in writing of the time, place, cause, character and extent of the injury sustained or damages suffered. Such notice shall be directed to the Mayor of the Town of Camden by certified mail with return receipt requested and postage prepaid.

COMPENDIUM

Section 36. It shall be the duty of the Town Council at reasonable time or times to compile the ordinances, current regulations, orders and rules of the Town of Camden. The Town Council 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, currents, rules and regulations, or upon the enactment of amendments to same, the Town Council shall enroll the same in the minutes of the Town 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 the Mayor of the Town of Camden 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.

REVIVAL OR POWERS AND VALIDATING SECTION

Section 37. (a) All powers conferred upon or vested in the Town Council of the Town of Camden 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 Camden and/or the Town Council of the Town of Camden precisely as of each of said powers was expressly set forth in this Charter.

(b) All ordinances adopted by the Town Council of the Town of Camden and in force at the time of 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 Camden under the provisions of this Charter.

(c) All of the acts and doings of the Town Council of the Town of Camden or of any official of the Town Council of the Town of Camden which shall have been lawfully done or performed under the provision of any law of this State or of any ordinance of the Town of Camden or under any provision of any prior Charter of the Town Council of the Town of Camden prior to the approval, acceptance and going into effect of this Charter are hereby ratified and confirmed, unless otherwise

provided herein.

(d) All taxes, assessments, license fees, penalties, fines, and forfeitures due the Town Council of the Town of Camden or the Town of Camden shall be due the Town of Camden and all debts from the Town or the Town Council of the Town of Camden shall remain unimpaired until paid by the Town of Camden.

(e) 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 of the Town of Camden.

(f) The bonds given by or on account of any official of the Town Council of the Town of Camden shall not be impaired or affected by the provisions of this Charter.

(g) All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter be and the same are hereby repealed to the extent of any such inconsistency.

(h) If any part of this Charter shall be unconstitutional or invalid by a Court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions of this Charter.

(i) This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

Approved June 21, 1982.

CHAPTER 273

FORMERLY

SENATE BILL NO. 459

AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE TO PERMIT THE FAMILY COURT TO ATTACH UP TO 50 PERCENT OF THE UNEMPLOYMENT COMPENSATION PAYMENT TO A DEFENDANT WHO FAILS TO PAY A SUPPORT ORDER.

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

Section 1. Amend Section 513, Chapter 5, of the Delaware Code by adding the following subsection:

"(12) Order the defendant to pay a maximum of 50 percent of his weekly unemployment compensation to a dependent, his guardian, custodian or trustee for his support obligation and in furtherance thereof to attach a maximum of 50 percent of the weekly unemployment compensation in payment thereof."

Approved June 21, 1982.

CHAPTER 274

FORMERLY

SENATE BILL NO. 461

AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE TO PROVIDE THAT A FAMILY COURT DEFENDANT IN A SUPPORT ACTION WHO FAILS TO PROVIDE THE COURT WITH A CHANGE OF ADDRESS MAY BE HELD IN CONTEMPT.

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

Section 1. Amend §513, Chapter 5, Title 13 of the Delaware Code by adding the following subsection:

"(13) When a defendant fails to notify the Court within five working days after a change of residential address hold the defendant in contempt of court and attach his wages."

Approved June 21, 1982.

CHAPTER 275

FORMERLY

HOUSE BILL NO. 555

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5 AND CHAPTER 35, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE INTIMIDATION OF VICTIMS AND WITNESSES.

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

Section 1. Amend §1263, Chapter 5, Part I, Title 11 of the Delaware Code by striking subsection (1), and substituting in lieu thereof the following:

"(1) He knowingly induces, influences, or impedes any witness or victim by false statement, fraud or deceit, with intent to affect the testimony or availability of such witness; or"

Section 2. Amend §1263, Chapter 5, Part I, Title 11 of the Delaware Code by adding thereto a new subsection, which new subsection shall read as follows:

"(3) He knowingly intimidates a witness or victim under circumstances set forth in Subchapter III, Chapter 35 of this Title."

Section 3. Amend Chapter 35, Part II, Title 11 of the Delaware Code by adding thereto a new subchapter, designated as Subchapter III, which new subchapter shall read as follows:

"SUBCHAPTER III. INTIMIDATION OF WITNESSES AND VICTIMS

§3531. 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) "Malice" shall mean an intent to vex, annoy, harm, or injure in any way another person, or to thwart or interfere in any manner with the orderly administration of justice.

(b) "Victim" shall mean any natural person against whom any crime (as defined under the laws of this State, of any other State, or of the United States) has been attempted, is being perpetrated, or has been perpetrated.

(c) "Witness" shall mean any natural person:

- (1) having knowledge of the existence or non-existence of facts relating to any crime; or
- (2) whose declaration under oath is received, or has been received, as evidence for any purpose; or
- (3) who has reported any crime to any peace officer, prosecuting agency, law enforcement officer, probation officer, parole officer, correctional officer, or judicial officer; or
- (4) who has been served with a subpoena issued under the authority of any Court of this state, of any other State, or of the United States; or
- (5) who would be believed by any reasonable person to be an individual described in any paragraph of this subsection.

§3532. Acts of Intimidation

Except as provided in §3533 herein, every person who knowingly and with malice prevents or dissuades (or who attempts to prevent or dissuade) any witness or victim from attending or giving testimony at any trial, proceeding or inquiry authorized by law is committing an act of intimidation and is guilty of a Class E felony. A person who knowingly and with malice attempts to prevent another person who has been the victim of a crime, or a witness to a crime (or any person acting on behalf of a victim or witness) from:

- (a) making any report of such crime or victimization to any peace officer, law enforcement officer, prosecuting agency, law enforcement officer, probation officer, parole officer, correctional officer, or judicial officer;

(b) causing a complaint, indictment, information, probation or parole violation to be sought or prosecuted, or from assisting in the prosecution thereof; or

(c) arresting, causing, or seeking the arrest of any person in connection with such crime or victimization is guilty of a Class E felony.

§3533. Aggravated Acts of Intimidation

Every person doing any of the acts set forth in §3532, knowingly and with malice under one or more of the following circumstances, shall be guilty of a Class D felony if, in addition, such act:

(a) is accompanied by an express or implied threat of force or violence, upon a victim, a witness, or any third person (or upon the property of a victim, witness or third person);

(b) is in furtherance of a conspiracy;

(c) is committed by any person who has been convicted of any violation of this Chapter, any predecessor law hereto, the statute of any other State, or any federal statute which would be a violation of this Chapter if committed in this State; or

(d) committed, for pecuniary gain or for any other consideration, by any person acting upon the request of another person.

§3534. Attempts

Every person attempting the commission of any act described in the foregoing sections is guilty of the offense attempted, without regard to the success or failure of such attempt. The fact that no person was actually physically injured, or actually intimidated, shall be no defense against any prosecution under this Chapter.

§3535. Protective Orders

Any Court with jurisdiction over any criminal matter may in its discretion and upon good cause (which may include, but is not limited to, such matters as credible hearsay, the declaration of the prosecutor, or the declaration of the defense attorney) find that intimidation or dissuasion of a victim or witness has occurred (or is reasonably likely to occur) and may issue orders including, but not limited to, the following:

(a) An order that a defendant not violate any provision of this Chapter;

(b) An order that a person before the Court other than a defendant (including, but not limited to, a subpoenaed witness) not violate any provision of this Chapter;

(c) An order that a designated person maintain a prescribed geographic distance from any other person specified by the Court;

(d) An order that any designated person have no communication whatsoever with any person specified by the Court, except through an attorney, and under such reasonable restrictions as the Court may impose;

(e) An order for a hearing to determine if any order under this section should be issued;

(f) An order that a particular law enforcement agency within the jurisdiction of the Court provide protection for a person specified by the Court.

§3536. Violations of Orders

(a) A person who violates an order made pursuant to this subchapter may be punished for any substantive offense set forth in this chapter.

(b) A person who violates an order made pursuant to this subchapter may be punished as a contempt of the Court making such order. No finding of contempt shall be a bar to prosecution for a substantive offense under this Chapter, but:

(1) Any person so held in contempt shall be entitled to credit for any punishment imposed therein, against any sentence imposed upon conviction for that offense; and

(2) Any conviction or acquittal for any substantive offense under this subchapter shall be a bar to subsequent punishment for contempt arising out of the same act.

(c) A person who violates an order made pursuant to this subchapter may be punished by revocation of any form of pre-trial release, by the forfeiture of bail, and/or by the issuance of a bench warrant which requires the defendant's arrest or which remands the defendant into custody. Said revocation may, after a hearing, and upon a showing by a clear and convincing evidence in the sound discretion of the Court, be made either where the violation complained of has been committed by the defendant personally, or has in any way been caused indirectly or through the encouragement of the defendant.

\$3537. Pre-trial Release

Any pre-trial release of any defendant (whether on bail or under any other form of recognizance) shall be deemed, as a matter of law, to include a condition that the defendant neither do, nor cause to be done, nor knowingly permit to be done on his behalf, any act proscribed by this chapter hereof and any willful violation of said condition is subject to sanction as prescribed in \$3536 whether or not the defendant was the subject of an order under \$3535.

From and after the effective date of this chapter, any receipt or any bail or bond given by the clerk of any court, by any surety or bondsman and/or any other form of conditional release shall contain in a conspicuous location, notice that such bail bond, or other release is conditioned upon strict adherence to the requirements and prohibitions of this Chapter.

Approved June 22, 1982.

CHAPTER 276

FORMERLY

HOUSE BILL NO. 695

AN ACT TO AMEND CHAPTER 4, PART 1, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL LIABILITY OF THE OWNER OR LEGAL OCCUPANT OF A DWELLING FOR INJURIES TO AN UNLAWFUL INTRUDER.

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

Section 1. Amend Chapter 4, Part 1, Title 11 of the Delaware Code by re-designating present \$470 as new \$471; by re-designating present \$469 as new \$470; and by adding the following new section:

"\$469. Same -- Person Unlawfully in a Dwelling

In the prosecution of an occupant of a dwelling charged with killing or injuring an intruder who was unlawfully in said dwelling, it shall be a defense that the occupant was in his own dwelling at the time of the offense, and:

- (a) The encounter between the occupant and intruder was sudden and unexpected, compelling the occupant to act instantly; or
- (b) The occupant reasonably believed that the intruder would inflict personal injury upon the occupant or others in the dwelling; or
- (c) The occupant demanded that the intruder disarm or surrender, and the intruder refused to do so."

Approved June 22, 1982.

CHAPTER 277

FORMERLY

SENATE BILL NO. 342
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND
HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 3, DELAWARE CODE RELATING TO BIOLOGICAL PRODUCTS FOR
POULTRY AND ANIMAL DISEASES.

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 67, Title 3, Delaware Code by striking said chapter in its entirety and substituting in lieu thereof the following new Chapter 67 to read as follows:

"Chapter 67 Biological Products For Use in Animal and Poultry.

Section 6701 Definitions:

- (1) "Department" means Department of Agriculture
- (2) "Person" includes individual, partnership, corporation, cooperative or association.
- (3) "Distribute" means offer to sale, sell, barter or otherwise supply biologicals
- (4) "Biological product" means living, attenuated, or killed organisms or viruses for the treatment or prevention of diseases of animals, other than humans, or poultry.
- (5) "Safety" means that the biological product is not harmful for the purposes intended.
- (6) "Potency" means that the biological product possesses sufficient power to protect poultry or animals, other than humans, against the disease or diseases represented by the registrant.

Section 6702 Statement of Purpose

The provisions of this chapter shall apply to the use of all biological products to be used for the prevention, suppression or treatment of disease in animals, other than humans, or poultry kept or housed within the confines of this state.

Section 6703 Requirements

Each biological product, before being shipped into this State, must comply strictly with the provisions set forth by the U.S. Department of Agriculture's Veterinary Biologics Division on safety potency and efficacy. The product manufacturer must supply upon demand of the State Veterinarian's office of the Delaware Department of Agriculture a copy of the U.S.D.A. approval to market the product in question in interstate commerce.

Any person manufacturing a biological product solely for use within the State of Delaware must also comply with the same requirements as set down for the interstate sale of biologicals.

Section 6704 Refusal of Permission to Distribute: Exemptions

(a) If in the opinion of the State Veterinarian the best interest of the animal, other than humans, or poultry population of the State would be served or for reason of proper diagnosis that a biological product duly licensed and approved by the U.S.D.A. Biologics Division should not be used within the State, then the manufacturer of such a biological will be notified why that product should not be distributed within the State of Delaware.

(b) The State Veterinarian shall have the authority to grant exemptions to the above requirements if it is positively shown that there is a case of hardship caused by the withholding of approval of the product destined for use by Delaware livestock producers.

(c) The State Veterinarian shall grant, in writing, permission for a manufacturer who has complied with U.S.D.A. requirements to conduct field trials using new products on poultry or animals in the State of Delaware.

Section 6705 Penalties and Jurisdiction

Any person who knowingly buys, receives, or uses any biological product intended for use in animals, other than humans, or poultry that does not have U.S.D.A. approval or a written statement of exemption from the State Veterinarian shall be fined not less than \$100.00 nor more than \$1000.00. The Court of Common Pleas shall have jurisdiction over violations of this section.

Approved June 22, 1982.

CHAPTER 278

FORMERLY

HOUSE BILL NO. 487

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO THE EXPENDITURE OF APPROPRIATED FUNDS FOR EXCEPTIONAL CHILDREN.

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

Section 1. Amend Section 1703, Chapter 17, Title 14, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (m) to read as follows:

"(m) Funds appropriated for the purpose of funding the units of pupils under the provisions of paragraphs d, e, f and k of this Section shall not be expended for any other purpose. However, such appropriated funds may be used for directly related educational projects and/or programs if approved by the State Board of Education."

Approved June 24, 1982.

CHAPTER 279

FORMERLY

HOUSE BILL NO. 640

AS AMENDED BY SENATE AMENDMENTS NOS. 1 AND 2

AN ACT TO REQUIRE THE EXECUTIVE BRANCH OF GOVERNMENT TO PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY BEGINNING WITH THE FISCAL YEAR 1984 A BUDGET BILL FOR ALL PROPOSED EXPENDITURES OF STATE SPECIAL FUNDS, EXCLUDING FEDERAL GRANTS AND NON-FEDERAL GRANTS AND GIFTS, BEQUESTS, TUITION RECEIPTS AND THE PROCEEDS OF DEBT INSTRUMENTS BY STATE AGENCIES, AND TO AMEND CHAPTER 76, TITLE 29, DELAWARE CODE, BY REORGANIZING THE DELAWARE STATE CLEARINGHOUSE COMMITTEE.

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

Section 1. The Executive Branch of Government shall, in accordance with the schedule set forth herein, prepare and submit to the General Assembly a budget bill for all proposed expenditures of State special funds, excluding federal grants and non-federal grants funds and gifts, bequests, tuition receipts and the proceeds from the sale of debt instruments by State agencies. Beginning with the fiscal year 1984, the Budget Director shall prepare a plan for the implementation of this Act for the Department of Natural Resources and Environmental Control and the Department of Public Instruction and for the balance of the State agencies on an orderly schedule for the fiscal years thereafter. Accordingly, all departments/agencies shall:

(a) Submit to the Office of Budget Director, on official estimate blanks prescribed by the Budget Director:

- (i) Requests for State special funds; and
- (ii) Estimates of all anticipated State special funds receipts.

(b) Provide additional data and information, as required by the Office of Budget Director, for consideration of the financial request; and

(c) Forward copies of requests to the Office of Controller General simultaneously with the submission to the Budget Director.

Section 2. The Budget Director shall review the proposed plan(s) of expenditures and make such adjustments or revisions as he may deem necessary to conform to State policies. Upon completion of such review, the Budget Director shall submit the proposed plan(s) of expenditures to the Governor together with recommendations and reasons for revision, if any.

Section 3. The Governor upon receipt of the proposed plan(s) of expenditures from the Budget Director may make such changes as he may deem necessary and shall submit such plan(s) as part of the proposed budget and budget appropriation bill to the General Assembly on or before February 1 of each year.

Section 4. The Joint Finance Committee shall review the proposed plan(s) of expenditures of State special funds. The Joint Finance Committee may cause agencies expending such funds to provide such information and to answer such questions as the committee shall require. The Joint Finance Committee may make such changes in the proposed plan(s) of expenditures as it may deem necessary. Upon approval, the Joint Finance committee shall submit the proposed expenditure plan(s) to the General Assembly for consideration.

Section 5. Amend Chapter 76, Title 29, Delaware Code, by striking the Chapter in its entirety therefrom and substituting in lieu thereof a new Chapter 76 to read as follows:

"CHAPTER 76. FEDERAL GRANT AND NON-FEDERAL GRANT COORDINATION

"§7601. State Clearinghouse Committee.

"There is hereby established the Delaware State Clearinghouse Committee for federal grant and non-federal grant coordination. The Committee shall consist of the Chairman and the Vice Chairman of the Joint Finance Committee, who shall serve as the Chairman and the Vice Chairman, respectively, of the Clearinghouse Committee, the Controller General, the Budget Director, the Director of the Delaware Development Office, the Secretary of Finance, and four members of the General Assembly, as follows: one member appointed by the President Pro Tempore and one member appointed by the Minority Leader of the Senate; and one member appointed by the Speaker of the House and one member

appointed by the Minority Leader of the House of Representatives. The Budget Director shall function as the Secretary of the Committee, and the Office of the Budget shall provide the necessary staff support. The Office of Controller General shall provide staff support to the Committee, as required by the Chairman or the Vice Chairman. The members of the Committee shall serve until their successors are selected.

"§7602. Powers, duties and functions of Committee.

"The Clearinghouse Committee shall:

"(1) Establish state goals and objectives for maximizing the utilization of federal aid and non-federal aid programs.

"(2) Promulgate procedures and guidelines for all state departments, agencies, public and higher education covering applications for federal grants and non-federal grants.

"(3) Require, upon request, any state department, agency, public and higher education receiving a grant of money from the federal government or a non-federal grant to submit a detailed report to members of the Committee of expenditures and program measures for the fiscal period in question. Such report shall also be sufficiently descriptive in nature so as to be concise and informative. The Committee may cause the agency submitting such a report to appear before the Committee and to answer such questions as the committee may require.

"(4) Meet as often as it is deemed necessary by the Chairman of the committee for the purpose of establishing policy, reviewing and approving or disapproving applications for federal and non-federal grants."

"§7603. Submission of plans and applications.

"Prior to submitting state or local plan(s) or application(s) to federal or non-federal authorities for the purpose of receiving funds such plan(s) or application(s) shall be submitted to the Office of Budget Director for review and approval or disapproval by the Committee. Copies of plans and applications shall be provided to the Chairman of the appropriate legislative standing committee in each house of the General Assembly for his review. The Chairman of the legislative standing committee may submit comments on such plans and applications to the Delaware State Clearinghouse Committee. This section shall apply to:

"(1) All state departments and agencies, including agencies of public and higher education, receiving funds pursuant to the annual Budget Appropriation Act; and

"(2) Any other agency or entity, whether public or private, including political subdivisions of the State, receiving state funds to be used in part or in total as match for receiving federal or non-federal funds or which through the receipt and expenditure of federal or non-federal funds impact state expenditures."

"§7604. Required Public Hearing on Applications for Block Grants.

"The Delaware State Clearinghouse Committee shall be the designated Committee to hold any required public hearing on an application for a block grant from the federal government for the following purposes:

"(a) To permit public examination of the projected use and distribution of block grant funds;

"(b) To allow affected residents of the State of Delaware or appropriate units of local government to examine the application and submit comments; and

"(c) To obtain views of residents of the State of Delaware.

"The public hearing may, at the Committee's discretion, be held at the same time the agency's application for block grant funds is reviewed, approved or disapproved by the Committee. Notice of a public hearing shall be given, in addition to such other methods as the Committee may determine, by publication in a newspaper of general circulation in this State at least 10 days preceding the date of said public hearing, except where a longer period is expressly provided by applicable law. The notice shall state the date, time and place of the public hearing and specify the matters to be considered thereat."

Section 6. If any section, subsection, or part of this Act is declared unconstitutional, such judgment shall not invalidate the whole or any other part of this Act.

Section 7. If the provisions of this Act are inconsistent with any other act or provision of the Delaware Code, such other acts or provisions are hereby repealed to the extent of their inconsistencies; provided, however, that provisions of the Delaware Code which contain expressed or implied prohibition of diversions of special State receipts shall not be repealed.

Section 8. This Act shall become effective on July 1, 1982.

Approved June 24, 1982.

CHAPTER 280

FORMERLY

HOUSE BILL NO. 641

AN ACT TO AMEND CHAPTER 33, TITLE 12 OF THE DELAWARE CODE, RELATING TO BANKS OR TRUST COMPANIES ESTABLISHING COMMON FUNDS FOR THE COLLECTIVE INVESTMENT OF FUNDS HELD IN A FIDUCIARY OR AGENCY CAPACITY.

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

Section 1. Amend Section 3307, subparagraphs (a), (c) and (d), Chapter 33 of Title 12, Delaware Code, by striking the subparagraphs in their entirety and substituting the following in lieu thereof:

"(a) A bank or trust company authorized to act in a fiduciary capacity or in the capacity of agent with investment discretion and acting in such capacity, may invest funds held by it for investment in fractional undivided interests in a common fund composed exclusively of property permitted for investment by the terms of §3302 of this title and of cash, if such common fund shall have been created and is managed by any bank or trust company authorized to act in a fiduciary capacity, as trustee under a written plan, an original copy of which, executed by such bank or trust company, has been filed and is recorded in the Office of the Register in Chancery of the county in which the main office of such bank or trust company is located. Under such plan it shall not be permitted that any such fractional interests shall at any time be owned by other than a bank or trust company as fiduciary under will, under agreement or for a mentally ill person or as guardian of a minor or of the property of an aged, mentally infirm or physically incapacitated person or as executor or administrator or as custodian pursuant to Chapter 45 of this title or as agent with investment discretion."

"(c) Unless a bank or trust company making an investment for an account in a common fund shall find that the investments of the common fund as a whole are ones in which the funds of such account might not properly be invested at the time, the investment in such common fund shall not be improper."

"(d) the bank or trust company may charge a fee or commission to the common fund for its management and receive fees or commissions from participating accounts which may be invested in a common fund in addition to those it would be entitled to receive if such accounts were otherwise invested."

Approved June 24, 1982.

CHAPTER 281

FORMERLY

SENATE BILL NO. 355

AN ACT TO AMEND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO DECEDENTS ESTATES PROVIDING FOR ADMINISTRATION OF SMALL ESTATES AND CLAIMS FOR ALLOWANCES OF A SURVIVING SPOUSE.

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

Section 1. Amend §2306, Title 12 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §2306 to read as follows:

"§2306. Distribution of decedent's property without grant of letters where estate assets do not exceed \$12,500.

(a) The spouse of a decedent or any person who is a grandparent of a decedent, a lineal descendant of a grandparent of a decedent, or the trustee of a trust created by the decedent shall be entitled to the personal estate for the purpose of making distribution thereof without awaiting the appointment of a personal representative or probate of a will when:

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

(2) Thirty days have elapsed since the death of the decedent; and

(3) The value of the personal estate, not including exempt property and jointly-owned property, does not exceed \$12,500; and

(4) All known debts are paid or provided for; and

(5) The surviving spouse's allowance, pursuant to Section 2308, has been paid, provided for, or waived; and

(6) Decedent did not own solely-owned real estate; and

(7) There is furnished to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right, an affidavit showing the existence of the foregoing conditions and the right of the distributees to receive such money or property or to have such evidence transferred.

(b) Preference for taking the personal estate under this section shall be given to the spouse, children, parents, siblings, grandparents and grandchildren, in that order."

Section 2. Amend §2308, Title 12, of the Delaware Code by striking subsection (b) of said section and by substituting in lieu thereof a new subsection (b) to read as follows:

"(b) The allowance to the surviving spouse of a decedent provided for in subsection (a) of this section shall be of no effect unless and until such spouse shall, within 9 months from the date of death or 6 months from the date of the granting of letters, testamentary or of administration, whichever shall be the shorter period, notify in writing the Register of Wills of the County wherein the letters were granted and the executor or administrator of such spouse's demand that a specified sum, not exceeding \$2,000, be so set aside out of the proceeds of the estate of the decedent."

Section 3. The provisions of this Act shall become effective on the day following the date of enactment.

Section 4. If any of the provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications or this Act, and to this end, the provisions of this Act are severable.

Approved June 24, 1982.

CHAPTER 282

FORMERLY

SENATE BILL NO. 356

AN ACT TO AMEND CHAPTER 15, TITLE 12 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF A BOND FOR A PERSONAL REPRESENTATIVE OF A DECEDENT.

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

Section 1. Amend Chapter 15, Title 12 of the Delaware Code by striking Subchapter II of said Chapter and substituting in lieu thereof a new Subchapter II to read as follows:

"Subchapter II. Bond

§1521. Requirement of Bond.

Prior to receiving letters, a personal representative shall qualify by filing with the Register of Wills any required bond.

§1522. Bond not Required Without Court Order, Exceptions.

No bond shall be required of a personal representative prior to receiving letters, except (1) when an executor or other personal representative is appointed to administer an estate under a will containing an express requirement of bond or (2) when bond is required by order of the Court of Chancery under §1524. A bond otherwise required by any will may be dispensed with upon determination by the Court of Chancery that it is not necessary or desirable.

§1523. Bond Amount; Security; Procedure; Reduction.

If bond is required and the provisions of the will or court order do not specify the amount, the amount of the bond shall be fixed by the Register of Wills in an amount which shall not be less than the best estimate that can be made of the decedent's personal estate. The personal representative shall execute and file with the Register a bond with surety, or with other suitable security in an amount not less than the bond.

The Register shall determine that the bond is duly executed by a corporate surety, or one or more individual sureties whose performance is secured by pledge of personal property, mortgage on real estate, or other adequate security. On petition of the personal representative or other interested persons, the Court of Chancery may excuse a requirement of bond, increase or reduce the amount of the bond, release sureties, or permit the substitution of another bond with the same or different sureties. In increasing or decreasing the amount of the bond the Court shall take into account, inter alia, whether the will excuses the requirement of bond.

§1524. Demand for Bond by Interested Person.

Any person apparently having an interest in the estate worth in excess of \$2,000 or any creditor having a claim in excess of \$2,000, may make a written demand that a personal representative give bond. The demand must be filed with the Court of Chancery and a copy mailed to the personal representative, if appointment and qualification have occurred. Upon finding that bond is necessary or desirable the Court may order bond but the requirement ceases without order of Court if the person demanding bond ceases to be interested in the estate, or if bond is excused as provided in §1523 or §1524. After bond has been ordered and until the filing of the bond or cessation of the requirement of bond, the personal representative shall refrain from exercising any powers of his office except as necessary to preserve the estate. Failure of the personal representative to meet the requirement of bond by giving suitable bond within 10 days from notice is cause for his removal and appointment of a successor personal representative.

§1525. Term and Conditions of Bond.

(a) The following requirements and provisions apply to any bond required by this subchapter;

(1) Bonds shall name the State of Delaware as obligee for the benefit of the persons interested in the estate including without limitation the legatees, devisees and other beneficiaries thereof, and shall be conditioned upon the faithful discharge by the fiduciary of all duties according to law.

(2) Unless otherwise provided by the terms of the approved bond, sureties are jointly and severally liable with the personal representative and with each other. The address of sureties shall be stated in the bond.

(3) By executing an approved bond of a personal representative, the surety consents to the jurisdiction of the Court of Chancery in any proceedings pertaining to the fiduciary duties of the personal representative and naming the surety as a party. Notice of any proceedings shall be delivered to the surety or mailed to him by registered or certified mail at his address as listed with the Register of Wills where the bond is filed.

(4) On petition of a successor personal representative, any other personal representative of the same decedent, or any interested person, a proceeding in the Court may be initiated by a surety for breach of the obligation of the bond of the personal representative.

(5) The bond of the personal representative is not void after the first recovery but may be proceeded against from time to time until the whole penalty is exhausted.

(b) No action or proceeding may be commenced against the surety on any matter as to which an action or proceeding against the primary obligator is barred by adjudication or limitation.

\$1526. Objection to Amount or Form of Bond.

If any interested person objects to the amount of the bond as provided in \$1523 or the condition of the bond as provided in \$1525 of this Title, such person may petition the Court of Chancery and the Court shall fix the amount and condition of the bond.

\$1527. Liability on Bond for Inheritance Taxes and Duties Related Thereto.

The bond of a personal representative shall be liable for all money he may receive for taxes of this State or the United States or for any penalty assessed against him for failure to file a tax return of this State or the United States within the period prescribed by law.

\$1528. Certificate of Approval; Preservation of Bond.

(a) The execution of the required bond shall be sufficient without any certificate of approval by the Register of Wills.

(b) The Register shall provide safekeeping for every bond."

Section 2. The provisions of this Act shall become effective on the first day of the month following the date of enactment and shall apply to the estates of decedents dying on or after that date.

Approved June 24, 1982.

CHAPTER 283

FORMERLY

SENATE BILL NO. 401

AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 8, TITLE 22 OF THE DELAWARE CODE PROHIBITING ADULT ENTERTAINMENT ACTIVITIES IN CERTAIN LOCATIONS WITHIN THE CORPORATE LIMITS OF MUNICIPAL CORPORATIONS.

WHEREAS, the General Assembly of the State of Delaware finds that the existence of adult entertainment establishments in certain locations within incorporated municipalities tends to create annoyance, inconvenience, and embarrassment to the residents, churchgoers and merchants in the areas surrounding those establishments; and

WHEREAS, restrictions placed on the location of such establishments by other governmental entities are not binding on incorporated municipalities.

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 8, Title 22 of the Delaware Code by adding thereto a new section, designated as §837, which new section shall read as follows:

"§837. Location of Adult Entertainment Establishments Restricted.

(a) No adult entertainment establishment as defined by 24 Del. C. §1602 located within the corporate limits of a municipal corporation shall be located:

- (1) Within 500 feet from any residence, or
- (2) Within 1,500 feet from any other adult entertainment establishment, or
- (3) Within 2,800 feet from any church or school.

(b) Notwithstanding any provision of this Chapter to the contrary, no municipal corporation may adopt any ordinance or charter amendment with distance restrictions less than those provided in this section.

Section 2. Section 1 herein shall apply to all adult entertainment establishments 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.

Approved June 24, 1982.

CHAPTER 284

FORMERLY

SENATE BILL NO. 402

AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO THE LICENSING, OPERATION AND LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS.

WHEREAS, the General Assembly finds that the cost to the State for processing applications for adult entertainment establishments ought to be defrayed by fees collected from applicants; and

WHEREAS, the General Assembly of the State of Delaware finds that the entry of minors into adult entertainment establishments is potentially deleterious to the emotional development of such minors; and

WHEREAS, the General Assembly of the State of Delaware finds that the existence of more than one adult entertainment activity at any single location tends to obstruct pedestrian and vehicular traffic, to create the potential that customers of one such activity may be harassed into patronizing another activity, and to increase the potential that a nuisance will be created.

NOW, THEREFORE:

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

Section 1. Amend §1607, Chapter 16, Title 24 of the Delaware Code by striking subsection (a) and subsection (b); and substituting in lieu thereof the following new subsections:

"(a) No license to engage in the occupation of a massagist under this chapter, or renewal thereof, shall be issued unless the applicant shall have paid the non-refundable application fee as provided in §1612 of this Title."

(b) No license for the operation of any adult entertainment establishment under this chapter, nor renewal thereof, shall be issued unless the applicant shall have paid the non-refundable application fee as provided in §1613 of this Title.

Section 2. Amend §1610, Chapter 16, Title 24 of the Delaware Code by striking the title of said section, and substituting in lieu thereof the following:

"§1610. Restrictions on Activities of Regulated Businesses and Activities"

Section 3. Amend §1610, Chapter 16, Title 24 of the Delaware Code by adding thereto a new subsection, which new subsection shall read as follows:

"(c) No adult entertainment establishment shall operate more than one of the activities specified in §1602 (2) of this Title in the same building or in separate buildings less than 1,500 feet from each other. Violations of this section shall be punishable by a fine in the amount of \$5,000."

Section 4. Amend §1612, Chapter 16, Title 24 of the Delaware Code by re-designating all of the present section as new subsection (a), and by adding thereto a new subsection, designated as subsection (b), which shall read as follows:

"(b) Every application for a license to engage in the occupation of a massagist or for renewal thereof, shall be accompanied by a non-refundable fee in the amount of \$25."

Section 5. Amend §1613, Chapter 16, Title 24 of the Delaware Code by adding a thereto new subsection, designated subsection (f), which new subsection shall read as follows:

"(f) Every application for a license for the operation of an adult entertainment establishment or for renewal thereof, shall be accompanied by a non-refundable fee in the amount of \$100 plus a fee of \$25 for each separate branch or business location."

Section 6. Amend Chapter 16, Title 24 of the Delaware Code by adding thereto a new section, designated as §1629, which new section shall read as follows:

"§1629. Presence of Minors Prohibited."

(a) It shall be unlawful for an owner, manager, operator, procurer, employee or independent contractor of an adult entertainment or massage establishment to knowingly admit or allow to remain on the premises of such establishment an individual under the age of eighteen years.

(b) Any person who violates this section shall be fined in the amount of \$1,000 for the first conviction, and in the amount of \$5,000 for each subsequent conviction.

(c) It shall be an affirmative defense to a prosecution under this section that the minor presented to the accused identification, with a photograph of such minor affixed thereon, which identification sets forth information which would lead a reasonable person to believe such individual was eighteen years of age or older."

Section 7. Nothing in Section 1, Section 4 or Section 5 of this Act shall affect the refundability of such fees collected prior to the effective date of this Act.

Section 8. The provisions of Section 3 herein shall apply to all adult entertainment establishments 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.

Approved June 24, 1982.

CHAPTER 285

FORMERLY

SENATE BILL NO. 403
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE CREATING ADDITIONAL GROUNDS FOR REVOCATION OF A LICENSE TO OPERATE AN ADULT ENTERTAINMENT ESTABLISHMENT; AND AUTHORIZING THE COMMISSION ON ADULT ENTERTAINMENT ESTABLISHMENTS TO ADOPT REGULATIONS CONCERNING ENFORCEMENT.

WHEREAS, the General Assembly finds that the public policy of the State of Delaware is served by placing the burden of supervising the activities of employees and independent contractors of adult entertainment establishments on the owners, directors, officers, or principal stockholders of such establishments; and

WHEREAS, the General Assembly finds that part of that supervision should include diligence in preventing such employees and independent contractors from violating laws relating to prostitution, obscenity, and sexual offenses; and

WHEREAS, the General Assembly finds that revocation of an adult entertainment establishment license is an appropriate response to the failure to supervise employees and independent contractors to the extent that such employees and independent contractors are convicted of crimes relating to prostitution, obscenity, and sexual offenses; and

WHEREAS, the General Assembly finds that the Commission on Adult Entertainment Establishments should be empowered to impose regulatory sanctions against such establishments for violation of any provision of this chapter, and that a bond requirement would facilitate the collection of any fines imposed as sanctions by the Commission.

NOW, THEREFORE:

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

Section 1. Amend Section 1617, Chapter 16, Title 24 of the Delaware Code by striking subsection (a); by striking subsection (c); and by redesignating present subsection (b) as new subsection (c).

Section 2. Amend §1617, Chapter 16, Title 24 of the Delaware Code by adding thereto the following new subsections:

"(a) The license for the operation of an adult entertainment establishment other than a massage establishment shall be revoked for the following reasons:

(1) An intentional misrepresentation or omission of any material fact required to be filed pursuant to this chapter;

(2) A transfer of a license in violation of §1608 (a) or §1610 (a) of this Title; or the failure to comply with §1622 or §1623 of this Title;

(3) A conviction of the licensee for any of the following offenses, including conspiracy to commit any of the following offenses: lewdness, obscenity, prostitution, promoting prostitution, sexual assault, sexual misconduct, indecent exposure, incest, rape or sodomy, in this State or any other state or jurisdiction;

(4) A conviction of any director, officer, principal stockholder, manager, procurer, employee or independent contractor of the licensee or of a partner associated with the licensee for any of the following offenses, including conspiracy to commit any of the following offenses: lewdness, obscenity, prostitution, promoting prostitution, sexual assault, sexual misconduct, indecent exposure, incest, rape or sodomy, in this State or any other state or jurisdiction, occurring on the licensed premises; or

(5) A conviction of any director, officer, principal stockholder manager, procurer employee, or independent contractor of the licensee, or of a partner associated with the licensee for any of the following offenses, including conspiracy to commit any of the following offenses: lewdness, obscenity, prostitution, promoting prostitution, sexual assault, sexual misconduct, indecent exposure, incest, rape or sodomy, in this State or any other jurisdiction, not occurring on licensed premises, where said director, officer, principal stockholder, manager, procurer, employee, or independent contractor, at the time of the conduct constituting the offense, was off the premises at the request or direction or pursuant to the authority of the

licensee for the purpose of furthering the business of the licensee.

(b) The person or persons responsible for any intentional misrepresentation or omission of any material fact required to be filed pursuant to this chapter shall be fined one thousand dollars (\$1,000), imprisoned for 30 days or both. For the purpose of this subsection, a fact is deemed "material" when it could have affected the decision as to whether to grant or deny an application for license."

Section 3. Amend §1618, Chapter 16, Title 24 of the Delaware Code by adding the following new subsections:

"(c) Notwithstanding anything in §1617 to the contrary, the Commission may adopt regulations imposing sanctions for violations of any provision of this chapter. Such sanctions may include fines or suspension of license to operate an adult entertainment establishment. The sanctions so adopted may be imposed in lieu of or in addition to license revocation.

(d) The Commission may adopt regulations requiring a licensee to post a bond with surety of \$10,000 for the collection of any fines imposed pursuant to regulations promulgated under subsection (c) above. In the event that the Commission requires the posting of a bond with surety, the bond shall be executed and proof of its execution shall be demonstrated to the Commission prior to the issuance of a license or renewal thereof.

Approved June 24, 1872.

CHAPTER 286

FORMERLY

HOUSE BILL NO. 100
AS AMENDED BY HOUSE AMENDMENT NO. 1
AND SENATE AMENDMENTS NOS. 1, 2, 3, 4, 5 AND 6

AN ACT TO AMEND PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT; AND PROVIDING FOR THE GRANTING OF MONETARY AWARDS FOR SUGGESTIONS THAT RESULT IN FINANCIAL OR ECONOMIC BENEFIT TO THE STATE OF DELAWARE.

WHEREAS, the demand is great to adopt sound fiscal management suggestions in support of managing State Government; and

WHEREAS, significant savings are to be realized through suggestions of State employees; and

WHEREAS, failure to capitalize on the wealth of ideas among our employees would shortchange State Government; and

WHEREAS, the critical nature of the economy of such rapid escalation of State Government costs points out the need to adopt and implement the useful suggestions of our State employees.

NOW, THEREFORE:

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

Section 1. Amend Part VI, Title 29 of the Delaware Code by adding thereto a new chapter, designated as Chapter 67, which new chapter shall read as follows:

"CHAPTER 67. SUGGESTIONS OF FINANCIAL BENEFIT TO THE STATE

§6701. State Employee Suggestion Awards Committee and Program

The State Employee Suggestion Awards Committee, hereinafter referred to as the "Committee", shall be the official recipient of suggestions by State employees that relate to potential financial or economic benefit to the State. The Committee shall have the following members: the Budget Director, the Secretary of Finance, the State Auditor, the Comptroller General, and the State Treasurer. The Chairman of the Committee shall be selected from its members by the Governor. Additional members may be added at the discretion of the Governor.

The Committee shall establish an Employee Suggestion Program, hereinafter referred to as the "Program", whose objective it shall be to cause the adoption of suggestions which result in management improvements and dollar savings in State government.

§6702. Responsibilities of the Committee

The Committee shall execute, to the best of its ability, the responsibilities assigned to it by law including but not limited to: establishment of operating procedures, promotion, implementation including forms and their distribution, and the review of the effectiveness of the program.

The Committee shall screen suggestions and determine those which will result in actual financial savings or economic benefit to the State.

The Committee may also select for recognition by non-monetary means any other suggestions which do not result in direct savings but do contribute to improvement of government processes.

The Committee shall review periodically the statutory maximum and minimums imposed by this Act and propose to the General Assembly such changes in those limits as may be necessary or desirable.

The Committee with the assistance of the Division of Accounting and State Auditor's Office shall keep or cause to be kept such records as will provide a complete and full accounting of the program's activities including the preparation of an annual report with appropriate statistics.

For purposes of carrying out the responsibilities of this Act, the Committee may select from within their respective offices staff necessary to carry out these provisions. This may include, but not be limited to, a designation of one of these currently employed staff persons as Executive Director of the Committee. Assignment to the Committee shall not be cause for additional compensation.

\$6703. Persons Eligible to Receive Monetary Awards

All State employees shall be eligible for monetary awards except an elected officer, a person who was appointed to his present office or employment by the Governor, and any person above paygrade 25 who occupies a supervisory position involving responsibilities for management of State program(s). The Committee may exclude additional employees when in the opinion of the State Personnel Office the primary duties of such person(s) is to recommend management improvements.

State employees eligible for this program shall submit their suggestions in writing either to their supervisor, who shall cause it to be forwarded to the Committee as quickly as practical, or to the Committee directly. The Committee, upon request, shall protect the anonymity of the suggestor. In addition, any state employee eligible for this program may submit suggestions to any member of the General Assembly, which submission shall not be hindered or prohibited by any state employee or officer. Any state employee or officer taking disciplinary action, including termination of employment, against a state employee for submitting suggestions to any member of the General Assembly pursuant to this section shall be terminated immediately from State employment.

The Committee shall investigate and confirm actual savings with the assistance of the State Auditor's Office. The Committee's determination as to actual savings and the method of determination of such savings shall be public records.

\$6704. Adoption of Suggestions

When a suggestion is adopted and implemented, the Budget Director shall order such awards to be paid from the actual savings and shall cause such budgets in which savings have occurred to be reduced in like amounts for those purposes for which savings were affected in the ensuing fiscal year. The amount to be awarded for a suggestion shall be determined in the following manner:

(a) 15% of the actual savings earned in the fiscal year the suggestion was made with a maximum of \$2,000 and a minimum of \$25; provided, however, that if savings are higher for the second fiscal year, that year may be used. The Budget Director may establish a fund in which actual savings may be escrowed in anticipation of fulfilling the purposes of this section.

(b) The Committee may make recognition of suggestions and the person(s) responsible for such suggestions which do not have a monetary impact. Such recognition shall not take the form of monetary reward but may take the form of any non-monetary method the Committee may devise.

(c) In all cases the Committee shall advise the affected agency(s) and afford the agency(s) an opportunity to comment relative to the value of the suggestion and the practicality of implementing same.

(d) The Governor, as Chief Executive Officer of the Executive Branch, shall be the final arbiter for the adoption of any suggestion in which the Committee and agency(s) cannot agree unless such adoption is statutorily prohibited. In such cases appropriate legislative relief may be sought if deemed advisable by the Governor.

Section 2. The provisions of this Act shall terminate on June 30, 1984 and, the same shall be subject to review pursuant to Chapter 102 of Title 29 of the Delaware Code.

Approved June 29, 1982.

CHAPTER 287

FORMERLY

HOUSE SUBSTITUTE NO. 1 TO HOUSE BILL NO. 415
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 19, TITLE 29, OF THE DELAWARE CODE RELATING TO FISCAL PROJECTIONS.

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

Section 1. Amend Chapter 19, Title 29, Delaware Code, by redesignating Sections 1906 and 1907 as Sections 1907 and 1908, respectively.

Section 2. Amend Chapter 19, Title 29, Delaware Code, by adding a new Section 1906 as follows:

"1906 Local School District Funds.

Any bill or resolution in either House of the General Assembly which provides for or requires the expenditure of any local school district current expense funds shall include a three-year fiscal projection. The three-year fiscal projection shall be attached by the sponsor prior to its initial committee consideration in the House of origin."

Section 3. This Act shall become effective July 1, 1982.

Approved June 29, 1982.

CHAPTER 288

FORMERLY

HOUSE BILL NO. 530
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 32, TITLE 16 OF THE DELAWARE CODE RELATING TO CANCER CONTROL.

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

Section 1. Amend subsection (a) of §3207 of Title 16 of the Delaware Code by striking said subsection in its entirety and inserting in lieu thereof the following:

"(a) The reports of cancer cases made pursuant to this Chapter shall not be divulged nor made public so as to disclose the identity of any person to whom they relate. However, patient-identifying information may be exchanged with other cancer control agencies as authorized by the State Board of Health and upon receipt by the Department of satisfactory assurances by those agencies of the preservation of the confidentiality of such information."

Approved June 29, 1982.

CHAPTER 289

FORMERLY

HOUSE BILL NO. 570

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE TO INCREASE FROM TWO TO FIVE MILES THE DISTANCE A REDUCED-REGISTRATION FEE FARM TRUCK MAY BE OPERATED OR TOWED BETWEEN FARMS OWNED OR MANAGED BY THE OWNER OF THE VEHICLE.

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

Section 1. Amend §2113, Chapter 21, Title 21 of the Delaware Code by striking the figure "2" in (3) of subsection (b) and inserting in lieu thereof the figure "5".

Approved June 29, 1982.

CHAPTER 290

FORMERLY

HOUSE BILL NO. 602
AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND DELAWARE CODE TITLES 14, 10, 11 AND 31 RELATING TO PUBLIC SCHOOL TRUANCY.

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

Section 1. Amend Subsection 122(11), Title 14, Delaware Code, by deleting the words ", always giving due consideration to the welfare of the children as well as to the needs of the parent or guardian, or persons having control of such children, and providing that no child shall be excused for cause other than illness or physical or mental incapacity that shall reduce the attendance of the child to less than 120 days of each school year" as they appear therein.

Section 2. Amend §2702, Title 14, Delaware Code, by deleting Subsection (b) in its entirety.

Section 3. Amend §2703, Title 14, Delaware Code, by deleting from Subsection (a) the words "prescribed for the elementary schools of the State" and inserting in lieu thereof the words "prescribed for the public schools of the State."

Section 4. Amend §2706, Title 14, Delaware Code, by deleting all of Subsection (b) and inserting in lieu thereof a new Subsection (b) which shall read as follows:

"(b) 'Truancy' or 'Truant' shall refer to a pupil enrolled in grades 1 through 12 inclusive who has been absent from school without valid excuse, as defined in Rules and Regulations of the State Board of Education, for more than three (3) days, or the equivalent thereof during a given school year."

Section 5. Amend Title 14, Delaware Code, by deleting Section 2709 in its entirety and substituting in lieu thereof a new §2709 which shall read as follows:

"§2709. Penalties; Jurisdiction

(a) Any person in the State having control over a child as identified in §2702 of this Title who violates the provisions of §2702 shall be fined not less than \$5.00 for the first such offense and not less than \$25.00 nor more than \$50.00 for each subsequent offense in a given school year. In default of payment of such fine, the defendant may be imprisoned for not more than two (2) days for the first offense and not more than five (5) days for the second offense.

(b) Justices of the Peace shall have jurisdiction of offenses under this section.

(c) Any pupil 16 years of age or older who is truant, as defined in §2706 of this Title, on more than 3 separate occasions during 1 school year may be expelled from school by the board of education of the school district for the remainder of the school year."

Section 6. AMEND Title 14, Delaware Code, by adding thereto a new §2713 which shall read as follows:

§2713. Responsibility of Police Officers

(a) Any pupil under the age of 16 identified by a police officer as being off school property without official authorization may be returned to his/her home school.

(b) Any pupil under the age of 16 identified by a police officer as being off school property without official authorization may be detained by the police for a period not to exceed 2 hours for the purpose of notification of parent or guardian. This detention may be within the police station but not in a criminally confined area."

Section 7. Amend §901, Title 10, Delaware Code, by deleting Subsection (14) and inserting in lieu thereof a new Subsection (14) which shall read as follows:

"(14) 'Truancy' or 'Truant' shall refer to a pupil enrolled in grades 1 through 12 inclusive who has been absent from school without valid excuse, as defined in Rules and Regulations of the State Board of Education, for more than three (3) days or the equivalent thereof during a given school year."

Section 8. Amend §1103, Title 11, Delaware Code, by deleting Subsection (c) in its entirety and inserting in lieu thereof a new Subsection (c) which shall read as follows:

"(c) 'Truancy' or 'Truant' shall refer to a pupil enrolled in grades 1 through 12 inclusive who has been absent from school without valid excuse, as defined in Rules and Regulations of the State Board of Education, for more than three (3) days or the equivalent thereof during a given school year."

Section 9. Amend §301, Title 31, Delaware Code, by deleting Subsection (4) in its entirety and inserting in lieu thereof a new Subsection (4) which shall read as follows:

"(14) 'Truancy' or 'Truant' shall refer to a pupil enrolled in grades 1 through 12 inclusive who has been absent from school without valid excuse, as defined in Rules and Regulations of the State Board of Education, for more than three (3) days or the equivalent thereof during a given school year."

Section 10. If the provisions of this Act are inconsistent with any other statutes within the Delaware Code, said statutes are hereby repealed to the extent of their inconsistency.

Approved June 29, 1982.

CHAPTER 291

FORMERLY

HOUSE BILL NO. 631

AN ACT TO AMEND CHAPTER 61, TITLE 30, DELAWARE CODE, TO IMPOSE A PENALTY FOR FAILURE TO FILE PUBLIC ACCOMMODATION TAX RETURNS.

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

Section 1. Amend Chapter 61, Title 30, Delaware Code, by redesignating Section 6105 as Section 6108 and by adding a new Section 6105 which shall read as follows:

"§6105. Failure to File or Failure to Pay.

In case of the failure of any person to file any return required under this Chapter, or the failure of any operator to pay any tax due and payable on the date prescribed in §6104 (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be added to the amount required to be shown as tax on such return a penalty equal to 5% of the amount of such tax for each month, or fraction thereof, during which such failure continues, not exceeding 50% in the aggregate."

Section 2. This Act shall take effect on July 1, 1982.

Approved June 29, 1982.

CHAPTER 292

FORMERLY

HOUSE BILL NO. 632

AN ACT TO AMEND SECTION 1195, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PENALTIES FOR FAILURE TO PAY CERTAIN TAXES.

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

Section 1. Amend Subsection (a) of Section 1195, Title 30, Delaware Code, by striking the figure "25%" as it appears therein and inserting in lieu thereof the figure "10%".

Section 2. Amend Subsection (c) of Section 1195, Title 30, Delaware Code, by striking the figure "3 per cent" as it appears therein and inserting in lieu thereof the figure "1 1/2%".

Section 3. Amend Section 1195, Title 30, Delaware Code, by redesignating Subsections (d), (e), (f), (g), and (h) as Subsections (f), (g), (h), (i), and (j), respectively, and by adding thereto new Subsections (d) and (e) which shall read as follows:

"(d) If any employer fails to pay the amount shown as tax on any withholding return filed pursuant to Section 1154 of this Chapter, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax required to be shown on such return 0.5% for each additional month or fraction thereof during which such failure continues, not exceeding 5% in the aggregate. Such employer shall be liable for the tax and the addition thereto, and neither shall be collected from the employee.

(e) For purposes of this Chapter, the term 'deficiency' means the amount by which the tax imposed by this Chapter exceeds -

(1) the sum of the amount shown as the tax by the taxpayer upon his return, plus the amounts previously assessed (or collected without assessment) as a deficiency, minus

(2) the amount of any abatements, credits or refunds made."

Section 4. This Act shall take effect on July 1, 1982.

Approved June 29, 1982.

CHAPTER 293

FORMERLY

HOUSE BILL NO. 633

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE CORPORATION INCOME TAX.

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

Section 1. Amend Subsection (b), Section 1909, Chapter 19, Title 30, Delaware Code, by striking the figure "5 percent" as it appears therein and inserting in lieu thereof the figure "10 percent".

Section 2. Amend Subsection (d) (1), Section 1909, Chapter 19, Title 30, Delaware Code, by striking the figure "1 percent" as it appears therein and inserting in lieu thereof the figure "1 1/2 percent".

Section 3. Amend Subsection (d), Section 1912, Chapter 19, Title 30, Delaware Code, by striking the figure "10 percent" as it appears therein and inserting in lieu thereof the figure "5 percent".

Section 4. Amend Section 1912, Chapter 19, Title 30, Delaware Code, by adding at the end thereof a new subsection (f) to read as follows:

"(f) In case of failure to pay the amount shown as tax on any return filed pursuant to this chapter on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such failure is due to reasonable cause, there shall be added to the amount of tax shown on such return 0.5 percent for each additional month or fraction thereof during which such failure continues, not to exceed 25 percent in the aggregate. For purpose of computing the addition for any month, the amount of tax shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the beginning of such month and by the amount of any credit against the tax claimed on the return."

Section 5. *Effective Date.* This Act shall take effect on July 1, 1982.

Approved June 29, 1982.

CHAPTER 294

FORMERLY

HOUSE BILL NO. 634

AN ACT TO AMEND CHAPTER 61, TITLE 30, DELAWARE CODE, RELATING TO PUBLIC ACCOMMODATION TAXES.

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

Section 1. Amend Chapter 61, Title 30, Delaware Code, by adding thereto new Sections 6106 and 6107 which shall read as follows:

"§6106. Assessments

If the Department of Finance discovers from the examination of a return filed pursuant to this Chapter, or otherwise that taxes reported are not correct or that any portion thereof has not been paid to the Department, it may, at any time within three years from the date the return was due, assess the correct amount due and unpaid on the same. Notice of such assessment shall be given to the person filing the original return or failing to pay the full amount of taxes due. Thirty (30) days from the date of such notice, the additional amount determined by the Department of Finance to be delinquent, shall become due and payable unless the person so notified, or his agent, shall file within the aforesaid 30 days with the Secretary of Finance a signed written protest of the assessment setting forth the reason the operator disputes the assessment. If a written protest is filed, the Secretary shall notify the taxpayer of his determination with respect thereto following his review of the protest and such determination shall become final upon the expiration of 30 days from the date of such notice unless the taxpayer, within such 30-day period, files a petition for review with the Tax Appeal Board. If the Secretary fails to act on such protest within 60 days of the date it was filed, the taxpayer may consider the protest disallowed for purposes of filing a petition with the Tax Appeal Board. The limitation of three years for making assessments shall not apply to the assessment of additional amounts due upon returns which are fraudulent, where no returns have been filed, or where the amounts shown on said returns are grossly understated.

§6107. Notice of Demand

The Secretary of Finance shall give notice of demand to each person liable for any amount of tax, penalty, or interest, which has been assessed but remains unpaid, stating the amount due and demanding payment within 10 days of the date of the notice. Such notice shall be sent by ordinary or certified mail to the taxpayer at his last known address."

Approved June 29, 1982.

CHAPTER 295

FORMERLY

HOUSE BILL NO. 635

AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE, RELATING TO THE CORPORATION INCOME TAX.

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

Section 1. Amend Subsection (a) of Section 1911, Chapter 19, Title 30, Delaware Code, by striking the first sentence therein and substituting in lieu thereof the following:

"Where there has been an overpayment of any tax imposed by this Chapter for any income year, the amount of such overpayment may be credited against any due and unpaid liability in respect of any tax imposed under this Title on the taxpayer who made the overpayment, and the balance shall be refunded to such taxpayer."

Section 2. The introductory paragraph of Subsection (6) of Section 1903(b) Chapter 19, Title 30, Delaware Code, is amended to read as follows:

"(6) If the entire business of the corporation is transacted or conducted within this State, the remainder of its entire net income shall be allocated to this State. If the business of the corporation is transacted or conducted in part without this State, such remainder, whether income or loss, shall be apportioned to this State on the basis of the ratio obtained by taking the arithmetical average of these 3 ratios."

Approved June 29, 1982.

CHAPTER 296

FORMERLY

HOUSE BILL NO. 636
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 14, TITLE 30, DELAWARE CODE, RELATING TO THE GIFT TAX.

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

Section 1. Section 1401 (1), Chapter 14, Title 30, Delaware Code, is amended by deleting the words "calendar quarter" each place they appear and substituting in lieu thereof the words "calendar year".

Section 2. Section 1402, Chapter 14, Title 30, Delaware Code, is amended by deleting the words "calendar quarter" each place they appear and substituting in lieu thereof the words "calendar year".

Section 3. Section 1403, Chapter 14, Title 30, Delaware Code, is amended to read as follows:

"The tax imposed by §1402 for each calendar year shall be an amount equal to the excess of (1) a tax, computed in accordance with the rate schedule set forth in §1404 on the aggregate sum of taxable gifts for such calendar year and for each of the preceding calendar periods after September 30, 1971, over (2) a tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar periods after September 30, 1971."

Section 4. Section 1405, Chapter 14, Title 30, Delaware Code, is amended to read as follows:

"§1405. Returns and Payment of Tax.

(a) Returns; Due Date. - Any individual who in any calendar year makes any transfers by gift which are subject to tax under this Chapter shall file a return for such year and pay the tax with respect to the gift tax imposed by this Chapter. Such returns shall be filed on or before the 15th day of April following the close of the calendar year; except where the calendar year includes the date of death of the donor, the return shall be filed not later than the time (including extensions) for filing the return made under Section 1342 of this Title (relating to inheritance tax returns) with respect to such donor.

(b) Payment of Tax. - The tax imposed by Section 1402 shall be paid by the donor.

(c) Extension of Time. - If a federal extension of time for filing of the return or payment is granted for Federal gift tax purposes, the time for filing any return required under this Chapter shall be automatically extended for a like period provided a copy of the federal extension is furnished the Director of Revenue before or with the filing of the return required by this Chapter."

Section 5. Amend Chapter 14, Title 30, Delaware Code, by adding thereto new Section 1407, 1408, and 1409 which shall read as follows:

"§1407. Incorporation of Certain Personal Income Tax Procedural and Administrative Provisions

The provisions of Sections 1176 through 1203 inclusive, of this Title, other than Section 1193(f); Section 1194(b); Section 1195(c), (d), and (e) and (h); Section 1196 (b), (c) and (d); and Section 1199 (c) (4), shall apply to the returns and determination of tax due under this Chapter. The words 'income tax' whenever they appear in the applicable Sections of 1176 through 1203 shall be deemed to refer to the gift tax; references to the 'taxpayer' shall be deemed to refer to the donor; references to 'taxable income' shall be deemed to refer to taxable gifts; and references to Sections of Subchapter IX of Chapter 11 of this Title shall be deemed to refer to the application of these Sections to the gift tax.

§1408. Incorporation of Certain Personal Income Tax Enforcement Provisions

The provisions of Sections 1211 through 1233, inclusive, of this Title, other than Section 1218, shall apply to the enforcement of this Chapter as if the Chapter referred to therein were this Chapter and the tax referred to therein were the gift tax.

§1409. Rules and Regulations

The Secretary of Finance may issue such rules and regulations as may be deemed necessary or appropriate in the administration and enforcement of this Chapter."

Section 6. This Act shall apply with respect to gifts made after December 31, 1981.

Approved June 29, 1982.

CHAPTER 297

FORMERLY

HOUSE BILL NO. 638

AN ACT TO AMEND CHAPTER 21, TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL AND BUSINESS LICENSES AND TAXES.

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

Section 1. Amend Chapter 21, Title 30, Delaware Code, by striking Section 2105 in its entirety and substituting in lieu thereof a new Section 2105 which shall read as follows:

"§2105. Civil Penalties and Interest for Nonpayment or Delayed Payment of License Taxes

(a) Interest. - If any fee or tax imposed by Part III is not paid on or before the last date prescribed for payment (determined without regard to any extension of time), interest on such amount at the rate of 1% per month or fraction thereof, shall be due and payable from the due date until date of payment.

(b) Failure to File Returns. - In case of failure to file any return required under Part III at the time prescribed for filing (determined with regard to any extension of time), unless such failure is shown to be due to reasonable cause, there shall be added to the amount required to be shown on such return or statement 5% of the amount of such fee or tax for each month, or fraction thereof, during which such failure continues, not to exceed 50% in the aggregate.

(c) Failure to Pay. - In case of the failure to pay the amount of tax shown to be due on any return filed pursuant to this Part at the time prescribed (determined with regard to any extension of time), there shall be added to the tax 0.5% of the amount of the tax for each additional month or fraction thereof during which such failure continues, not to exceed 25% in the aggregate.

(d) Negligence Penalty. - If any part of a deficiency in any fee or tax imposed by this Part is due to negligence or intentional disregard of rules and regulations (but without intent to defraud), there shall be added to the fee or tax an amount equal to 10% of the deficiency.

(e) Fraud Penalty. - If any part of a deficiency in any fee or tax imposed by this Part is due to fraud, there shall be added to the fee or tax an amount equal to 100% of the deficiency. This amount shall be in lieu of any amount determined under Subsection (b) and Subsection (d) above."

Section 2. This Act shall take effect on July 1, 1982.

Approved June 29, 1982.

CHAPTER 298

FORMERLY

HOUSE BILL NO. 639

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, PART III, TITLE 30, DELAWARE CODE, TO PROVIDE PROCEDURES FOR OBTAINING AND ENFORCING JUDGMENTS AGAINST CERTAIN DELINQUENT TAXPAYERS.

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

Section 1. Amend Chapter 21, Part III, Title 30, Delaware Code, by adding thereto new Sections 2122 and 2123 which shall read as follows:

"§2122. Notice of Demand.

The Secretary of Finance shall give notice of demand to each person liable for any amount of tax, addition to tax, penalty, or interest which has been assessed but remains unpaid stating the amount due and demanding payment within 10 days of the date of the notice. Such notice shall be sent by ordinary or certified mail to the taxpayer at his last known address.

§2123. Judgments and warrants.

(a) Judgments. The amount of any tax, addition to tax, penalty, or interest imposed and due under this Part which remains unpaid for more than 10 days after notice and demand for the same has been made pursuant to Section 2122, shall, until paid or discharged, constitute a judgment against the taxpayer upon the filing by the Secretary of Finance of a certificate in the Superior Court of the County where the taxpayer does business or owns real or personal property. Such certificate shall specify the amount of the tax, addition to tax, penalty, and interest imposed and due under Part III, the name and last known address of the taxpayer, and the fact that the Department has complied with all assessment provisions of Part III. The certificate, upon being docketed in the judgment docket of the Superior Court, shall have as full force and effect as any other judgment of the Court. No property, legal or equitable; wages; salaries; deposits; or monies in banks, savings institutions, or loan associations, or other property or income of any taxpayer shall be exempt from execution or attachment process issued upon or for collection of any judgment.

(b) Issuance of Warrant. The Secretary of Finance may, after obtaining a judgment, issue a warrant directed to the Sheriff of any County of this State, or to his own representative, commanding him to garnish the property of or any owing to the taxpayer or levy upon and sell such real and personal property of the taxpayer for the amount due together with the cost of executing the warrant. The warrant shall be returned to the Secretary of Finance and the Sheriff shall pay over to the Department the money collected by virtue thereof within 60 days after receipt of the warrant. No less than 10 days before issuance of any warrant, notice of the filing and effect of the certificate shall be sent by certified mail to the taxpayer at his last known address."

Section 2. This Act shall be effective upon its enactment into law, and the procedures set forth in this Act shall be applicable to all assessments under Part IV, Title 30, Delaware Code, whether such assessments are made before or after the effective date of this Act and whether such assessments become due and payable before or after the effective date of this Act.

Approved June 29, 1982.

CHAPTER 299

FORMERLY

SENATE BILL NO. 352
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 11, TITLE 12, CHAPTER 80, TITLE 29 AND CHAPTER 13, TITLE 23 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF LOST, ABANDONED OR STOLEN PROPERTY, MONEY, BOATS ADRIPT, AND ABANDONED VESSELS BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

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

Section 1. Amend Chapter 11, Title 12 of the Delaware Code by amending Section 1197 thereof by adding the following phrase at the beginning of said Section 1197.

"Except as otherwise provided elsewhere in the Delaware Code..."

Section 2. Amend Chapter 80, Title 29 of the Delaware Code by adding the following new Section 8026.

§8026. Disposition of lost, abandoned or stolen property in the custody of the Department of Natural Resources and Environmental Control

(a) Whenever any personal property of any kind, except money, comes into the custody of the Department of Natural Resources and Environmental Control, and the person entitled to possession of said property cannot be located or fails to claim the property for a period of at least thirty (30) days, the Secretary of the Department of Natural Resources and Environmental Control may dispose of the property by turning possession and custody of the property over to the Superintendent of the State Police for disposition pursuant to procedures set forth in Section 8307, Chapter 83, Title 11 of the Delaware Code; and

(b) Upon receipt of any personal property of any kind, except money, from the Department of Natural Resources and Environmental Control, the Superintendent of the State Police may dispose of said personal property at public sale upon proof that said property was held by the Department of Natural Resources and Environmental Control and/or the State Police for a period of not less than one year, and upon proof that the person entitled to possession of said property has failed to claim the property during the one year period the Department of Natural Resources and Environmental Control and/or the State Police held the property.

(c) After payment of expenses to the Department of Natural Resources and Environmental Control and the State Police for the amount of any storage or tow charges that are incurred by said Department and State Police during the period in which the property was in custody, and after the payment of all liens to which said property was subject in the order of their priority, the proceeds from the sale of said property shall be disposed of in accordance with the procedures of Section 8307, Title 11 of the Delaware Code.

(d) Employees of the Department of Natural Resources and Environmental Control shall deliver custody of lost, abandoned, or stolen money which comes into their possession in connection with the performance of their duties to the Secretary or such person he may designate and whenever any lost, abandoned or stolen money comes into the custody of the Department of Natural Resources and Environmental Control, the Secretary of said Department shall make a reasonable effort to locate the owner thereof. If the owner of any stolen money cannot be located or fails to claim such stolen money within one year from the date that it came into the custody of said Department, such money shall become the property of the State, and shall be transferred to the General Fund of the State. If the owner of any lost or abandoned money cannot be located or fails to claim such lost or abandoned money within one year from the date that it came into the custody of said Department, such money shall become the property of the person who delivered custody of such money to the Department and shall be returned by the Secretary of the Department to such person as soon as is practicable after the one year period. However, if the person who delivered custody of such lost or abandoned money is an employee of said Department such money shall become the property of the State and shall be transferred to the General Fund of the State after the one year period.

(e) This Section shall apply to any personal property of any kind, which comes into the custody of the Department of Natural Resources and Environmental Control as a result of either finding lost, abandoned or stolen property, or an investigation or enforcement action made pursuant to the provisions of Title 7 of the Delaware Code.

Section 3. Amend Sections 1303, 1304, 1305, Chapter 13, Title 23 of the Delaware Code by striking each such Section in its entirety.

Approved June 29, 1982.

CHAPTER 300

FORMERLY

SENATE BILL NO. 442

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO AUTHORIZED EMERGENCY VEHICLES.

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

Section 1. Amend §4106(e), Chapter 41, Title 21, Delaware Code, by inserting after the words "performance of his duties" and before the words "and emergency vehicles of state" the following:

" , the vehicle of the State Forester in the performance of his duties, the vehicle of the Forest Fire Control Supervisor in the performance of his duties, ".

Approved June 29, 1982.

CHAPTER 299

FORMERLY

SENATE BILL NO. 352
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 11, TITLE 12, CHAPTER 80, TITLE 29 AND CHAPTER 13, TITLE 23 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF LOST, ABANDONED OR STOLEN PROPERTY, MONEY, BOATS ADRIFT, AND ABANDONED VESSELS BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

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

Section 1. Amend Chapter 11, Title 12 of the Delaware Code by amending Section 1197 thereof by adding the following phrase at the beginning of said Section 1197.

"Except as otherwise provided elsewhere in the Delaware Code..."

Section 2. Amend Chapter 80, Title 29 of the Delaware Code by adding the following new Section 8026.

S8026. Disposition of lost, abandoned or stolen property in the custody of the Department of Natural Resources and Environmental Control

(a) Whenever any personal property of any kind, except money, comes into the custody of the Department of Natural Resources and Environmental Control, and the person entitled to possession of said property cannot be located or fails to claim the property for a period of at least thirty (30) days, the Secretary of the Department of Natural Resources and Environmental Control may dispose of the property by turning possession and custody of the property over to the Superintendent of the State Police for disposition pursuant to procedures set forth in Section 8307, Chapter 83, Title 11 of the Delaware Code; and

(b) Upon receipt of any personal property of any kind, except money, from the Department of Natural Resources and Environmental Control, the Superintendent of the State Police may dispose of said personal property at public sale upon proof that said property was held by the Department of Natural Resources and Environmental Control and/or the State Police for a period of not less than one year, and upon proof that the person entitled to possession of said property has failed to claim the property during the one year period the Department of Natural Resources and Environmental Control and/or the State Police held the property.

(c) After payment of expenses to the Department of Natural Resources and Environmental Control and the State Police for the amount of any storage or tow charges that are incurred by said Department and State Police during the period in which the property was in custody, and after the payment of all liens to which said property was subject in the order of their priority, the proceeds from the sale of said property shall be disposed of in accordance with the procedures of Section 8307, Title 11 of the Delaware Code.

(d) Employees of the Department of Natural Resources and Environmental Control shall deliver custody of lost, abandoned, or stolen money which comes into their possession in connection with the performance of their duties to the Secretary or such person he may designate and whenever any lost, abandoned or stolen money comes into the custody of the Department of Natural Resources and Environmental Control, the Secretary of said Department shall make a reasonable effort to locate the owner thereof. If the owner of any stolen money cannot be located or fails to claim such stolen money within one year from the date that it came into the custody of said Department, such money shall become the property of the State, and shall be transferred to the General Fund of the State. If the owner of any lost or abandoned money cannot be located or fails to claim such lost or abandoned money within one year from the date that it came into the custody of said Department, such money shall become the property of the person who delivered custody of such money to the Department and shall be returned by the Secretary of the Department to such person as soon as is practicable after the one year period. However, if the person who delivered custody of such lost or abandoned money is an employee of said Department such money shall become the property of the State and shall be transferred to the General Fund of the State after the one year period.

(e) This Section shall apply to any personal property of any kind, which comes into the custody of the Department of Natural Resources and Environmental Control as a result of either finding lost, abandoned or stolen property, or an investigation or enforcement action made pursuant to the provisions of Title 7 of the Delaware Code.

Section 3. Amend Sections 1303, 1304, 1305, Chapter 13, Title 23 of the Delaware Code by striking each such Section in its entirety.

Approved June 29, 1982.

CHAPTER 300

FORMERLY

SENATE BILL NO. 442

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO AUTHORIZED EMERGENCY VEHICLES.

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

Section 1. Amend §4106(e), Chapter 41, Title 21, Delaware Code, by inserting after the words "performance of his duties" and before the words "and emergency vehicles of state" the following:

" , the vehicle of the State Forester in the performance of his duties, the vehicle of the Forest Fire Control Supervisor in the performance of his duties,".

Approved June 29, 1982.

CHAPTER 301

FORMERLY

SENATE BILL NO. 452

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 PROVIDE FOR A REGISTRATION SYSTEM 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. Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of said Section 5 and substituting in lieu thereof a new Section 5, to read as follows:

"MANNER OF HOLDING ELECTIONS

Section 5. The procedure for holding the Annual Municipal Election shall be as follows:

(a) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of The Town of Georgetown on the second Saturday in June of each and every year from one o'clock in the afternoon, prevailing time, until five o'clock in the afternoon, prevailing time, following due notice given by an advertisement printed in a newspaper of general circulation in the Town and posted in six (6) public places in the Town not less than twenty-one (21) days before the day of the Annual Municipal Election.

(b) The Annual Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two (2) Judges appointed by the Mayor of The Town of Georgetown with the concurrence of a majority of the members of the Town Council not later than the last regular meeting of the Town Council prior to the date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote at the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance, and for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Annual Municipal Election shall not be present at the polling place at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Annual Municipal Election to elect from among their own number a person to fill each vacancy in such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.

(c) 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 Annual Municipal Election and who shall be a bona fide resident of The Town of Georgetown shall have one (1) vote, provided he or she is registered on the "Books of Registered Voters" of The town of Georgetown. The Town Council of The Town of Georgetown shall provide two (2) registers, to be known as the "Books of Registered Voters" which are to be kept at the office of the Town Manager. The Books of Registered Voters shall contain the following information for each registrant: the name of the registered voter arranged in alphabetical order, the address of the voter, the birthdate of the voter, the date the registrant became a citizen of the United States, the date the registrant became a resident of The Town of Georgetown, and any other pertinent information. No person will be registered upon the books of Registered Voters unless he or she will have acquired the qualifications to vote in the Annual Municipal Election for the year in which he or she registers. A person shall be required to register only one (1) time; provided however, that if a registered voter fails to vote in two (2) consecutive Annual Municipal Elections in which there is a contest and in which he is entitled to vote, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by certified mail with return receipt requested advising the registered voter that his name has been removed from the Books of Registered Voters, and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Books of Registered Voters shall be maintained in the office of the Town Manager and shall be conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the office of the Town Manager during the regular business hours of such office until the close of business of such office on the third Friday in May prior to the date of the Annual Municipal Election by completing such forms as may be provided by the Town.

(d) All votes offered at the Annual Municipal Election shall be offered in person.

(e) In the event that only one person files or is nominated for every office for which candidates are to be elected in any Annual Municipal Election, it shall only be necessary for the polls to be open on the day of the Annual Municipal Election from one o'clock in the afternoon, prevailing time, to two o'clock in the afternoon, prevailing time, any other statute to the contrary notwithstanding.

(f) Upon the close of the Election, the votes shall be read and counted publicly, and the person having the highest number of votes for each office shall be declared duly elected and shall continue in office until his successor is duly elected and qualified.

(g) The Board of Election shall enter in a book to be provided for that purpose minutes of the Annual Municipal Election containing the names of the persons chosen, shall subscribe the same, and shall give to the person chosen Certificates of Election, which book containing such minutes, shall be presented by the Town Council and shall be evidence in any court of law or equity.

(h) In the event of a tie vote for any office, the Board of Election shall determine the tie by secret ballot.

(i) All persons desiring to be candidates for the office of Mayor or Council, as the case may be, at said Annual Municipal Election shall file with the Secretary of the Council or the Town Manager at the business office of the Town during the usual business hours and not later than five o'clock in the afternoon, prevailing time, on the fourth Friday in May, a written statement of such candidacy upon suitable forms or blanks furnished by the Town Council, which said statement shall be dated, signed by the candidate and witnessed by at least two (2) adult residents of the Town. If the fourth Friday in May is a legal holiday, all written statements of candidacy shall be filed before the close of business on the fourth Thursday."

Approved June 29, 1982.

CHAPTER 302

FORMERLY

SENATE BILL NO. 497

AN ACT TO AMEND CHAPTER 128 OF VOLUME 33, LAWS OF DELAWARE RELATING TO INCREASING THE NUMBER OF MEMBERS WHO SERVE ON THE BOARD OF HEALTH.

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 11 of Chapter 128, Volume 33, Laws of Delaware by striking the first sentence of said section beginning with the words "The Council" and ending with the words "one year" and substituting in lieu thereof the following:

"The Council shall appoint, at the annual meeting in March of each year, nine capable resident citizens of Middletown, with qualifications, and term of service, as set by Town ordinance."

Approved June 29, 1982.

CHAPTER 303

FORMERLY

HOUSE BILL NO. 309
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO MAIL-IN FINE PROCEDURES AND PENALTYS AND TO FURTHER AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR FUEL TAX PENALTYS.

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 709 of Chapter 7, Title 21 of the Delaware Code by striking section 709 in its entirety and substituting in lieu thereof a new section 709 to read as follows:

"§709. Motor Vehicle Fines Payable by Mail.

(a) Applicability. Any duly constituted peace officer in the State who charges any person with any of the offenses hereinafter designated "motor vehicle offenses subject of voluntary assessment" may, in addition to issuing a summons for any such offenses, provide the offending operator 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. The court to which the summons is returnable shall be determined by §703 of this title, provided, however, that the Courts of the Justices of the Peace may establish a Mail-in fine Center for each County within the State, in which case the summons may be made returnable to the applicable Mail-in fine Center.

(b) Definitions.

(1) "Payment" as used in this section shall mean the total amount of the fine and of the costs as herein provided and of the penalty assessment added to the fine pursuant to the Delaware Victim Compensation Law, Chapter 90 of Title 11.

(2) "Voluntary assessment form" 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.

(c) Places and Time of Payment.

Payments made pursuant to this section shall be remitted to the court or Mail-in fine Center to which the summons is returnable and shall be disbursed in accordance with §706 of this title. The payment must be received by the court or Mail-in fine Center within 10 days from the date of arrest (excluding Saturday and Sunday) and shall be paid only by check or money order.

(d) Jurisdiction.

This section shall apply to any licensed resident of the State; to residents of those jurisdictions with which the State has entered a reciprocal agreement pursuant to Chapter 4 of this title; and to those out-of-State residents who, in the discretion of the arresting peace officer, are deemed to be reliable prospects for a voluntary assessment disposition.

(e) Offenses Designated as "Motor Vehicle Offenses Subject to Voluntary Assessment"; Exceptions --

All offenses, as now or hereafter set forth in this title, and all motor vehicle offenses falling within the scope of section 5211 (a) of Title 30 of the Delaware Code, are hereby designated as motor vehicle offenses subject to voluntary assessment except for the following offenses:

- (1) Violation of §2701 of this title;
- (2) Violation of §2756 of this title;
- (3) Violation of §4103 of this title;
- (4) Violation of §4175 of this title;
- (5) Violation of §4177 of this title;

- (6) Violation of §4201 of this title;
- (7) Violation of §4202 of this title;
- (8) Any violation of Chapter 67 of this title.

(f) Offer and Acceptance of Voluntary Assessment; Effect; Withdrawal of Acceptance; Request for Hearing.

(1) At the time of making an arrest for any offense subject to this section, the arresting officer may offer the alleged violator the option of accepting a voluntary assessment. The alleged violator's signature on the voluntary assessment form constitutes an acknowledgement of guilt of the offense stated in the form and an agreement to pay the fine as herein provided, together with costs and penalty assessment, within 10 days from the date of arrest (excluding Saturday and Sunday), during which time payment must be received by the court or the applicable Mail-in fine Center.

(2) The alleged violator, after signing and receiving the voluntary assessment form may withdraw his acceptance of the voluntary assessment and request a hearing on the charge stated in such form, provided that the alleged violator, within 10 days from the date of arrest (excluding Saturday and Sunday), personally or in writing notifies the court or the applicable Mail-in fine Center to which payment of the penalty assessment was to be made that he wishes to withdraw his acceptance of the voluntary assessment and requests a hearing on the charge stated in the voluntary assessment form. If the alleged violator notifies the court or the applicable Mail-in fine Center of such withdrawal and request for hearing as aforesaid, he shall be prosecuted for the charge stated in the voluntary assessment form as if such form had not been issued.

(g) Penalty.

If an alleged violator elects the option of accepting a voluntary assessment in accordance with subsection (f) of this section, the penalty for offenses designated as motor vehicle offenses subject to voluntary assessment shall be the minimum fine for each specific offense charged and fines shall be cumulative if more than 1 offense is charged.

(h) Court Costs and Applicability of Delaware Victim Compensation Law.

In lieu of any other court costs, and provided the offense is not subject to other proceedings under this section, each fine for an offense under this section shall be subject to court costs of \$8.50. Each fine for an offense under this section shall be subject also to the penalty assessment which is or may be provided for in the Delaware Victim Compensation Law, Chapter 90 of Title 11.

(i) Agreement to Accept Voluntary Assessment; Procedure.

Whenever a person is arrested for commission of an offense subject to this section and has elected to make payment as herein provided, the arresting officer, using the uniform traffic citation, shall complete the information section and prepare the voluntary assessment form indicating the amount of the fine, have the arrested person sign the voluntary assessment form, give a copy of the citation and form to the arrested person and release him from custody. The arresting officer shall also inform the arrested person of the court or applicable Mail-in fine Center to which payment shall be submitted. No officer shall receive or accept custody of a payment. If the person declines to accept the voluntary assessment, the arresting officer shall follow the procedure for arrest as set forth in Chapter 19 of Title 11.

(j) Payment of Fines and Complete Satisfaction; Repeat Offenders.

(1) Payment of the prescribed fine, costs and penalty assessment is a complete satisfaction of the violation, except as provided in paragraph (2) of this subsection, but does not waive any administrative penalty which may be lawfully charged to the violator's driving record by the Department of Public Safety.

(2) In the event that following compliance with the payment provisions of this section, it is determined that within the 2-year period immediately preceding the violation, the violator was convicted of or made a payment pursuant to this section in satisfaction of a violation of the same section of this title, personal appearance before the court to which the summons is returnable or the court which is associated with the applicable Mail-in fine Center may be required. Notice of the time and place for the required court appearance may be given to the violator by the court to which the summons for the offense would be returnable.

(k) Removal from Applicability of Section.

(1) If a payment due pursuant to this section is not received by the court or applicable Mail-in fine Center to which the summons is returnable within 10 days from the date of arrest (excluding Saturday and Sunday), the violator shall be prosecuted for the offense charged on the voluntary assessment form in a manner as if a voluntary assessment form had not been issued. Upon conviction in such prosecution, the court to which the summons is returnable or the court which is associated with the applicable Mail-in fine Center shall impose penalties as provided by this title or other law relating to motor vehicles for the particular violation charged, and the provisions of this section as to payment of fines under voluntary assessments shall not apply.

(2) In addition to the penalties provided for in paragraph (1) of this subsection, the violator who has elected to make payment pursuant to this section who has failed to do so within 10 days (excluding Saturday and Sunday) from the date of arrest may be prosecuted for violating provisions of section 702 of this title.

(l) Procedure.

(1) The arresting officer or another officer attached to the arresting officer's troop or agency shall deliver forthwith from the time of arrest the voluntary assessment agreement and summons to the court or Mail-in fine Center to which the summons is returnable. The summons need not be sworn to at the time of delivery to the court or Mail-in fine Center; provided that the charge recorded on the summons may be dismissed by the court, upon a motion if said summons is not sworn to by the arresting officer prior to trial.

(2) If a payment due pursuant to this section is not received by the court or applicable Mail-in fine Center to which the summons is returnable within 10 days from the date of arrest (excluding Saturdays and Sundays), the court or applicable Mail-in fine Center shall, after entering pertinent information in a log maintained by the court or applicable Mail-in fine Center, return all papers delivered to it pursuant to subsection (1) (1) of this section to the arresting officer. It shall thereafter be the responsibility of the arresting officer to return the proper papers to the court or applicable Mail-in fine Center at which time he may swear out a warrant for the violator's arrest on the original charge. In addition, he may further swear out a warrant charging the violator with failure to answer summons in violation of section 702 of this title.

(3) Should the court or Mail-in fine Center receive payment from the violator after returning the papers to the arresting officer but before an arrest is made on the warrant or warrants, the payment shall be accepted by the court or applicable Mail-in fine Center which shall prepare a Mail-in Disposition Slip consisting of an original and two copies. The original shall remain with the court or applicable Mail-in fine Center. Both copies shall be forwarded to the arresting officer. The warrant shall then be withdrawn and the warrant charging failure to answer summons may also be withdrawn.

(m) Nonexclusive Procedure.

The procedure prescribed is not exclusive of any other method prescribed by law for the arrest and prosecution of persons violating this title."

Approved June 30, 1982.

CHAPTER 304

FORMERLY

HOUSE BILL NO. 319
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES 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 Subsection 4702(a), Chapter 47, Title 7 of the Delaware Code by deleting the figure "\$50.00" and inserting in its place the figure "\$100.00".

Section 2. Amend Subsection 4702(a), Chapter 47, Title 7 of the Delaware Code by adding after the period "." at the end of said Subsection the following:

"In addition to such fines, costs or imprisonment, any person who is convicted of any violation involving damaging, destroying or removal of State parks property shall be required to make restitution to the Department for replacement or restoration of such property. Furthermore, in lieu of, or in addition to the aforesaid penalties, the court may order violators convicted of any violation involving damaging, destroying or removal of State park property to perform work projects in State parks."

Section 3. Amend §4702 of Chapter 47, Title 7 of the Delaware Code by adding thereto a new Subsection (e) to read as follows:

"(e) Notwithstanding subsection (d) of this section, an arresting officer may issue a summons to any person arrested for any violation delineated in this Chapter to have said person appear at a subsequent date at the Justice of the Peace Court which is the nearest available Justice of the Peace Court to the place of the arrest, during the regularly scheduled hours of said court. For the purpose of this Section, the summons for later appearance shall be sufficient to grant jurisdiction over the offense to the said nearest available Justice of the Peace."

Section 4. Amend §4702 of Chapter 47, Title 7 of the Delaware Code by adding thereto a new Subsection (f) to read as follows:

"(f) For the purpose of this Section, a Justice of the Peace is available when he is at his office or court."

Approved June 30, 1982.

CHAPTER 305

FORMERLY

HOUSE BILL NO. 419
AS AMENDED BY SENATE AMENDMENT NO. 3

AN ACT TO AMEND TITLE II, DELAWARE CODE, BY PUNISHING CERTAIN ACTS AS DISORDERLY CONDUCT.

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 II, Delaware Code §1301, by adding thereto a new subsection (l) g. to read as follows:

"g. Congregating with other persons in a public place while wearing masks, hoods, or other garments rendering their faces unrecognizable, for the purpose of and in a manner likely to imminently subject any person to the deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States of America."

Approved June 30, 1982.

CHAPTER 306

FORMERLY

HOUSE BILL NO. 450
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO CREDITED SERVICE AND ELIGIBILITY UNDER THE PENSION LAWS.

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

Section 1. Amend §5551(4) Chapter 55, Title 29 of the Delaware Code by adding a new paragraph (g) to read as follows:

"(g) Service as an employee before the date of affiliation with the Fund by his employer, provided the actuarially-determined past service cost associated with such service is paid into the Fund on a schedule approved by the Board of Pension Trustees."

Section 2. Amend §5551(11) by striking said paragraph and inserting in lieu thereof the following:

"(11) 'Member' shall mean a person who is an employee on or after the date the employer affiliates with the Fund."

Approved June 30, 1982.

CHAPTER 307

FORMERLY

HOUSE BILL NO. 543

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

AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21, DELAWARE CODE AND CHAPTER 474 OF 61 LAWS OF DELAWARE RELATING TO OPERATION OF A VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

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 §2742(e) of Chapter 27, Title 21, Delaware Code, by striking the sentence "This subsection shall terminate on July 1, 1982." as the same appears in said subsection (e).

Section 2. Amend Section 3 of Chapter 474, 61 Laws of Delaware by striking said Section in its entirety.

Section 3. Amend §2743(d), Chapter 27, Title 21, Delaware Code, by striking the sentence that reads "Subsections (b) and (c) of this Section shall terminate on July 1, 1982."

Approved June 30, 1982.

CHAPTER 308

FORMERLY

HOUSE BILL NO. 561

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 23, TITLE 11 OF THE DELAWARE CODE RELATING TO SEARCHES AT NIGHTTIME.

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

Section 1. Amend §2308 of Title 11 of striking the present section in its entirety and substituting therefor the following:

"§2308. Search at Nighttime

A search warrant shall not authorize the person executing it to search any dwelling house in the nighttime unless the Judge, Justice of the Peace or Magistrate is satisfied that it is necessary in order to prevent the escape or removal of the person or thing to be searched for, and then the authority shall be expressly given in the warrant. For purposes of this section the term 'nighttime' shall mean the period of time between 10:00 P.M. and 6:00A.M."

Approved June 30, 1982.

CHAPTER 309

FORMERLY

HOUSE BILL NO. 577

AN ACT TO AMEND §5509, TITLE 25, DELAWARE CODE, TO PERMIT ELDERLY TENANTS TO TERMINATE A LEASE WITH THIRTY DAYS NOTICE TO ENTER A RETIREMENT OR SENIOR CITIZENS' HOUSING FACILITY.

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

Section 1. Amend Subsection (b) of Section 5509 of Title 25 of the Delaware Code by adding thereto a new paragraph (4) which shall read as follows:

"(4) by the tenant when the tenant is accepted for admission to a senior citizens' housing facility including subsidized public or private housing or a group or cooperative living facility or retirement home."

Approved June 30, 1982.

CHAPTER 310

FORMERLY

HOUSE BILL NO. 600

AN ACT TO AMEND SECTION 5526 (b), CHAPTER 55, TITLE 29 OF THE DELAWARE CODE BY CHANGING THE DATE FOR DISABILITY PENSIONERS TO REPORT THEIR EARNINGS.

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

Section 1. Amend Section 5526 (b), Title 29, Delaware Code by striking the date February 15 and substituting in lieu thereof the date April 30.

Section 2. Amend Section 5526 (b), Title 29, Delaware Code by striking the word "March" and substituting in lieu thereof the word "July".

Approved June 30, 1982.

CHAPTER 311

FORMERLY

HOUSE BILL NO. 630

AN ACT TO AMEND CHAPTER 11, TITLE 12, DELAWARE CODE, RELATING TO THE ESCHEAT OF ABANDONED OR UNCLAIMED PROPERTY.

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

Section 1. Amend Section 1152, Subchapter II, Chapter 11, Title 12, Delaware Code, by striking the figure "\$5,000" as it appears therein and inserting in lieu thereof the figure "\$2,500", and by adding thereto the following:

"Provided, however, that in no case shall the penalty imposed exceed 100% of the amount required by this subchapter to be reported or paid to the State Escheator."

Section 2. Section 1192, Subchapter III, Chapter 11, Title 12, Delaware Code, is amended to read as follows:

"§1192. Penalty for Failure to Report or Make Payment.

Any life insurance company failing to report or pay over any amounts as required by this subchapter shall be subject to a civil penalty of \$25 for each day such report or payment is withheld, not to exceed a maximum of \$2,500, except that the State Escheator may extend the time for filing the report or making payment and may waive all or any portion of the penalty if the failure is due to a reasonable cause. Provided, however, in no case shall the penalty imposed exceed 100% of the amount required by this subchapter to be reported or paid to the State Escheator."

Section 3. Section 1207(a), Subchapter IV, Chapter 11, Title 12, Delaware Code, is amended to read as follows:

"(a) Any person failing to report or pay over any amounts or property as required by this subchapter shall be subject to a civil penalty of \$25 for each day such report or payment is withheld, not to exceed a maximum of \$2,500, except that the State Escheator may extend the time for filing the report or making payment and may waive all or any portion of the penalty if the failure is due to reasonable cause. Provided, however, in no case shall the penalty imposed exceed 100% of the amount required by this subchapter to be reported or paid to the State Escheator."

Section 4. Amend Section 1198 (9), Subchapter IV, Chapter 11, Title 12, Delaware Code, relating to the definition of "person", by striking the comma and words "any court" as they appear therein.

Section 5. This Act shall take effect on July 1, 1982.

Approved June 30, 1982.

CHAPTER 312

FORMERLY

HOUSE BILL NO. 642
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO GRANT TITLE TO THE RABBITS FERRY SCHOOL TO THE RABBITS FERRY COMMUNITY CENTER.

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 Department of Natural Resources and Environmental Control is hereby authorized to execute and deliver to the Rabbits Ferry Community Center a deed to the 1.8 acre parcel of land in Sussex County on the North side of County Road No. 277 on which the former Rabbits Ferry School is situated (Sussex County Deed No. 598-473). The Department shall convey the land and the old frame building thereon to the Center according to §4518 (d) of Title 7, Delaware Code, and shall retain an easement on the land for conservation purposes.

Section 2. In the event the land and building herein granted to and occupied by the Rabbits Ferry Community Center is no longer utilized as a community center or for community purposes, the title to the land and building authorized to be conveyed by this Act shall automatically revert to the State of Delaware and the Department of Natural Resources and Environmental Control.

Approved June 30, 1982.

CHAPTER 313

FORMERLY

HOUSE BILL NO. 735

AN ACT TO AMEND SUBCHAPTER II, SECTION 2117, CHAPTER 21, TITLE 23, OF THE DELAWARE CODE RELATING TO RELEASE OF BOAT REGISTRATION INFORMATION.

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

Section 1. Amend Subchapter II, §2117, Chapter 21, Title 23, Delaware Code, by adding a new Subsection (d) to read as follows:

"(d) Any Federal agency or agency of Delaware State Government may request information from the Department concerning the registration of a vessel. After the Department receives such a request and the Department is satisfied that such a request is reasonable and related to a boating safety, law enforcement and/or fishery management purpose, the department may release information concerning the registration of a vessel. In each case where said information is released, the Department may seek reimbursement from the agency requesting the information for all costs incurred by the Department in connection with the gathering and transmitting of the information to the requesting agency."

Approved June 30, 1982.

CHAPTER 314

FORMERLY

HOUSE BILL NO. 760

AN ACT TO AMEND CHAPTERS 23, 25, 27 AND 29, TITLE 30, DELAWARE CODE ELIMINATING THE QUARTERLY OR MONTHLY RETURN FILING REQUIREMENTS FOR GROSS RECEIPT TAXES IN THE CASE OF CERTAIN SMALL BUSINESSES.

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

Section 1. Amend paragraph (2) of subsection (d), Section 2301, Title 30, Delaware Code, by striking the figure "\$1,000" each place it appears therein, and by inserting in lieu thereof the figure "\$6,000".

Section 2. Amend subsection (c), Section 2502, Title 30, Delaware Code, relating to contractors, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the taxable gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of the quarter."

Section 3. Amend subsection (b), Section 2702, Title 30, Delaware Code, relating to manufacturers, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of the calendar quarter."

Section 4. Amend subsection (c), Section 2902, Title 30, Delaware Code, relating to wholesalers, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of such calendar quarter."

Section 5. Amend subsection (c), Section 2903, Title 30, Delaware Code, relating to food processors, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of such calendar quarter."

Section 6. Amend subsection (c), Section 2904, Title 30, Delaware Code, relating to grain and feed dealers, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of such calendar quarter."

Section 7. Amend subsection (b), Section 2905, Title 30, Delaware Code, relating to general retailers, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the taxable gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of such calendar quarter."

Section 8. Amend subsection (c), Section 2906, Title 30, Delaware Code, relating to restaurant retailers, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of such calendar quarter."

Section 9. Amend subsection (c), Section 2907, Title 30, Delaware Code, relating to farm machinery retailers, by designating all that appears as paragraph (1), and by adding a new paragraph (2) to read as follows:

"(2) Notwithstanding the provisions of paragraph (1), if the aggregate gross receipts prescribed therein for any month in the calendar quarter do not exceed \$2,000, the return and payment of the additional license fee imposed for such month shall be due on or before the 20th day of the first month following the close of such calendar quarter."

Section 10. This Act shall take effect on January 1, 1983 with respect to license years commencing after December 31, 1982.

Approved June 30, 1982.

CHAPTER 315

FORMERLY

SENATE BILL NO. 139

AS AMENDED BY SENATE AMENDMENTS NO. 1 AND 3 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5 AND CHAPTER 11, PART 1, TITLE 7 OF THE DELAWARE CODE RELATING TO FISHING; AND PROVIDING FOR THE IMPOSITION OF CERTAIN CHARGES.

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. Amend §1125, Chapter 11, Part 1, Title 7 of the Delaware Code by striking subsection (c) in its entirety, and substituting in lieu thereof the following:

"(c) The purchase price of the special trout fishing stamps shall be set by the Department annually, but the maximum prices shall be as follows:

(1) For Delaware residents: \$4.20 for persons 16 years of age and older; and \$2.10 for persons 12 to 16 years of age. Stamps are not required for any Delaware resident under 12 years of age.

(2) For non-residents: \$6.20. Stamps are not required for any non-resident under 12 years of age."

Section 2. Amend Section 1126, Chapter 11, Title 7 of the Delaware Code by striking it in its entirety and substituting in lieu thereof the new Section 1126 to read as follows:

"Section 1126. Trout Stamp To Be Signed in Ink and Certain Exemptions from Purchase of a Trout Stamp.

Anyone who wishes to fish for trout shall purchase a trout fishing stamp and sign his name in ink across the face of said stamp; he shall then be permitted to take trout during the open season for such fish and in a manner permitted by law from the fresh waters which are stocked with trout by the Department. Any person exempt from purchasing a Delaware fishing license under the provisions of Title 7 of the Delaware Code, Section 502 (f), (g), (h), (i), or (j) is also exempt from purchasing a Delaware trout stamp."

Section 3. This Act shall become effective January 1, 1983.

Approved June 30, 1982.

CHAPTER 316

FORMERLY

SENATE BILL NO. 249

AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE CODE, RELATING TO THE MEMBERSHIP OF THE COUNCIL ON GAME AND FISH.

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

Section 1. Amend §8006(e), Chapter 80, Title 29, of the Delaware Code by striking the figure "7" and substituting in lieu thereof the following:

"9".

Section 2. Amend §8006(d), Chapter 80, Title 29 of the Delaware Code by striking the words and figures "at least 3, but no more than 4, of the members of the Council shall be affiliated with 1 of the major political parties. At least 2, but no more than 3," and substituting in lieu thereof the following:

"at least 4, but no more than 5, of the members of the Council shall be affiliated with 1 of the major political parties. At least 3, but no more than 4,".

Approved June 30, 1982.

CHAPTER 317

FORMERLY

SENATE BILL NO. 322
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, TITLE 25, DELAWARE CODE, RELATING TO RENT.

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

Section 1. Amend §5501, Chapter 55, Title 25, Delaware Code, by adding thereto a new subsection (d) to read as follows:

"(d) Where the rental agreement provides for a late charge to the landlord for rent not paid at the agreed time, said landlord shall maintain an office where rent may be timely paid in the county in which the rental unit is located. Failure to maintain such an office for payment of rent shall extend the agreed on time for payment of rent by three (3) days beyond the due date."

Approved June 30, 1982.

CHAPTER 318

FORMERLY

SENATE BILL NO. 483

AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 2

AN ACT RELATING TO THE LEASING OF WARWICK SCHOOL NO. 203, LOCATED IN SUSSEX COUNTY.

WHEREAS, the General Assembly on June 3, 1975 approved the leasing of the Warwick School No. 203 to the Johnson Community Center; and

WHEREAS, the Johnson Community Center has expressed a desired to terminate this lease; and

WHEREAS, the Veterans of Foreign Wars Post 10638 of Millsboro, Delaware has expressed an interest in leasing the same premises.

NOW, THEREFORE:

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

Section 1. Pursuant to the requirement of 7 Delaware Code, §4518, The Board of Education of the State of Delaware is hereby authorized and directed to agree to a revision of a lease agreement currently in force with the Johnson Community Center for the Warwick School No. 203, Indian River Hundred, Sussex County, Delaware.

Section 2. The Board of Education of the State of Delaware is further authorized and directed to lease these same premises to the Veterans of Foreign Wars Post 10638 of Millsboro, Delaware for a term of twenty-five years from the date of the enactment of this legislation. The rental fee for the premises shall be the sum of \$1 per annum payable in full upon execution of the lease unto the State Treasurer as provided in Title 7 §4512. Said lease shall be nonassignable and shall contain a restriction disallowing a sub-lease.

Approved June 30, 1982.

CHAPTER 319

FORMERLY

SENATE BILL NO. 570
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 9 AND CHAPTER 21 OF TITLE 5 OF THE DELAWARE CODE RELATING TO MUTUAL SAVINGS BANKS AND SAVINGS SOCIETIES, SUBJECTING THEM TO THE SAME GENERAL LOAN LIMITATIONS APPLICABLE TO OTHER STATE BANKS OR TRUST COMPANIES.

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

Section 1. Amend §909, Chapter 9, Title 5 of the Delaware Code by inserting after the words "trust company" in subsection (a) the words "including mutual savings banks and savings societies".

Section 2. Amend §909, Chapter 9, Title 5 of the Delaware Code by inserting after the words "trust company" in subsection (d) the words "including mutual savings banks and savings societies".

Section 3. Amend §909, Chapter 9, Title 5 of the Delaware Code by adding after the words "profits of the lender" in subsection (a) the words "or in the case of a mutual savings bank or savings society, the total surplus and undivided profits of the lender".

Section 4. Amend §909, Chapter 9, Title 5 of the Delaware Code by adding after the words "profits of the lender;" in subsection (a) (2) the words "or in the case of a mutual savings bank or savings society, the total surplus and undivided profits of the lender".

Section 5. Amend §909, Chapter 9, Title 5 of the Delaware Code by striking the first sentence of subsection (a) (1) and substituting the following:

"(1) Ten percent, if the loan be without collateral security, except where the total of the capital, surplus and undivided profits of the lender or, in the case of a mutual savings bank or savings society, the total surplus and undivided profits of the lender are not more than \$25,000, in which case an amount not to exceed 20 percent of such total may be loaned without collateral security, but where such total of the capital, surplus and undivided profits or, in the case of a mutual savings bank or savings society, such total of the surplus and undivided profits are greater than \$25,000, but do not exceed \$50,000, a loan or loans not exceeding in the aggregate \$5,000 to any 1 persons, firm, association or corporation may be made without collateral security."

Section 6. Amend §2112, Chapter 21, Title 5 of the Delaware Code by inserting in subsection (b) after the words "state banks or trust companies" the words "including mutual savings banks and savings societies".

Section 7. Amend §2108, Chapter 21, Title 5 of the Delaware Code by striking the first two sentences of subsection (a) and inserting in lieu thereof the following:

"(a) The holder of any certificate of registration from the State Bank Commissioner, granted pursuant to this chapter, and any state bank or trust company, including mutual savings banks and savings societies, organized under this Code or any other laws of this State, or any national bank (without obtaining such certificate of registration) may lend money to any person, firm or corporation in any sum not exceeding \$500, to be repaid in periodic installments, taking the obligation of the borrower therefor, with any security that may be acceptable to the lender. Any such association, firm, partnership or corporation having a paid-in capital or, in the case of a mutual savings bank or savings bank or savings society, having surplus which is not subject to withdrawal and which shall exceed \$10,000, may make such loans in amounts to any one borrower in excess of \$500, but not exceeding 10% of the paid-in capital stock and surplus of such lender or, in the case of a mutual savings bank or savings society, not exceeding 10% of the surplus of such lender."

Approved June 30, 1982.

CHAPTER 320

FORMERLY

SENATE BILL NO. 576
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK," AS AMENDED, TO PERMIT THE BANK TO MAKE CERTAIN LOANS.

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

Section 1. Amend Section 3, Chapter 63, Volume 12, Laws of Delaware, as amended, by adding the following subsection (a):

"(a) That said corporation shall be authorized to invest in, sell, or otherwise deal with the following loans, secured or unsecured limited to not in excess of five per cent of the assets of the corporation in any one category of loans and ten per cent of the assets of the corporation in the aggregate in all categories of such loans:

- (1) Consumer loans for personal family or household purposes;
- (2) Educational loans for payment of expenses for college, university or vocational education;
- (3) Construction loans, the principal purpose of which is to provide financing with respect to what is or is expected to become primarily residential real estate;
- (4) Commercial, corporate and business loans except that such loans may be made only within the State of Delaware or within 75 miles of the corporation's home office."

Approved June 30, 1982.

CHAPTER 321

FORMERLY

SENATE BILL NO. 577

AN ACT TO AMEND CI(101) OF VOLUME 8, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE WILMINGTON SAVINGS FUND SOCIETY," AS AMENDED, TO PROVIDE THAT THE SOCIETY MAY MAKE CERTAIN LOANS AND INVESTMENTS.

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 7, Chapter CI(101) of Volume 8, Laws of Delaware, as amended, by adding a subsection to read as follows:

"(w) To invest in, sell, or otherwise deal with the following loans, secured or unsecured, limited to not in excess of 5 percent of the assets of the corporation in any one category of loans and 10 percent of the assets of the corporation in the aggregate in all categories of such loans:

- (1) Consumer loans for personal family or household purposes;
- (2) Educational loans for payment of expenses for college, university or vocational education;
- (3) Construction loans for the principal purpose of which is to provide financing with respect to what is or is expected to become primarily residential real estate;
- (4) Commercial, corporate and business loans except that such loans may be made only within the State of Delaware or within 75 miles of the corporation's home office."

Approved June 30, 1982.

CHAPTER 322

FORMERLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 606

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1983; 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, 1983, 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 1983, 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, 1983

(01-00-000) LEGISLATIVE(01-01-001) General Assembly - House

Salaries - House Members	\$	525.0
Salaries (4)		51.5
Salaries - Attaches		205.0
Salaries - Administrative Assistants (2)		47.1
Other Employment Costs		116.0
Travel		
Mileage - Legislators		40.0
Mileage - Other		6.0
Contractual Services		40.7
Other Items		
Expenses - House Members		102.5
TOTAL -- General Assembly - House	\$	1,133.8

(01-02-001) General Assembly - Senate

Salaries - Senate Members	\$	282.5
Salaries (3)		43.8
Salaries - Attaches		157.5
Salaries - Administrative Assistants (2)		47.1
Other Employment Costs		76.3
Travel		
Mileage - Legislative		25.0
Mileage - Other		6.0
Contractual Services		35.7
Capital Outlay		5.0
Other Items		
Expenses - Senate Members		52.5
TOTAL -- General Assembly - Senate	\$	731.4

(01-05-000) Commission on Interstate Cooperation

Travel	
Legislative	\$ 27.0
Other Travel	9.0
Contractual Services	
Council of State Governments	29.2
Delaware River Basin Commission	149.8
National Conference of State Legislatures	27.0
Other Contractual Services	7.5
Supplies and Materials	.5
TOTAL -- Commission on Interstate Cooperation	\$ 250.0

(01-08-000) Legislative Council(01-08-001) Office of the Research Director

Salaries (15)	\$ 304.8
Other Employment Costs	69.4
Travel	4.2
Contractual Services	54.0
Supplies and Materials	28.0
Capital Outlay	13.6
Other Items	30.0
Sub-Total	\$ 504.0
Debt Service	\$ 20.2

TOTAL -- Office of the Research Director \$ 524.2
(01-08-002) Office of Controller General

Salaries (12)	\$ 359.3
Other Employment Costs	86.4
Travel	5.0
Contractual Services	36.5
Supplies and Materials	6.8
Capital Outlay	2.7
Data Processing	3.0
Other Items	
Contingency	5.0
TOTAL -- Office of Controller General	\$ 504.7

(01-08-003) Code Revisors

Travel	\$ 1.0
Contractual Services	118.5
Supplies and Materials	1.0
TOTAL -- Code Revisors	\$ 120.5

(01-08-004) House Expenses

Contractual Services	\$ 56.0
Supplies and Materials	7.0
Capital Outlay	10.8
TOTAL -- House Expenses	\$ 73.8

(01-08-005) Senate Expenses

Contractual Services	\$ 34.5
Supplies and Materials	5.0
Capital Outlay	9.1
Data Processing	2.0
TOTAL -- Senate Expenses	\$ 50.6

(01-08-006) Commission on Uniform State Laws

Travel	\$ 5.8
Contractual Services	3.5

Supplies and Materials	.4
TOTAL -- Commission on Uniform State Laws	\$ 9.7
TOTAL -- Legislative Council	\$ 1,283.5
TOTAL -- LEGISLATIVE	\$ 3,398.7
<u>(02-00-000) JUDICIAL</u>	
<u>(02-01-001) Supreme Court</u>	
Salaries (21.0)	\$ 586.2
Other Employment Costs	89.1
Travel	7.5
Contractual Services	38.3
Supplies and Materials	10.7
Capital Outlay	6.0
Other Items	28.7
Sub-Total	\$ 766.5
Debt Service	\$ 23.5
TOTAL -- Supreme Court	\$ 790.0
<u>(02-02-000) Court of Chancery</u>	
<u>(02-02-001) Court of Chancery</u>	
Salaries (13.0)	\$ 363.0
Other Employment Costs	57.3
Travel	6.5
Contractual Services	19.7
Supplies and Materials	8.1
Capital Outlay	11.4
Other Items	16.0
TOTAL -- Court of Chancery	\$ 482.0
<u>(02-02-002) Public Guardian</u>	
Salaries (4.0)	\$ 75.1
Other Employment Costs	20.2
Travel	1.0
Contractual Services	5.0
Supplies and Materials	2.4
Capital Outlay	6.5
TOTAL -- Public Guardian	\$ 110.2
TOTAL -- Court of Chancery	\$ 592.2
<u>(02-03-001) Superior Court</u>	
Salaries (114.0)	\$ 2,303.3
Other Employment Costs	467.1
Travel	20.4
Contractual Services	158.0
Supplies and Materials	25.6
Capital Outlay	17.9
Other Items	58.4
TOTAL -- Superior Court	\$ 3,050.7
<u>(02-06-001) Court of Common Pleas</u>	
Salaries (58.0)	\$ 1,045.1
Other Employment Costs	222.6
Travel	4.4
Contractual Services	92.5
Supplies and Materials	10.8

	Capital Outlay	8.1
	Other Items	<u>26.2</u>
	TOTAL -- Court of Common Pleas	\$ 1,409.7
	<u>(02-08-001) Family Court of Delaware</u>	
(4.0)	Salaries (223.0)	\$ 3,997.1
	Other Employment Costs	964.1
	Travel	24.2
	Contractual Services	358.6
	Supplies and Materials	68.4
	Capital Outlay	43.1
	Other Items	<u>62.7</u>
	Sub-Total	\$ 5,518.2
	Debt Service	\$ <u>16.9</u>
	TOTAL -- Family Court of Delaware	\$ 5,535.1
	<u>(02-09-001) Kent County Law Library</u>	
	Salaries (1.0)	\$ 22.5
	Other Employment Costs	6.3
	Contractual Services	1.6
	Supplies and Materials	.5
	Capital Outlay	<u>43.8</u>
	TOTAL -- Kent County Law Library	\$ 74.7
	<u>(02-10-001) Sussex County Law Library</u>	
	Salaries (1.0)	\$ 16.6
	Other Employment Costs	4.7
	Contractual Services	1.4
	Supplies and Materials	.7
	Capital Outlay	<u>30.1</u>
	TOTAL -- Sussex County Law Library	\$ 53.5
	<u>(02-11-001) New Castle County Law Library</u>	
	Salaries (1.0)	\$ 22.4
	Other Employment Costs	5.3
	Contractual Services	2.2
	Supplies and Materials	.5
	Capital Outlay	<u>35.2</u>
	TOTAL -- New Castle County Law Library	\$ 65.6
	<u>(02-13-001) Justice of the Peace Courts</u>	
	Salaries (188.0)	\$ 2,756.8
	Other Employment Costs	724.0
	Travel	74.1
	Contractual Services	378.0
	Supplies and Materials	52.9
	Capital Outlay	<u>15.9</u>
	TOTAL -- Justice of the Peace Courts	\$ 4,001.7
	<u>(02-17-000) Administrative Office of the Courts</u>	
	<u>(02-17-001) Office of the Director</u>	
	Salaries (18.0)	\$ 392.4
	Other Employment Costs	96.0
	Travel	4.0
	Contractual Services	1,870.8
	Supplies and Materials	11.8
	Capital Outlay	1.2
	Data Processing	<u>30.0</u>

TOTAL -- Office of the Director \$ 2,406.2

(02-17-002) Violent Crimes Compensation Board

(5.0)	Salaries	\$ 105.3
	Other Employment Costs	26.0
	Travel	11.6
	Contractual Services	23.4
	Supplies and Materials	1.6
	Capital Outlay	2.6
	Other Items	<u>253.1</u>

TOTAL -- Violent Crimes Compensation Board \$ 423.6*

*Special Funds appropriated per Chapter 90, Title 11, Delaware Code

(02-17-003) Foster Care Review Board

Salaries (3.0)	\$ 58.7
Other Employment Costs	14.1
Travel	12.0
Contractual Services	23.4
Supplies and Materials	2.7
Capital Outlay	<u>.3</u>

TOTAL -- Foster Care Review Board \$ 111.2

TOTAL -- Administrative Office of the Courts \$ 2,517.4

TOTAL -- JUDICIAL \$ 18,090.6

(10-00-000) EXECUTIVE

(10-01-001) Office of the Governor

Salaries (21.0)	\$ 541.2
Other Employment Costs	123.4
Travel	17.8
Contractual Services	86.5
Supplies and Materials	20.8
Capital Outlay	2.5
Data Processing	3.0
Other Items	
Woodburn Expenses	16.8
Contingency - Other Expenses	<u>8.7</u>

TOTAL -- Office of the Governor \$ 820.7

(10-02-000) Office of the Budget

(10-02-001) Administrative Services

(2.0)	Salaries (12.0)	\$ 265.8	
	Other Employment Costs	65.0	
	Travel	5.1	
	Contractual Services	126.3	
	Supplies and Materials	7.4	
	Capital Outlay	8.3	
	Data Processing	692.0	
	Data Processing - Development Projects		1,489.9
	Other Items	<u>75.0</u>	

TOTAL -- Administrative Services \$ 2,734.8

(10-02-002) Management Services

Salaries (6.0)	\$ 151.9
Other Employment Costs	42.1
Travel	1.0
Supplies and Materials	2.0
Other Items	<u>325.0</u>

TOTAL -- Management Services \$ 522.0

(10-02-003) Fiscal and Policy Analysis

Salaries (11.0)	\$	279.5	
Other Employment Costs		73.3	
Travel		3.0	
Supplies and Materials		2.0	

TOTAL -- Fiscal and Policy Analysis \$ 357.8

(10-02-004) Budget Office - Contingencies

Other Items			
Contingency - Termination Pay	\$	250.0	
Contingency - Prior Years' Obligations			150.0
Contingency - Insurance		550.0	
Contingency - Self Insurance		500.0	
Contingency - Fleet Management (2.0)			100.0

TOTAL -- Budget Office - Contingencies \$ 1,550.0

(10-02-006) Budget Commission

Other Items		
Contingency Funds	\$	200.0

TOTAL -- Budget Commission \$ 200.0

(10-02-007) Postsecondary Education

Salaries (3.0)	\$	74.2
Other Employment Costs		17.8
Travel		5.2
Contractual Services		18.6
Supplies and Materials		2.6
Other Items		413.8

TOTAL -- Postsecondary Education \$ 532.2

(10-02-008) Planning Systems Development

Salaries (6.0)	\$	187.1
Other Employment Costs		45.8
Travel		1.0
Contractual Services		16.0
Supplies		5.0

TOTAL -- Planning Systems Development \$ 254.9

(10-02-009) Information Systems

Salaries (125.0)	\$ 2,466.3
Other Employment Costs	657.0
Travel	12.2
Contractual Services	2,371.0
Supplies and Materials	120.4
Capital Outlay	56.2
Other	469.4

TOTAL -- Information Systems \$ 6,152.5

Allocation of Data Processing Services

	General Funds	Other Funds
01 Legislative	\$ 5.0	\$ -
02 Judicial	30.0	-
10 Executive	720.0	-
12 Other Elective	114.7	85.0
15 Legal	4.5	-
20 State	348.6	-

25	Finance	1,911.6	34.4
30	Administrative Services	69.0	-
35	Health and Social Services	582.7	300.0
38	Correction	114.7	-
40	Natural Resources		
	and Environmental Control	54.9	5.0
45	Public Safety	1,289.9	10.0
55	Transportation	293.9	25.0
70	Elections	69.8	-
75	Fire Marshall	4.0	10.0
95	Public Education	69.8	-

Sub-Total	\$ 5,683.1	\$ 469.4
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TOTAL -- Division of Information Systems	\$ 6,152.5
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TOTAL -- Office of the Budget	\$ 6,151.7
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(10-03-000) Delaware Development Office(10-03-001) Office of the Director

(2.0)	Salaries (13.0)	\$ 261.5
	Other Employment Costs	64.9
	Travel	1.0
	Contractual Services	4.5
	Supplies and Materials	4.9
	Capital Outlay	1.0
	Other Items	40.0

Sub-Total	\$ 377.8
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Debt Service	\$ 31.4
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TOTAL -- Delaware Development Office	\$ 409.2
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(10-03-002) Delaware State Travel Service

Salaries (8.0)	\$ 124.5
Other Employment Costs	31.8
Travel	12.8
Contractual Services	239.7
Supplies and Materials	8.2
Capital Outlay	5.0
Other Items	150.0
Contingency - Junior Miss	.3
Contingency - Mother of the Year	.5
Contingency - Young Mother of the Year	.5

TOTAL -- Delaware State Travel Service	\$ 573.3
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(10-03-003) Delaware Economic Development Authority

(12.0)	Salaries (18.0)	\$ 330.2
	Other Employment Costs	83.4
	Travel	32.0
	Contractual Services	94.7
	Supplies and Materials	18.3
	Capital Outlay	16.7
	Other Items	1,183.2

Sub-Total	\$ 1,758.5
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Debt Service	\$ 401.5
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TOTAL -- Delaware Economic Development Authority	\$ 2,160.0
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TOTAL -- Delaware Development Office	\$ 3,142.5
<u>(10-04-000) Office of State Personnel</u>	

(10-04-001) Administration

(3.0)	Salaries (6.0)	\$	136.0
	Other Employment Costs		36.2
	Travel		4.0
	Contractual Services		39.9
	Supplies and Materials		3.0
	Capital Outlay		20.4
	Data Processing		25.0

TOTAL -- Administration	\$	264.5
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(10-04-002) Operations

(7.5)	Salaries (16.5)	\$	302.4
	Other Employment Costs		76.4
	Travel		1.5
	Contractual Services		34.2
	Supplies and Materials		1.4

TOTAL -- Operations	\$	415.9
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(10-04-004) Research and Employee Development

(3.0)	Salaries (2.0)	\$	52.7
	Other Employment Costs		12.9
	Travel		.9
	Contractual Services		2.2
	Supplies and Materials		1.7

TOTAL -- Research and Employee Development	\$	70.4
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TOTAL -- Office of State Personnel	\$	750.8
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(10-07-001) Delaware Criminal Justice
Planning Commission

(7.8)	Salaries (9.0)	\$	201.8
	Other Employment Costs		49.6
	Travel		4.9
	Contractual Services		35.5
	Supplies and Materials		3.3
	Capital Outlay		1.5

TOTAL -- Delaware Criminal Justice Planning Commission	\$	296.6
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(10-08-001) Labor Relations

	Salaries (2.0)		50.0
	Other Employment Costs		11.5
	Travel		1.0
	Contractual Services		2.0
	Supplies and Materials		.6
	Capital Outlay		2.0

TOTAL -- Labor Relations	\$	67.1
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TOTAL -- EXECUTIVE	\$	11,229.4
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(12-00-000) OTHER ELECTIVE OFFICES(12-01-001) Lieutenant Governor

	Salaries (3.0)	\$	47.6
	Other Employment Costs		12.8
	Travel		4.8
	Contractual Services		3.9
	Supplies and Materials		1.6
	Capital Outlay		1.0
	Other Items		
	Expenses - Lieutenant Governor		4.0

TOTAL -- Lieutenant Governor		\$	75.7
<u>(12-02-001) Auditor of Accounts</u>			
(20.0)	Salaries (33.0)	\$	667.9
	Other Employment Costs		177.1
	Travel		1.9
	Contractual Services		103.9
	Supplies and Materials		10.5
	Capital Outlay		12.9
TOTAL -- Auditor of Accounts		\$	974.2
<u>(12-03-001) Insurance Commissioner</u>			
	Salaries (25.0)	\$	489.9
	Other Employment Costs		134.3
	Travel		5.6
	Contractual Services		65.8
	Supplies and Materials		12.3
	Capital Outlay		14.0
	Other Items		
	Malpractice Review		40.0
	Insurance Premiums		705.0
TOTAL -- Insurance Commissioner		\$	1,466.9
<u>(12-05-000) State Treasurer</u>			
<u>(12-05-001) Administration</u>			
(1.0)	Salaries (22.0)	\$	404.1
	Other Employment Costs		107.8
	Travel		1.3
	Contractual Services		102.8
	Supplies and Materials		10.2
	Capital Outlay		8.2
	Data Processing		114.7
	Other Items		
	Health Insurance - Retirees		3,130.5
	Lost and Outdated Checks		1.5
(3.0)	Cash Management Policy Board	\$ 250.0	
	Blood Bank Membership Dues		70.0
TOTAL -- Administration		\$ 250.0	\$ 3,951.1
<u>(12-05-002) Pensions</u>			
(20.0)	Salaries	\$	335.1
	Other Employment Costs		95.4
	Travel		5.2
	Contractual Services		1,537.3
	Supplies and Materials		12.8
	Capital Outlay		4.4
	Data Processing		85.0
	Other Items		
	Pensions - Paraplegic Veterans		18.0
TOTAL -- Pensions		\$ 2,075.2*	\$ 18.0
*All Administrative Expenses are paid out of State Employees Retirement Fund.			
<u>(12-05-003) Debt Management</u>			
	Expense of Issuing Bonds	\$	140.0
	Debt Service - Regular		2,479.4
	Debt Service - Local Schools		1,660.4
	Debt Service - Farmers Bank Preferred Stock		1,963.0
	Debt Service - Solid Waste Authority		555.6
TOTAL -- Debt Management		\$	6,798.4

TOTAL -- State Treasurer	\$ <u>10,767.5</u>
TOTAL -- OTHER ELECTIVE OFFICES	\$ 13,284.3

(15-00-000) LEGAL(15-01-000) Department of Justice(15-01-001) Office of Attorney General

(12.0)	Salaries (115.5)	\$	2,349.5
	Other Employment Costs		614.6
	Travel		5.8
	Contractual Services		496.3
	Supplies and Materials		33.5
	Capital Outlay		24.1
	Data Processing		3.0
	Other		<u>46.0</u>

TOTAL -- Office of Attorney General	\$	<u>3,572.8</u>
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TOTAL -- Department of Justice	\$	3,572.8
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(15-02-001) Public Defender

	Salaries (59)	\$	1,200.2
	Other Employment Costs		298.9
	Travel		1.6
	Contractual Services		264.4
	Supplies and Materials		23.7
	Capital Outlay		7.8
	Data Processing		<u>1.5</u>

TOTAL -- Public Defender	\$	1,798.1
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(15-03-001) Board of Parole

	Salaries (7)	\$	147.6
	Other Employment Costs		35.8
	Travel		8.9
	Contractual Services		15.2
	Supplies and Materials		<u>3.1</u>

TOTAL -- Board of Parole	\$	210.6
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(15-04-001) Board of Pardons

Salaries	\$	<u>.3</u>
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TOTAL -- Board of Pardons	\$	<u>.3</u>
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TOTAL -- LEGAL	\$	5,581.8
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(20-00-000) DEPARTMENT OF STATE(20-01-001) Office of the Secretary

	Salaries (6)	\$	136.7
	Other Employment Costs		31.9
	Travel		3.4
	Contractual Services		15.1
	Supplies and Materials		2.4
	Capital Outlay		<u>.9</u>

Sub-Total	\$	190.4
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Debt Service	\$	<u>255.6</u>
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TOTAL -- Office of the Secretary	\$	446.0
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(20-05-001) Division of Corporations

Salaries (52)	\$	696.6
Other Employment Costs		182.8
Travel		1.4
Contractual Services		263.6
Supplies and Materials		36.7
Capital Outlay		45.2
Data Processing		<u>348.6</u>
TOTAL -- Division of Corporations	\$	1,574.9
<u>(20-06-000) Division of Historical and Cultural Affairs</u>		
<u>(20-06-001) Office of Administration</u>		
Salaries (4.7)	\$	97.8
Other Employment Costs		21.6
Travel		.9
Contractual Services		4.0
Supplies and Materials		2.0
Capital Outlay		<u>1.5</u>
Sub-Total	\$	127.8
Debt Service	\$	<u>166.3</u>
TOTAL -- Office of Administration	\$	294.1
<u>(20-06-002) Archives and Modern Records</u>		
Salaries (12.0)	\$	154.9
Other Employment Costs		38.7
Travel		1.3
Contractual Services		39.2
Supplies and Materials		18.4
Capital Outlay		<u>5.3</u>
TOTAL -- Archives and Modern Records	\$	257.8
<u>(20-06-003) Bureau of Archaeology and Historic Preservation</u>		
(4.0) Salaries (4.0)	\$	75.9
Other Employment Costs		17.8
Travel		.6
Contractual Services		5.0
Supplies and Materials		4.5
Capital Outlay		<u>.6</u>
TOTAL -- Bureau of Archaeology and Historic Preservation	\$	104.4
<u>(20-06-004) Bureau of Museums and Historic Sites</u>		
Salaries (32.0)	\$	435.9
Other Employment Costs		108.3
Travel		1.5
Contractual Services		112.3
Supplies and Materials		21.3
Capital Outlay		<u>3.7</u>
Sub-Total	\$	683.0
Debt Service	\$	<u>26.7</u>
TOTAL -- Bureau of Museums and Historic Sites	\$	709.7
<u>(20-06-005) Microfilm Services</u>		
Salaries (18.0)	\$	187.4
Other Employment Costs		50.4
Travel		.9

Contractual Services	130.4
Supplies and Materials	73.1
Capital Outlay	<u>14.2</u>

TOTAL -- Microfilm Services	\$ 456.4
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Allocation of Microfilm Services

	General Funds	Special Funds
01 Legislative	\$ 3.4	\$ -
02 Judicial	46.8	-
10 Executive	4.8	-
12 Other Elective	32.9	1.3
15 Legal	3.5	-
20 State	189.2	-
25 Finance	45.0	-
30 Administrative Services	11.5	7.7
35 Health and Social Services	24.5	-
38 Correction	22.0	-
45 Public Safety	14.5	-
55 Transportation	6.6	-
60 Labor	14.9	-
70 Elections	.4	-
76 Delaware National Guard	6.2	-
95 Public Education	<u>21.2</u>	<u>-</u>
Sub-Total	\$ 447.4	\$ 9.0

TOTAL -- Microfilm Services	\$456.4
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(20-06-016) Office of Arts Council

(3.5)	Salaries (4.0)	\$ 63.6	
	Other Employment Costs		16.3
	Travel	2.0	
	Contractual Services		23.3
	Supplies and Materials		3.8
	Capital Outlay	2.0	
	Grants and Subsidies		<u>69.5</u>

TOTAL -- Office of the Arts Council	\$ <u>180.5</u>
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TOTAL -- Division of Historical and Cultural Affairs	\$ <u>1,546.5</u>
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(20-15-001) Division of State Banking Commission

(19.0)	Salaries	\$ 347.6	
	Other Employment Costs		91.1
	Travel	8.8	
	Contractual Services		15.5
	Supplies and Materials		10.8
	Capital Outlay	<u>13.7</u>	

TOTAL -- Division of State Banking	
Commission	\$ <u>487.5*</u>

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

TOTAL -- DEPARTMENT OF STATE	\$ 3,567.4
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(25-00-000) DEPARTMENT OF FINANCE(25-01-001) Office of the Secretary

Salaries (11)	\$ 290.0
Other Employment Costs	74.4
Travel	6.4
Contractual Services	26.5
Supplies and Materials	12.1

Capital Outlay		<u>1.2</u>
TOTAL -- Office of the Secretary	\$	410.6
<u>(25-05-001) Division of Accounting</u>		
Salaries (31)	\$	527.2
Other Employment Costs		142.5
Travel		2.0
Contractual Services		41.2
Supplies and Materials		58.1
Capital Outlay		1.2
Data Processing		<u>955.8</u>
TOTAL -- Division of Accounting	\$	1,728.0
<u>(25-06-000) Division of Revenue</u>		
<u>(25-06-001) Tax Processing</u>		
Salaries (131)	\$	1,949.1
Other Employment Costs		486.8
Travel		21.8
Contractual Services		522.8
Supplies and Materials		67.9
Capital Outlay		84.6
Data Processing		<u>955.8</u>
Sub-Total	\$	4,088.8
Debt Service	\$	<u>312.1</u>
TOTAL -- Tax Processing	\$	4,400.9
<u>(25-06-002) Tax Enforcement</u>		
Salaries (119)	\$	1,618.2
Other Employment Costs		418.6
Travel		29.6
Contractual Services		201.6
Supplies and Materials		58.5
Capital Outlay		<u>12.4</u>
TOTAL -- Tax Enforcement	\$	<u>2,338.9</u>
TOTAL -- Division of Revenue	\$	6,739.8
<u>(25-07-001) State Lottery Office</u>		
(18) Salaries	\$	326.5
Other Employment Costs		80.2
Travel		7.3
Contractual Services		1,338.0
Supplies and Materials		18.8
Capital Outlay		9.8
Data Processing		<u>34.4</u>
TOTAL -- State Lottery Office	\$	<u>1,815.0*</u>
*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	\$	8,878.4
<u>(30-00-000) DEPARTMENT OF ADMINISTRATIVE SERVICES</u>		
<u>(30-01-001) Office of the Secretary</u>		
Salaries (12.0)	\$	201.6
Other Employment Costs		53.4
Contractual Services		14.3

Supplies and Materials		<u>1.9</u>
TOTAL -- Office of the Secretary	\$	271.2
<u>(30-03-001) Division of</u>		
<u>Alcohol Beverage Control Commission</u>		
Salaries (20.0)	\$	325.8
Other Employment Costs		79.6
Travel		3.9
Contractual Services		61.4
Supplies and Materials		<u>8.9</u>
TOTAL -- Division of		
Alcohol Beverage Control Commission	\$	479.6
<u>(30-04-000) Division of Support Operations</u>		
<u>(30-04-002) Messenger Services</u>		
Salaries (11.0)	\$	121.2
Other Employment Costs		38.6
Contractual Services		8.4
Supplies and Materials		9.2
Capital Outlay		<u>7.5</u>
TOTAL -- Messenger Services	\$	184.9
<u>(30-04-003) Telephone Services</u>		
Salaries (9.0)	\$	126.0
Other Employment Costs		31.4
Contractual Services		8.1
Supplies and Materials		.3
Data Processing		<u>60.0</u>
TOTAL -- Telephone Services	\$	225.8
<u>(30-04-004) Graphics and Printing</u>		
Salaries (21.0)	\$	328.8
Other Employment Costs		91.5
Travel		2.0
Contractual Services		171.7
Supplies and Materials		211.0
Capital Outlay		<u>127.3</u>
TOTAL -- Graphics and Printing	\$	<u>932.3*</u>
TOTAL -- Division of Support Operations	\$	410.7
*Special Funds - Total Budget		
<u>(30-05-000) Division of Facilities</u>		
<u>Management</u>		
<u>(30-05-001) Administration</u>		
(19.0) Salaries (13.0)	\$	285.5
Other Employment Costs		69.5
Contractual Services		206.4
Supplies		9.7
Capital Outlay		<u>11.0</u>
Sub-Total	\$	582.1
Debt Service	\$	<u>3,089.4</u>
TOTAL -- Administration	\$	3,671.5
<u>(30-05-004) Carver State building</u>		

Salaries (11.0)	\$	137.6
Other Employment Costs		33.3
Travel		.6
Contractual Services		817.8
Supplies and Materials		23.3
Capital Outlay		6.7
TOTAL -- Carvel State Building	\$	1,019.3
<u>(30-05-005) Building Maintenance</u>		
Salaries (19.0)	\$	281.5
Other Employment Costs		81.2
Contractual Services		851.8
Supplies and Materials		70.4
Capital Outlay		4.0
TOTAL -- Building Maintenance	\$	1,288.9
<u>(30-05-006) Grounds Maintenance</u>		
Salaries (8.0)	\$	113.2
Other Employment Costs		26.3
Contractual Services		51.3
Supplies and Materials		45.8
Capital Outlay		14.6
TOTAL -- Grounds Maintenance	\$	251.2
<u>(30-05-007) Custodial Services</u>		
Salaries (48.0)	\$	486.1
Other Employment Costs		142.6
Contractual Services		111.0
Supplies and Materials		37.8
Capital Outlay		9.0
TOTAL -- Custodial Services	\$	786.5
<u>(30-05-008) Security</u>		
Salaries (24.0)	\$	392.5
Other Employment Costs		94.7
Travel		2.5
Contractual Services		209.4
Supplies and Materials		8.3
Capital Outlay		7.3
TOTAL -- Security	\$	714.7
<u>(30-05-009) Public Building</u>		
Salaries (11.0)	\$	122.3
Other Employment Costs		34.4
Contractual Services		676.2
Supplies and Materials		58.2
Capital Outlay		3.2
TOTAL -- Public Building	\$	894.3
<u>(30-05-010) Architectural Accessibility Board</u>		
Salaries (1.0)	\$	29.9
Other Employment Costs		7.3
Travel		1.3
Contractual Services		12.2
Supplies and Materials		1.4
Capital Outlay		.3
TOTAL -- Architectural Accessibility Board	\$	52.4
TOTAL -- Division of Facilities Management	\$	8,678.8

(30-06-000) Division of Purchasing(30-06-001) Administration

Salaries (5.0)	\$ 103.0
Other Employment Costs	27.9
Travel	.1
Contractual Services	9.4
Supplies and Materials	<u>3.9</u>
Sub-Total	\$ 144.3
Debt Service	\$ <u>1.4</u>
TOTAL -- Administration	\$ 145.7

(30-06-002) Purchasing

Salaries (5.0)	\$ 94.9
Other Employment Costs	27.3
Travel	.1
Contractual Services	10.9
Supplies and Materials	<u>3.2</u>
TOTAL -- Purchasing	\$ 136.4

(30-06-003) Distribution

(6.0)	Salaries (7.0)	\$ 129.2
	Other Employment Costs	35.8
	Contractual Services	12.7
	Supplies and Materials	8.6
	Capital Outlay	<u>9.5</u>
	TOTAL -- Distribution	\$ <u>195.8</u>
	TOTAL -- Division of Purchasing	\$ 477.9

(30-08-000) Business and Occupational Regulation(30-08-001) Occupational and Health Licensing

(1.0)	Salaries (17.0)	\$ 292.4
	Other Employment Costs	70.0
	Travel	9.7
	Contractual Services	103.2
	Supplies and Materials	15.1
	Capital Outlay	1.5
	Data Processing	<u>9.0</u>
	TOTAL -- Occupational and Health Licensing	\$ 500.9

(30-08-014) Delaware Standardbred
Development

(2.0)	Salaries	\$ 36.0
	Other Employment Costs	9.9
	Travel	2.3
	Contractual Services	14.5
	Supplies and Materials	1.4
	Other Items	<u>300.0</u>
	TOTAL -- Delaware Standardbred Development	\$ <u>364.1*</u>

*Special Funds

TOTAL -- Division of Business and Occupational Regulation	\$ 500.9
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(30-11-001) Public Utilities Control

(18.0)	Salaries	\$ 446.5
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Other Employment Costs	102.3
Travel	21.0
Contractual Services	1,028.6
Supplies and Materials	7.4
Capital Outlay	7.3

TOTAL -- Public Utilities Control \$ 1,613.1*

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

TOTAL -- DEPARTMENT OF ADMINISTRATIVE SERVICES \$ 10,819.1

(35-00-000) DEPARTMENT OF HEALTH AND SOCIAL SERVICES

(35-01-001) Office of the Secretary

(5.5)	Salaries (10.5)	\$	245.2
	Other Employment Costs		63.3
	Travel		.8
	Contractual Services		33.3
	Supplies and Materials		.8

TOTAL -- Office of the Secretary \$ 343.4

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

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

(36.1)	Salaries (63.3)	\$	1,080.8
	Other Employment Costs		308.8
	Travel		.6
	Contractual Services		162.5
	Supplies and Materials		12.5
	Capital Outlay		12.8
	Data Processing		582.7

Sub-Total \$ 2,160.7

Debt Service \$ 5.5

TOTAL -- Office of Business Administration and General Services \$ 2,166.2

(35-02-002) Education

	Salaries (34.0)	\$	606.2
	Other Employment Costs		159.4
	Other Items		16.4

TOTAL -- Education \$ 782.0

(35-02-003) Bureau of Child Support Enforcement

(48.7)	Salaries (16.3)	\$	223.6
	Other Employment Costs		57.8
	Travel		.8
	Contractual Services		101.3
	Supplies and Materials		3.4
	Capital Outlay		2.8

TOTAL -- Bureau of Child Support Enforcement \$ 389.7

TOTAL -- Office of Business Administration and General Services and Education \$ 3,337.9

(35-03-001) Office of Planning, Research and Evaluation

(42.8)	Salaries (17.2)	\$	315.9
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Other Employment Costs		86.8
Travel		1.4
Contractual Services		61.0
Supplies and Materials		1.8
Capital Outlay		<u>2.5</u>
Sub-Total	\$	469.4
Debt Service	\$	<u>1,619.6</u>
TOTAL -- Office of Planning, Research and Evaluation	\$	2,089.0
<u>(35-04-001) Office of Chief Medical Examiner</u>		
Salaries (27.0)	\$	632.0
Other Employment Costs		154.6
Travel		3.0
Contractual Services		84.4
Supplies and Materials		53.2
Capital Outlay		<u>29.2</u>
Sub-Total	\$	956.4
Debt Service	\$	<u>84.2</u>
TOTAL -- Office of Chief Medical Examiner	\$	1,040.6
<u>(35-05-000) Division of Public Health</u>		
<u>(35-05-002) Community Health</u>		
(156.5) Salaries (286.4)	\$	5,208.9
Other Employment Costs		1,320.0
Travel		25.2
Contractual Services		651.0
Supplies and Materials		254.8
Capital Outlay		109.9
Other Items		<u>254.0</u>
TOTAL -- Community Health	\$	7,823.8
<u>(35-05-003) Emily P. Bissell Hospital</u>		
(2.0) Salaries (301.3)	\$	3,722.6
Other Employment Costs		883.4
Travel		2.2
Contractual Services		484.6
Supplies and Materials		641.7
Capital Outlay		<u>20.0</u>
Sub-Total	\$	5,754.5
Debt Service	\$	<u>366.7</u>
TOTAL -- Emily P. Bissell Hospital	\$	6,121.2
<u>(35-05-004) Delaware Hospital for the Chronically Ill</u>		
Salaries (723.0)	\$	8,722.4
Other Employment Costs		2,431.6
Travel		1.7
Contractual Services		952.8
Supplies and Materials		1,040.8
Capital Outlay		<u>48.1</u>
Sub-Total	\$	13,197.4
Debt Service	\$	<u>489.1</u>
TOTAL -- Delaware Hospital for the Chronically Ill	\$	<u>13,686.5</u>
TOTAL -- Division of Public Health	\$	27,631.5

(35-06-000) Division of Mental Health(35-06-001) Office of the Director

(4.0)	Salaries (6.0)	\$	158.0
	Other Employment Costs		40.6
	Travel		.8
	Contractual Services		9.6
	Supplies and Materials		1.7
	TOTAL -- Office of the Director	\$	210.7

(35-06-002) Delaware State Hospital

(4.0)	Salaries (770.2)	\$	10,823.6
	Other Employment Costs		2,791.0
	Travel		1.9
	Contractual Services		2,259.3
	Supplies and Materials		1,365.8
	Capital Outlay		76.7
	Other Items		55.3
	Sub-Total	\$	17,373.6
	Debt Service	\$	1,060.1
	TOTAL -- Delaware State Hospital	\$	18,433.7

(35-06-003) Mental Hygiene Clinics

	Salaries (53.0)	\$	1,067.4
	Other Employment Costs		284.1
	Travel		.4
	Contractual Services		343.0
	Supplies and Materials		81.3
	Capital Outlay		3.0
	Other Items		33.0
	Sub-Total	\$	1,812.2
	Debt Service	\$	10.0
	TOTAL -- Mental Hygiene Clinics	\$	1,822.2

(35-06-004) Governor Bacon Health Center

(5.0)	Salaries (276.5)	\$	3,930.1
	Other Employment Costs		1,142.2
	Travel		.6
	Contractual Services		757.1
	Supplies and Materials		289.6
	Capital Outlay		15.0
	Sub-Total	\$	6,134.6
	Debt Service	\$	473.7
	TOTAL -- Governor Bacon Health Center	\$	6,608.3

(35-06-005) Southern New Castle County
Community Mental Health Center

(3.0)	Salaries (37.0)	\$	751.8
	Other Employment Costs		188.9
	Travel		1.2
	Contractual Services		44.7
	Supplies and Materials		25.4
	Capital Outlay		7.6
	Sub-Total	\$	1,019.6

	Debt Service	\$	<u>1.9</u>	
	TOTAL -- Southern New Castle County Community Mental Health Center	\$	1,021.5	
	<u>(35-06-007) Terry Children's Psychiatric Center</u>			
(2.0)	Salaries (89.0)	\$	1,387.1	
	Other Employment Costs		342.1	
	Travel		1.1	
	Contractual Services		143.8	
	Supplies and Materials		69.0	
	Capital Outlay		<u>10.0</u>	
	Sub-Total	\$	1,953.1	
	Debt Service	\$	<u>76.9</u>	
	TOTAL -- Terry Children's Psychiatric Center	\$	2,030.0	
	<u>(35-06-008) Bureau of Substance Abuse</u>			
(33.0)	Salaries (77.0)	\$	1,133.6	
	Other Employment Costs		302.3	
	Travel		1.0	
	Contractual Services		648.2	
	Supplies and Materials		134.9	
	Capital Outlay		<u>13.6</u>	
	TOTAL -- Bureau of Substance Abuse	\$	<u>2,233.6</u>	
	TOTAL -- Division of Mental Health	\$	32,360.0	
	<u>(35-07-001) Division of Economic Services</u>			
(180.1)	Salaries (170.4)	\$	2,385.8	
	Other Employment Costs		634.2	
	Travel		2.3	
	Contractual Services		1,039.3	
	Supplies and Materials		32.2	
	Capital Outlay		10.9	
	Other Items		<u>37,617.1</u>	
	Sub-Total	\$	41,721.8	
	Debt Service	\$	<u>2.6</u>	
	TOTAL -- Division of Social Services	\$	41,724.4	
	<u>(35-08-001) Division for the Visually Impaired</u>			
(26.0)	Salaries (19.0)	\$	313.4	
	Other Employment Costs		81.3	
	Travel		2.6	
	Contractual Services		126.8	
	Supplies and Materials		35.4	
	Capital Outlay		<u>8.2</u>	
	TOTAL -- Division for the Visually Impaired	\$	567.7	
	<u>(35-09-001) Division of Child Protective Services</u>			
(126.7)	Salaries (65.3)		985.1	
	Other Employment Costs		261.9	
	Travel		.8	
	Contractual Services		359.9	
	Supplies and Materials		26.8	
	Capital Outlay		28.1	
	Other Items		<u>1,987.8</u>	

TOTAL -- Division of Child Protective Services		\$ 3,650.4
<u>(35-11-000) Division of Mental Retardation Services</u>		
<u>(35-11-001) Office of the Director</u>		
	Salaries (4.0)	\$ 98.9
	Other Employment Costs	25.3
	Travel	1.2
	Contractual Services	9.5
	Supplies and Materials	3.8
	Capital Outlay	1.3
	Other Items	<u>352.4</u>
TOTAL -- Office of the Director		\$ 492.4
<u>(35-11-002) Stockley Center</u>		
	Salaries (658.7)	\$ 7,949.9
	Other Employment Costs	2,156.6
	Travel	2.7
	Contractual Services	977.4
	Supplies and Materials	843.9
	Capital Outlay	109.7
	Grants and Subsidies	<u>9.6</u>
Sub-Total		\$ 12,049.8
Debt Service		\$ <u>535.8</u>
TOTAL -- Stockley Center		\$ 12,585.6
<u>(35-11-003) Community Mental Retardation Program</u>		
	Salaries (67.8)	\$ 721.5
	Other Employment Costs	161.2
	Travel	.4
	Contractual Services	121.9
	Supplies and Materials	98.3
	Other Items	<u>116.6</u>
Sub-Total		\$ 1,219.9
Debt Service		\$ <u>20.2</u>
TOTAL -- Community Mental Retardation Program		\$ <u>1,240.1</u>
TOTAL -- Division of Mental Retardation Services		\$ 14,318.1
<u>(35-12-001) State Service Centers</u>		
(34.3)	Salaries (39.2)	\$ 583.9
	Other Employment Costs	169.2
	Travel	2.1
	Contractual Services	802.0
	Supplies and Materials	35.8
	Capital Outlay	<u>11.6</u>
Sub-Total		\$ 1,604.6
Debt Service		\$ <u>148.6</u>
TOTAL -- State Service Centers		\$ 1,753.2
<u>(35-14-001) Division of Aging</u>		
(16.5)	Salaries (4.5)	\$ 76.6
	Other Employment Costs	21.4
	Travel	1.3
	Contractual Services	21.9
	Supplies and Materials	1.3
	Capital Outlay	<u>6.4</u>

Grants and Subsidies	197.7
Other Items	110.0
Adult Protective Services Pilot Program	<u>100.0</u>
Sub-Total	\$ 536.6
Debt Service	\$ <u>5.0</u>
TOTAL -- Division of Aging	\$ <u>541.6</u>
TOTAL -- DEPARTMENT OF HEALTH AND SOCIAL SERVICES	\$ 129,357.8
<u>(38-00-000) DEPARTMENT OF CORRECTION</u>	
<u>(38-01-001) Office of the Commissioner</u>	
Salaries (25.0)	\$ 473.0
Other Employment Costs	117.0
Travel	2.7
Contractual Services	62.2
Supplies and Materials	6.2
Capital Outlay	5.8
Data Processing	<u>114.7</u>
TOTAL -- Office of the Commissioner	\$ 781.6
<u>(38-02-000) Bureau of Administration and Operational Support</u>	
<u>(38-02-001) Bureau Chief - Administration and Operational Support</u>	
Salaries (6)	\$ 141.0
Other Employment Costs	36.7
Travel	.6
Contractual Services	37.9
Supplies and Materials	4.0
Capital Outlay	7.7
Other Items	<u>1,647.7</u>
Sub-Total	\$ 1,875.6
Debt Service	\$ <u>9.5</u>
TOTAL -- Bureau Chief - Administration and Operational Support	\$ 1,885.1
<u>(38-02-002) Business Office</u>	
Salaries (11)	\$ 159.9
Other Employment Costs	40.9
Travel	.3
Contractual Services	11.9
Supplies and Materials	<u>1.0</u>
TOTAL -- Business Office	\$ 214.0
<u>(38-02-003) General Administrative Services</u>	
Salaries (12)	\$ 228.5
Other Employment Costs	62.8
Travel	.5
Contractual Services	7.2
Supplies and Materials	8.6
Capital Outlay	<u>8.8</u>
TOTAL -- General Administrative Services	\$ 316.4
<u>(38-02-004) Food Services</u>	
Salaries (37)	\$ 667.3

	Other Employment Costs	164.3	
	Travel	1.2	
	Contractual Services	14.6	
	Supplies and Materials	1,452.1	
	Capital Outlay	26.3	
	TOTAL -- Food Services	\$ 2,325.8	
	<u>(38-02-005) Facilities Maintenance and Construction</u>		
	Salaries (34)	\$ 651.0	
	Other Employment Costs	179.0	
	Travel	.3	
	Contractual Services	133.0	
	Supplies and Materials	135.9	
	Capital Outlay	34.2	
	Sub-Total	1,133.4	
	Debt Service	\$ 62.9	
	TOTAL -- Facilities Maintenance and Construction	\$ 1,196.3	
	<u>(38-02-006) Personnel and Staff Training</u>		
	Salaries (39)	\$ 623.5	
	Other Employment Costs	168.4	
	Travel	1.0	
	Contractual Services	38.6	
	Supplies and Materials	16.1	
	Capital Outlay	7.2	
	TOTAL -- Personnel and Staff Training	\$ 854.8	
	TOTAL -- Bureau of Administration and Operational Support	\$ 6,792.4	
	<u>(38-03-000) Bureau of Industries and Services</u>		
	<u>(38-03-001) Bureau Chief - Industries and Services</u>		
(2)	Salaries (7)	\$ 142.0	
	Other Employment Costs	39.8	
	Travel	2.4	
	Contractual Services	13.6	
	Supplies and Materials	3.9	
	Capital Outlay	.3	
	TOTAL -- Bureau Chief - Industries and Services	\$ 202.0	
	<u>(38-03-002) Prison Industries</u>		
(8)	Salaries (11)	\$ 210.9	
	Other Employment Costs	56.1	
	Travel	1.9	
	Contractual Services	21.1	
	Supplies and Materials	36.0	
	Capital Outlay	20.2	
	TOTAL -- Prison Industries	\$ 346.2	
	<u>(38-03-003) Education</u>		
(19.1)	Salaries (33.9)	\$ 769.1	
	Other Employment Costs	192.5	
	Travel	2.2	
	Contractual Services	36.2	
	Supplies and Materials	53.4	
	Capital Outlay	15.2	
	TOTAL -- Education	\$ 1,068.6	

TOTAL -- Bureau of Industries and Services \$ 1,616.8

(38-04-000) Bureau of Adult Corrections

(38-04-001) Bureau Chief - Adult Corrections

Salaries (23)	\$	454.1
Other Employment Costs		116.7
Travel		1.4
Contractual Services		366.9
Supplies and Materials		5.0
Capital Outlay		<u>37.0</u>

TOTAL -- Bureau Chief - Adult Corrections \$ 981.1

(38-04-002) Pre-Trial Annex

Salaries (24)	\$	441.2
Other Employment Costs		122.8
Travel		.2
Contractual Services		43.1
Supplies and Materials		20.7
Capital Outlay		<u>12.4</u>

TOTAL -- Pre-Trial Annex \$ 640.4

(38-04-003) Delaware Correctional Center

Salaries (324)	\$	5,676.8
Other Employment Costs		1,484.8
Travel		6.3
Contractual Services		1,012.7
Supplies and Materials		435.3
Capital Outlay		<u>62.5</u>

Sub-Total \$ 8,678.4

Debt Service \$ 1,332.5

TOTAL -- Delaware Correctional Center \$ 10,010.9

(38-04-004) Sussex Correctional Institution

Salaries (146)	\$	2,580.1
Other Employment Costs		728.4
Travel		1.6
Contractual Services		325.1
Supplies and Materials		118.6
Capital Outlay		<u>12.8</u>

Sub-Total \$ 3,766.6

Debt Service \$ 468.9

TOTAL -- Sussex Correctional Institution \$ 4,235.5

(38-04-005) Women's Correctional Institution

Salaries (32)	\$	605.5
Other Employment Costs		164.7
Travel		.4
Contractual Services		126.3
Supplies and Materials		30.9
Capital Outlay		<u>6.8</u>

Sub-Total \$ 934.6

Debt Service \$ 39.0

TOTAL -- Women's Correctional Institution \$ 973.6

(38-04-006) Multi-Purpose Criminal Justice Facility

Salaries (199)	\$	1,717.5
Other Employment Costs		373.6
Travel		3.6
Contractual Services		374.8
Supplies and Materials		312.7
Capital Outlay		90.6
Other Items		58.5
Sub-Total	\$	2,931.3
Debt Service	\$	2,188.3
TOTAL -- Multi-Purpose Criminal Justice Facility	\$	5,119.6

(38-04-007) Kent Correctional Institution

Salaries (29)	\$	546.8
Other Employment Costs		149.9
Travel		.9
Contractual Services		55.7
Supplies and Materials		24.7
Capital Outlay		10.4
Sub-Total	\$	788.4
Debt Service	\$	1.3
TOTAL -- Kent Correctional Institution	\$	789.7

(38-04-008) Transportation and Relief

Salaries (30)	\$	695.4
Other Employment Costs		192.8
Travel		5.8
Contractual Services		16.3
Supplies and Materials		53.9
Capital Outlay		16.6
TOTAL -- Transportation and Relief	\$	980.8

(38-04-009) Community Services

Salaries (93)	\$	1,501.8
Other Employment Costs		390.8
Travel		2.6
Contractual Services		54.2
Supplies and Materials		25.7
Capital Outlay		8.7
TOTAL -- Community Services	\$	1,983.8

(38-04-010) Community Corrections

Salaries (31)	\$	515.6
Other Employment Costs		141.4
Travel		4.0
Contractual Services		39.5
Supplies and Materials		19.7
Capital Outlay		4.0
TOTAL -- Community Corrections	\$	724.2

TOTAL -- Bureau of Adult Corrections	\$	26,439.6
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(38-05-000) Bureau of Juvenile Corrections(38-05-001) Bureau Chief - Juvenile Corrections

Salaries (4)	\$	102.0
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Other Employment Costs	27.6
Travel	.8
Contractual Services	3.4
Supplies and Materials	2.4
Capital Outlay	<u>2.3</u>

TOTAL -- Bureau Chief - Juvenile Corrections	\$	138.5
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(38-05-002) Ferris School for Boys

Salaries (96.5)	\$	1,561.3
Other Employment Costs		406.0
Travel		2.0
Contractual Services		340.0
Supplies and Materials		105.4
Capital Outlay		<u>9.8</u>

Sub-Total	\$	2,424.5
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Debt Service	\$	<u>323.7</u>
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TOTAL -- Ferris School for Boys	\$	2,748.2
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(38-05-003) Woods Haven-Kruse School for Girls

Salaries (10)	\$	231.5
Other Employment Costs		55.2
Travel		1.3
Contractual Services		67.5
Supplies and Materials		13.2
Capital Outlay		<u>.3</u>

Sub-Total	\$	369.0
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Debt Service	\$	<u>66.4</u>
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TOTAL -- Woods Haven-Kruse School for Girls	\$	435.4
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(38-05-004) Bridge House Detention Center

Salaries (19)	\$	365.3
Other Employment Costs		95.3
Travel		.3
Contractual Services		39.4
Supplies and Materials		12.5
Capital Outlay		<u>11.4</u>

Sub-Total	\$	524.2
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Debt Service	\$	<u>12.2</u>
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TOTAL -- Bridge House Detention Center	\$	536.4
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(38-05-005) Stevenson House Detention Center

Salaries (16)	\$	294.3
Other Employment Costs		76.3
Travel		.4
Contractual Services		42.6
Supplies and Materials		11.1
Capital Outlay		<u>5.8</u>

Sub-Total	\$	430.5
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Debt Service	\$	<u>134.1</u>
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TOTAL -- Stevenson House Detention Center	\$	564.6
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(38-05-006) Comprehensive Community Services

Salaries (26)	\$	480.6
Other Employment Costs		121.6

	Travel		2.8	
	Contractual Services		26.5	
	Supplies and Materials		13.1	
	Capital Outlay		15.6	
	TOTAL -- Comprehensive Community Services	\$	660.2	
	TOTAL -- Bureau of Juvenile Corrections	\$	5,083.3	
	TOTAL -- DEPARTMENT OF CORRECTION	\$	40,713.7	
	<u>(40-00-000) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL</u>			
	<u>(40-01-001) Department Management</u>			
(25.5)	Salaries (24.5)	\$	458.0	
	Other Employment Costs		122.1	
	Travel		1.5	
	Contractual Services		95.5	
	Supplies and Materials		14.0	
	Capital Outlay		10.3	
	Data Processing		24.9	
	Sub-Total	\$	726.3	
	Debt Service	\$	2,028.0	
	TOTAL -- Department Management	\$	2,754.3	
	<u>(40-05-000) Division of Fish and Wildlife</u>			
	<u>(40-05-001) Management and Support Fish and Wildlife</u>			
(6.9)	Salaries (2.5)	\$	46.1	
	Other Employment Costs		10.8	
	Travel		2.8	
	Contractual Services		43.6	
	Supplies and Materials		1.9	
	Capital Outlay		.5	
	Sub-Total	\$	105.7	
	Debt Service	\$	171.2	
	TOTAL -- Management and Support Fish and Wildlife	\$	276.9	
	<u>(40-05-002) Wildlife</u>			
(23.0)	Salaries (2.0)	\$	26.0	
	Other Employment Costs		8.8	
	Contractual Services		6.2	
	Supplies and Materials		2.9	
	Capital Outlay		.8	
	TOTAL -- Wildlife	\$	44.7	
	<u>(40-05-003) Fisheries</u>			
(6.5)	Salaries (10.5)	\$	176.3	
	Other Employment Costs		51.3	
	Travel		.4	
	Contractual Services		22.6	
	Supplies and Materials		17.3	
	TOTAL -- Fisheries	\$	267.9	
	<u>(40-05-004) Mosquito Control</u>			
	Salaries (17.0)	\$	249.8	
	Other Employment Costs		69.8	
	Travel		.5	

	Contractual Services		64.2
	Supplies and Materials		34.4
	Capital Outlay		22.3
	Other Items		<u>242.2</u>
	TOTAL -- Mosquito Control	\$	683.2
	<u>(40-05-006) Enforcement</u>		
(1.0)	Salaries (29.0)	\$	477.4
	Other Employment Costs		126.4
	Travel		.7
	Contractual Services		58.6
	Supplies and Materials		75.8
	Capital Outlay		61.0
	Data Processing		<u>30.0</u>
	TOTAL -- Enforcement	\$	<u>829.9</u>
	TOTAL -- Division of Fish and Wildlife	\$	2,102.6
	<u>(40-06-000) Division of Parks and Recreation</u>		
	<u>(40-06-001) Management and Support Parks and Recreation</u>		
(18.0)	Salaries (6.0)	\$	146.3
	Other Employment Costs		40.3
	Travel		.4
	Contractual Services		43.6
	Supplies and Materials		6.1
	Other Items - Feasibility Study Beach Towers		<u>5.0</u>
	Sub-Total	\$	241.7
	Debt Service	\$	<u>973.0</u>
	TOTAL -- Management and Support Parks and Recreation	\$	1,214.7
	<u>(40-06-002) Operations and Maintenance</u>		
(29.4)	Salaries (47.0)	\$	725.8
	Other Employment Costs		233.4
	Contractual Services		47.8
	Supplies and Materials		4.9
	Capital Outlay		<u>148.3</u>
	Sub-Total	\$	1,160.2
	Debt Service	\$	<u>4.6</u>
	TOTAL -- Operations and Maintenance	\$	1,164.8
	<u>(40-06-003) Special Programs</u>		
(2.0)	Salaries (5.0)	\$	92.0
	Other Employment Costs		22.2
	Travel		.7
	Contractual Services		11.5
	Supplies and Materials		10.5
	Capital Outlay		<u>3.2</u>
	TOTAL -- Special Programs	\$	<u>140.1</u>
	TOTAL -- Division of Parks and Recreation	\$	2,519.6
	<u>(40-07-000) Division of Soil and Water Conservation</u>		
	<u>(40-07-001) Management and Support Soil and Water</u>		
	Salaries (3.0)	\$	74.7
	Other Employment Costs		19.5

Travel		.8
Contractual Services		12.5
Supplies and Materials		<u>1.4</u>
Sub-Total	\$	108.9
Debt Service	\$	<u>747.3</u>
TOTAL -- Management and Support Soil and Water	\$	856.2

(40-07-002) Drainage

Salaries (9.0)	\$	137.0
Other Employment Costs		39.5
Contractual Services		162.7
Supplies and Materials		133.8
Capital Outlay		13.2
Tax Ditches*		<u>180.0</u>
Sub-Total	\$	666.2
Debt Service	\$	<u>51.9</u>
TOTAL -- Drainage	\$	718.1

*Pursuant to Section 3921, Title 7, Delaware Code

(40-07-003) Beach Preservation

Salaries (8.0)	\$	108.5
Other Employment Costs		32.4
Travel		1.0
Contractual Services		14.2
Supplies and Materials		24.0
Capital Outlay		<u>24.5</u>
TOTAL -- Beach Preservation	\$	204.6

(40-07-004) District Operations

Salaries (3.0)	\$	61.1
Other Employment Costs		15.0
Travel		1.0
Contractual Services		53.4
Supplies and Materials		3.1
Capital Outlay		<u>7.3</u>
TOTAL -- District Operations	\$	140.9

(40-07-005) Dredge Operations

Salaries (13.0)	\$	165.7
Other Employment Costs		46.6
Contractual Services		45.5
Supplies and Materials		101.1
Capital Outlay		<u>52.6</u>
TOTAL -- Dredge Operations	\$	<u>411.5</u>

TOTAL -- Division of Soil and Water Conservation \$ 2,331.3

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

(9.9)	Salaries (15.5)	\$	329.4
	Other Employment Costs		93.8
	Travel		8.4
	Contractual Services		100.8
	Supplies and Materials		<u>13.9</u>
Sub-Total		\$	546.3

	Debt Service	\$	6.4
	TOTAL -- Management and Support Environmental Control	\$	552.7
	<u>(40-08-002) Air Resources</u>		
(13.0)	Salaries (11.0)	\$	225.3
	Other Employment Costs		63.5
	Travel		.5
	Contractual Services		43.3
	Supplies and Materials		7.2
	TOTAL -- Air Resources	\$	339.8
	<u>(40-08-003) Projects and Planning</u>		
(10.0)	Salaries (4.0)	\$	80.1
	Other Employment Costs		23.8
	Travel		.8
	Contractual Services		21.6
	Supplies and Materials		4.4
	Sub-Total	\$	130.7
	Debt Service	\$	1,288.2
	TOTAL -- Projects and Planning	\$	1,408.9
	<u>(40-08-004) Water Pollution Control</u>		
(22.0)	Salaries (19.0)	\$	406.0
	Other Employment Costs		119.0
	Travel		2.8
	Contractual Services		27.5
	Supplies and Materials		28.5
	Capital Outlay		9.7
	TOTAL -- Water Pollution Control	\$	593.5
	<u>(40-08-005) Water Supply</u>		
(2.0)	Salaries (10.0)	\$	182.9
	Other Employment Costs		55.9
	Contractual Services		.5
	Supplies and Materials		5.1
	Capital Outlay		1.0
	TOTAL -- Water Supply	\$	245.4
	<u>(40-08-006) Hazardous - Solid Waste</u>		
(7.0)	Salaries (7.0)	\$	118.6
	Other Employment Costs		37.5
	Travel		1.2
	Contractual Services		4.6
	Supplies and Materials		7.4
	Capital Outlay		5.2
	TOTAL -- Hazardous - Solid Waste	\$	174.5
	TOTAL -- Division of Environmental Control	\$	3,314.8
	TOTAL -- DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL	\$	13,032.6
	<u>(45-00-000) DEPARTMENT OF PUBLIC SAFETY</u>		
	<u>(45-01-001) Administration</u>		
	Salaries (8)	\$	187.7
	Other Employment Costs		49.4

Travel		.8
Contractual Services		12.3
Supplies and Materials		1.3
Capital Outlay		.3
Other Items		10.0
TOTAL -- Administration	\$	261.8
<u>(45-03-000) Division of Communications</u>		
<u>(45-03-001) Administration</u>		
Salaries (20)	\$	367.1
Other Employment Costs		101.8
Travel		1.6
Contractual Services		45.4
Supplies and Materials		10.3
Capital Outlay		1.0
Sub-Total	\$	527.2
Debt Service	\$	94.0
TOTAL -- Administration	\$	621.2
TOTAL -- Division of Communications		621.2
<u>(45-04-000) Motor Fuel Tax</u>		
<u>(45-04-001) Administration</u>		
Salaries and Wages (9)	\$	146.1
Other Employment Costs		40.0
Travel		1.5
Contractual Services		81.1
Supplies and Materials		6.1
Capital Outlay		3.2
Data Processing		229.2
TOTAL -- Administration	\$	507.2
<u>(45-04-002) Audit and Compliance</u>		
Salaries and Wages (6)	\$	115.1
Other Employment Costs		31.9
Travel		11.0
Contractual Services		3.2
Supplies and Materials		3.7
Capital Outlay		2.1
TOTAL -- Audit and Compliance	\$	167.0
TOTAL -- Motor Fuel Tax	\$	674.2
<u>(45-06-000) Division of State Police</u>		
<u>(45-06-001) Executive Offices</u>		
Salaries (33)	\$	750.6
Other Employment Costs		120.1
Pension - State Police		4,603.5
Travel		5.8
Contractual Services		265.2
Supplies and Materials		178.0
Capital Outlay		5.7
Other Items		64.0
Sub-Total	\$	5,992.9
Debt Service	\$	191.5
TOTAL -- Executive Offices	\$	6,184.4

(45-06-003) Patrol Division

(3)	Salaries (292)	\$	6,812.7
	Other Employment Costs		456.5
	Pension - State Police		25.3
	Travel		6.0
	Contractual Services		214.1
	Supplies and Materials		464.3
	Capital Outlay		<u>7.1</u>

TOTAL -- Patrol Division	\$	7,986.0
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(45-06-004) Criminal Investigation

Salaries (81)	\$	1,845.0
Other Employment Costs		144.3
Travel		10.1
Contractual Services		49.0
Supplies and Materials		128.0
Capital Outlay		<u>8.8</u>

Sub-Total	\$	2,185.2
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Debt Service	\$	<u>9.2</u>
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TOTAL -- Criminal Investigation	\$	2,194.4
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(45-06-005) Special Investigative Unit

Salaries (19)		444.6
Other Employment Costs		30.2
Travel		2.5
Contractual Services		11.5
Supplies and Materials		<u>13.7</u>

TOTAL -- Special Investigative Unit	\$	502.5
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(45-06-006) Aviation

Salaries (7)	\$	162.0
Other Employment Costs		11.7
Travel		2.5
Contractual Services		166.9
Supplies and Materials		<u>77.2</u>

Sub-Total		420.3
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Debt Service	\$	<u>.7</u>
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TOTAL -- Aviation	\$	421.0
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(45-06-007) Traffic

(1)	Salaries (33)	\$	673.1
	Other Employment Costs		78.7
	Travel		3.2
	Contractual Services		17.5
	Supplies and Materials		<u>2.9</u>

TOTAL -- Traffic	\$	775.4
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(45-06-008) State Bureau of Identification

Salaries (25)	\$	326.9
Other Employment Costs		77.1
Travel		1.5
Contractual Services		77.5
Supplies and Materials		14.5
Capital Outlay		2.0
Data Processing		<u>587.6</u>

	TOTAL -- State Bureau of Identification	\$	1,087.1
	<u>(45-06-009) Training</u>		
	Salaries (7)	\$	152.3
	Other Employment Costs		14.6
	Contractual Services		14.0
	Supplies and Materials		65.4
	Capital Outlay		2.5
	Other Items		<u>10.0</u>
	TOTAL -- Training	\$	258.8
	<u>(45-06-010) Communications</u>		
	Salaries (56)	\$	821.3
	Other Employment Costs		179.6
	Travel		2.7
	Contractual Services		424.7
	Supplies and Materials		<u>17.4</u>
	Sub-Total	\$	1,445.7
	Debt Service		<u>1.3</u>
	TOTAL -- Communications	\$	1,447.0
	<u>(45-06-011) Transportation Support</u>		
	Salaries (19)	\$	307.3
	Other Employment Costs		84.4
	Contractual Services		29.3
	Supplies and Materials		277.7
	Capital Outlay		<u>532.2</u>
	TOTAL -- Transportation Support	\$	1,230.9
	<u>(45-06-012) Community Relations</u>		
	Salaries (4)	\$	104.7
	Other Employment Costs		4.0
	Travel		.1
	Contractual Services		2.8
	Supplies and Materials		<u>.6</u>
	TOTAL -- Community Relations	\$	<u>112.2</u>
	TOTAL -- Division of State Police	\$	22,199.7
	<u>(45-07-000) Division of Motor Vehicles</u>		
	<u>(45-07-001) Administration</u>		
(1)	Salaries (27)	\$	408.5
	Other Employment Costs		112.3
	Travel		.8
	Contractual Services		239.5
	Supplies and Materials		18.5
	Capital Outlay		7.2
	Data Processing		<u>473.1</u>
	Sub-Total	\$	1,259.9
	Debt Service	\$	<u>142.3</u>
	TOTAL -- Administration	\$	1,402.2
	<u>(45-07-002) Driver Licensing</u>		
	Salaries (36)	\$	497.3
	Other Employment Costs		138.1
	Travel		.2

Contractual Services	47.6
Supplies and Materials	75.4
Capital Outlay	<u>2.5</u>
TOTAL -- Driver Licensing	\$ 761.1
<u>(45-07-003) Driver Improvement</u>	
Salaries (24)	\$ 360.3
Other Employment Costs	99.6
Travel	.3
Contractual Services	24.1
Supplies and Materials	3.5
Capital Outlay	<u>1.9</u>
TOTAL -- Driver Improvement	\$ 489.7
<u>(45-07-004) Title Registration</u>	
Salaries (69)	\$ 803.6
Other Employment Costs	217.5
Contractual Services	91.9
Supplies and Materials	292.7
Capital Outlay	<u>8.5</u>
TOTAL -- Title Registration	\$ 1,414.2
<u>(45-07-005) Vehicle Inspection</u>	
Salaries (33)	\$ 443.4
Other Employment Costs	109.5
Travel	.3
Contractual Services	13.6
Supplies and Materials	<u>12.9</u>
TOTAL -- Vehicle Inspection	\$ 579.7
<u>(45-07-006) Financial Responsibility</u>	
Salaries (3)	\$ 37.2
Other Employment Costs	10.2
Travel	.4
Contractual Services	6.6
Supplies and Materials	<u>.9</u>
TOTAL -- Financial Responsibility	\$ <u>55.3</u>
TOTAL -- Division of Motor Vehicles	\$ 4,702.2
<u>(45-08-001) Division of Emergency Planning and Operations</u>	
(7.5) Salaries (7.5)	\$ 113.9
Other Employment Costs	30.4
Travel	2.4
Contractual Services	26.0
Supplies and Materials	6.5
Capital Outlay	<u>10.7</u>
Sub-Total	\$ 189.9
Debt Service	\$ <u>6.8</u>
TOTAL -- Division of Emergency Planning and Operations	\$ 196.7
<u>(45-09-001) Division of Boiler Safety</u>	
Salaries (7)	\$ 129.4
Other Employment Costs	35.7
Travel	10.5
Contractual Services	4.6
Supplies and Materials	<u>1.7</u>

TOTAL -- Division of Boiler Safety		\$	181.9
<u>(45-10-001) Office of Highway Safety</u>			
	Salaries (4)	\$	78.2
	Other Employment Costs		20.6
	Travel		1.9
	Contractual Services		10.8
	Supplies and Materials		2.7
Sub-Total -- Office of Highway Safety		\$	114.2
TOTAL -- DEPARTMENT OF PUBLIC SAFETY		\$	28,961.9
<u>(50-01-000) DEPARTMENT OF COMMUNITY AFFAIRS</u>			
<u>(50-01-000) Office of the Secretary</u>			
<u>(50-01-001) Administration</u>			
(2.0)	Salaries (12.0)	\$	235.5
	Other Employment Costs		61.6
	Travel		2.5
	Contractual Services		20.5
	Supplies and Materials		4.5
	Capital Outlay		7.5
TOTAL -- Administration		\$	332.1
<u>(50-01-002) Foster Grandparents Program</u>			
	Salaries (6.8)	\$	127.1
	Other Employment Costs		35.2
	Travel		4.0
	Contractual Services		471.3
	Supplies and Materials		5.6
	Capital Outlay		2.6
TOTAL -- Foster Grandparents Program		\$	645.8
<u>(50-01-003) Office of Economic Opportunity</u>			
(18.2)	Salaries (4.8)	\$	98.1
	Other Employment Costs		23.9
	Travel		11.2
	Contractual Services		21.0
	Supplies and Materials		5.1
	Capital Outlay		.3
	Other Items		108.0
TOTAL -- Office of Economic Opportunity		\$	267.6
<u>(50-01-004) Commission on the Status of Women</u>			
	Salaries (3.0)	\$	45.6
	Other Employment Costs		10.0
	Travel		.7
	Contractual Services		9.7
	Supplies and Materials		.8
TOTAL -- Commission on the Status of Women		\$	66.8
<u>(50-01-005) Office of the Public Advocate</u>			
(1.0)	Salaries (4.0)	\$	88.1
	Other Employment Costs		21.2
	Travel		2.4
	Contractual Services		18.1
	Supplies and Materials		2.7
	Capital Outlay		.3
TOTAL -- Office of the Public Advocate		\$	132.8
<u>(50-01-006) RSVP New Castle/Sussex Counties</u>			

(5.3)	Salaries (3.2)	\$	38.5
	Other Employment Costs		8.7
	Travel		4.4
	Contractual Services		34.2
	Supplies and Materials		2.5
	Other Items (Kent County)		14.0
	TOTAL -- RSVP New Castle/Sussex Counties	\$	102.3
	TOTAL -- Office of the Secretary	\$	1,547.4
	<u>(50-06-001) Office of Human Relations</u>		
(6.0)	Salaries (9.0)	\$	157.0
	Other Employment Costs		40.6
	Travel		11.3
	Contractual Services		29.0
	Supplies and Materials		7.2
	Capital Outlay		1.5
	TOTAL -- Office of Human Relations	\$	246.6
	<u>(50-09-001) Division of Housing</u>		
(37.0)	Salaries	\$	---
	Debt Services		73.1
	TOTAL -- Division of Housing	\$	73.1
	<u>(50-10-001) Division of Libraries</u>		
(9.0)	Salaries (9.0)	\$	139.0
	Other Employment Costs		35.0
	Contractual Services		199.9
	Supplies and Materials		39.5
	Capital Outlay		10.0
	TOTAL -- Division of Libraries	\$	423.4
	<u>(50-11-001) Division of Consumer Affairs</u>		
	Salaries (13.0)	\$	236.1
	Other Employment Costs		60.4
	Travel		1.9
	Contractual Services		14.7
	Supplies and Materials		3.0
	Capital Outlay		1.0
	TOTAL -- Division of Consumer Affairs	\$	317.1
	TOTAL -- DEPARTMENT OF COMMUNITY AFFAIRS	\$	2,607.6
	<u>(55-00-000) DEPARTMENT OF TRANSPORTATION</u>		
	<u>(55-01-001) Office of the Secretary</u>		
	Salaries (2.0)	\$	67.5
	Other Employment Costs		15.4
	Travel		1.9
	Contractual Services		3.3
	Supplies and Materials		1.0
	TOTAL -- Office of the Secretary	\$	89.1
	<u>(55-02-001) Office of Administration</u>		
	Salaries (63.0)	\$	1,173.6
	Other Employment Costs		305.7
	Travel		2.8
	Contractual Services		188.1
	Supplies and Materials		6.7

	Capital Outlay	2.4
	Data Processing	<u>293.9</u>
	TOTAL -- Office of Administration	\$ 1,973.2
	<u>(55-04-000) Division of Highways</u>	
	<u>(55-04-001) Office of the Director</u>	
(15.5)	Salaries (31.5)	\$ 655.0
	Other Employment Costs	167.5
	Travel	15.0
	Contractual Services	150.9
	Supplies and Materials	102.5
	Capital Outlay	<u>15.0</u>
	Sub-Total	\$ 1,105.9
	Debt Service	\$ <u>30,019.6</u>
	TOTAL -- Office of the Director	\$ 31,125.5
	<u>(55-04-010) Bureau of Design</u>	
(60.0)	Salaries (13.0)	\$ 217.1
	Other Employment Costs	63.0
	Contractual Services	<u>74.5</u>
	TOTAL -- Bureau of Design	\$ 354.6
	<u>(55-04-020) Bureau of Right-of-Way</u>	
(27.0)	Salaries (8.0)	\$ 126.7
	Other Employment Costs	<u>33.4</u>
	TOTAL -- Bureau of Right-of-Way	\$ 160.1
	<u>(55-04-030) Bureau of Materials and Research</u>	
(59.5)	Salaries (11.5)	\$ 222.4
	Other Employment Costs	68.5
	Travel	2.5
	Contractual Services	12.6
	Supplies and Materials	17.2
	Capital Outlay	<u>2.7</u>
	TOTAL -- Bureau of Materials and Research	\$ 325.9
	<u>(55-04-040) Bureau of Construction</u>	
(133.5)	Salaries (60.5)	\$ 1,073.5
	Other Employment Costs	<u>306.0</u>
	TOTAL -- Bureau of Construction	\$ 1,379.5
	<u>(55-04-050) Bureau of Traffic</u>	
	Salaries (89.0)	\$ 1,473.3
	Other Employment Costs	392.2
	Travel	.6
	Contractual Services	926.2
	Supplies and Materials	504.5
	Capital Outlay	<u>7.5</u>
	TOTAL -- Bureau of Traffic	\$ 3,304.3
	<u>(55-04-070) Bureau of Maintenance</u>	
(1.5)	Salaries (585.5)	\$ 8,297.6
	Other Employment Costs	2,381.2
	Travel	5.0
	Contractual Services	<u>1,975.8</u>

	Supplies and Materials	2,983.3
	Capital Outlay	<u>2,070.0</u>
	TOTAL -- Bureau of Maintenance	\$ 17,712.9
	<u>(55-04-090) Bureau of Planning</u>	
(28.0)	Salaries (20.0)	\$ 403.0
	Other Employment Costs	<u>112.4</u>
	TOTAL -- Bureau of Planning	\$ <u>515.4</u>
	TOTAL -- Division of Highways	\$ 54,878.2

	<u>(55-06-001) Delaware Transportation Authority</u>	
(1.0)	Salaries	\$ 38.7
(10.0)	Delaware Transportation Authority Operations	345.5
	Delaware Transportation Authority Capital	1226.7
	Turnpike Operations	2,411.5
	Turnpike Operating Reserve	14.6*
	Turnpike Improvements	194.5
	Interstate Operations	1387.3
	Interstate Improvements	317.5
	OART Operations "Public"	1,988.5
	OART Operations "E & H"	331.8
	OAST Operations "E & H"	437.0
	Taxi Services Support "E & H"	50.0
	Newark Transportation	10.2
	Kent and Sussex Transportation "E & H"	460.0
	Rail Commuter Operations	203.0
	Rail Freight Operations	97.5
	Airport Safety	25.0
	Contingencies	25.0
	Dover Transportation "E & H"	33.0
	Dover Capital "E & H"	30.0
	OAST User Side Subsidy "E & H"	23.0
	OAST Blind Transportation "E & H"	33.0
(2.0)	Office of Ride-Share	<u>25.8</u>
	Sub-Total	\$ 9,709.1
	Debt Service	
	Authority Obligations	\$ <u>9,587.2</u>
	State Obligations	\$ <u>331.5</u>
	TOTAL -- Delaware Transportation Authority	\$19,296.3** \$ <u>331.5</u>

*The Turnpike operating Reserve Fund is established at \$163.2.

**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 \$ 57,272.0

(60-00-000) DEPARTMENT OF LABOR

	<u>(60-01-001) Office of the Secretary</u>	
(7.2)	Salaries (.8)	\$ 18.8
	Other Employment Costs	4.5
	Travel	1.7
	Contractual Services	18.1
	Supplies and Materials	.5
	Capital Outlay	<u>.7</u>

	TOTAL -- Office of the Secretary	\$	44.3
	<u>(60-05-001) Division of Manpower Services</u>		
(23.0)	Salaries	\$	---
	TOTAL -- Division of Manpower Services	\$	---
	<u>(60-06-001) Division of Unemployment Insurance</u>		
(263.9)	Salaries	\$	---
	Unemployment Compensation		250.0
	TOTAL -- Division of Unemployment Insurance	\$	250.0
	<u>(60-07-000) Division of Industrial Affairs</u>		
	<u>(60-07-001) Administration</u>		
	Salaries (5.0)	\$	95.7
	Other Employment Costs		25.6
	Travel		.5
	Contractual Services		8.5
	Supplies and Materials		1.6
	Capital Outlay		.3
	TOTAL -- Administration	\$	132.2
	<u>(60-07-002) Industrial Safety and Health</u>		
(1.5)	Salaries (23.5)	\$	351.1
	Other Employment Costs		89.0
	Travel		10.9
	Contractual Services		82.4
	Supplies and Materials		5.1
	Capital Outlay		19.0
	TOTAL -- Industrial Safety and Health	\$	557.5
	<u>(60-07-003) Labor Law Inspection</u>		
(7.0)	Salaries (12.0)	\$	181.3
	Other Employment Costs		45.4
	Travel		4.5
	Contractual Services		21.7
	Supplies and Materials		4.0
	Capital Outlay		1.0
	TOTAL -- Labor Law Inspection	\$	257.9
	TOTAL -- Division of Industrial Affairs	\$	947.6
	<u>(60-08-000) Division of Vocational Rehabilitation</u>		
	<u>(60-08-001) Vocational Rehabilitation</u>		
(115.0)	Salaries	\$	---
	Contractual Services		824.3
	Supplies and Materials		31.1
	Other Items		2.4
	TOTAL -- Vocational Rehabilitation	\$	857.8
	<u>(60-08-002) Displaced Homemakers Program</u>		
	Salaries (8.0)	\$	114.4
	Other Employment Costs		28.4
	Travel		3.0
	Contractual Services		7.1
	Supplies and Materials		2.8
	Capital Outlay		.5

TOTAL -- Displaced Homemakers Program	\$	<u>156.2</u>
TOTAL -- Division of Vocational Rehabilitation	\$	<u>1,014.0</u>
TOTAL -- DEPARTMENT OF LABOR	\$	2,255.9
<u>(65-00-000) DEPARTMENT OF AGRICULTURE</u>		
<u>(65-01-000) Office of the Secretary</u>		
<u>(65-01-001) Office of Secretary</u>		
Salaries (8.0)	\$	139.1
Other Employment Costs		33.3
Travel		3.3
Contractual Services		12.6
Supplies and Materials		3.1
Capital Outlay		<u>1.0</u>
Sub-Total	\$	192.4
Debt Service	\$	<u>51.6</u>
TOTAL -- Office of Secretary	\$	244.0
<u>(65-01-002) Agricultural Lands Preservation</u>		
Salaries (1.0)	\$	23.1
Other Employment Costs		5.7
Travel		1.6
Contractual Services		13.3
Supplies and Materials		1.2
Capital Outlay		<u>7.7</u>
TOTAL -- Agricultural Lands Preservation	\$	<u>52.6</u>
TOTAL -- Office of the Secretary	\$	296.6
<u>(65-03-000) Division of Standards and Inspections</u>		
<u>(65-03-001) Administration and Management</u>		
<u>Standards and Inspections</u>		
Salaries (3.0)	\$	62.9
Other Employment Costs		16.1
Travel		.6
Contractual Services		9.9
Supplies and Materials		<u>.9</u>
Sub-Total	\$	90.4
Debt Service	\$	<u>2.4</u>
TOTAL -- Administration and Management Standards and Inspections	\$	92.8
<u>(65-03-002) Chemical Laboratory</u>		
Salaries (5.0)	\$	86.6
Other Employment Costs		22.9
Travel		2.8
Contractual Services		27.3
Supplies and Materials		15.4
Capital Outlay		<u>6.5</u>
TOTAL -- Chemical Laboratory	\$	161.5
<u>(65-03-003) Weights and Measures</u>		
Salaries (6.0)	\$	105.9

	Other Employment Costs	26.3	
	Travel	3.0	
	Contractual Services	11.6	
	Supplies and Materials	6.8	
	Capital Outlay	5.8	
	TOTAL -- Weights and Measures	\$	159.4
	<u>(65-03-004) Poultry and Animal Health</u>		
	Salaries (9.0)	\$	146.5
	Other Employment Costs		37.3
	Travel		1.6
	Contractual Services		38.4
	Supplies and Materials		11.1
	Capital Outlay		3.0
	TOTAL -- Poultry and Animal Health	\$	237.9
	<u>(65-03-005) Meat Inspection</u>		
	Salaries (14.0)	\$	248.7
	Other Employment Costs		70.1
	Travel		4.8
	Contractual Services		11.9
	Supplies and Materials		9.7
	Capital Outlay		.5
	TOTAL -- Meat Inspection	\$	345.7
	<u>(65-03-006) Seed Laboratory</u>		
(1.0)	Salaries (6.0)	\$	95.0
	Other Employment Costs		26.2
	Travel		1.3
	Contractual Services		9.4
	Supplies and Materials		8.4
	Capital Outlay		.5
	TOTAL -- Seed Laboratory	\$	140.8
	<u>(65-03-007) Plant Industry</u>		
	Salaries (3.0)	\$	61.6
	Other Employment Costs		17.1
	Travel		.6
	Contractual Services		14.4
	Supplies and Materials		13.2
	Capital Outlay		.5
	TOTAL -- Plant Industry	\$	107.4
	TOTAL -- Division of Standards and Inspections	\$	1,245.5
	<u>(65-04-000) Division of Production and Promotion</u>		
	<u>(65-04-001) Administration and Management Production and Promotion</u>		
	Salaries (3.0)	\$	59.8
	Other Employment Costs		16.1
	Travel		1.5
	Contractual Services		12.2
	Supplies and Materials		2.1
	Sub-Total	\$	91.7
	Debt Service	\$	13.3
	TOTAL -- Administration and Management Production and Promotion	\$	105.0

(65-04-002) Forestry

(5.0)	Salaries (12.0)	\$	207.1
	Other Employment Costs		59.0
	Travel		2.0
	Contractual Services		25.2
	Supplies and Materials		8.4

TOTAL -- Forestry	\$	301.7
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(65-04-003) Pesticides Control

(2.0)	Salaries (1.5)	\$	20.1
	Other Employment Costs		4.4
	Travel		.4
	Contractual Services		4.7
	Supplies and Materials		.8

TOTAL -- Pesticides Control	\$	30.4
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(65-04-004) Fruit and Vegetable Inspections

(6.0)	Salaries (1.0)	\$	18.4
	Other Employment Costs		4.6
	Travel		.5
	Contractual Services		19.7
	Supplies and Materials		.7

TOTAL -- Fruit and Vegetable Inspections	\$	43.9
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(65-04-005) Commodity Development

	Salaries (1.0)	\$	23.9
	Other Employment Costs		5.8
	Travel		2.1
	Contractual Services		11.1
	Supplies and Materials		1.7

TOTAL -- Commodity Development	\$	44.6
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TOTAL -- Division of Production and Promotion	\$	525.6
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TOTAL -- DEPARTMENT OF AGRICULTURE	\$	2,067.7
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(70-00-000) DEPARTMENT OF ELECTIONS(70-01-001) Commissioner of Elections

	Salaries (5.0)	\$	123.1
	Other Employment Costs		26.5
	Travel		.8
	Contractual Services		28.2
	Supplies and Materials		4.2
	Capital Outlay		.8
	Data Processing		69.8
	Other		14.1

TOTAL -- Commissioner of Elections	\$	267.5
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(70-02-001) New Castle County Department of Elections

	Salaries (11.0)	\$	259.4
	Other Employment Costs		42.4
	Travel		1.4
	Contractual Services		392.8
	Supplies and Materials		9.4
	Capital Outlay		6.0
	Other Items		51.4

TOTAL -- New Castle County Department of Elections	\$	762.8
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(70-03-001) Kent County Department of Elections

Salaries (4.0)	\$	86.4
Other Employment Costs		20.6
Travel		1.0
Contractual Services		99.3
Supplies and Materials		1.8
Other Items		<u>6.5</u>

TOTAL -- Kent County Department of Elections	\$	215.6
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(70-04-001) Sussex County Department of Elections

Salaries (4.0)	\$	102.4
Other Employment Costs		25.5
Travel		.6
Contractual Services		87.5
Supplies and Materials		3.6
Capital Outlay		7.5
Other Items		<u>13.2</u>

TOTAL -- Sussex County Department of Elections	\$	<u>240.3</u>
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TOTAL -- DEPARTMENT OF ELECTIONS	\$	1,486.2
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(75-00-000) FIRE PREVENTION COMMISSION(75-01-001) Office of the Fire Marshal

(3.0) Salaries (21.0)	\$	373.2
Other Employment Costs		91.3
Travel		5.4
Contractual Services		33.2
Supplies and Materials		37.9
Capital Outlay		18.6
Data Processing		<u>4.0</u>

Sub-Total	\$	563.6
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Debt Service	\$	<u>6.9</u>
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TOTAL -- Office of the Fire Marshal	\$	570.5
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(75-02-001) State Fire School

(3.0) Salaries (13.0)	\$	226.0
Other Employment Costs		50.8
Travel		24.5
Contractual Services		142.5
Supplies and Materials		40.7
Capital Outlay		<u>12.0</u>

Sub-Total	\$	496.5
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Debt Service	\$	<u>164.2</u>
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TOTAL -- State Fire School	\$	660.7
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(75-03-001) State Fire Prevention Commission

Salaries (1.0)	\$	12.0
Other Employment Costs		3.6
Travel		4.4
Contractual Services		5.3
Supplies and Materials		.7
Capital Outlay		<u>1.0</u>

TOTAL -- State Fire Prevention Commission	\$	<u>27.0</u>
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TOTAL -- FIRE PREVENTION COMMISSION	\$	1,258.2
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(76-00-000) DELAWARE NATIONAL GUARD

(76-01-001) Delaware National Guard

(30.6)	Salaries (30.9)	\$	640.9	
	Other Employment Costs		163.7	
	Travel		2.9	
	Contractual Services		503.7	
	Supplies and Materials		109.4	
	Capital Outlay		13.5	
	Other Items		<u>40.0</u>	
	Sub-Total	\$	1,474.1	
	Debt Service	\$	<u>156.5</u>	
TOTAL -- DELAWARE NATIONAL GUARD		\$	1,630.6	

(77-00-000) ADVISORY COUNCIL FOR
EXCEPTIONAL CITIZENS

	Salaries (1.0)	\$	11.1	
	Other Employment Costs		.3	
	Travel		3.2	
	Contractual Services		5.9	
	Supplies and Materials		<u>.5</u>	
TOTAL -- ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS		\$	21.0	

(90-00-000) HIGHER EDUCATION(90-01-000) University of Delaware(90-01-001) University of Delaware

	Operations	\$	42,049.4	
	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		350.0	
	Title VI Compliance		65.0	
	Soil Testing Service		26.0	
	Urban Agent Program		<u>52.0</u>	
	Sub-Total	\$	44,596.8	
	Debt Service	\$	<u>5,328.7</u>	
TOTAL -- University of Delaware		\$	49,925.5	

(90-01-002) Delaware Geological Survey

	Operations	\$	412.0	
	River Master Program		<u>39.1</u>	
TOTAL -- Delaware Geological Survey		\$	<u>451.1</u>	
TOTAL -- University of Delaware		\$	50,376.6	

(90-02-001) Delaware Institute of Medical
Education and Research

	Subvention Allowance	\$	1,047.4	
	Scholarships		105.0	
	Operations		<u>210.0</u>	
TOTAL -- Delaware Institute of Medical Education and Research		\$	1,362.4	

(90-03-000) Delaware State College(90-03-001) Executive Services

(1.5)	Salaries (13.6)	\$	243.4
	Other Employment Costs		58.4
	Travel		3.7
	Contractual Services		22.9
	Supplies and Materials		6.6
	Capital Outlay		2.8
	Other Items		<u>1.6</u>
	TOTAL -- Executive Services	\$	339.4

(90-03-002) Academic Affairs

(31.8)	Salaries (184.8)	\$	4,159.2
	Other Employment Costs		1,050.5
	Travel		10.7
	Contractual Services		216.6
	Supplies and Materials		78.6
	Capital Outlay		69.7
	Other Items		<u>425.0</u>
	TOTAL -- Academic Affairs	\$	6,010.3

(90-03-003) Student Affairs

(37.9)	Salaries (23.3)	\$	498.2
	Other Employment Costs		131.1
	Travel		11.4
	Contractual Services		108.9
	Supplies and Materials		30.6
	Capital Outlay		1.4
	Grants		119.1
	Other Items		<u>134.1</u>
	TOTAL -- Student Affairs	\$	1,034.8

(90-03-004) Business and Fiscal Affairs

(15.0)	Salaries (116.8)	\$	1,714.1
	Other Employment Costs		452.5
	Travel		6.4
	Contractual Services		1,351.9
	Supplies and Materials		139.4
	Capital Outlay		54.0
	Other Items		<u>10.5</u>

	Sub-Total	\$	3,728.8
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	Debt Service	\$	<u>1,248.9</u>
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	TOTAL -- Business and Fiscal Affairs	\$	4,977.7
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(90-03-005) Sponsored Programs and Research

(37.5)	Salaries	\$	<u>---</u>
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	TOTAL -- Sponsored Programs and Research	\$	<u>---</u>
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	TOTAL -- Delaware State College	\$	12,362.2
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(90-04-000) Delaware Technical and Community College(90-04-001) Office of the President

(8.0)	Salaries (32.0)	\$	787.2
	Other Employment Costs		191.9
	Travel		11.2
	Contractual Services		135.3

	Supplies and Materials	26.2
	Capital Outlay	23.0
	Other Items	<u>61.8</u>
Sub-Total	\$	1,236.6
Debt Service	\$	<u>194.5</u>
TOTAL -- Office of the President	\$	1,431.1
<u>(90-04-002) Southern Campus</u>		
(23.0)	Salaries (135.0)	\$ 3,240.7
	Other Employment Costs	781.0
	Travel	12.9
	Contractual Services	1,175.9
	Supplies and Materials	177.7
	Capital Outlay	161.5
	Other Items	<u>38.7</u>
Sub-Total	\$	5,588.4
Debt Service	\$	<u>489.3</u>
TOTAL -- Southern Campus	\$	6,077.7
<u>(90-04-004) Wilmington Campus</u>		
(17.0)	Salaries (99.0)	\$ 2,345.4
	Other Employment Costs	543.3
	Travel	8.3
	Contractual Services	1,007.7
	Supplies and Materials	92.2
	Capital Outlay	32.8
	Other Items	<u>40.0</u>
Sub-Total	\$	4,069.7
Debt Service	\$	<u>476.1</u>
TOTAL -- Wilmington Campus	\$	4,545.8
<u>(90-04-005) Stanton Campus</u>		
(28.0)	Salaries (129.0)	\$ 3,188.4
	Other Employment Costs	765.0
	Travel	11.2
	Contractual Services	583.0
	Supplies and Materials	187.8
	Capital Outlay	82.6
	Other Items	<u>31.5</u>
Sub-Total	\$	4,849.5
Debt Service	\$	<u>803.7</u>
TOTAL -- Stanton Campus	\$	5,653.2
<u>(90-04-006) Terry Campus</u>		
(25.0)	Salaries (80.0)	\$ 1,864.9
	Other Employment Costs	430.8
	Travel	6.6
	Contractual Services	480.5
	Supplies and Materials	92.1
	Capital Outlay	39.4
	Other Items	<u>22.0</u>
Sub-Total	\$	2,936.3
Debt Service	\$	<u>403.9</u>

TOTAL -- Terry Campus	\$	<u>3,340.2</u>	
TOTAL -- Delaware Technical and Community College			\$ 21,048.0
<u>(90-07-001) Delaware Institute of Veterinary Medical Education</u>			
Other Items	\$	<u>164.0</u>	
TOTAL -- Delaware Institute of Veterinary Medical Education	\$	<u>164.0</u>	
TOTAL -- HIGHER EDUCATION	\$	85,313.2	
<u>(95-00-000) PUBLIC EDUCATION</u>			
<u>(95-01-000) State Board of Education and State Board for Vocational Education</u>			
<u>(95-01-001) State Board of Education and Superintendent</u>			
(3.8) Salaries (6.2)	\$	212.7	
Other Employment Costs		52.6	
Travel		8.4	
Contractual Services		37.4	
Supplies and Materials		4.7	
Capital Outlay		6.2	
Data Processing		69.8	
Other Items		<u>22.0</u>	
TOTAL -- State Board of Education and Superintendent	\$		413.8
<u>(95-01-002) Administrative Services</u>			
(20.0) Salaries (29.0)	\$	616.0	
Other Employment Costs		162.3	
Travel		1.9	
Contractual Services		32.8	
Supplies and Materials		9.1	
Capital Outlay		31.5	
Other Items		<u>321.0</u>	
TOTAL -- Administrative Services	\$		1,174.6
<u>(95-01-004) Instructional Services</u>			
(41.5) Salaries (24.5)	\$	703.2	
Other Employment Costs		177.7	
Travel		2.8	
Contractual Services		52.6	
Supplies and Materials		15.2	
Capital Outlay		13.2	
Other Items		<u>107.0</u>	
TOTAL -- Instructional Services	\$		1,071.7
<u>(95-01-005) Educational Contingency</u>			
Other Employment Costs	\$	145.6	
Other Items		<u>1,223.1</u>	
Sub-Total	\$		1,368.7
Debt Service	\$		<u>2,701.7</u>
TOTAL -- Educational Contingency	\$		4,070.4
<u>(95-01-006) Pass Through/K-12 Programs</u>			
Other Employment Costs	\$	1,592.2	
Other Items			
Pregnant Students Program			120.6

Related Services for the Handicapped	580.5	
Private Placement of the Handicapped	1,403.9	
Youth Organizations	45.2	
Gifted and Talented Units	931.6	
Summer School - Gifted and Talented	81.3	
Fundamental Schools	80.0	
Homebound Instruction Program	296.2	
Substitutes in Districts	906.3	
Division III - Equalization	7,907.6	
Basic Skills Units	2,438.3	
Non-Public and Summer Driver Education		284.7
Operation and Maintenance - Driver		
Education Cars	150.8	
Computer Education	69.3	
Career Guidance System	11.0	
Summer School - Occupational and		
Vocational Education	527.3	
Student Work Study	28.1	
Center for Economic Education	40.8	
Educational Resources Program	75.4	
Exceptional Student Unit - Vocational		176.8
Disruptive Student Units	372.8	
Parent Early Education Center	57.8	
Guaranteed Unit Count	156.3	
Elementary Guidance Counselors	57.0	
Kent-Sussex Teacher Center	67.7	
Green Circle Program	35.0	
Administrators' Salary Increase	152.8	
TOTAL -- Pass Through/K-12 Programs	\$	18,647.3
<u>(95-01-007) Pass Through/Adult Programs</u>		
Other Employment Costs	\$	245.7
Other Items		
Adult Incarcerated	95.0	
Adult Trade Extension	409.6	
Apprentice Program	317.1	
James H. Groves High School	494.1	
Adult Basic Education	77.5	
New Castle County CETA Learning Center		108.0
TOTAL -- Pass Through/Adult Programs	\$	1,747.0
<u>(95-01-008) Pupil Transportation</u>		
Other Employment Costs	\$	864.7
School Pupil Transportation (1.0)		23,311.1
TOTAL -- Pupil Transportation	\$	24,175.8
TOTAL -- State Board of Education and State Board		
for Vocational Education	\$	51,300.6
<u>(95-04-001) Advisory Council on Career and</u>		
<u>Vocational Education</u>		
(1.5) Salaries (1.5)	\$	46.0
Other Employment Costs		9.6
TOTAL -- Advisory Council on Career and		
Vocational Education	\$	55.6
<u>(95-10-000) Caesar Rodney</u>		
<u>Division I - Salaries (255)</u>		
Formula Employees (363.3)	\$	5,284.7
Cafeteria Employees (1.8)		72.6
TOTAL -- Division I	\$	5,357.3

Other Employment Costs		<u>1,534.1</u>	
TOTAL -- Division I and Other Employment Costs		\$	6,891.4
<u>Division II - (280)</u>			
Energy Costs	\$	517.4	
Other Costs		431.5	
Americanization Program		3.2	
<u>All Other Costs</u>			
Debt Service	\$	366.0	
Support for Local Fund Employment Costs		<u>165.3</u>	
TOTAL -- All Other Costs	\$	<u>1,483.4</u>	
TOTAL -- Caesar Rodney	\$		8,374.8
<u>(95-11-000) John S. Charlton School</u> (Administered by Caesar Rodney)			
<u>Division I - Salaries (17)</u>			
Formula Employees (31.2)	\$	<u>408.7</u>	
TOTAL -- Division I	\$	408.7	
Other Employment Costs		<u>109.3</u>	
TOTAL -- Division I and Other Employment Costs	\$		518.0
<u>Division II (17)</u>			
Energy Costs	\$	31.4	
Other Costs		26.2	
<u>All Other Costs</u>			
Debt Service	\$	12.2	
Support for Local Fund Employment Costs		<u>10.6</u>	
TOTAL -- All Other Costs	\$	<u>80.4</u>	
TOTAL -- John S. Charlton School	\$		598.4
<u>(95-13-000) Capital</u>			
<u>Division I - Salaries (299)</u>			
Formula Employees (443.2)	\$	6,533.7	
Cafeteria Employees (2.3)		<u>73.6</u>	
TOTAL -- Division I	\$	6,607.3	
Other Employment Costs		<u>2,022.7</u>	
TOTAL -- Division I and Other Employment Costs	\$		8,630.0
<u>Division II (311)</u>			
Energy Costs	\$	574.7	
Other Costs		479.3	
<u>All Other Costs</u>			
Debt Service	\$	518.3	
Support for Local Fund Employment Costs		<u>355.4</u>	
TOTAL -- All Other Costs	\$	<u>1,927.7</u>	
TOTAL -- Capital	\$		10,557.7

(95-15-000) Lake ForestDivision I - Salaries (173)

Formula Employees (241.2)	\$	3,481.1
Cafeteria Employees (1.0)		<u>46.4</u>

TOTAL -- Division I	\$	3,527.5
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Other Employment Costs		<u>1,000.3</u>
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TOTAL -- Division I and Other Employment Costs	\$	4,527.8
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Division II (198)

Energy Costs	\$	365.9
Other Costs		305.1

All Other Costs

Debt Service	\$	296.9
Support for Local Fund Employment Costs		<u>99.4</u>

TOTAL -- All Other Costs	\$	<u>1,067.3</u>
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TOTAL -- Lake Forest	\$	5,595.1
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(95-16-000) LaurelDivision I - Salaries (102)

Formula Employees (151.6)	\$	2,203.0
Cafeteria Employees (.8)		<u>26.7</u>

TOTAL -- Division I	\$	2,229.7
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Other Employment Costs		<u>621.8</u>
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TOTAL -- Division I and Other Employment Costs	\$	2,851.5
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Division II (112)

Energy Costs	\$	207.0
Other Costs		172.6

All Other Costs

Debt Service	\$	195.6
Support for Local Fund Employment Costs		<u>53.1</u>

TOTAL -- All Other Costs	\$	<u>628.3</u>
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TOTAL -- Laurel	\$	3,479.8
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(95-17-000) Cape HenlopenDivision I - Salaries (173)

Formula Employees (253.4)	\$	3,683.3
Cafeteria Employees (1.3)		<u>61.7</u>

TOTAL -- Division I	\$	3,745.0
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Other Employment Costs		<u>1,150.0</u>
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TOTAL -- Division I and Other Employment Costs	\$	4,895.0
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Division II (190)

Energy Costs	\$	351.1
Other Costs		292.8

All Other Costs

Debt Service	\$	495.7
Support for Local Fund Employment Costs		<u>267.5</u>

TOTAL -- All Other Costs	\$	<u>1,407.1</u>
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TOTAL -- Cape Henlopen	\$	6,302.1
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(95-18-000) MilfordDivision I - Salaries (175)

Formula Employees (244.7)	\$	3,542.3
Cafeteria Employees (1.0)		<u>40.4</u>

TOTAL -- Division I	\$	3,582.7
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Other Employment Costs		<u>992.2</u>
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TOTAL -- Division I and Other Employment Costs	\$	4,574.9
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Division II (197)

Energy Costs	\$	364.0
Other Costs		<u>303.6</u>

All Other Costs

Debt Service	\$	246.9
Support for Local Fund Employment Costs		<u>120.7</u>

TOTAL -- All Other Costs	\$	<u>1,035.2</u>
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TOTAL -- Milford	\$	5,610.1
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(95-23-000) SeafordDivision I - Salaries (171)

Formula Employees (246.8)	\$	3,523.4
Cafeteria Employees (1.0)		<u>39.1</u>

TOTAL -- Division I	\$	3,562.5
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Other Employment Costs		<u>1,011.4</u>
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TOTAL -- Division I and Other Employment Costs	\$	4,573.9
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Division II (193)

Energy Costs	\$	356.7
Other Costs		<u>297.4</u>

All Other Costs

Debt Service	\$	230.4
Support for Local Fund Employment Costs		<u>125.2</u>

TOTAL -- All Other Costs	\$	<u>1,009.7</u>
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TOTAL -- Seaford	\$	5,583.6
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(95-24-000) SmyrnaDivision I - Salaries (143)

Formula Employees (204.3)	\$	2,947.6
Cafeteria Employees (1.3)		<u>42.0</u>

TOTAL -- Division I	\$	2,989.6
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Other Employment Costs	840.5
TOTAL -- Division I and Other Employment Costs	\$ 3,830.1
<u>Division II (160)</u>	
Energy Costs	\$ 295.7
Other Costs	246.6
<u>All Other Costs</u>	
Debt Service	\$ 275.2
Support for Local Fund Employment Costs	99.8
TOTAL -- All Other Costs	\$ 917.3
TOTAL -- Smyrna	\$ 4,747.4
<u>(95-29-000) Appoquinimink</u>	
<u>Division I - Salaries (126)</u>	
Formula Employees (180.8)	\$ 2,595.9
Cafeteria Employees (1.0)	27.8
TOTAL -- Division I	\$ 2,623.7
Other Employment Costs	720.7
TOTAL -- Division I and Other Employment Costs	\$ 3,344.4
<u>Division II (143)</u>	
Energy Costs	\$ 264.3
Other Costs	220.4
<u>All Other Costs</u>	
Debt Service	\$ 475.4
Support for Local Fund Employment Costs	92.7
TOTAL -- All Other Costs	\$ 1,052.8
TOTAL -- Appoquinimink	\$ 4,397.2
<u>(95-31-000) Brandywine</u>	
<u>Division I - Salaries (608)</u>	
Formula Employees (881.8)	\$ 13,735.9
Cafeteria Employees (4.5)	97.1
TOTAL -- Division I	\$ 13,833.0
Other Employment Costs	3,961.4
TOTAL -- Division I and Other Employment Costs	\$ 17,794.4
<u>Division II (695)</u>	
Energy Costs	\$ 1,284.4
Other Costs	1,071.0
<u>All Other Costs</u>	
Debt Service	\$ 1,573.5
Support for Local Fund Employment Costs	1,279.7
TOTAL -- All Other Costs	\$ 5,208.6
TOTAL -- Brandywine	\$ 23,003.0

(95-32-000) Red Clay ConsolidatedDivision I - Salaries (761)

Formula Employees (1,084.0)	\$	16,717.0
Cafeteria Employees (2.5)		<u>122.1</u>

TOTAL -- Division I	\$	16,839.1
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Other Employment Costs		<u>4,920.6</u>
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TOTAL -- Division I and Other Employment Costs	\$	21,759.7
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Division II - (888)

Energy Costs	\$	1,641.0
Other Costs		1,368.4
Americanization Program		7.4

All Other Costs

Debt Service	\$	2,031.5
Support for Local Fund Employment Costs		<u>1,517.9</u>

TOTAL -- All Other Costs	\$	<u>6,566.2</u>
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TOTAL -- Red Clay Consolidated	\$	28,325.9
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(95-33-000) ChristinaDivision I - Salaries (741)

Formula Employees (1,042.6)	\$	16,181.6
Cafeteria Employees (2.8)		<u>134.6</u>

TOTAL -- Division I	\$	16,316.2
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Other Employment Costs		<u>4,580.8</u>
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TOTAL -- Division I and Other Employment Costs	\$	20,897.0
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Division II - (835)

Energy Costs	\$	1,543.0
Other Costs		1,286.7

All Other Costs

Debt Service	\$	2,366.2
Support for Local Fund Employment Costs		<u>1,507.2</u>

TOTAL -- All Other Costs	\$	<u>6,703.1</u>
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TOTAL -- Christina	\$	27,600.1
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(95-34-000) ColonialDivision I - Salaries (527)

Formula Employees (730.6)	\$	11,060.0
Cafeteria Employees (2.0)		<u>93.0</u>

TOTAL -- Division I	\$	11,153.0
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Other Employment Costs		<u>3,050.9</u>
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TOTAL -- Division I and Other Employment Costs	\$	14,203.9
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Division II - (600)

Energy Costs	\$	1,108.6
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Other Costs	924.6
<u>All Other Costs</u>	
Debt Service	\$ 1,181.1
Support for Local Fund Employment Costs	<u>1,047.5</u>
TOTAL -- All Other Costs	\$ <u>4,261.8</u>
TOTAL -- Colonial	\$ 18,465.7
<u>(95-35-000) Woodbridge</u>	
<u>Division I - Salaries (97)</u>	
Formula Employees (133.0)	\$ 1,908.4
Cafeteria Employees (.8)	<u>31.0</u>
TOTAL -- Division I	\$ 1,939.4
Other Employment Costs	<u>572.3</u>
TOTAL -- Division I and Other Employment Costs	\$ 2,511.7
<u>Division II - (110)</u>	
Energy Costs	\$ 203.9
Other Costs	<u>169.5</u>
<u>All Other Costs</u>	
Debt Service	\$ 43.6
Support for Local Fund Employment Costs	<u>63.2</u>
TOTAL -- All Other Costs	\$ <u>480.2</u>
TOTAL -- Woodbridge	\$ 2,991.9
<u>(95-36-000) Indian River</u>	
<u>Division I - Salaries (320)</u>	
Formula Employees (437.3)	\$ 6,248.6
Cafeteria Employees (2.3)	<u>83.9</u>
TOTAL -- Division I	\$ 6,332.5
Other Employment Costs	<u>1,774.6</u>
TOTAL -- Division I and Other Employment Costs	\$ 8,107.1
<u>Division II (372)</u>	
Energy Costs	\$ 687.5
Other Costs	<u>573.3</u>
<u>All Other Costs</u>	
Debt Service	\$ 280.6
Support for Local Fund Employment Costs	<u>199.2</u>
TOTAL -- All Other Costs	\$ <u>1,740.6</u>
TOTAL -- Indian River	\$ 9,847.7
<u>(95-37-000) Delmar</u>	
<u>Division I - Salaries (42)</u>	
Formula Employees (59.8)	\$ 870.6
Cafeteria Employees (.3)	<u>10.0</u>

TOTAL -- Division I	\$	880.6
Other Employment Costs		<u>246.0</u>
TOTAL -- Division I and Other Employment Costs	\$	1,126.6
<u>Division II (52)</u>		
Energy Costs	\$	96.1
Other Costs		<u>80.1</u>
<u>All Other Costs</u>		
Debt Service	\$	55.6
Support for Local Fund Employment Costs		<u>19.8</u>
TOTAL -- All Other Costs	\$	<u>251.6</u>
TOTAL -- Delmar	\$	1,378.2
<u>(95-38-000) New Castle Vocational-Technical</u>		
<u>Division I - Salaries (260)</u>		
Formula Employees (373.5)	\$	5,557.3
Cafeteria Employees (.3)		<u>19.0</u>
TOTAL -- Division I	\$	5,576.3
Other Employment Costs		<u>1,627.5</u>
TOTAL -- Division I and Other Employment Costs	\$	7,203.8
<u>Division II (525)</u>		
Energy Costs	\$	970.2
Other Costs		<u>809.0</u>
<u>All Other Costs</u>		
Debt Service	\$	2,899.8
Support for Local Fund Employment Costs		<u>399.6</u>
TOTAL -- All Other Costs	\$	<u>5,078.6</u>
TOTAL -- New Castle Vocational-Technical	\$	12,282.4
<u>(95-39-000) Kent Vocational-Technical</u>		
<u>Division I - Salaries (39)</u>		
Formula Employees (66.0)	\$	981.5
Cafeteria Employees (.5)		<u>13.0</u>
TOTAL -- Division I	\$	994.5
Other Employment Costs		<u>297.2</u>
TOTAL -- Division I and Other Employment Costs	\$	1,291.7
<u>Division II (112)</u>		
Energy Costs	\$	207.0
Other Costs		<u>172.6</u>
<u>All Other Costs</u>		
Debt Service	\$	779.9
Support for Local Fund Employment Costs		<u>21.6</u>
TOTAL -- All Other Costs	\$	<u>1,181.1</u>

TOTAL -- Kent Vocational-Technical	\$	2,472.8
<u>(95-40-000) Sussex Vocational-Technical</u>		
<u>Division I - Salaries (42)</u>		
Formula Employees (63.0)	\$	957.9
Cafeteria Employees		<u>1.5</u>
TOTAL -- Division I	\$	959.4
Other Employment Costs		<u>275.1</u>
TOTAL -- Division I and Other Employment Costs	\$	1,234.5
<u>Division II (116)</u>		
Energy Costs	\$	214.4
Other Costs		178.8
<u>All Other Costs</u>		
Debt Service	\$	246.9
Support for Local Fund Employment Costs		<u>23.4</u>
TOTAL -- All Other Costs	\$	<u>663.5</u>
TOTAL -- Sussex Vocational-Technical	\$	1,898.0
<u>(95-43-000) Howard T. Ennis, Sr. Trainable</u>		
<u>(Administered by Indian River)</u>		
<u>Division I - Salaries (39)</u>		
Formula Employees (80.0)	\$	<u>1,003.5</u>
TOTAL -- Division I	\$	1,003.5
Other Employment Costs		<u>267.3</u>
TOTAL -- Division I and Other Employment Costs	\$	1,270.8
<u>Division II (39)</u>		
Energy Costs	\$	72.1
Other Costs		60.1
<u>All Other Costs</u>		
Debt Service	\$	44.8
Support for Local Fund Employment Costs		<u>21.3</u>
TOTAL -- All Other Costs	\$	<u>198.3</u>
TOTAL -- Howard T. Ennis, Sr. Trainable	\$	1,469.1
<u>(95-51-000) Margaret S. Sterck</u>		
<u>(Administered by Christina)</u>		
<u>Division I - Salaries (25)</u>		
Formula Employees (92.6)	\$	1,199.1
Cafeteria Employees (.3)		<u>4.9</u>
TOTAL -- Division I	\$	1,204.0
Other Employment Costs		<u>335.1</u>
TOTAL -- Division I and Other Employment Costs	\$	1,539.1
<u>Division II (26)</u>		

Energy Costs	\$	48.0
Other Costs		40.1
Residence - Other Costs		75.3
Consultant Services		11.0

All Other Costs

Debt Service	\$	68.5
Support for Local Fund Employment Costs		45.8

TOTAL -- All Other Costs	\$	288.7
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TOTAL -- Margaret S. Sterck	\$	1,827.8
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(95-52-000) Charles W. Bush Trainable
(Administered by Brandywine)

Division I - Salaries (14)

Formula Employees (24.3)	\$	389.9
Cafeteria Employees		1.0

TOTAL -- Division I	\$	390.9
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Other Employment Costs		116.6
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TOTAL -- Division I and Other Employment Costs	\$	507.5
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Division II (16)

Energy Costs	\$	29.6
Other Costs		24.7

All Other Costs

Debt Service	\$	46.4
Support for Local Fund Employment Costs		23.0

TOTAL -- All Other Costs	\$	123.7
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TOTAL -- Charles W. Bush Trainable	\$	631.2
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(95-53-000) John G. Leach
(Administered by Colonial)

Division I - Salaries (18)

Formula Employees (40.0)	\$	479.6
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TOTAL -- Division I	\$	479.6
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Other Employment Costs		130.2
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TOTAL -- Division I and Other Employment Costs	\$	609.8
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Division II (19)

Energy Costs	\$	35.1
Other Costs		29.3
Support for Local Fund Employment Costs		40.1

TOTAL -- All Other Costs	\$	104.5
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TOTAL -- John G. Leach	\$	714.3
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(95-54-000) Meadowood Trainable
(Administered by Red Clay)

Division I - Salaries (19)

Formula Employees (40.0)	\$	576.2
Cafeteria Employees (.25)		4.1

TOTAL -- Division I	\$	580.3	
Other Employment Costs		<u>158.3</u>	
TOTAL -- Division I and Other Employment Costs	\$		738.6
<u>Division II (19)</u>			
Energy Costs	\$	35.1	
Other Costs		<u>29.3</u>	
<u>All Other Costs</u>			
Debt Service	\$	10.6	
Support for Local Fund Employment Costs		<u>34.4</u>	
TOTAL -- All Other Costs	\$	<u>109.4</u>	
TOTAL -- Meadowood Trainable	\$		848.0
<u>(95-55-000) Wallace Wallin School for Trainables</u> <u>(Administered by Colonial)</u>			
<u>Division I - Salaries (17)</u>			
Formula Employees (28.0)	\$	322.9	
Cafeteria Employees (.3)		<u>2.0</u>	
TOTAL -- Division I	\$	324.9	
Other Employment Costs		<u>91.2</u>	
TOTAL -- Division I and Other Employment Costs	\$		416.1
<u>Division II (23)</u>			
Energy Costs	\$	42.5	
Other Costs		<u>35.4</u>	
<u>All Other Costs</u>			
Debt Service	\$	29.2	
Support for Local Fund Employment Costs		<u>28.7</u>	
TOTAL -- All Other Costs	\$	<u>135.8</u>	
TOTAL -- Wallace Wallin School for Trainables	\$		551.9
<u>(95-56-000) Joseph E. Douglass School</u> <u>(Administered by Christina)</u>			
<u>Division I - Salaries (12)</u>			
Formula Employees (24.0)	\$	367.1	
Cafeteria Employees (.3)		<u>3.2</u>	
TOTAL -- Division I	\$	370.3	
Other Employment Costs		<u>106.5</u>	
TOTAL -- Division I and Other Employment Costs	\$		476.8
<u>Division II (12)</u>			
Energy Costs	\$	22.2	
Other Costs		<u>18.5</u>	
<u>All Other Costs</u>			
Debt Service	\$	156.9	
Support for Local Fund Employment Costs		<u>28.6</u>	

TOTAL -- All Other Costs	\$	<u>226.2</u>	
TOTAL -- Joseph E. Douglass School	\$	703.0	
<u>(95-57-000) Brandywine Intensive Learning Center</u>			
<u>Division I - Salaries (42)</u>			
Formula Employees (34.0)	\$	480.2	
Cafeteria Employees (.3)		<u>7.2</u>	
TOTAL -- Division I	\$	487.4	
Other Employment Costs		<u>143.1</u>	
TOTAL -- Division I and Other Employment Costs	\$		630.5
<u>Division II (25)</u>			
Energy Costs	\$	46.2	
Other Costs		38.5	
Support for Local Fund Employment Costs		<u>40.1</u>	
TOTAL -- All Other Costs	\$	<u>124.8</u>	
TOTAL -- Brandywine Intensive Learning Center	\$	755.3	
<u>(95-58-000) Red Clay Intensive Learning Center</u>			
<u>Division I - Salaries (40)</u>			
Formula Employees (51.0)	\$	<u>698.7</u>	
TOTAL -- Division I	\$	698.7	
Other Employment Costs		<u>195.9</u>	
TOTAL -- Division I and Other Employment Costs	\$		894.6
<u>Division II (43)</u>			
Energy Costs	\$	79.5	
Other Costs		66.3	
Support for Local Fund Employment Costs		<u>68.8</u>	
TOTAL -- All Other Costs	\$	<u>214.6</u>	
TOTAL -- Red Clay Intensive Learning Center	\$	1,109.2	
<u>(95-59-000) Christina Intensive Learning Center</u>			
<u>Division I - Salaries (34)</u>			
Formula Employees (40.0)	\$	574.9	
Cafeteria Employees (.3)		<u>5.1</u>	
TOTAL -- Division I	\$	580.0	
Other Employment Costs		<u>173.4</u>	
TOTAL -- Division I and Other Employment Costs	\$		753.4
<u>Division II (36)</u>			
Energy Costs	\$	66.5	
Other Costs		55.5	
Support for Local Fund Employment Costs		<u>68.8</u>	
TOTAL -- All Other Costs	\$	<u>190.8</u>	
TOTAL -- Christina Intensive Learning Center	\$	944.2	

(95-60-000) Christina Autistic SchoolDivision I - Salaries (5)

Formula Employees (11.5)	\$	<u>124.3</u>	
TOTAL -- Division I	\$	124.3	
Other Employment Costs		<u>38.1</u>	
TOTAL -- Division I and Other Employment Costs	\$		162.4

Division II (5)

Energy Costs	\$	9.2	
Other Costs		<u>7.7</u>	
TOTAL -- All Other Costs	\$	<u>16.9</u>	
TOTAL -- Christina Autistic School	\$	179.3	

TOTALS

TOTAL -- DEPARTMENTS			\$ 355,504.9
TOTAL -- HIGHER EDUCATION	\$	85,313.2	
TOTAL -- PUBLIC EDUCATION		<u>244,601.4</u>	
TOTAL -- EDUCATION			\$ <u>329,914.6</u>
GRAND TOTAL -- DEPARTMENTS AND EDUCATION			\$ <u><u>685,419.5</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. 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 6. (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 repealed for fiscal year ending June 30, 1983. The Secretary of Administrative Services shall develop bid specifications with the concurrence of the Budget Director and Controller General for regular passenger vehicles taking into consideration such factors as, but not limited to, economy of operation, gas mileage, maintenance, size, salvage value, life cycle costing and overall cost effectiveness.

(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 restrictions 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 7. (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 upon request, the Controller General and the Auditor of Accounts, and copies shall be made available to the public.

Section 8. 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, 1982.

Section 9. 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, 1983.

Section 10. For the Fiscal Year ending June 30, 1983, 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>
(02-01-001)	Chief Justice	\$ 57.2	\$
(02-01-001)	Associate Justice	56.6	
(02-02-001)	Chancellor	53.7	
(02-02-001)	Vice Chancellor	53.2	
(02-02-002)	Public Guardian	28.5	
(02-03-001)	President Judge	53.7	
(02-03-001)	Judge	53.2	
(02-06-001)	Chief Judge	52.5	
(02-06-001)	Judge	52.0	
(02-08-001)	Chief Judge	52.5	
(02-08-001)	Judge	52.0	
(02-13-001)	Chief Magistrate	34.7	
(02-13-001)	Magistrate	19.6	
(02-17-001)	Director	43.6	
(02-17-002)	Executive Secretary Violent Crimes Comp.		25.3
(02-17-003)	Coordinator - Foster Care Review Board	26.7	
(10-01-001)	Governor	35.0	
(10-02-001)	Budget Director	44.8	
(10-02-007)	Executive Director - Postsecondary Education Commission	36.9	
(10-02-007)	Commission Members - Postsecondary Education Commission	2.4	
(10-02-009)	Director - Information Systems (Memo)	46.2	
(10-03-001)	Director - Delaware Development Office	39.0	13.0
(10-04-001)	Personnel Commissioners	6.0	
(10-04-001)	Personnel Director	33.6	
(10-07-001)	Executive Director - DCJPC	33.7	
(12-01-001)	Lieutenant Governor	16.6	
(12-02-001)	Auditor	25.7	
(12-03-001)	Insurance Commissioner	25.7	
(12-05-001)	State Treasurer	25.7	

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(12-05-002)	Board Members - Pensions	\$	\$ 3.0
(15-01-001)	Attorney General	39.6	
(15-02-001)	Public Defender	35.6	
(15-03-001)	Board Members - Parole	13.0	
(15-03-001)	Parole Board Chairman	35.6	
(20-01-001)	Secretary of State	44.8	
(20-06-001)	Director - Historical and Cultural Affairs	36.7	
(20-15-001)	State Banking Commissioner		42.1
(25-01-001)	Secretary - Finance	49.4	
(25-05-001)	Director - Accounting	40.1	
(25-06-001)	Board Members - Revenue	28.0	
(25-06-001)	Director - Revenue	46.8	
(25-07-001)	Director - State Lottery		47.6
(30-01-001)	Secretary - Administrative Services	37.8	
(30-03-001)	Board Members - Alcoholic Beverage Control Commission	9.6	
(30-03-001)	Executive Secretary - Alcoholic Beverage Control Commission	33.6	
(30-04-004)	Director - Support Operations		30.5
(30-05-001)	Director - Facilities Management	38.8	
(30-05-010)	Executive Secretary - Architectural Accessibility Board	27.2	
(30-05-010)	Board Members - Architectural Accessibility Board	2.7	
(30-06-001)	Director - Purchasing	33.2	
(30-08-001)	Director - Occupational Licensing	25.4	
(30-08-001)	Board Members - Occupational and Health Licensing	39.9	
(30-08-014)	Director - Standardbred Development Fund		22.3
(30-11-001)	Board Members - Public Utilities Commission		63.0
(30-11-001)	Director - Public Utilities Control		31.7
(35-01-001)	Secretary - Health and Social Services	47.6	
(35-02-001)	Director - Business Administration and General Services	33.8	3.7

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(35-03-001)	Director - Planning, Research and Evaluation	\$ 33.8	\$
(35-04-001)	Chief Medical Examiner	61.2	
(35-05-001)	Director - Public Health	62.2	
(35-06-001)	Director - Mental Health	47.5	
(35-07-001)	Director - Economic Services	19.6	19.7
(35-09-001)	Director - Child Protective Services	39.3	
(35-11-001)	Director - Mental Retardation	53.6	
(35-12-001)	Director - State Service Centers	32.1	
(35-14-001)	Director - Aging	7.9	23.6
(38-01-001)	Commissioner - Correction	49.3	
(38-02-001)	Bureau Chief - Administration and Operational Support	36.4	
(38-03-001)	Bureau Chief - Industries and Services	32.1	
(38-04-001)	Institutional Classification Board	9.0	
(38-04-001)	Bureau Chief - Adult	36.4	
(38-05-001)	Bureau Chief - Juvenile	37.0	
(40-01-001)	Secretary - Natural Resources and Environmental Control	44.8	
(40-05-001)	Director - Fish and Wildlife	16.4	16.3
(40-06-001)	Director - Parks and Recreation	33.2	
(40-07-001)	Director - Soil and Water Conservation	29.2	
(40-08-001)	Director - Environmental Control	22.8	22.8
(45-01-001)	Secretary - Public Safety	46.2	
(45-06-001)	Superintendent - State Police	40.7	
(45-06-001)	Assistant Superintendent - State Police	37.2	
(45-07-001)	Director - Motor Vehicles	39.0	
(45-08-001)	Director - Emergency Planning and Operations	12.2	12.2
(45-09-001)	Director - Boiler Safety	26.6	
(45-10-001)	Director - Highway Safety	27.9	
(50-01-001)	Secretary - Community Affairs	43.3	
(50-01-003)	Director - Office of Economic Opportunity	29.5	
(50-01-005)	Public Advocate	38.0	
(50-06-001)	Director - Human Relations	29.5	

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(50-09-001)	Director - Housing	\$	\$ 40.8
(50-10-001)	State Librarian	28.9	
(50-11-001)	Director - Consumer Affairs	29.5	
(50-11-001)	Board Members - Consumer Affairs	3.5	
(55-01-001)	Secretary - Transportation	46.2	
(55-02-001)	Chief - Administration	36.2	
(55-04-001)	Director - Highways	48.9	
(55-06-001)	Director - Delaware Transportation Authority		38.7
(60-01-001)	Secretary - Labor	6.0	33.9
(60-05-001)	Director - Manpower Services		37.0
(60-06-001)	Director - Employment Services		42.5
(60-06-001)	Director - Unemployment Insurance		38.8
(60-07-001)	Director - Industrial Affairs	31.7	
(60-07-002)	Board Members - Industrial Accident Board	40.0	
(60-08-001)	Director - Voc Rehabilitation		37.3
(65-01-001)	Secretary - Agriculture	32.0	
(65-03-001)	Director - Standards and Inspections	27.1	
(65-04-001)	Director - Production and Promotion	29.2	
(70-01-001)	Election - Commissioner	27.8	
(70-02-001)	Board Members - New Castle County Elections	10.5	
(70-02-001)	Administrative Director - New Castle County Elections	23.9	
(70-02-001)	Deputy Administrative Director - New Castle County Elections	23.4	
(70-03-001)	Board Members - Kent County Elections	6.5	
(70-03-001)	Administrative Director - Kent County Elections	23.9	
(70-03-001)	Deputy Administrative Director - Kent County Elections	23.4	
(70-04-001)	Board Members - Sussex County Elections	6.5	
(70-04-001)	Administrative Director - Sussex County Elections	23.9	
(70-04-001)	Deputy Administrative Director - Sussex County Elections	23.4	
(75-01-001)	Fire Marshal	30.0	

<u>Budget Unit</u>	<u>Line Item</u>	<u>General Funds</u>	<u>All Other Funds</u>
(75-02-001)	Director - Fire School	\$ 32.0	\$
(76-01-001)	Adjutant General	34.6	
(95-01-001)	Board Members - State Board of Education	8.4	
(95-01-001)	Superintendent - State Board of Education	49.1	19.9
(95-04-001)	Executive Secretary - Advisory Council on Career and Vocational Education	25.9	25.9

Section 11. (a) The amount appropriated by Section 1 of this Act for salaries includes the estimated amount needed to provide for an 7.0% salary increase for each State employee, unless as otherwise excepted by subsections of this section. This 7.0% increase is to be provided as follows:

- (1) Normal steps or increments included in existing pay plans shall be given July 1, 1982, except those employees who are employed under contract.
- (2) General Salary Adjustment:
 - (a) Each pay plan shall be increased by a percentage rate that is equal to the difference between 7.0% 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.
- (3) 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 7.0% over the salary in effect on June 30, 1982.
- (4) 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, 1982, for all other employees.
- (5) 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 Governor, Delaware State College, Communications Specialists of the State Police, Uniformed State Police, employees of the University of Delaware, Deputy Attorneys General, Assistant Public Defenders, 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 and Other Employment Costs 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, except Section 1326, Title 14, Delaware Code, shall be revised to reflect a 7.0% 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 7.0% 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). The value of increment from the first step (0 years of experience) to the second step (1 year of experience) shall be consonant with the increments for other steps (years of experience). During the fiscal year ending June 30, 1983, employees entitled to salary payments under Sections 1306(a), 1307(1), 1307(3), or 1321(c), Title 14, Delaware Code, shall receive an additional \$600 beyond the annual salary computed by this Section.

(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) The provisions of this section shall not apply to salaries of the Chief Clerk and Assistant Chief Clerk in the House of Representatives and to the Secretary and Assistant Secretary of the Senate in the Senate.

Section 12. (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, employed by the Department of Correction; and

(ii) hazardous duty pay to employees, otherwise qualified, employed by the Delaware State Hospital in the Comegys Building.

(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.

(c) No monies appropriated in Section 1 of this act shall be used by the Justice of the Peace (02-13-000) for the payment of hazardous duty pay.

Section 13. (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 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, 1983. 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. The classification of any employee whose salary is covered by the appropriations in Section 1 of this Act, may be changed during the period this Act is effective if the requested change is certified critical by the appointing authority; and

- (i) The requested change is approved by the State Personnel Director; and
- (ii) The funding source is approved by the State Budget Director; and
- (iii) The requested change is approved by the Controller General.

(d) The classification of any employee whose salary is covered by the appropriations in Section 1 of this Act may be changed to become effective July 1, 1983, provided that the requested change:

- (i) Is determined to be warranted by the State Personnel Director; and
- (ii) Has been processed as part of the regular budgetary process; and
- (iii) Has been funded in the budget appropriation bill and enacted into law.

For purposes of implementing this subsection (d) commencing July 1, 1982, requested changes in an employee's job classification or pay grade in process on the approval of this subsection (d) shall become effective July 1, 1982, provided that such requested change has complied with the legislative intent of this subsection (d) and has been reviewed and approved by the Budget Director and the Controller General.

Section 14. (a) During the fiscal year ending June 30, 1983, 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, 1983, provided that such pay grade changes have been processed as part of the regular budgetary process and the funds for such changes shall be appropriated.

(b) During the fiscal year ending June 30, 1983, 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 15. (a) 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, shall be comparable to salaries and wage rates paid from funds appropriated by the State to employees with similar training and experience who serve in similar positions in the Classified System of Personnel Administration. In the event that there are no similar positions in the Classified System of Personnel Administration, the State Personnel Director shall establish an exempt position classification only for the purpose of assigning a salary or wage rate to said position. On or before September 30, 1982, the State Personnel Director shall publish a list of comparable exempt and Classified System of Personnel Administration positions with their respective salary and wage rates. No exempt employee shall be hired until said list is published. No reclassification of exempt employee, otherwise permitted under Delaware law, shall become effective unless and until a new position is placed on the comparability list. In order to permit the development of the comparability list, State agencies shall provide to the State Personnel Director job descriptions of all exempt positions, education and training requirements for those positions and shall identify positions in the Classified Service which are comparable, if any, as well as any other relevant information sought by the State Personnel Director. The certification of comparability by the State Personnel Director shall not be withheld unreasonably.

(b) Notwithstanding any other provision of the Delaware Law or this Act to the contrary, civilian employees of the Delaware National Guard shall be compensated at a salary and wage rate established by the Federal Civil Service

Commission.

Section 16. (a) The FY 1983 Operating Budget contemplates receipt of federal funds and State special funds for certain programs or functions administered by departments/agencies. Funds herein appropriated in Section 1 of this Act to match the federal or State special funds shall be expended only to the extent that federal or State special funds shall have been made available.

(b) Upon being informed that such program or function is terminated or funds therefor are reduced, the head of the department/agency shall immediately notify, in writing, the people identified in this subsection and promptly:

- (i) Reduce proportionately the expenditure of funds from the matching general funds of the State appropriated to match such federal or State special funds; and
- (ii) Submit, in writing, to the Governor, Chairman and Vice Chairman of the Joint Finance Committee, Controller General, Budget Director, and Secretary of Finance a plan describing how each individual program or function will be accomplished, including general fund operating budget line item expenditure reductions.

(c) Upon notification that the federal or State special funds are reduced or terminated when the General Assembly is duly convened, the Governor or the Joint Finance Committee may propose legislation for consideration by the General Assembly to continue the program or function. In the event the General Assembly does not authorize continuation of the program or function, the Budget Director is hereby directed to revert the remaining matching general funds.

(d) Any personnel employed by a department/agency to implement a program funded by federal funds or 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. 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 17. 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 18. (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 19. 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 \$12,198, 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 20. 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	\$ 96.75
(2) Speaker of the House of Representatives	96.75
(3) Majority and Minority Leader of the Senate	80.65
(4) Majority and Minority Leader of the House	80.65
(5) Chairman and Vice Chairman of the Joint Finance Committee	80.65
(6) Majority and Minority Whip of the Senate	64.50
(7) Majority and Minority Whip of the House	64.50
(8) Members of the Joint Finance Committee	32.30

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 or 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 21. (a) 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 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.

(b) The remaining balances of the Office of Research Director from the fiscal year 1982 appropriations for Desegregation Committee expenses and for

Reapportionment expenses shall be continuing appropriations, respectively, for fiscal year 1983 and shall not be subject to reversion until June 30, 1983.

Section 22. No funds are appropriated in Section 1 of this Act for Salaries in Judicial (02-00-000) for the purpose of "leveling up" salaries of non-Judiciary positions.

Section 23. Section 1 of this Act provides an appropriation for Contractual Services in Public Guardian (02-02-002) for the fiscal year ending June 30, 1983. None of this appropriation shall be used for the payment of legal services.

Section 24. Section 1 of this Act authorizes 223.0 General Fund positions to the Family Court (02-08-001). Of these positions, 3.0 are new, entry level Steno Clerks, one to be assigned to each county.

Section 25. 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 26. The Delaware Foster Care Review Board (02-17-003) 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 27. The Office the Budget 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 Budget Director, 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 Budget 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 28. For the fiscal year ending June 30, 1983, the remaining balances of the Office of Budget from fiscal year 1982 appropriations for Management Improvement Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1983. For the fiscal year ending June 30, 1983, the remaining balances, excluding remaining balances for Other Employment Costs, of the Administration Section, State Treasurer from fiscal year 1982 appropriations shall be a continuing appropriation and transferred to the Management Improvement Program and shall not be subject to reversion until June 30, 1983. 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 29. For the fiscal year ending June 30, 1983, the remaining balances of the Office of the Budget from fiscal year 1982 appropriations for Budget Automation Program shall be a continuing appropriation and shall not be subject to reversion until June 30, 1983.

Section 30. 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.

Section 31. (a) 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 and school district's budget. Once allocated, no funds shall be transferred between the salaried line items except as provided in Section 6528, Title 29, Delaware Code and subsections (d) and (e) of Section 11 of this Act.

(b) Section 1 of this Act provides appropriations in Division II of school districts budgets and in agencies' budgets for Contractual Services,

which include funds for energy. The Budget Director shall promptly allocate the energy funds from the appropriations for Division II and for Contractual Services among the object code items, i.e. Electricity, Gas, or Heating Fuels, in each school district's and each agency's budget respectively. Once allocated, no funds shall be transferred between the object code items except as provided in Section 6528, Title 29, Delaware Code.

Section 32. Any Budget Unit having energy funding (accounting codes 33, 34 and 35) for the purpose of reimbursing a host Budget Unit must transfer any remaining sums to the host Budget Unit in the event that the tenant Budget Unit vacates the premises. For the purpose of reasonable accuracy in tracking energy dollar usage (electricity, gas and heating oils) all such billing must be paid on a timely and monthly basis. All back charge billings must also be made on a timely and monthly basis and payment reimbursements made to the billing Budget Unit within five working days.

Section 33. If the funding provided for the buildings which were transferred from the Building Maintenance Budget Unit, (30-05-004), is insufficient or in excess due to incorrectly established consumption units; then, the Budget Office in consultation with the Energy Management System Group and with concurrence of the Controller General will process funding transfers between the Building Maintenance Budget Unit and the Budget Unit with the shortage or surplus.

Section 34. The Delaware Postsecondary Education Commission is transferred into the Executive Department under the Office of the Budget (10-02-000).

Section 35. For the fiscal year ending June 30, 1983, the Information Systems unit in the Office of the Budget is established, and shall have the power to perform and shall be responsible for the performance of all powers, duties and functions heretofore vested in the Department of Administrative Services, pursuant to Chapters 66 and 88, Title 29, Delaware Code.

Section 36. Sections 6603 and 6604, Chapter 66, Title 29, Delaware Code, stipulate that the Director of the Division of Central Data Processing shall exercise certain approval or disapproval authority. For the fiscal year ending June 30, 1983, this power, duty and function of the Director shall vest with the Budget Director.

Section 37. The General Assembly finds that information needed to assess the level of efficiency and effectiveness with which State agencies deliver services to the citizenry exists today in separate, fragmented, non-integrated, redundant and often incompatible data bases. These data bases have been built and are administered independently by the various agencies, even though the data itself - information about citizens, corporations and other groups - is of interest across agency lines of responsibility. This fragmentation has resulted in information systems that do not permit the General Assembly to make properly informed judgements relative to the allocation of scarce State resources to program activities where greatest needs of the citizens exist. Accordingly,

(a) The General Assembly hereby directs the Office of the Budget to establish the function of State Data Base Administration. The responsibilities of this function shall include:

- (1) Management control and policy direction over all aspects of computerized data requirements definition, data acquisition, data storage and dissemination, data retention periods and retirement standards.
- (2) The creation and maintenance of a Statewide Data Dictionary in which each element of data is defined, collection responsibilities affixed and data access by legitimate users clearly established.

(b) No agency shall:

- (1) Claim ownership of computerized data needed by another agency in the performance of its lawful duties.
- (2) Create a computerized data base without the approval of the

Budget Director or designated Data Base Administrator.

(c) Whenever an agency specifies the need for creation of a computerized data base, the Data Base Administrator shall call together representatives from other agencies who share lawful interest in such data that integrated data bases may be structured and data elements commonly defined.

(d) The Budget Director shall liberally construe the parts of this Section toward the end of constructing an integrated State data base, capable of meeting the coordinated management information generally described above.

Section 38. 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 Information Systems in the Office of the Budget 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 Information Systems Unit, 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 Information Systems in the Office of the Budget.

Section 39. (a) The appropriation in Section 1 of this Act of \$1,489.9 to the Office of the Budget (10-02-000), contemplates data processing services for State Department/Agencies development projects and feasibility studies:

<u>DEPARTMENT/AGENCY</u>	<u>SERVICE NEED</u>
Transportation	General Feasibility
Finance	Payroll/Personnel, Accounting and Revenue Development
Public Safety	State Police Feasibility
State	Franchise Tax Development
Health & Social Services	IS Development and Implementation
Budget	Budget System Development
Natural Resources	General Feasibility
Correction	Inmate Classification Systems

Allocation of the funds appropriated for this purpose shall be made by the Budget Director in consultation with the affected department/agency head. In the event there are federal funds available for match in support of a project or projects, the Budget Director and the Controller General may transfer such funds as are necessary for matching purposes to the department/agency involved.

(b) No computer or computer-programming related systems project identified in subsection (a) of this section may be initiated by the department/agencies in fiscal year 1983 unless covered by a formalized plan approved by the department/agency head and the Budget Director. Such project will be in the form approved by the Budget Director, or the designee, and shall include:

- (i) statement of work to be done;
- (ii) existing work to be modified or displaced;
- (iii) total cost of systems development and conversion effort, including systems analysis and programming cost, establishment of master files, testing, documentation, special equipment costs, including full overhead, savings or added operating costs that will result after development or conversion;
- (iv) other advantages or reasons that justify the work;
- (v) source of funding for the work and whether or not work is within scope of work envisioned under this section;

- (vi) estimated costs of such project shall include a three-year projection, i.e., current fiscal year, and two succeeding fiscal years.

(c) No project is to be undertaken which is beyond the scope of work approved by the department/agency head and the Budget Director. This requirement applies to all computer or computer-programming related systems development performed by Information Systems in the Office of the Budget, department/agency itself or an outside consultant or contractor. Further, this requirement applies to new computer programs or systems purchased or otherwise acquired and placed in use.

(d) Status reports, sufficiently descriptive in nature, of each project shall be prepared by each department/agency and provided periodically to the Budget Director and the Controller General.

(e) In support of all projects executed between Information Systems in the Office of the Budget and the concerned Department/Agency, Information Systems 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.

(f) No funds appropriated in Section 1 of this Act may be used to employ data or word processing professionals in support of current or proposed data or word processing systems without prior written approval of the Budget Director.

Section 40. (a) Section 1 of this Act appropriates \$1,489.9 to the Office of the Budget (10-02-000) for Data Processing - Development Projects. Of this amount, \$497.3 is designated for use in the development and operations of information systems in support of the Department of Health and Social Services.

(b) The General Assembly intends, through this appropriation, that the Budget Director shall exercise management control over all aspects of computerized systems within Health and Social Services. Specifically:

(1) The Budget Director shall evaluate the status of current system development within Health and Social Services. If the scope of developmental efforts is deemed by the Budget Director to be beyond the capabilities of the resources made available herein, alternative courses of action shall be explored. Such alternatives may include:

[a] The transfer of funds from other appropriations made within this Act to the Department of Health and Social Services. In this event, such requests shall be made by the Budget Director to the Controller General.

[b] Re-arrangement of Project schedules and priorities as deemed necessary by the Budget Director.

(2) [a] All data processing personnel, hardware, software and other information resources currently under the management control of the Secretary, Department of Health and Social Services, are hereby transferred to the management control of the Budget Director.

[b] Wherever such resources appear in appropriations made to Health and Social Services in Section 1 of this Act, they shall be construed to be under the administrative control of Health and Social Services, but under the management control of the Budget Director.

(3) The Department of Health and Social Services shall maintain all buildings, utilities and other support services, as defined by the Budget Director, necessary to accomplish the intent of this Section.

Section 41. Any Department with classified, temporary and/or seasonal personnel from funds other than those appropriated from the General Fund of the State shall pay to the Office of State Personnel from the Special Funds a prorated share of the expense of the Office of State Personnel, as approved by the Budget Director and the Controller General. 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 42. During the fiscal year ending June 30, 1983, no department or agency shall engage a consultant or authorize expenditure of any general or special funds for the purpose of studying personnel policies of the wage and salary classification of employees without the written authorization of the Personnel Director and the concurrence of the Controller General.

Section 43. Section 1 of this Act provides appropriations for Salaries of employees in a number of State agencies for certain positions in fiscal year 1983 which positions were funded with Federal Funds during the fiscal year ending June 30, 1982. 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 1983. 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 44. Section 1 of this Act provides an appropriation to the Delaware Development Office, Office of the Director (10-03-001) for Other Items. Of that amount, \$5.0 will be made available for use by the "Why Not Delaware Committee."

Section 45. 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, 1983, such salary payments to Board Members shall be at the rate of \$50 per meeting.

Section 46. The sums appropriated in fiscal year 1983 to Delaware Criminal Justice Planning Commission for criminal justice planning grants to State agencies to provide funds to match grants from the federal government, which are not disbursed on June 30, 1983, and shall continue to be available on a matching basis for the life of each criminal justice 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 47. 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 \$14,520 for serving as President of the Senate, plus an additional sum of \$2,030 annually for performing his other duties."

Section 48. (a) The appropriation for salaries to the Insurance Commissioner (12-03-001) in Section 1 of this Act provides one (1) exempt position - Insurance Actuary for rate cases.

(b) The appropriation for contractual services to the Insurance Commissioner (12-03-001) in Section 1 of this Act shall not be used for "public relations" related activities.

Section 49. Section 1 of this Act provides a special fund appropriation of \$250.0 to the State Treasurer, Administration (12-05-001) Cash Management Policy Board for the purpose of providing staff support and operational expenses. Before making any expenditures from this line item, the Cash Management Policy Board shall submit a proposal in writing to the Budget Director and the Controller General itemizing the expenditure and the justification for such expenditure. The \$250.0 in interest income on bank deposits shall be coded as special fund revenue to provide funds for operation of the Cash Management Policy Board.

Section 50. (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, Health Insurance and Worker's Compensation 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, including school local funds and/or Division III funds, 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, Health Insurance, and Worker's Compensation.

(c) All appropriations for "Support for Local Fund Employment Costs" shall be available to local school districts periodically in the same number of equal amounts over the fiscal year as are the number of regular payments determined pursuant to subsection (b) of this section. A local school district may expend or encumber such periodic amount provided, however, that it has made its regular scheduled payment under subsection (b) of this section.

(d) The State Treasurer is hereby directed to collect on a regularly scheduled basis, as determined by the Secretary of Finance, all the Other Employment Costs from non-state funds.

Section 51. (a) Amend Section 5616, Chapter 56, Title 29, Delaware Code, by striking Subsection (b) in its entirety as it appears in said Section 5616 and substituting in lieu thereof a new Subsection (b) to read as follows:

"(b) The State's appropriation to the Fund for a fiscal year shall be based on the determinations of the normal rate of contributions and the unfunded past service cost made pursuant to the last completed actuarial valuation, as follows:

- (1) The appropriation for the fiscal year 1982-83 shall be 30% of the sum of the normal cost for the year and the annual payment that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1982;
- (2) The appropriation for the fiscal year 1983-84 shall be 40% of the sum of the normal cost for the year and the annual payment of that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1983;
- (3) The appropriation for the fiscal year 1984-85 shall be 50% of the sum of the normal cost for the year and the annual payment that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1984;
- (4) The appropriation for the fiscal year 1985-86 shall be 60% of the sum of the normal cost for the year and the annual payment that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1985;
- (5) The appropriation for the fiscal year 1986-87 shall be 70% of the sum of the normal cost for the year and the annual payment that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1986;
- (6) The appropriation for the fiscal year 1987-88 shall be 80% of the sum of the normal cost for the year and the annual payment that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1987;
- (7) The appropriation for the fiscal year 1988-89 shall be 90% of the sum of the normal cost for the year and the annual payment of that would be required, on a level percentage basis, to amortize the unfunded past service cost over 40 years from July 1, 1988;
- (8) The State's appropriation to the Fund for the fiscal year ending June 30, 1990, 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, 1989. 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."

(b) Amend Section 5616, Chapter 56, Title 29, Delaware Code by adding a new subsection (c) to read as follows:

"(c) Notwithstanding any provisions of this chapter to the contrary, funds appropriated under subsection (b) of this section shall not be used to pay claims arising from any changes in member contribution rates that occurred prior to July 1, 1982."

Section 52. 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 (investment expenses) 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 53. (a) If, at any time during the fiscal year ending June 30, 1983, but prior to June 15, 1983, 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 Girard Bank 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 Girard Bank 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, 1983, but prior to June 15, 1983, 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, 1983.

Section 54. 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 55. (a) The General Assembly hereby declares, effective July 1, 1982, that:

(1) Estimates of anticipated General Fund revenues shall be reflected by major categories for the current and next immediate fiscal years;

(2) Anticipated General Fund revenue estimate figures shall be

reported as net, i.e., anticipated refunds for overpayments of taxes and fees required by Delaware State Law shall be subtracted by major categories for the current and next immediate fiscal years from gross estimates of anticipated General Fund revenues; and

- (3) The Secretary of Finance shall report such revenue refund disbursements on all financial statements issued by the Department of Finance. Further, estimates of fiscal year revenues and disbursements prepared by the Delaware Economic and Financial Advisory Council shall follow this procedure.

(b) There is hereby established a Revenue Refund Account within the Office of the State Treasurer. Prior to depositing receipts and monies of this State to the credit of the State Treasurer in the General Fund, the State Treasurer and the Secretary of Finance shall determine the appropriate refund amounts by major categories and pay same into the Revenue Refund Account.

(c) The General Assembly hereby appropriates such sums as are on deposit in the Revenue Refund Account for the purpose of making refunds for overpayment of taxes and fees. Payment of refunds for overpayments of taxes and fees required by Delaware State Law shall be made within the applicable period of limitations by the State Treasurer, in accordance with established procedures and practices and the provisions of the Delaware Code.

(d) The State Treasurer shall prepare and issue reports periodically, upon request, as follows:

- (1) Estimates of refund disbursements for the current fiscal year and next succeeding fiscal year by major categories for use by the Delaware Economic and Financial Advisory Council and/or members thereof; and
- (2) Status of Revenue Refund Account by major categories at the close of business for each month for use by the Secretary of Finance, the Budget Director, and the Controller General.

(e) Total refunds of overpayments of taxes and fees required by Delaware State Law to be paid during any fiscal year, as certified by the State Treasurer and the Secretary of Finance as necessary for such payments, shall not exceed the estimate adopted by the Delaware Economic and Financial Advisory Council as of each reporting date.

Section 56. 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, 1983.

Section 57.(a) Section 1 of this Act authorized \$496.3 in Contractual Services for the Office of the Attorney General (15-01-001). Of this amount, \$152.0 shall be used for the purpose of providing services covering family violence in New Castle County and \$107.2 shall be used for the purpose of providing services covering family violence in Kent and Sussex Counties.

(b) Of the total positions authorized in Section 1 of this Act for (15-01-001) Office of the Attorney General, two (2) shall be deputy attorneys general and one (1) shall be a Legal Steno I for use in the Post Arrest Processing Center at the Multi-Purpose Criminal Justice Facility.

Section 58. Of the total Deputy Attorneys General authorized in Section 1 of this Act to the Office of Attorney General (15-01-001), two (2.0) shall be assigned to the Family Court for service in Kent and Sussex Counties.

Section 59. Section 1 of this Act appropriates \$24.1 for Capital Outlay to the Office of the Attorney General (15-01-001). Of this amount, \$3.0 is provided for the move to the Multi-Purpose Criminal Justice Facility. Should the Office of the Attorney General not establish an office in FY 1983 in the Multi-Purpose Criminal Justice Facility, \$3.0 shall promptly revert to the General Fund of the State of Delaware.

Section 60. Of the total positions authorized in Section 1 of this Act for (15-02-001) Public Defender, one (1) position, designated as Clerk II

shall be assigned to the Sussex County Office of the Public Defender.

Section 61. Section 1 of this Act appropriates \$7.8 for Capital Outlay and \$23.7 for Supplies and Materials to the Public Defender (15-02-001). Of this amount, \$3.0 from Capital Outlay and \$3.0 from Supplies and Materials is provided for the move to the Multi-Purpose Criminal Justice Facility. Should the Public Defender not establish an office in FY 1983 in the Multi-Purpose Criminal Justice Facility, \$6.0 shall promptly revert to the General Fund of the State of Delaware.

Section 62. All agency appropriations as set forth in Contractual Services or Other Items in Section 1 of this Act for Microfilm Services shall be credited by the Secretary of Finance to Microfilm Services (20-06-005). No additional expenditures may be made for microfilm services by any State department or agency without the prior approval of the Division of Historical and Cultural Affairs. Any program or function of any State department or agency requiring microfilm services, funded by Federal funds or other State special funds, shall pay for such services from said funds.

Section 63. The Secretary of Finance shall enforce the provisions of Title 29, Chapter 65, Section 6521.

Section 64. (a) Any document, notably Department of Finance Form AO-1, that recodes encumbrances or disbursements from special to general funds and is approved by the Secretary of Finance or his designee, shall be submitted to the Controller General for review before further processing.

(b) Whenever any document is determined by the Controller General to be at variance with any appropriation act, it shall be returned to the Secretary with appropriate comments in memo form.

(c) Copies of memos described in subsection (b) will be sent to the Speaker of the House, President Pro Tempore of the Senate, Chairman and Vice Chairman of the Joint Finance Committee, and the Budget Director.

(d) No document shall be approved by the Secretary of Finance or his designee if, in his opinion, the transaction should have been initiated by the submission of a Request for Transfer - Budget Director Form TF-1. The Secretary or his designee may submit any document, subject to this subsection, to the Budget Director for his opinion, which shall be binding.

(e) A copy of any document which recodes revenue from general to special funds and is approved by the Secretary of Finance or his designee shall be furnished the Controller General upon request.

Section 65. The Division of Revenue, Department of Finance is authorized to establish and maintain a special fund with the State Treasury for the purposes of contracting for the collection of delinquent State taxes. The contracts will provide for, but not necessarily be limited to, the collection of delinquent accounts from persons and businesses presently located out-of-State. Deposits to the special fund shall be from the collection of delinquent taxes under such contracts. Deposits which are not required to carry out the purposes described in this Section shall be transferred by the Director of Revenue to the General Fund within 30 days from the end of each quarter of the calendar year.

Section 66. (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, the total operating budget for the fiscal year ending June 30, 1983, 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 67. All State agencies, except for the Department of Administrative Services, are prohibited from renting parking spaces in the underground parking facility at the Carvel State Building. It is the intent

of this section to clearly establish that 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 68. The Department of Administrative Services will be responsible for developing standards for office furniture and equipment for the Carvel State 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 Carvel State 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 69. 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 70. Five hundred and fifty thousand dollars (\$550.0) is hereby advanced from the General Fund of the State to the Division of Support Operations (30-04-000) in order that telephone charges can be paid on a reasonable timely basis.

Section 71. Seventy-two thousand dollars (\$72.0) is hereby advanced from the General Fund of the State to the Division of Support Operations (30-04-000), in order that postage charges can be paid on a reasonable timely basis.

Section 72. The appropriation for salaries in Section 1 of this Act to the Department of Administrative Services, Division of Support Operations, Telephone Services (30-04-003), provides for three (3) positions of State Operator II and one (1) Telephone Services Supervisor. Of these positions, one (1) State Operator II position shall be located in each county.

Section 73. The General Assembly finds that currently no statewide policies or standards exist for defining transportation requirements, acquiring vehicles, operating and maintaining them and disposing of them at the conclusion of their expected usefulness. The General Assembly hereby creates the Office of Fleet Management within the Division of Facilities Management of the Department of Administrative Services (30-00-000), effective July 1, 1982.

(a) Duties and responsibilities of the office shall include:

- (i) Establish statewide policies and standards for vehicle needs assessment, acquisition, maintenance, repair, general operation and vehicle disposition.
- (ii) Monitor and audit agency adherence to such policy and standards.
- (iii) Study, evaluate and recommend to the General Assembly ways to improve fuel utilization, including potential consolidation of fuel dispensing sites, and use of computerized fuel management systems.
- (iv) Train agency representatives in sound vehicle management principles and operations.
- (v) Coordinate vehicle purchasing policies with the State Divisions of Purchasing, Accounting and other related state functions.

- (vi) Contract with Information Systems in the Office of the Budget to construct responsive information systems relative to fleet management.
 - (vii) Receive, investigate and resolve all citizen complaints relative to abuse or misuse of fleet vehicles.
- (b) All state-owned passenger vehicles, specifically cars, station wagons and vans, are covered by this Section, which vehicles are hereafter referred to as "the fleet." The State Police, having unique vehicle requirements in the law enforcement function, shall be exempt from policy direction by the Office of Fleet Management.
- (c) There shall be an Advisory Committee to assist the Fleet Administrator in these efforts. All policy issues shall first be reviewed with the Committee before implementation. Each of the following departments shall appoint one individual to serve as the department's fleet coordinator: Transportation, Health and Social Services, Public Safety, Natural Resources and Environmental Control, Correction, and Public Instruction. The representative from the Department of Public Safety may be designated from the Division of State Police. The Fleet Administrator shall function as chairman of the Advisory Committee. It shall be the responsibility of each departmental coordinator to coordinate the activities of fleet administration, as defined by the Office of Fleet Management, within the respective departments.
- (d) The Fleet Administrator shall cause all vehicle titles to be held, though not owned, within the Office of Fleet Management.
- (e) The Department of Administrative Services through the Office of Fleet Management shall implement a fleet management program on a department by department basis in an orderly and scheduled basis so that the program shall become statewide with a minimum of disruption and consistent with good and practicable management.

Section 74. Section 1 of this Act provides a memorandum budget for Graphics and Printing (30-04-004). In the event the revenue available to 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 75. 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 76. Section 1 of this Act appropriates Special funds for the Public Utilities Control Budget Unit per Chapter 1, Title 26, Delaware Code. Of the \$1,028.6 available in the Contractual Services line, \$99.4 is available to the Office of the Public Advocate to perform studies consistent with the goals and objectives of the Public Utility Revolving Fund and with the approval of the Public Service Commission.

Section 77. 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, 5.5 General Fund and 5.5 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, the Director of Research of Legislative Council, members of the Joint Finance Committee, 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 78. Section 1 of this Act provides for an appropriation of \$5.0 to Community Health (35-05-002) in Contractual Services 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. Section 1 of this Act provides an appropriation for Other Items to (35-05-002) Division of Public Health, Community Health, Department of Health and Social Services. Of this amount, \$15.0 shall be used by the Narcotics and Dangerous Drugs Unit for the purchase of equipment and operational expenses.

Section 80. Of the total amount appropriated to Other Items in Section 1 of this Act to Community Health (35-05-002), Division of Public Health, \$71.3 is appropriated for the purpose of providing school nursing services three days a week to non-public schools in New Castle County.

Section 81. Section 1 of this Act provides an appropriation for Contractual Services to (35-06-003) Division of Mental Health, Mental Hygiene Clinics, Department of Health and Social Services. Of this amount, \$8.9 shall be used to provide mental health services, professional testing and evaluation, and prescribing of medication for local clients at the Claymont Community Center.

Section 82. Section 1 of this Act provides an appropriation of \$13.3 which represents Salary and Other Employment Costs for the addition of 1.0 position to (35-06-008) Division of Mental Health, Bureau of Substance Abuse, Department of Health and Social Services. This additional position is for the purpose of providing drug and alcohol counseling services to local clients at the Claymont Community Center.

Section 83. (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 provided for within the State Plan under Title XIX of the Social Service Act and 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) Rural health clinics services with limitations
 - (4) Laboratory and X-ray services
 - (5) Skilled nursing facility services
 - (6) Early and periodic screening, diagnosis, and treatment services
 - (7) Family planning services
 - (8) Physician services

- (9) Home health services
- (10) Other licensed practitioners with limitations
- (11) Clinic services
- (12) Prescribed drugs with limitations
- (13) Services for individuals, age 65 or older, in institutions for mental disease
- (14) Intermediate care facility services
- (15) Emergency hospital services
- (16) Transportation
- (17) Co-insurance and deductibles for Title XVIII/XIX recipients
- (18) Limited services in the following areas:
 - Prosthetic devices
 - Diagnostic services

as defined in 42 CFR §440, Sub-part A and as limited by the Medicaid State Plan.

(b) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for Title XIX - State Institutions shall be expended solely in accordance with the following conditions and limitations:

- (i) Such 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.

(c) Patients who reside in skilled care nursing homes, intermediate care 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 84. Funds appropriated in Section 1 of the Act to the Department of Health and Social Services, Division of Economic 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, 1983. 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 85. For the fiscal year ending June 30, 1983, the Division of Economic 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 86. The error reduction unit funded in the Division of Economic Services (35-07-001) shall report directly to the Director of the Division of Economic Services.

Section 87. Section 1 of this Act provides an appropriation to (35-07-001) Division of Economic Services for Contractual Services. Of this appropriation, \$45.0 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 88. Section 1 of this Act provides an appropriation for Other Items to (35-09-001) Division of Child Protective Services, Department of Health and Social Services. No more than \$100.0 shall be used to contract with a provider of services at the Franklin Street Shelter.

Section 89. Section 1 of this Act provides an appropriation for Contractual Services to (35-07-001) Division of Economic Services, Department of Health and Social Services. Of this amount, \$19.0 shall be used to contract with the State Fire Marshal for Day Care inspection services.

Section 90. If, at any time during the fiscal year ending June 30, 1983, 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 shall be advanced 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 advance of funds for the purpose described above, if all such previous advancements have not been fully reimbursed.

Section 91. One hundred seventy thousand dollars (\$170.0) is hereby advanced from the General Fund of the State to the Department of Health and Social Services (35-02-001), in order that the Public Welfare Revolving Fund emergency checks can be paid on a timely basis and without interruption.

Section 92. The Department of Health and Social Services is hereby authorized to implement the provisions of Merit Rule 12.0300 in the employment of Registered Nurses and Licensed Practical Nurses pending certification, providing such employment is at the first step of the appropriate pay grade.

Section 93. Section 1 of this Act provides an appropriation for Contractual Services to (35-12-001) Division of State Service Centers, Department of Health and Social Services. Of this amount, \$40.0 shall be used for "Information Services."

Section 94. Section 1 of this Act provides an appropriation for Contractual Services to (35-11-002) Division of Mental Retardation, Stockley Center, Department of Health and Social Services. Of this amount, \$10.0 shall be used for services provided by Camp Barnes.

Section 95. Section 1 of this Act provides an appropriation for "Adult Protective Services Pilot Program" to (35-14-001) Division of Aging,

Department of Health and Social Services. In the event that legislation authorizing the parameters of such a pilot program is not enacted into law, the appropriation for this purpose shall promptly revert to the General Fund.

Section 96. Section 1 of this Act includes funding for a 20% salary supplement to be paid to professional educators who are otherwise eligible and employed by the Department of Correction and the Department of Health and Social Services.

Section 97. Of the total funds appropriated in Section 1 of this Act for Contractual Services in the Department of Corrections, Adult Bureau Chief (38-04-001), \$342.0 is designated for use in housing and transportation of inmates out-of-state. Should any or all of these funds not be required for housing and transportation of inmates out-of-state, such amount shall revert to the General Fund of the State of Delaware.

Section 98. (a) Of the total positions authorized in Section 1 of this Act for (38-04-007) Kent Correctional Center, one (1) position shall be used to expand the existing highway beautification project in the Central District.

(b) Of the total positions authorized in Section 1 of this Act for (38-04-003) Delaware Correctional Center, two (2) positions shall be used to expand the existing highway beautification project in the Northern District.

Section 99. Of the total funds appropriated in Section 1 of this Act for Contractual Services in the Department of Correction, Office of the Commissioner (38-01-001), \$21.0 is designated for use as inmate wages. Of this amount, at least \$10.5 is allocated to Kent Correctional Institution.

Section 100. No funds are appropriated in Section 1 of this Act to the Multi-Purpose Criminal Justice Facility (38-04-006) for Capital Outlay to purchase televisions.

Section 101. Section 1 of this Act appropriates \$515.6 in Salaries and authorizes 31.0 positions to Community Corrections (38-04-010). Of this amount, \$34.3 and 3.0 positions are to be used to staff proposed Halfway Houses and 1.0 position for supervised custody program. Should no funds be made available in the 1983 Bond Bill for construction of Halfway Houses, 3.0 positions shall be deauthorized and the corresponding salaried monies and Other Employment Costs appropriated to Community Corrections shall revert to the General Fund of the State of Delaware.

Section 102. Of the total General Fund positions authorized in Section 1 of this Act to the Department of Correction, Community Services (38-04-009), 5.0 are designated as staff for the purpose of establishing a collections program as required under the terms and provisions of Chapter 141, Volume 63, Laws of Delaware, otherwise known as the Restitution law.

Section 103. Of the total General Fund positions authorized in Section 1 of this Act for the Ferris School for Boys (38-05-002), three (3) positions shall be Counselors for the purpose of advancing the program "Because We Care".

Section 104. The appropriations in Section 1 of this Act to the Department of Natural Resources and Environmental Control (40-00-000) provides \$10.0 for the implementation of the provisions of Chapter 174, Volume 63, Laws of Delaware, otherwise known as the "Bottle Bill."

Section 105. (a) Amend Section 6006, Chapter 60, Title 7, Delaware Code by adding after the period at the end of Subsection (5) the following:

"Any fees collected under this chapter are hereby appropriated to the Department to carry out the purposes of this chapter. The Secretary shall report through the annual budget process the receipt, proposed use and disbursement of these funds."

(b) Amend Section 6607, Chapter 66, Title 7, Delaware Code by adding following Subsection (3) a new subsection (4) as follows:

"(4) Any fees collected under this chapter are hereby appropriated to the Department to carry out the purposes of this chapter. The Secretary shall report through the annual budget process the receipt, proposed use and disbursement of these funds."

(c) Amend Section 6156, Chapter 61, Title 7, Delaware Code by adding following Subsection (b) a new subsection (c) as follows:

"(c) All costs and deposits collected under this subchapter are hereby appropriated to the Department to carry out the purpose of this chapter. The Secretary shall report through the annual budget process the receipt, proposed use and disbursement of these funds."

Section 106. 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 \$60,000;
- (2) To the Soil and Water Conservation Division for use in Kent County, a sum not in excess of \$60,000;
- (3) To the Soil and Water Conservation Division for use in Sussex County, a sum not in excess of \$60,000."

Section 107. Section 1 of this Act appropriates Salaries to the Division of State Police (45-06-000). For the fiscal year ending June 30, 1983, \$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 108. Section 1 of this Act provides an appropriation for Other Items to (45-06-009) Training, Division of State Police, Department of Public Safety. Of this amount, \$10.0 shall be used for the State Police and local police for a training program in "Administration of Small Police Departments."

Section 109. Section 1 of this Act appropriates funds and positions to the various budget units within the Division of State Police. The Superintendent of the State Police shall transfer one (1) trooper from among the various sections in the Division of State Police, to the already existing Investigative Strike Force. The minimum Trooper strength for the Investigative Strike Force shall be eleven (11) for FY 1983.

Section 110. Section 1 of this Act appropriates funds to Vehicle Inspection of the Division of Motor Vehicles (45-07-005) as follows:

Salaries (7)	\$37.7
Other Employment Costs	8.3
Contractual Services	10.0
Supplies and Materials	<u>2.3</u>
	\$58.3

These funds will only be expended for the Emissions Control program when and if failure to begin such a program will cause a loss of federal funds.

Section 111. (a) The \$100.0 appropriated to the Department of Community Affairs is to be used for a youth work program for a period of six weeks commencing July 15, 1982 and is to be allocated in the following manner:

\$31.9	New Castle County (outside the City of Wilmington)
31.9	City of Wilmington

19.1

Kent County

19.1

Sussex County

\$100.0 - TOTAL

(b) Notwithstanding any other provision of the Delaware Code to the contrary, youth chosen for work under this program shall not be less than 14 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 those youth who are members of single parent households whose parent income do not exceed \$15,000 and applicants who qualify based upon parental income guidelines of two parent family household of \$26,000. Notwithstanding income limits provided for participation in the state-wide summer youth program, consideration may be given to other applicants at a ratio of at least eight applicants qualified on income to three persons considered beyond the income limits.

Any non-profit or tax exempt organization certified by the Department of Community Affairs 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 \$2.0 shall be expended for administrative purposes and no more than \$1.0 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.

Section 112. Section 1 of this Act provides an appropriation to the Office of Economic Opportunity (50-01-003) for Other Items. Of that amount, \$8.0 shall be allocated for a Personal Protection and Self-Defense Program.

Section 113. Section 1 of this Act provides an appropriation to the Department of Community Affairs, Division of Consumer Affairs (50-11-001) for Salaries - Board Members. Provisions of the Delaware Code to the contrary not withstanding, the Chairman of the Board shall be paid \$150 per meeting and the members of the Board shall be paid \$100 per meeting. In no event shall the total payments exceed the appropriation provided in Section 1 of this Act.

Section 114. Section 1 of this Act provides an appropriation for the Division of Libraries, Department of Community Affairs. In the event of a loss of federal funds, the programs for the blind shall be fully funded with General Fund monies to the extent those funds are available in the Division of Libraries.

Section 115. All monies received by the Division of Highways (55-04-070) 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 116. 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 117. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act for the fiscal year ending June 30, 1983, shall be expended in accordance with the following conditions and limitations:

- (a) Debt Service estimates are for project financing as authorized by Chapter 13, Title 2, Delaware Code. The actual payments will depend on conditions at the time of the bond sales.
- (b) Funds provided for "Newark Transportation" and any carry-over funds available are intended to cover the expenses of the public transportation system operated by the City of Newark.
- (c) Funds provided for "Dover Transportation" are intended to be provided as aid to the elderly and handicapped transportation system operated by the City of Dover. The funds may not be used to provide more than 50 percent of the total operating costs of the system during the year.
- (d) Funds provided for "Dover Capital" are intended to be provided as aid to elderly and handicapped transportation systems operated by the City of Dover. The funds may be used to provide up to 100 percent of the cost of capital needs of the system.
- (e) Funds provided for "Kent/Sussex Transportation" are intended to be provided for continuation of specialized transportation service for the elderly and handicapped in Kent and Sussex Counties. It is intended that management and direction of the service will reside with the Delaware Transportation Authority who may contract for services as they see fit, and that Kent and Sussex County Governments will review and approve allocation of the service levels within each County.
- (f) It is intended that funds for "Taxi Service Support", along with any carryover funds available for the Taxi Services Support Program will be maintained at least at the same service level as fiscal year 1982. It is intended that management and direction of these services shall reside with the Delaware Transportation Authority.
- (g) Funds of the Delaware Transportation Authority may not be provided as aids to local governments for transportation systems which restrict passengers because of residential requirements. Nothing in this section is meant to require that local governments must operate these transportation systems outside their political boundaries.

Section 118. 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 119. For fiscal year 1983, State owned vehicles in the Department of Agriculture used for inspection purposes shall be exempted from the provisions of Section 7106, Chapter 71, Title 29, Delaware Code.

Section 120. Section 1 of this Act provides an appropriation for Contractual Services to (76-01-001) Delaware National Guard. Of this appropriation, \$15.0 shall be utilized to defray energy expenses of the Laura Little School building that are not directly attributable to occupancy by the National Guard.

Section 121. (a) Section 1 of this Act provides \$42,049.4 for "Operations" of the University of Delaware and \$412.0 for "Operations" of the Delaware Geological Survey. This figure includes total state assistance for

college operations costs as well as funds required to be appropriated by Section 5505 (6), Title 29, Delaware Code.

(b) The University of Delaware shall pay, on a regularly scheduled basis as determined by the Secretary of Finance, to the State Treasurer at a rate determined under Section 6340, Title 29, Delaware Code, or otherwise by the Secretary of Finance, the amount of all fringe benefits applicable to salaries and wages paid to employees of the University of Delaware as the term employee is defined in Sections 5501 (a) and 5505 of Title 29, Delaware Code or any other fringe benefit costs applicable to the University of Delaware.

Section 122. Beginning with fiscal year 1983, the Delaware Institute for Medical Education and Research budget for Subvention Allowance will provide funding for 19 first year students at Jefferson Medical College.

Section 123. Section 1 of this Act provides funds to the University of Delaware and Delaware State College developed in accordance with the Title VI Compliance Plan for Higher Education in the State of Delaware. These funds shall be utilized expressly for that purpose.

Section 124. Of the total appropriation in Section 1 of this Act to the Department of Labor, Division of Unemployment Insurance (60-06-001) for Unemployment Compensation, \$20.0 represents an allocation to cover claims, if any, from former employees of Delaware State College.

Section 125. Section 1 of this Act provides an appropriation in the School Districts for Formula Salaries. These amounts provide salaries for the following categories as determined by the unit entitlement of each School District: Section 1305, Section 1306, Section 1307, Section 1308, Section 1309, Section 1310, Section 1311, Section 1321, Section 1324 and Section 1331 of Title 14, Delaware Code. The appropriation also contains salary funds for the Americanization Programs at the Caesar Rodney and Red Clay Consolidated School Districts.

Section 126. Section 1 of this Act provides appropriations and authorizes General and Special fund positions for Budget Units (95-01-001), (95-01-002) and (95-01-004), State Board of Education and State Board for Vocational Education. Anticipated reduction in Federal funds available for Fiscal Year 1983 has required the State Board of Education to reorganize the Department of Public Instruction and to eliminate a certain number of positions. However, as of July 1, 1982, the status of Federal grants available to the Department of Public Instruction for centrally administered programs will be in doubt; therefore, the State Board of Education is hereby directed to submit a listing of positions by title and salaried amount, including the corresponding sources of funding, to the Budget Director and the Controller General on or before August 15, 1982. This listing will serve as the authorized number of positions for Fiscal Year 1983. Any increase between the number of special fund positions above the certified list of August 15, 1982 and the number authorized by law after that date must be approved in writing by the Budget Director and the Controller General.

Section 127. Section 1 of this Act provides an appropriation to State Board of Education, Pass Through/K-12 Programs (95-01-006) for Parent Early Education Center. This appropriation shall be allocated for the continuation of the services of the Parent Early Education Center in the Christina School District.

Section 128. Section 1 of this Act provides an appropriation to Pass Through/Adult Programs (95-01-007) for Adult Incarcerated. This appropriation shall be allocated promptly for the continuation of the Skills Training Employment Program at Women's Correctional Institution. The program shall be operated by the New Castle vocational Technical School District.

Section 129. Section 1 of this Act provides an appropriation to State Board of Education, Pass Through/K-12 Programs (95-01-006) for Elementary Guidance Counselors. The Funds shall be used to create one pilot program in each county.

Section 130. Amend Section 1321(e), Chapter 13, Title 14, Delaware Code, by deleting subparagraph(4) in its entirety as it appears in said subsection (e) and substituting in lieu thereof a new subparagraph (4) to read as follows:

"(4) Supervisors for a period of eleven months during the fiscal year 1982 and thereafter at the rate of one for each full 150 state units of pupils. Those districts with less units than needed for a supervisor, the State Board of Education shall provide support for the fractional part of the first supervisor;"

Section 131. Amend Section 112 of Chapter 80, Volume 63, Laws of Delaware, by deleting the date "July 1, 1982" in its entirety as it appears in said Section 112 and substituting in lieu thereof the date "July 1, 1983."

Section 132. Section 1 of this Act provides an appropriation to the State Board of Education, Pass Through/Adult Programs (95-01-007), for the New Castle County CETA Learning Center. The State Board of Education shall transfer that appropriation to the Christina School District for the purpose of the continuation of services provided by the New Castle County CETA Learning Center.

Section 133. Section 1 of this Act provides an appropriation of \$527.3 to the State Board of Education, Pass Through/K-12 Program (95-01-006) for Summer School - Occupational and Vocational Education. Of that amount, at least \$51.0 shall be allocated to Articulation and Career Guidance Counselor Programs and \$108.2 shall be allocated to programs in school districts in Kent County and \$110.9 shall be allocated to programs in school districts in Sussex County.

Section 134. Section 1 of this Act provides an appropriation to State Board of Education, Pass Through/Adult Programs (95-01-007) for James H. Groves High School. Of that amount and in addition to any entitlement, \$18.0 shall be allocated to the Appoquinimink School District.

Section 135. Section 1 of this Act provides an appropriation of \$67.7 plus Other Employment Costs to Pass Through/K-12 Programs for Kent-Sussex Teacher Center. This program is administered by the Capital School District.

Section 136. Section 1 of this Act provides an appropriation of \$372.8 plus Other Employment Costs to Pass Through/K-12 Programs (95-01-006) for Disruptive Student Units. In the event that legislation is not enacted into law implementing the Disruptive Student program, the appropriations will promptly revert to the General fund of the State of Delaware.

Section 137. (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, 1982, 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 50 of this Act to the contrary notwithstanding, for the fiscal year ending June 30, 1983, 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, Pension Costs, for cafeteria employees. 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 138. Amend Section 1321(e), Chapter 13, Title 14, Delaware Code by striking subparagraph (10) in its entirety as it appears in said subsection (e) and substituting in lieu thereof a new subparagraph (10) to read as follows:

"(10) Supervisors of School Lunch for a period of 11 months per year, such supervisors to be paid at the salary of "supervisors" as set forth in subsection (c) above at the rate of:

- a. one such supervisor in any oistrict having less than 500 units having 4 or more schools with school lunch programs;
- b. one in any district having 500 units or more, 1 such supervisor for every 500 full units. In addition, each such school district shall employ such additional supervisors so that the total number of such supervisors equals 1 supervisor for each 300 full units to be paid out of revenue receipts from cafeteria funds."

Section 139. (a) In order that the children from whom the learning disability and socially or emotionally maladjusted units were devised shall be the sole beneficiaries of all funds available for such children, the State Board of Education shall require strict adherence to approved guidelines before release of any funds designated for such children. The State Board of Education shall particularly ascertain that no educable mentally retarded are being classified as learning disabled; and that strict guidelines are developed for determining eligibility of socially or emotionally maladjusted children so that this category does not become a 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, except psychological evaluation shall be made at least every three (3) years.

(b) The total amount of \$906.3 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, 1982. 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 140. (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, energy, and transportation of pupils to and from their regular sessions of school.

(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 qualifying nonpublic, nonprofit schools, based on the formula adopted by the Joint Finance Committee on April 16, 1981. The allocation shall not exceed \$2,448.2.

(c) Of the allocation of transportation funds for nonpublic schools in subsection (b) of this section, the State Board of Education is hereby authorized and directed to provide the appropriate reimbursement for nonpublic pupils attending the Caravel Academy.

(d) 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 December 17, 1981, and as amended by the State Budget Office and shall not exceed \$20,862.9.

(e) The State Board of Education shall not change the transportation formula, except for the change in the price of gasoline and for the adjustments of those items changed by State or Federal laws, adopted by the State Budget Office, unless a change has been authorized by the General Assembly and an appropriation therefor has been made by the General Assembly.

Section 141. (a) During the fiscal year ending June 30, 1983, 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:

- (1) Students attending the Stanton Junior High School, who are now forced to walk along Telegraph Road with a constant threat of injury.
- (2) Students attending Mount Pleasant High School who are now forced to walk along Marsh Road with a constant threat of injury.
- (3) Students in the town of Seaford living west of the Penn Central Railroad and north of the Nanticoke River who attend the Seaford schools.
- (4) Students attending the Seaford Junior and Senior High Schools who live in Blades and south of the Nanticoke River.
- (5) 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.
- (6) Students attending Newark High School who live in Windy Hills and are forced to walk along Kirkwood Highway with a constant threat of injury.
- (7) Students attending schools in Laurel living in the areas of Lakeside Manor, Route 24 east of Laurel town limits, and Dogwood Acres.
- (8) Students attending Delcastle Technical High School who live in Newport and are forced to walk along Centerville Road (Rt. 141) with a constant threat of injury.

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.

(b) Prior to the submission of the operating budget for FY 1984, the Unique Hazards Committee shall review and comment on the bus transportation of public school students previously declared ineligible on the bus routes itemized in Subsection (a) of this Section.

(c) During the fiscal year ending June 30, 1983, the Department of Public Instruction is hereby directed to provide bus transportation of public school students:

- (1) Students attending Woodbridge Junior-Senior High School who must travel along Route 13A south of Bridgeville and students living west of Bridgeville who must travel along Route 404 or Route 18.

Section 142. General Contingency line item funds under (95-01-005) Educational Contingency in Section 1 of this Act are to cover adjustments in the budget units of the State Board of Education, the State Board for Vocational Education, or the local school districts. 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 143. The appropriation of \$176.6 in Section 1 of this Act to the State Board of Education (95-01-006) for Exceptional Vocational Units shall be used to continue the program of vocational education for handicapped students. The funds appropriated shall provide for the Division I, II, and III funding for a maximum of six units in a single program. The unit shall be based upon 13,500 pupil minutes per week of instruction or major fraction thereof after the first full unit and shall be in addition to the funding otherwise provided under Delaware Code, Title 14, Section 1703. The deduct contained in Delaware Code, Title 14, Section 1703(1) shall not apply to the units authorized by this section.

Section 144. Section 1 of this Act provides certain appropriations to school districts in the State for the fiscal year ending June 30, 1983.

Section 1704, Chapter 17, Title 14, Delaware Code, provides the method of determining the appropriate number of pupil units for each school district, based on the September 30, 1982, enrollment. If it is determined that certain appropriations are in excess of the requirement determined to fund the appropriate number of pupil units, such excess appropriations shall be transferred promptly by the Department of Public Instruction to the Unit Control Account in (95-01-005) Educational Contingency. Any transfers from the Unit Control Account shall be approved by the Budget Director and the Controller General.

Section 145. Section 1 of this Act provides an appropriation to Public Education, Educational Contingency, (95-01-005) for Other Items. Of that amount, \$5.0 shall be used for the Teacher of the Year Award Program.

Section 146. Section 1 of this Act provides an appropriation to Public Education, Educational Contingency (95-01-005), for Other Items. An amount estimated at \$320.0 shall be used to provide therapists and clinicians in the three schools for the orthopedically handicapped, as provided in Section 1321(e)(17), Title 14, Delaware Code.

Section 147. (a) Amend §1321(e), Title 14, Delaware Code, by adding to that subsection a new item (17) as follows:

"(17) Specialists -- physical therapists, occupational therapists and speech/language clinicians. Whenever the State Board of Education authorizes a particular school district to administer a special school for pupils who are orthopedically handicapped, that district may employ certain therapists and clinicians as herein authorized.

- a. One physical therapists for each thirty (30) such pupils.
- b. One occupational therapist for each forty (40) such pupils.
- c. One speech/language clinician for each fifty (50) such pupils.

A team made up of one (1) physical therapist, one (1) occupational therapist and one (1) speech/language clinician shall be fully funded in each authorized special school for orthopedically handicapped pupils regardless of the pupil count. The administering district shall qualify for partial funding of any of the personnel noted herein for the fractional part of the designated pupil count above the first such designated count.

Personnel employed according to this subsection shall be employed for ten (10) months. Therapists and clinicians shall be paid as teachers according to the provisions of §1305 of this Chapter."

(b) Amend §1716A, subsection (1), Title 14, Delaware Code, by inserting in the first sentence thereof after the words "deaf/blind" the punctuation and words ", orthopedically handicapped".

Section 148. Funds which are appropriated for foster care of children in Section 1 of this Act are made available with the goal of limiting the number of children who remain in foster care for more than two years. For the year beginning October 1, 1983, the goal will be 425 children. This goal-setting statement is required by the Federal Adoption Assistance and Child Welfare Act (P.L. 96-272).

Approved June 30, 1982.

CHAPTER 323

FORMERLY

SENATE BILL NO. 615

AN ACT TO AMEND CHAPTER 80, VOLUME 63, 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, 1982; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS."

WHEREAS, as a result of the petition of William H. Severns for the appointment of a guardian of the person and termination of life support systems of his wife, Mary Reeser Severns, the Court of Chancery, by order dated December 19, 1979, appointed G. Thomas Sandbach guardian ad litem for Mrs. Severns; and

WHEREAS, Mr. Sandbach's representation included appearances, hearings, briefing and arguments before the Delaware Supreme Court and the Court of Chancery; and

WHEREAS, by opinion dated January 20, 1981, the Court of Chancery determined the reasonable value of Mr. Sandbach's fee to be in the amount of \$10,000, and out-of-pocket expenses he incurred to be in the amount of \$408.19, and directed the State of Delaware to pay such fee; and

WHEREAS, the Delaware Supreme Court, by opinion dated July 21, 1981, found that the legal services were performed in the public interest and that compensation, as a matter of public policy, should come from public funds, but reversed the decision of the Court of Chancery, holding that the legal fees awarded were reasonable but that sovereign immunity prevented Delaware Courts from requiring the State to pay the fee.

NOW, THEREFORE:

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

Section 1. Amend Chapter 80, Volume 63, Laws of Delaware, by reducing the amount appropriated for the line item "Contingency - Health Insurance" as it appears in the Budget Unit "(10-02-002) Budget Office Contingency" in said Chapter 80 by \$10.5.

Section 2. Amend Chapter 80, Volume 63, Laws of Delaware, by adding a new line in the Budget Unit "(02-02-001) Court of Chancery" as it appears in said Chapter 80 to read as follows:

"Contingency - Legal Fees and Expenses

10.5"

Section 3. Amend Chapter 80, Volume 63, Laws of Delaware, by recomputing all sub-totals and totals and renumbering all lines and pages affected by this Act.

Section 4. The reallocation of the appropriation in Chapter 80, Volume 63, Laws of Delaware, is for the purpose of compensating the court-appointed attorney in the Mary Severns' case. The Court of Chancery is hereby authorized to process payment for and the State Treasurer is hereby authorized to issue payment to the court-appointed attorney in the amount of \$10,408.19; provided, however, that this appropriation shall in no way be construed as a waiver of sovereign immunity of the State.

Approved June 30, 1982.

CHAPTER 324

FORMERLY

SENATE BILL NO. 647

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>
(10-03-002)	<u>Delaware State Travel Service</u>	
	Miss Delaware Pageant	\$ 3,000
(10-07-001)	<u>Delaware Criminal Justice Planning Commission</u>	
	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	20,000
	Naamans Kill Questors	1,500
(20-06-016)	<u>Office of Arts Council</u>	
	Delaware Arts Council	236,900
(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>	
	1212 Program	10,000
	Limen House	13,000
(35-07-001)	<u>Division of Economic Services</u>	
	Adult Educable Mentally Retarded	44,000
<u>Accounting Code</u>	<u>Organization/Description</u>	<u>Amount</u>
(35-12-001)	<u>State Service Centers</u>	
	South Wilmington Medical Center	\$ 45,000
	Claymont Community Center	130,000
	Egemoor Educational & Recrea. Community Center	97,000
(35-14-001)	<u>Division of Aging</u>	
	<u>Senior Centers</u>	
	Absalom Jones Senior Center	50,000
	Brandywine Senior Center	33,000
	Bridgeville Senior Center	40,000
	Cape Henlopen Senior Center	48,000
	Clarence Fraim Senior Center	79,000
	Clayton-Smyrna Senior Center	16,700

Oelawarr Senior Center	37,000
Frederica Adult Center	35,000
Greater Elsmere Senior Center	80,000
Harrington Senior Center	30,000
Harvest Years Senior Center	17,000
Howard Weston Senior Center	133,000
Indian River Senior Center	19,000
Jewish Community Center	28,000
Jimmy Jenkins Senior Center	40,000
Julia Tallman Golden Age Center	44,000
Kirkwood United Methodist Church Senior Center	5,000
Laurel Senior Center	60,000
Lewes Senior Citizens Center	9,000
M.O.T. Senior Center	39,000
Mid-County Senior Center	77,500
Milford Senior Center	42,000
Modern Maturity Center	86,000
Nanticoke Senior Center	70,000
New Castle Senior Center	35,000
Newark Senior Center	66,000
Northeast Senior Center	55,000
Peoples Settlement - Senior Citizens Program	36,000
St. Ann's Neighborhood Services	60,000
St. Anthony's Senior Center	58,000
St. Hedwig's Senior Center	135,000
St. Patrick's Senior Center	85,000
St. Peter's Adult Center	58,000
St. Thomas Senior Center	75,000
Sellers Senior Center	40,000
West Center City Senior Activity Center	58,000
Wilmington Senior Center	120,000

Miscellaneous

Cape Henlopen Senior Center Relocation Costs	25,000
Meals on Wheels - Lewes and Rehoboth	13,000
Rehabilitation of Nursing Home & Homebound Residents	14,000
Sussex County Home Services	13,000

(40-05-002) Div. of Fish & Wildlife - Wildlife

Oelaware SPCA	186,000
Kent County Dog Control	22,000

(50-10-001) Division of Libraries

Public Library Grants	75,000
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TOTAL - Section 1. \$ \$5,18,600

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-Over, Inc. (Eight-0-One)	\$ 25,000
Arthritis Foundation	2,000
Beechwood Individualized Parent/Child Program, Inc.	35,000
Big Brothers/Big Sisters of Oelaware, Inc.	23,000
CONTACT Wilmington	10,000
Channel 64	25,000
Child, Inc.	30,000
Childhood Village	15,000
Children's Bureau of Oelaware	49,500
Children's Home, Inc.	25,000
Community Design Center	7,500
Oelaware Alcoholism Council, Inc.	18,000
Oelaware Association for the Blind	20,000
Delaware Assn. of Chiefs of Police - Camp Barnes	10,000
Oelaware City Day Committee	4,000
Delaware Civil Air Patrol - Cadet Program	2,000
Delaware Disadvantaged Foundation, Inc.	55,000
Delaware Guidance Services for Children & Youth, Inc.	70,000

Delaware Heritage Commission	20,000
Delaware Safety Council, Inc.	33,000
Delaware State Fair, Inc.	25,000
Diamond State Youth, Inc.	60,000
Easter Seal Society for Crippled Children & Adults of Delaware	25,000
Eastlawn Area Human Services, Inc.	55,000
Geriatric Services of Delaware, Inc.	33,000
Greater Elsmere Recreation & Education Center	70,000
Hilltop Lutheran Neighborhood Center	5,000
Hockessin Community Center	10,000
Home of Divine Providence, Inc.	15,000
INFO	9,000
Institute for Development of Human Resources	20,000
Jobs for Delaware Graduates	250,000
Latin American Community Center, Inc.	15,000
Latin American Community Center, Inc. - Building Program	50,000
M.O.T. Community Action	20,000
Marcus Foundation	13,000
Mary Campbell Center, Inc.	75,000
Mary Mother of Hope House	15,000
Mary Mother of Hope House - Emmanuel Dining Room	12,000
Mary Mother of Hope House - Emmanuel Dining Room - Capital Program	40,000
Neighborhood House, Inc.	10,000
New Castle - Separation Day	7,000
Open Door, Inc.	25,000
People's Place II	33,000
Rape Crisis Center of Wilmington	10,000
Resource Center	20,000
Rosehill Community Center, Inc.	70,838
SODAT - Delaware, Inc.	5,000
Salvation Army - Emergency Housing	25,000
Southwest Wilmington Community Center	70,000
Sussex County Rape Crisis Center	3,000
Total Living Care, Inc.	12,600
Turnabout Counseling Center	90,000
Turning Point Ranch for Boys	45,000
United Cerebral Palsy of Delaware, Inc., Camp Lenape	13,000
Vision Program	47,000
Voice of Vietnam Veterans, Inc.	4,100
WHYY, Inc.	125,000
West Center City Community Center Senior Citizens	
Physical Fitness Program	5,000
West End Neighborhood House, Inc.	19,000
YMCA of Southern Delaware - Mini-Bike	20,000
Youth Guidance Program	11,000
TOTAL - Section 2	\$ 1,966,538

Section 3. (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	\$	5,870
Belevedere Volunteer Fire Company	Belevedere		5,870
Brandywine Hundred Fire Co. No. 1	Bellefonte		5,870
Christiana Fire Co.	Christiana		5,870
Claymont Fire Co.	Claymont		5,870
Cranston Heights Fire Co.	Cranston Heights		5,870
Delaware City Fire Co.	Delaware City		5,870
Elsmere Fire Co.	Elsmere		5,870
Five Points Fire Co. No. 1	Richardson Park		5,870
Goodwill Fire Co. No. 1	New Castle		5,870
Hockessin Fire Co.	Hockessin		5,870
Holloway Terrace Fire Co.	Holloway Terrace		5,870
Mill Creek Fire Co.	Marshallton		5,870
Minquedale Fire Co.	Minquedale		5,870
Minquas Fire Co. No. 1	Newport		5,870
Odessa Fire Co., Inc.	Odessa		5,870
Port Penn Volunteer Fire Co., Inc.	Port Penn		5,870
Talleyville Fire Co., Inc.	Talleyville		5,870

Townsend Fire Co., Inc.	Townsend	5,870
Volunteer Hose Co., Inc.	Middletown	5,870
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	5,870

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers	\$ 5,870
Camden-Wyoming Fire Co.	Camden	5,870
Carlisle Fire Co.	Milford	5,870
Cheswold Volunteer Fire Co.	Cheswold	5,870
Citizens' Hose Co. No. 1, Inc.	Smyrna	5,870
Clayton Fire Co.	Clayton	5,870
Robbins Hose Co. (Dover Fire Dept.)	Dover	5,870
Farmington Volunteer Fire Co.	Farmington	5,870
Felton Community Fire Co.	Felton	5,870
Frederica Volunteer Fire Co.	Frederica	5,870
Harrington Fire Co.	Harrington	5,870
Hartly Volunteer Fire Co.	Hartly	5,870
Houston Volunteer Fire Co.	Houston	5,870
Leipsic Volunteer Fire Co.	Leipsic	5,870
Little Creek Volunteer Fire Co.	Little Creek	5,870
Magnolia Volunteer Fire Co.	Magnolia	5,870
Marydel Volunteer Fire Co., Inc.	Marydel	5,870
South Bowers Fire Co.	South Bowers	5,870

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	5,870
Blades Volunteer Fire Co., Inc.	Blades	5,870
Bridgeville Volunteer Fire Co.	Bridgeville	5,870
Dagsboro Volunteer Fire Co.	Dagsboro	5,870
Delmar Fire Department	Delmar	5,870
Ellendale Volunteer Fire Co.	Ellendale	5,870
Frankford Volunteer Fire Co.	Frankford	5,870
Georgetown Fire Co., Inc.	Georgetown	5,870
Greenwood Volunteer Fire Co.	Greenwood	5,870
Gumboro Volunteer Fire Co., Inc.	Gumboro	5,870
Indian River Volunteer Fire Co.	Indian River	5,870
Laurel Fire Department, Inc.	Laurel	5,870
Lewes Fire Department, Inc.	Lewes	5,870
Millsboro Fire Co.	Millsboro	5,870
Milton Volunteer Fire Co.	Milton	5,870
Millville Volunteer Fire Co.	Millville	5,870
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	5,870
Roxanna Volunteer Fire Co.	Roxanna	5,870
Seaford Volunteer Fire Dept., Inc.	Seaford	5,870
Selbyville Volunteer Fire Co., Inc.	Selbyville	5,870
Slaughter Beach Memorial Fire Co.	Slaughter Beach	5,870

TOTAL \$352,200

(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
Frederica Volunteer Fire Co.	Frederica	1,375
Goodwill Fire Co. No. 1	New Castle	1,375
Greenwood Volunteer Fire Co.	Greenwood	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
Port Penn Volunteer Fire Co.	Port Penn	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	\$ 57,750

(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
Minquadale Fire Co.	Minquadale	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

Camden-Wyoming Fire Company	Camden	2,200
Carlisle Fire Co.	Millford	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
Millsboro Fire Co.	Millsboro	2,200
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	2,200
Seaford Volunteer Fire Co., Inc.	Seaford	2,200
	TOTAL	\$ 44,000

(e) There is appropriated to the Mayor and Council of Wilmington the following sums to be used for:

- (1) The prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of the apparatus and equipment of the 8 fire companies organized and equipped in the City. \$ 46,960

- (11) 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	\$	53,560

(f) There is appropriated to the listed fire companies the following sums to help level up the insurance premium tax revenues to be used for the maintenance of apparatus and equipment:

Bethany Beach Volunteer Fire Co.	Bethany Beach	\$	3,850
Blades Volunteer Fire Co., Inc.	Blades		3,850
Bowers Volunteer Fire Co., Inc.	Bowers		3,850
Bridgeville Volunteer Fire Co.	Bridgeville		3,850
Camden-Wyoming Fire Co.	Camden		3,850
Carlisle Fire Co.	Milford		3,850
Cheswold Volunteer Fire Co.	Cheswold		3,850
Citizens' Hose Co. No. 1, Inc.	Smyrna		3,850
Clayton Fire Co.	Clayton		3,850
Dagsboro Volunteer Fire Co.	Dagsboro		3,850
Delmar Fire Department	Delmar		3,850
Robbins Hose Co., (Dover Fire Dept.)	Dover		3,850
Ellendale Volunteer Fire Co.	Ellendale		3,850
Farmington Volunteer Fire Co.	Farmington		3,850
Felton Community Fire Co.	Felton		3,850
Frankford Volunteer Fire Co.	Frankford		3,850
Frederica Volunteer Fire Co.	Frederica		3,850
Georgetown Fire Co., Inc.	Georgetown		3,850
Greenwood Volunteer Fire Co.	Greenwood		3,850
Gumboro Volunteer Fire Co., Inc.	Gumboro		3,850
Harrington Fire Co.	Harrington		3,850
Hartly Volunteer Fire Co.	Hartly		3,850
Houston Volunteer Fire Co.	Houston		3,850
Indian River Volunteer Fire Co.	Indian River		3,850
Laurel Fire Department, Inc.	Laurel		3,850
Leipsic Volunteer Fire Co.	Leipsic		3,850
Lewes Fire Department, Inc.	Lewes		3,850
Little Creek Volunteer Fire Co.	Little Creek		3,850
Magnolia Volunteer Fire Co.	Magnolia		3,850
Marydel Volunteer Fire Co., Inc.	Marydel		3,850
Millsboro Fire Co.	Millsboro		3,850
Milton Volunteer Fire Co.	Milton		3,850
Millville Volunteer Fire Co.	Millville		3,850
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach		3,850
Roxanna Volunteer Fire Co.	Roxanna		3,850
Seaford Volunteer Fire Dept., Inc.	Seaford		3,850
Selbyville Volunteer Fire Co., Inc.	Selbyville		3,850
Slaughter Beach Memorial Fire Co.	Slaughter Beach		3,850
South Bowers Fire Co.	South Bowers		<u>3,850</u>
TOTAL	\$		150,150

(g) 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	\$	1,375
American Legion, Sussex Post #8	Georgetown		1,375
American Legion, Kent Post #14	Smyrna		1,375
Selbyville American Post #39, Inc.	Selbyville		1,375
Sussex Memorial Post #7422, V.F.W.	Millsboro		<u>1,375</u>
TOTAL	\$		6,875

(h) There is appropriated to the listed fire company the following sum to be used for the maintenance of an aerial ladder truck:

Millsboro Fire Company	Millsboro	\$	<u>2,200</u>
Total - Section 3		\$	<u>745,110</u>

Section 4. (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 Auxiliary, 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 4	\$	<u>71,500</u>
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Section 5. Of the amount appropriated in Section 1 of this Act to Delaware Criminal Justice Planning Commission, \$248,000 is for Aid to Local Law Enforcement and \$25,000 is for Local Police Coordination.

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 the Delaware S.P.C.A. for \$186,000, subject to the following conditions:

- (a) The appropriation shall be used by the Department of Natural Resources and Environmental Control for the purpose of negotiating a contract with the Delaware S.P.C.A. In the event no contract is reached with the Delaware S.P.C.A., the appropriation shall be used by the Department to negotiate a contract with any other organization to perform the program required; however, such program services shall be procured in accordance with applicable state laws.
- (b) If no acceptable contract can be negotiated, the Department of Natural Resources and Environmental Control is hereby authorized to expend the funds to provide services equivalent to those provided in fiscal year 1982. Total authorized positions for the Department are increased by 12 to implement the current services.
- (c) In any case, a minimum of eight (8) dog wardens shall be provided and scheduled to cover New Castle, Kent and Sussex Counties and the City of Wilmington.

Section 12. The provisions of House Joint Resolution No. 25, as amended by House Amendment No. 1 and Senate Amendment Nos. 4, 5, and 6, of the 131st General Assembly shall continue in effect for the term of this Act.

Section 13. No funds appropriated in this Act shall be expended in a political campaign or for partisan political purposes.

Section 14. The Controller General may from time to time conduct performance audits of any non-state agency for which funds are appropriated in this Act.

Section 15. Section 1 of this Act provides an appropriation to the Delaware State Arts Council. It is the legislative intent of this appropriation to provide, under the leadership of the Delaware State Arts Council, a unified process for allocating matching funds to the numerous cultural and arts organizations requesting assistance. Furthermore, the funds from State government are intended to match funds from the county and municipal governments and the private sector in the support of arts and cultural programs.

Section 16. Funds appropriated in this Act shall not be used by any agency to provide child day care. It is the intent of the General Assembly that no funds will be appropriated in Fiscal Year 1984 in grants-in-aid to agencies for the purpose of relocation, purchasing buildings or rehabilitation or renovation of buildings.

Section 17. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended or unencumbered as of June 30, 1983, shall revert to the General Fund of the State of Delaware.

Approved June 30, 1982.

CHAPTER 325

FORMERLY

SENATE BILL NO. 272

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 JURISDICTION OF THE SUPREME COURT.

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 11, Article IV of the Constitution of the State of Delaware is amended by deleting subsection (9) thereof and inserting in lieu thereof the following subsection (9):

"(9) To hear and determine questions of law certified to it by other Delaware Courts and the United States District Court for the District of Delaware where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme Court may by rules define generally the conditions under which questions may be certified to it and prescribe methods of certification."

Approved June 23, 1982.

CHAPTER 326

FORMERLY

HOUSE BILL NO. 298

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 21, DELAWARE CODE, TO ESTABLISH A PROCEDURE WHEN A JUVENILE IS ARRESTED FOR MULTIPLE TRAFFIC OFFENSES, SOME OF WHICH FALL WITHIN THE JURISDICTION OF THE FAMILY COURT WHILE OTHERS FALL WITHIN THE JURISDICTION OF OTHER COURTS.

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

Section 1. Amend Subsection (a) of Section 704, Title 21 of the Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Justices of the Peace and the Municipal Court for the City of Wilmington shall have jurisdiction over a child 16 or 17 years of age or older charged with having violated this title, except as provided in §927 of Title 10 and except when said child is charged with having violated one or more of the offenses specified in §927 of Title 10 and, in the same incident, is charged with having violated other Title 21 offenses not specified in §927 of Title 10, in which event the entire case shall be heard in the Family Court of the State of Delaware."

Approved July 2, 1982.

CHAPTER 327

FORMERLY

HOUSE BILL NO. 299

AN ACT TO AMEND CHAPTER 27, TITLE 11, DELAWARE CODE TO GRANT JUSTICE OF THE PEACE COURTS JURISDICTION TO HEAR, TRY AND FINALLY DETERMINE ADDITIONAL MISDEMEANORS THAN THEY PRESENTLY HAVE JURISDICTION TO HEAR, TRY AND FINALLY DETERMINE.

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 2702, Title 11, Delaware Code, by striking section 2702 in its entirety and substituting in lieu thereof a new section 2702 to read as follows:

"§2702. Jurisdiction of Justice of the Peace Courts of Offenses Contained in this Criminal Code.

The Justices of the Peace shall have original jurisdiction to hear, try and finally determine the following misdemeanors, any attempt, conspiracy or solicitation to commit the following misdemeanors:

- (1) Section 501 (criminal solicitation in the third degree; class A misdemeanor);
- (2) Section 511 (conspiracy in the third degree; class A misdemeanor) when the conspiracy relates to a misdemeanor over which justices of the peace have jurisdiction to hear, try and finally determine;
- (3) Section 531 (attempt to commit a crime; an offense which is of the same grade and degree as the most serious offense which the accused is found guilty of attempting) when the attempt relates to a misdemeanor over which justices of the peace have jurisdiction to hear, try and finally determine;
- (4) Section 601 (offensive touching; class B misdemeanor);
- (5) Section 602 (menacing; class B misdemeanor);
- (6) Section 603 (reckless endangering in the second degree; class A misdemeanor);
- (7) Section 611 (assault in the third degree; class A misdemeanor);
- (8) Section 621 (terroristic threatening; class A misdemeanor);
- (9) Section 811 (criminal mischief) only if punishable as a misdemeanor;
- (10) Section 820 (trespassing with intent to peer or peep into a window or door of another; class B misdemeanor);
- (11) Section 822 (criminal trespass in the second degree; class C misdemeanor);
- (12) Section 823 (criminal trespass in the first degree; class A misdemeanor);
- (13) Section 840 (shoplifting) only if punishable as a Class A misdemeanor;
- (14) Section 841 (theft) only if punishable as a class A misdemeanor;
- (15) Section 842 (theft-lost or mislaid property) only if punishable as class A misdemeanor;
- (16) Section 843 (theft-false pretense) only if punishable as class A misdemeanor;
- (17) Section 844 (theft-false promise) only if punishable as class A misdemeanor;
- (18) Section 845 (theft of services) only if punishable as class A misdemeanor;
- (19) Section 848 (misapplication of property) only if punishable as a class A misdemeanor;
- (20) Section 851 (receiving stolen property) only if punishable as a class A misdemeanor;
- (21) Section 853 (unauthorized use of a vehicle; class A misdemeanor);

- (22) Section 861 (forgery in the third degree; class A misdemeanor);
- (23) Section 893 (interference with levied-upon property; class A misdemeanor);
- (24) Section 900 (issuing a bad check; class A misdemeanor);
- (25) Section 903 (unlawful use of credit card) only if punishable as a class A misdemeanor;
- (26) Section 907 (criminal impersonation; class A misdemeanor);
- (27) Section 1107 (endangering children; class C misdemeanor);
- (28) Section 1221 (perjury in the third degree; class A misdemeanor);
- (29) Section 1233 (making a false written statement; class A misdemeanor);
- (30) Section 1241 (refusing to aid a police officer; class B misdemeanor);
- (31) Section 1243 (obstructing fire-fighting operations; class A misdemeanor);
- (32) Section 1244 (hindering prosecution; class A misdemeanor);
- (33) Section 1245 (falsely reporting an incident; class B misdemeanor);
- (34) Section 1251 (escape in the third degree; class A misdemeanor);
- (35) Section 1257 (resisting arrest; class A misdemeanor);
- (36) Section 1271 (criminal contempt; class A misdemeanor; class B misdemeanor);
- (37) Section 1301 (disorderly conduct; class B misdemeanor);
- (38) Section 1312 (aggravated harassment; class B misdemeanor);
- (39) Section 1313 (malicious obstruction of emergency telephone calls; class B misdemeanor);
- (40) Section 1322 (criminal nuisance; class B misdemeanor);
- (41) Section 1325 (cruelty to animals; class A misdemeanor);
- (42) Section 1331 (desecration; class A misdemeanor);
- (43) Section 1341 (lewdness; class B misdemeanor);
- (44) Section 1342 (prostitution; class B misdemeanor);
- (45) Section 1351 (promoting prostitution in the third degree; class A misdemeanor);
- (46) Section 1355 (permitting prostitution; class B misdemeanor);
- (47) Section 1443 (carrying a concealed dangerous instrument; class A misdemeanor);
- (48) Section 1446 (unlawfully dealing with a switchblade knife; class B misdemeanor)".

Approved July 2, 1982.

CHAPTER 328

FORMERLY

HOUSE BILL NO. 567

AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 4 AND CHAPTER 39, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING FOR CERTAIN VERDICTS IN CRIMINAL CASES.

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 §401, Chapter 4, Title 11 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§401. Insanity; Mental Illness; Defenses and Verdicts

(a) In any prosecution for an offense, it is an affirmative defense that, at the time of the conduct charged, as a result of mental illness or mental defect, the accused lacked substantial capacity to appreciate the wrongfulness of his conduct. If the defendant prevails in establishing the affirmative defense provided in this subsection, the trier of fact shall return a verdict of "not guilty by reason of insanity."

(b) Where the trier of facts determines that, at the time of the conduct charged, a defendant suffered from a psychiatric disorder which substantially disturbed such person's thinking, feeling, or behavior and/or that such psychiatric disorder left such person with insufficient willpower to choose whether he would do the act or refrain from doing it, although physically capable, the trier of fact shall return a verdict of "guilty, but mentally ill."

(c) It shall not be a defense under this section if the alleged insanity or mental illness was proximately caused by the voluntary ingestion, inhalation or injection of intoxicated liquor, any drug or other mentally-debilitating substance, or any combination thereof, unless such substance was prescribed for the defendant by a licensed health care practitioner and was used in accordance with the directions of such prescription. As used in this chapter, the terms "insanity" or "mental illness" do not include an abnormality manifested only by repeated criminal or other non-social conduct."

Section 2. Amend Chapter 4, Part I, Title 11 of the Delaware Code by adding thereto a new section, designated as §407, which new section shall read as follows:

"§407. Guilty, But Mentally Ill

(a) Where a defendant's defense is based upon allegations which, if true, would be grounds for a verdict of "guilty, but mentally ill" or desires to enter a plea to that effect, no finding of "guilty, but mentally ill" shall be rendered until the trier of fact has examined all appropriate reports (including the pre-sentence investigation); has held a hearing on the sole issue of the defendant's mental illness, at which either party may present evidence; and is satisfied that the defendant was in fact mentally ill at the time of the offense to which the plea is entered. Where the trier of fact, after such hearing, is not satisfied that the defendant was mentally ill at the time of the offense, or determines that the facts do not support a "guilty but mentally ill" plea, he shall strike such plea, or permit such plea to be withdrawn by the defendant. A defendant whose plea is not accepted by the trier of fact shall be entitled to a jury trial, except that if a defendant subsequently waives his right to a jury trial, the judge who presided at the hearing on mental illness shall not preside at the trial.

(b) In a trial under this section a defendant found guilty but mentally ill, or whose plea to that effect is accepted, may have any sentence imposed on him which may lawfully be imposed upon any defendant for the same offense. Such defendant shall be committed into the custody of the Department of Correction, and shall undergo such further evaluation and be given such immediate and temporary treatment as is psychiatrically indicated. The Commissioner shall retain exclusive jurisdiction over such person in all matters relating to security. The Commissioner shall thereupon confine such person in the Delaware State Hospital. Although such person shall remain under the jurisdiction of the Department of Correction, decisions directly related to treatment for his mental illness shall be the joint responsibility of the Director of Mental Health and those persons at the Delaware State Hospital who are directly responsible for such treatment. The Delaware State Hospital, or any other residential treatment facility to which the defendant is committed by the Commissioner, shall have the authority to discharge the defendant from the facility and return the defendant to the physical

custody of the Commissioner whenever the facility believes that such a discharge is in the best interests of the defendant. The offender may, by written statement, refuse to take any drugs which are prescribed for treatment of his mental illness; except when such a refusal will endanger the life of the offender, or the lives or property of other persons with whom the offender has contact.

(c) When the State Hospital or other treating facility designated by the Commissioner discharges an offender prior to the expiration of such person's sentence, the treating facility shall transmit to the Commissioner and to the parole board a report on the condition of the offender which contains the clinical facts; the diagnosis; the course of treatment, and prognosis for the remission of symptoms; the potential for the recidivism, and for danger to himself or the public; and recommendations for future treatment. Where an offender under this section is sentenced to the State Hospital or other facility, he shall not be eligible for any privileges not permitted in writing by the Commissioner (including escorted or unescorted on-grounds or off-grounds privileges) until the offender has become eligible for parole. Where the Court finds that the offender, before completing his sentence no longer needs nor could benefit from treatment for his mental illness, the offender shall be remanded to the Department of Correction. The offender shall have credited toward his sentence the time served at the State Hospital or other facility.

§408. Probation and Parole

(a) A person who has been adjudged "guilty, but mentally ill" and who during his incarceration is discharged from treatment may be placed on pre-release or parole status under the same terms and laws applicable to any other offender. Psychological or psychiatric counseling and treatment may be required as a condition for such status. Failure to continue treatment, except by agreement of the Department of Correction, shall be a basis for terminating pre-release status or instituting parole violation hearings.

(b) If the report of the State Hospital or other facility recommends parole, the paroling authority shall within forty-five days or at the expiration of the offender's minimum sentence, whichever is later, meet to consider the offender's request for parole. If the report does not recommend parole, but other laws or administrative rules of the Department permit parole, the paroling authority may meet to consider a parole request. When the paroling authority considers the offender for parole, it shall consult with the State Hospital or other facility at which the offender had been treated, or from which the offender has been discharged.

(c) If an offender who is been found "guilty, but mentally ill" is placed on probation, the Court, upon recommendation by the Attorney General, shall make treatment a condition of probation. Reports as specified by the trial judge shall be filed with the probation officer, and the sentencing court. Treatment shall be provided by an agency of the State or, with the approval of the sentencing court and at individual pence, private agencies, private physicians or other mental health personnel."

Section 3. Amend Chapter 39, Part II, Title 11 of the Delaware Code by adding thereto a new §3904, which new section shall read as follows:

"§3904. Instructions; Sentencing

At the conclusion of a trial under this Title, where warranted by the evidence, the charge to the jury shall contain instructions that shall consider separately the issues of guilt and the presence or absence of insanity, and shall also contain instructions as to the verdicts of 'guilty,' 'guilty, but mentally ill'; 'not guilty by reason of insanity'; and 'not guilty' with regard to the offense or offenses charged and, as required by law, any lesser included offenses."

Section 4. In the event the provisions of this Act conflict with the provisions of any other Act or statute relating to admissions to the Delaware State Hospital or to the institutional treatment of mental illness, this Act shall take precedence.

Approved July 2, 1982.

CHAPTER 329

FORMERLY

HOUSE BILL NO. 574

AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SENTENCE FOR ROBBERY FIRST DEGREE AND ATTEMPTED ROBBERY FIRST DEGREE.

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

Section 1. Amend Section 832 of Chapter 5, Title 11 of the Delaware Code by adding thereto a new subsection (d) which shall read as follows:

"(d) The sentencing provisions of subsections (b) and (c) of this section shall apply to Attempted Robbery first Degree in addition to Robbery in the first degree.

Approved July 2, 1982.

CHAPTER 330

FORMERLY

SENATE BILL NO. 288

AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 56, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE JUDICIARY PENSION PLAN.

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

Section 1. Amend §5605, Chapter 56, Title 29 of the Delaware Code by striking subsection (b) and inserting in lieu thereof the following new subsection (b):

"(b) A member first appointed before July 1, 1980, may elect to be covered by the revised plan by filing a declaration of acceptance in the office of the Secretary of State before July 1, 1983, and shall be covered by the revised plan effective July 1, 1983."

Approved July 2, 1982.

CHAPTER 331

FORMERLY

SENATE BILL NO. 465

AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO PAROLE PROCEDURE.

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

Section 1. Amend §4347, Title 11, Delaware Code by restyling subsections (a) through (g) as subsections (b) through (h) respectively and by inserting a new subsection (a) to read as follows:

"(a) A person confined to any correctional facility administered by the Department who is eligible for parole may apply for a parole hearing on forms promulgated by the Board. Upon receipt of such application, the Board shall notify the Bureau Chief of Adult Corrections of said application and request verification of parole eligibility and the information required in subsection (c) of this section which shall be provided the Board within thirty (30) days. Upon receipt of the foregoing information, the Board shall determine within 30 days if a parole hearing will be scheduled. If the hearing is denied or if the hearing is held and the parole denied the applicant and the Department shall be advised in writing by the Board of the earliest date, not sooner than one year, upon which the applicant shall be eligible to again apply for a parole hearing in accordance with the provisions of this section."

Approved July 2, 1982.

CHAPTER 332

FORMERLY

HOUSE BILL NO. 747

AN ACT TO AMEND SECTION 122, TITLE 16 OF THE DELAWARE CODE RELATING TO DUTIES OF THE STATE BOARD OF HEALTH.

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

WHEREAS, there is a nationwide interest in hospice programs which care for the terminally ill, and such programs may soon be available in Delaware; and

WHEREAS, the State of Delaware wishes to assure that such programs offer appropriate services and maintain high standards; and

WHEREAS, House Joint Resolution No. 22, enacted by the General Assembly and signed by the Governor in the first session of the 131st General Assembly, adopted a definition of a hospice program as recommended by the Hospice Task Force and recommended that the Task Force submit legislation which would enable the Board of Health to establish standards for quality assurance in the operation of hospice programs;

NOW, THEREFORE:

Section 1. Amend Title 16, Part I, Chapter I, Subchapter II, Section 122 (3) by adding at the end thereof the following:

"m. Establish standards for quality assurance in the operation of hospice programs and control the practice of such programs."

Approved July 6, 1982.

CHAPTER 333

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 557

AS AMENDED BY HOUSE AMENDMENT NOS 3, 5, 6, 8, 10, 11, 13, 14,
15, 16, 17, 18, 19 AND 22 AND SENATE AMENDMENT NOS. 1, 10, 12 AND 14

AN ACT TO AMEND CHAPTER 40, TITLE 14 OF THE DELAWARE CODE RELATING TO
NEGOTIATIONS AND EMPLOYEE RELATIONS OF PROFESSIONAL EMPLOYEES.

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

Section 1. Amend Chapter 40, Title 14 of the Delaware Code, by striking said Chapter in its entirety, and substituting in lieu thereof a new Chapter 40, Title 14, which shall be known as the "Public School Employment Relations Act" and shall read as follows:

"CHAPTER 40. PUBLIC SCHOOL EMPLOYMENT RELATIONS ACT

§4001. Statement of Policy

It is the declared policy of the State of Delaware and the purpose of this Act to promote harmonious and cooperative relationships between reorganized public school districts and their employees and to protect the public by assuring the orderly and uninterrupted operations and functions of the public school system. These policies are best effectuated by (a) granting to school employees the right of organization and representation, (b) obligating boards of education and school employee organizations which have been certified as representing their school employees to enter into collective bargaining negotiations with the willingness to resolve disputes relating to terms and conditions of employment and to reduce to writing any agreements reached through such negotiations, and (c) establishing a public employment relations board to assist in resolving disputes between school employees and boards of education and to administer the provisions of this Act.

§4002. Definitions

(1) 'Appropriate bargaining unit' or 'bargaining unit' means a group of school employees designated by the Public Employment Relations Board as appropriate for representation by an employee organization for purposes of collective bargaining.

(2) 'Arbitration' means the procedure whereby the parties involved in a labor dispute over the interpretation or application of an existing collective bargaining agreement submit their differences to a third party for a final and binding decision.

(3) 'Board' means the Public Employment Relations Board established by §4006 of this Act.

(4) 'Certification' means official recognition by the Board, following a secret-ballot election, that an employee organization is the exclusive representative for all employees in an appropriate bargaining unit.

(5) 'Collective bargaining' means the performance of the mutual obligation of a school employer through its designated representatives and the exclusive bargaining representative to confer and negotiate in good faith with respect to terms and conditions of employment, and to execute a written contract incorporating any agreements reached. However, this obligation does not compel either party to agree to a proposal or require the making of a concession.

(6) 'Decertification' means the withdrawal by the Board of an employee organization's official designation as exclusive representative following a decertification election which shows that the exclusive representative no longer has the support of a majority of the members in an appropriate bargaining unit.

(7) 'Employee organization' means any organization which admits to membership employees of a public school employer and which has as a purpose the representation of such employees in collective bargaining, and includes any person acting as an officer, representative, or agent of said organization.

(8) 'Exclusive bargaining representative' or 'exclusive representative' means the employee organization which as a result of certification by the Board has the right and responsibility to be the collective bargaining agent of all employees in that bargaining unit.

(9) 'Fact-finding' means the procedure by which a qualified impartial third party shall make written findings of fact and recommendations for resolution of an impasse.

(10) 'Impasse' means the failure of a public school employer and the exclusive bargaining representative to reach agreement in the course of collective bargaining.

(11) 'Mediation' means an effort by an impartial third party confidentially to assist in reconciling an impasse between the public school employer and the exclusive bargaining representative regarding terms and conditions of employment.

(12) 'Public school employee' or 'employee' means any certificated professional employee of a public school employer except public school administrators.

(13) 'Public school employer' or 'employer' means any board of education, school district, reorganized school district, special school district, and any person acting as an agent thereof.

(14) 'Public school administrator' means and includes all public school employees performing primarily administrative functions and employed under an administrative contract by a public school district.

(15) 'Strike' means a public school employee's failure, in concerted action with others, to report for duty, or his or her willful absence from his or her position, or his or her stoppage or deliberate slowing down of work, or his or her withholding in whole or in part from the full, faithful and proper performance of his or her duties of employment, or his or her involvement in a concerted interruption of operations of a public school employer for the purpose of inducing, influencing, or coercing a change in the conditions, compensation rights, privileges, or obligations of public school employment; however, nothing shall limit or impair the right of any public school employee to lawfully express or communicate a complaint or opinion on any matter related to terms and conditions of employment.

(16) 'Terms and conditions of employment' means matters concerning or related to wages, salaries, hours, grievance procedures, and working conditions, provided, however, that such term shall not include those matters determined by this Act or any other law of the State to be within the exclusive prerogative of the public school employer.

S4003. School Employee Rights

School employees shall have the right to:

(1) Organize, form, join, or assist any employee organization, provided that membership in, or an obligation to pay any dues, fees, assessments, or other charges to an employee organization shall not be required as a condition of employment.

(2) Negotiate collectively or grieve through representatives of their own choosing.

(3) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this Act or any other law of the State.

(4) Be represented by their exclusive representative, if any, without discrimination.

S4004. Employee Organization as Exclusive Representative

(1) The employee organization designated or selected for the purpose of collective bargaining by the majority of the employees in an appropriate collective bargaining unit shall be the exclusive representative of all the employees in the unit for such purpose and shall have the duty to represent all unit employees without discrimination. Where an exclusive representative has been certified, a public school employer shall not bargain in regard to matters covered by this Act with any employee, group of employees, or other employee organization.

(2) Nothing contained in this section shall prevent employees individually or as a group, from presenting complaints to a public school employer and from having such complaints adjusted without the intervention of the exclusive representative for the bargaining unit of which they are a part, as long as the representative is given an opportunity to be present at such adjustment and to make its view known, and as long as the adjustment is not inconsistent with the terms of an agreement between the public school employer and the exclusive representative which is then in effect. The right of the exclusive representative shall not apply where the complaint involves matters of personal, embarrassing and confidential nature, and the complainant specifically requests, in writing that the exclusive representative not be present.

employees, within the bargaining unit, who authorize, in writing, the deduction of said dues. Such authorization is revocable at the employee's written request. Said deductions shall commence upon the exclusive representative's written request to the employer. Such right to deduction shall be in force for so long as the employee organization remains the exclusive bargaining representative for the employees in the unit. The public school employer is expressly prohibited from any involvement in the collection of fines, penalties, or special assessments levied on members by the exclusive representative.

\$4005. Public School Employer Rights

A public school employer is not required to engage in collective bargaining on matters of inherent managerial policy, which include but are not limited to, such areas of discretion or policy as the functions and programs of the public school employer, its standards of services, overall budget, utilization of technology, the organizational structure, curriculum, discipline and the selection and direction of personnel.

\$4006. Public Employment Relations Board

(1) There is hereby established a board to be known as the 'Public Employment Relations Board', the purpose of which shall be to administer the provisions of this Act under rules and regulations which it shall adopt and publish. The Board shall be organizationally located within the Department of Administrative Services; however, in the performance of its powers and duties under this Act, the Board shall not be subject to control, supervision, or direction by the Department of Administrative Services or by an officer thereof.

(2) The Board shall consist of three (3) members to be appointed by the Governor subject to confirmation by the Senate, from persons representative of the public. One member shall be designated by the Governor as Chairman, and he or she shall serve a fixed term. Not more than two (2) members of the Board shall be members of the same political party. Each member shall be appointed for a term of six (6) years, except that the initial appointments shall be: one member shall be appointed for a term that shall expire two (2) years following the effective date of this Act, one member for a term that shall expire four (4) years following the effective date of this Act, and the Chairman for a term that shall expire six (6) years following the effective date of this Act. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he or she is to succeed. Any member of the Board may be removed by the Governor for misfeasance, malfeasance, or nonfeasance in office, after a hearing before an impartial designee of the Governor. A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board. Two (2) members of the Board shall, at all times, constitute a quorum, but official orders shall require concurrence of a majority of the Board. Board members shall be eligible for reappointment.

(3) Members of the Board shall be knowledgeable in the area of labor relations and shall possess the reputation for integrity and impartiality necessary to protect the public interest.

(4) Members shall hold no other public office or employment by the State or other public agency or public employer, or be an officer or employee of any public employee labor organization or any of its affiliates, or represent any public employer or public employee organization or its affiliates; however, this restriction shall not be interpreted to exclude persons who are knowledgeable in employment relations, public administration, or labor law so long as they are not actively engaged, other than as a member, in any management or employee organization.

(5) The Chairman of the Board shall receive a per diem stipend of \$110, and each of the other members shall receive a per diem stipend of \$100. Each member of the Board shall be reimbursed for actual and necessary travel and subsistence expenses when performing Board business away from his or her place of residence.

(6) The Board shall appoint an executive director who shall be the chief administrative officer. The executive director shall be a person familiar with employer-employee relations. In addition to the performance of administrative duties, the Board may delegate to the executive director authority with respect to, but not limited to, bargaining unit determination and representation proceedings, unfair labor practice proceedings, mediation of labor disputes, fact-finding and arbitration proceedings. Such delegation shall not limit a party's right to appeal to the Board. The executive director, with such assistance as may be provided by the Attorney General and such additional legal assistance which, from time to time, may be necessary, shall have authority on behalf of the Board, when necessary to carry out or enforce any action or decision of the Board, to petition any court of competent jurisdiction for any order requiring compliance with the action or decision.

(7) The Board may employ such other persons as it may, from time to time, find necessary for the proper performance of its functions within the amounts made available through appropriations therefor, and may prescribe their duties and fix their compensation.

(8) To accomplish the objectives and to carry out the duties prescribed in this Act, the Board shall have the following powers:

(a) To issue, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this Act and to prevent any person from engaging in conduct in violation of this Act. Such rules and regulations shall be adopted in accordance with the provisions of 29 Del. C. 64.

(b) To hold hearings, subpoena witnesses, administer oaths and take the testimony or deposition of any person under oath, and in connection therewith, to issue subpoenas requiring the production and examination of any books or papers, including those of the State and/or a board of education relating to any matter pending before it, and to take such other action, including the granting of interim or other relief as may be necessary to discharge its powers and duties. In no case however, should it be empowered, either directly or through a fact-finder, to mandate to the public school employer action which involves an economic cost to the public school employer.

(c) To conduct in any part of this State any proceeding, hearing, investigation, inquiry, or election necessary to the performance of its functions. In carrying out the purposes of this Act, the Board may designate one of its members or an agent or agents as hearing examiner(s).

(d) To provide by rule a procedure for the filing and prompt disposition of petitions for a declaratory statement as to the applicability of any provision of this Act or any rule or order of the Board. Such procedures shall provide for, but not be limited to, an expeditious determination of questions relating to potential unfair labor practices and to questions relating to whether a matter in dispute is within the scope of collective bargaining.

(e) To request from any public agency such assistance, services, and data as will enable the Board to properly carry out its functions and powers.

(f) At the end of each year, to make a report in writing to the Governor and the General Assembly and detail the work it has done in hearing and deciding cases.

(g) To adopt an official seal and prescribe the purposes for which it shall be used.

54007. Unfair Labor Practices

(1) It is an unfair labor practice for a public school employer or its designated representative to do any of the following:

(a) Interfere with, restrain, or coerce any employee in or because of the exercise of any right guaranteed under this Act.

(b) Dominate interfere with, or assist in the formation, existence or administration of any labor organization.

(c) Encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure, or other terms and conditions of employment.

(d) Discharge or otherwise discriminate against an employee because the employer has signed or filed an affidavit petition or complaint, or has given information or testimony under this Act.

(e) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.

(f) Refuse or fail to comply with any provision of this Act or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this Act.

(g) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and sign the resulting contract.

(h) Refuse to disclose any public record as defined by 29 Del. C. 100.

(2) It is unfair labor practice for a public school employee or for an employee organization or its designated representative to do any of the following:

(a) Interfere with, restrain, or coerce any employee in or because of the exercise of any right guaranteed under this Act.

(b) Refuse to bargain collectively in good faith with the public employer or its designated

representative if the employee organization is an exclusive representative.

(c) Refuse or fail to comply with any provision of this Act or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this Act.

(d) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and sign the resulting contract.

(e) Distribute organizational literature or otherwise solicit public school employees during working hours in areas where the actual work of public school employees is being performed in such a way as to hinder or interfere with the operation of the public school employer. This subsection shall not be construed to prohibit the distribution of literature during the employee's lunch hour or duty-free lunch period or in such areas not specifically devoted to the performance of the employee's official duties.

(f) Hindering or preventing (by threats, intimidation, force, or coercion of any kind) the pursuit of any lawful work or employment by any person, or unreasonably interfering with the entrance to or egress from any place of employment.

(g) Instigating or advocating support, in any positive manner, for an employee organization's activities from students on school property.

§4008. Processing of Unfair Labor Practice Complaints

(1) The Board is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. Whenever it is charged that anyone has engaged or is engaging in any unfair practice as describe in §4007(1) and (2), the Board or any designated agent thereof shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice charge and including a notice of hearing containing the date and place of hearing before the Board or any designated agent thereof. Evidence shall be taken and filed with the Board.

(2) If, upon all the evidence taken, the Board shall determine that any party charged has engaged or is engaging in any such unfair practice, the Board shall state its findings of fact and conclusions of law and issue and cause to be served on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable affirmative action as will effectuate the policies of this Act, such as payment of damages and/or the reinstatement of employee. If, upon the evidence taken, the Board shall determine that any party charged has not engaged or is not engaging in any such unfair practice, the Board shall state, in writing, its findings of fact and conclusions of law and issues and dismiss the complaint.

(3) In addition to the powers granted by this section, the Board shall have the power, at any time during proceedings authorized by this section, to issue orders providing such temporary or preliminary relief as the Board deems just and proper.

§4009. Appeals, Petitions for Enforcement

(1) Any person adversely affected by a decision of the Board under §4008 of this Act may appeal that decision to the Chancery Court of this State. Such an appeal must be filed within fifteen (15) days of the date upon which the decision was rendered and shall not automatically act as a stay.

(2) The Board may petition the Chancery Court of this State for enforcement of any order issued under §4008 of this Act.

§4010. Bargaining Unit Determination

(1) An employee organization desiring to be certified as the exclusive representative shall file a petition with the Board, accompanied by the uncoerced signatures of at least thirty percent (30%) of the public school employees in the unit claimed to be appropriate, indicating a desire to be represented for the purpose of bargaining collectively with the public employer.

(2) If the Board or its duly authorized designee determines that a petition is properly filed and is accompanied by the requisite number of valid signatures, the Board or its designee shall proceed toward defining the appropriate bargaining unit by setting a date for hearing on the matter. If a petition is not properly filed and/or if it is not accompanied by the requisite number of valid signatures, the Board or its designee shall dismiss the petition.

(3) After holding such hearings as it deems necessary the Board shall determine the appropriate bargaining unit. The Board may, by rule, delegate its unit definition authority to one or more of its members or to its executive director, provided that a unit definition order may be subject to review by the Board at the request of any party or upon the Board's own motion in accordance with rules and procedures established by the Board.

(4) In making its determination as to the appropriate bargaining unit, the Board or its designee shall consider such factors as the similarity of duties, skills, and working conditions of the employees involved; the history and extent of the employee organization; the recommendations of the parties involved; the effect of over-fragmentation of bargaining units on the efficient administration of government; and such other factors as the Board may deem appropriate.

(5) Procedures for redefining or modifying a unit shall be set forth in the rules and procedures established by the Board.

(6) Any bargaining unit designated as appropriate prior to the effective date of this Act, for which an exclusive representative has been certified, shall so continue without the requirement of a review and possible re-designation until such time as a question concerning appropriateness is properly raised under this Act. The appropriateness of the unit may be challenged by the public school employer, thirty percent (30%) of the members of the unit, an employee organization, or the Board not more than one hundred and eighty (180) days nor less than one hundred and twenty (120) days prior to the expiration of any collective bargaining agreement in effect on the date of the passage of this Act. The continued appropriateness of any bargaining unit designated as appropriate prior to the effective date of this Act, for which an exclusive representative is not certified, may be challenged by the public school employer, thirty percent (30%) of the members of the unit, an employee organization, or the Board at any time up until thirty (30) days prior to the holding of an election to determine representation.

\$401L. Determination and Certification of Exclusive Representative

(1) Any employee organization seeking certification as exclusive representative in a designated appropriate bargaining unit shall file a petition with the Board. The petition must contain the uncoerced signatures of at least thirty percent (30%) of the employee within the designated appropriate bargaining unit. If the designated appropriate bargaining unit is sufficiently similar to the bargaining unit claimed to be appropriate in the petition filed pursuant to \$401O(1), such that the signatures submitted at that time represent at least thirty percent (30%) of the employees within the designated appropriate bargaining unit, those signatures shall be deemed sufficient for the purpose of this subsection. If the designated bargaining unit is not sufficiently similar to the bargaining unit claimed to be appropriate, the employee organization may continue to rely on the previously submitted uncoerced signatures of the employees who are in the designated bargaining unit and must supplement these signature with uncoerced signatures of other employees within the designated appropriate bargaining unit, such that the signatures submitted represent at least thirty percent (30%) of the employees within the designated appropriate bargaining unit. No signature shall be considered valid if it was signed more than twelve (12) months prior to the date on which the petition is filed.

(2) Where an employee organization has been certified as the exclusive representative, a group of employees within the bargaining unit may file a petition with the Board for decertification of the exclusive bargaining representative. The petition must contain the uncoerced signatures of at least thirty percent (30%) of the employees within the bargaining unit and allege that the employee organization presently certified is no longer the choice of the majority of the employees in the bargaining unit. If a lawful collective bargaining agreement of no more than three (3) years' duration is in effect, no petition shall be entertained unless filed not more than one hundred and eighty (180) days nor less than one hundred and twenty (120) days prior to the expiration of such agreement. A decertification petition also may be filed if more than one (1) year has elapsed from the date of certification of an exclusive bargaining representative and no collective bargaining agreement has been executed.

(3) If the Board determines that a petition is properly supported, timely filed, and covers the designated appropriate bargaining unit, the Board shall cause an election of all eligible employees to be held within a reasonable time after the unit determination has been made, in accordance with procedures adopted by the Board, to determine if and by whom the employees wish to be represented. The election ballot shall contain, as choices to be made by the voter, the name of the petitioning or certified employee organization, the name or names of any other employee organization showing written proof of at least ten percent (10%) representation of the public school employees within the designated appropriate bargaining unit, in accordance with rules and procedures adopted by the Board, and a choice that the public school employee does not desire to be represented by any of the named employee organization(s).

(4) The employee organization, if any, which receives the majority of the votes cast in an election shall be certified by the Board as the exclusive representative. In any election where there are more than two (2) choices on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be conducted. The ballot in the run-off election shall contain the two (2) choices on the original ballot that received the largest number of votes.

(5) No election shall be held pursuant to this section within twelve (12) months from the date of a preceding valid election.

§4012. Employee Organizations Required to Register and to Submit Annual Reports

Every employee organization which has or seeks recognition as a representative of public school employees under the provisions of this Act shall file with the Board a registration report, signed by its president or other appropriate officer. Such report shall be updated on an annual basis by any organization which continues to have or seeks recognition, shall be in a form prescribed by the Board, and shall be accompanied by two (2) copies of the employee organization's constitution and bylaws. All changes or amendments to such constitutions and bylaws shall be promptly reported to the Board.

§4013. Collective Bargaining Agreements

(1) Collective bargaining shall commence at least ninety (90) days prior to the expiration date of any current collective bargaining agreement or in the case of anewly certified exclusive representative, within a reasonable time after certification.

(2) Negotiating sessions, including strategy meetings of public school employers, mediation, and the deliberative process of fact-finders and arbitrators, shall be exempt from the provisions of 29 Del. C., Chapter 100. Hearings conducted by fact-finders shall be open to the public.

(3) The public school employer and the exclusive bargaining representative shall negotiate written grievance procedures by means of which bargaining unit employees, through their collective bargaining representatives, may appeal the interpretation or application of any term or terms of an existing collective bargaining agreement; such grievance procedures shall be included in any agreement entered into between the public school employer and the exclusive bargaining representative.

(4) Any contract or agreement reached between a public school district and any exclusive representative organization shall be for a minimum period of two (2) years from the effective date of such contract or agreement, unless otherwise mutually agreed upon by the public school employer and the exclusive representative.

(5) No collective bargaining agreement shall be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public school employer's funds, spending, or budget, or would otherwise be contrary to law.

(6) Public school employers shall file with the Board a copy of any agreements that have been negotiated with public school employee representatives following the consummation of negotiations. The Board shall maintain a current file of all such agreements.

§4014. Collective Bargaining Impasse

(1) If, after a reasonable period of negotiations over the terms of an agreement or after a reasonable time following certification of an exclusive representative, no agreement has been signed, the parties may voluntarily submit to mediation. If, however, no agreement is reached between the parties by sixty (60) days prior to the expiration date of an existing collective bargaining agreement, or, in the case of a newly certified exclusive representative, within sixty (60) days after negotiations have commenced, both parties shall immediately notify the Board of the status of negotiations.

(2) If the parties have not voluntarily agreed to enlist the services of a mediator and less than thirty (30) days remain before the expiration date of the existing collective bargaining agreement, or, in the case of a newly certified exclusive representative, more than ninety (90) days have elapsed since negotiations began, the Board must appoint a mediator if so requested by the public school employer or the exclusive bargaining representative. The mediator shall be chosen from a list of qualified persons maintained by the Board and shall be representative of the public.

(3) If the labor dispute has not been settled after a reasonable period of mediation, during which both parties have made a good faith effort to settle their differences, the parties jointly or individually may petition the Board in writing to initiate fact-finding. In lieu of a petition, the mediator may inform the Board that further negotiations between the parties, at that time, are unlikely to be productive and recommend that fact-finding be initiated. The public school employer and the exclusive bargaining representative may initiate fact-finding at any time, by mutual agreement.

(4) Any costs involved in retaining a mediator to assist the parties in reaching a negotiated agreement shall be paid by the Board.

§4015. Fact Finding

(1) Within seven (7) working days of receipt of a petition or recommendation to initiate fact-finding, the Board shall make a determination, with or without a formal hearing, as to whether

a good faith effort has been made by both parties to resolve their labor dispute through collective negotiations and mediation and as to whether the initiation of fact-finding would be appropriate and in the public interest.

(2) If the Board initiates fact-finding, the public school employer and the exclusive bargaining representative may, by mutual agreement, select their own fact-finder.

(3) Where the parties have not selected their own fact-finder within seven (7) working days after the fact-finding has been initiated, the Board shall submit to the parties a list of five (5) qualified, disinterested persons. Only those persons who possess the qualifications contained in §4006(4) of this Act will be considered minimally qualified and disinterested. Each party shall alternatively strike two (2) names from the list. The order of striking shall be determined by lot. The remaining individual shall be designated the fact-finder.

(4) When the parties have not designated the fact-finder and notified the Board of their choice within five (5) working days after receipt of the list, the Board shall appoint the fact-finder from the list. However, if one of the parties strikes the names as prescribed in this section and the other party fails to do so, the Board shall appoint the fact-finder only from the names remaining on the list.

(5) The fact-finder shall hold hearings in order to define the area or areas of dispute, to determine facts relating to the dispute, and to render a recommendation on unresolved contract issues. The hearings shall be held at times, dates, and places to be established by the fact-finder in accordance with rules promulgated by the Board. The fact-finder shall be empowered to administer oaths and issue subpoenas on behalf of the parties to the dispute or on his own behalf.

(6) The fact-finder shall make written findings of facts and recommendations for the resolution of the dispute. In arriving at recommendations, the fact-finder shall specify the basis for his findings, taking into consideration, in addition to any other relevant factors, the following:

(a) The interests and welfare of the public.

(b) Comparison of the wages, salaries, benefits, hours and conditions of employment of the employees involved in the fact-finding proceedings with the wages, salaries, benefits, hours, and conditions of employment of other employees performing the same or similar services or requiring similar skills under similar working conditions and with other employees generally in the same community and in comparable communities and in private employment in the same community and in comparable communities.

(c) The overall compensation presently received by the employees inclusive of direct wages, salary, vacations, holidays, excused leaves, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

(d) Increases in the average weekly wages earned in the private sector within the State of Delaware as computed by the Department of Labor.

(e) Stipulations of the parties.

(f) The lawful authority of the public school employer.

(g) The financial ability of the public school employer based on existing revenues, to meet the costs of any proposed settlement; provided that, any enhancement to such financial ability derived from savings experienced by such public school employer as a result of a strike shall not be considered by the fact-finder; and further provided that the 'certification of available revenue' adopted by the Educational Finance Overview Committee pursuant to 14 Del. C. 18, shall be used by the fact-finder as the true statement of the financial ability of any public school employer covered by 14 Del. C. 18.

(h) Such other factors not confined to the foregoing which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment through voluntary collective bargaining, mediation, fact-finding, or otherwise between parties, in the public service or in private employment.

(7) Within thirty (30) days after the conclusion of the hearings but not later than forty-five (45) days from the day of appointment, the fact-finder shall serve his written findings of fact and recommendations for resolution of the dispute on the public school employer, the certified exclusive representative, and the Board.

(8) Not more than five (5) working days after the findings and recommendations have been served, the Board shall hold a meeting which shall include the fact-finder, representatives of the public school employer, and representatives of the exclusive bargaining representative, for the

purposes of discussing the fact-finder's recommendations and determining whether the parties are able to conclude their labor dispute at that time with a voluntarily reached agreement.

(9) If the dispute continue, the Board shall forthwith publicize the fact-finder's findings of fact and recommendations along with position statements by the accepting and rejecting parties.

(10) The cost of fact-finding shall be borne equally by the parties involved in the dispute.

(11) Nothing in this Act shall be construed to prohibit or otherwise impede a public school employer and a certified exclusive representative from continuing to bargain in good faith over terms and conditions of employment or from using the services of a mediator at any time during the conduct of collective bargaining. If, at any point in the impasse proceedings invoked under this Act, the parties are able to conclude their labor dispute with a voluntarily reached agreement, the Board shall be so notified, and all impasse resolution proceedings shall be forthwith terminated.

\$4016. Prohibition of Strikes

(1) No public school employees shall strike while in the performance of his or her official duties.

(2) No public school employee shall be entitled to any daily pay, wages, reimbursement of expenses, benefits or any consideration in lieu thereof, for the days on which he engaged in a strike.

(3) Where a public school employee has lost entitlement to any daily pay or other consideration pursuant to subsection (2) of this section, any agreement between such public school employee or employee organization bargaining on his behalf and a public school employer which provided for the direct or indirect restoration of such entitlement shall be void as against public policy.

\$4017. Injunctions

(1) Chancery Court is vested with the authority to hear and determine all actions alleging violation of \$4016 of this Act. Suits to enjoin violations of \$4016 will have priority over all matters on the Courts docket except other emergency matters.

(2) Where it appears that any public school employee group of employees, employee organizations, or any officer or agent thereof, threaten or are about to do, or are doing, any act in violation of \$4016, the public school employer may forthwith apply to the Court of Chancery for an injunction against such violation.

(3) If an order of the Court enjoining or restraining a violation of \$4016 does not receive immediate compliance, the public school employer shall apply to the Court for appropriate contempt sanctions against any party in violation of such order. Upon a proper showing that any person or organization has failed to comply with such an order, the Court shall, in addition to any other remedy it deems appropriate, fine such violating party an amount on a daily, weekly or monthly basis without limitation as determined by the Court.

(4) In determining an appropriate amount for fines imposed pursuant to subsection (3), the Court shall consider and receive evidence of:

(a) The extent and value of services lost due to the violation of \$4016.

(b) Any unfair labor practices committed by either party during the collective bargaining process.

(c) The extent of the willful defiance or resistance to the Court's order.

(d) The impact of the strike on the health, safety, and welfare of the public.

\$4018. Status of Existing Exclusive Representative

An employee organization that has been certified as the exclusive representative of a bargaining unit deemed to be appropriate prior to the effective date of this Act shall so continue without the requirement of an election and certification until such time as a question concerning representation is appropriately raised under this Act in accordance with \$4011(2), or until the Board would find the unit not to be appropriate in accordance with \$4010(a).

\$4019. Severability

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby."

Section 2. This Act shall be effective sixty (60) days following the appropriation by the General Assembly of sufficient funds for the purposes set forth in this Act.

Section 3. In the event implementation of this Act in any operating budget, then notwithstanding such lack of appropriation the portions of this Act which are not dependent on an appropriation act shall nevertheless continue to be valid and effective.

Section 4. This Act shall not apply to any contract negotiations between a public school employer and its employees initiated, pending, or in litigation prior to the enactment of this Act into law and said negotiations shall be controlled by 57 Delaware Laws Chapter 298.

Approved July 7, 1982.

CHAPTER 334

FORMERLY

SENATE BILL NO. 589

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 19, CHAPTER 23, DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION AND DEFINING CERTAIN EMPLOYERS.

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

Section 1. Amend Section 2311, Title 19 of the Delaware Code by striking the title and substituting in lieu thereof a new title, as follows:

"§2311. Contractors, Subcontractors and Lessees of Motor Vehicles Transporting Passengers for Hire, as Employers."

Section 2. Amend Section 2311, Title 19 of the Delaware Code by designating the body of the existing section as subsection "(a)" by inserting "(a)" at the beginning thereof and by adding a new paragraph to be designated as subsection "(b)", as follows:

"(b) Lessees transporting passengers for hire in motor vehicles leased pursuant to written leases shall not receive compensation under this chapter, but shall be deemed to be employers."

Approved July 7, 1982.

CHAPTER 335

FORMERLY

HOUSE BILL NO. 275
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21, CHAPTER 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF SPECIAL VANITY PLATES FOR MOTORCYCLES.

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

Section 1. Amend Section 2121, Chapter 21, Title 21 of the Delaware Code by renumbering subsection (i) as subsection (j) and by adding a new subsection (i) which shall read as follows:

"(i) This title notwithstanding, the Department, upon written application, shall furnish to any owner of a motorcycle, otherwise entitled to a Delaware license plate, a special license plate, provided the required registration fee has been paid for such motorcycle pursuant to §2151(l) of this Title. Such special plate shall have displayed thereon:

(1) Any single letter or combination of letters or combinations of letters and numerals, not to exceed five (5) in number. If the combination includes numerals, the numerals shall be displayed to the right of all letters on the plate. A hyphen shall be permitted and shall be counted as one letter. In its discretion, the Department may refuse any combination of letters, or letters and numerals.

(2) The word "Delaware";

(3) The letters M/C;

(4) The expiration date of the license plate; and

(5) Gold letters on a blue background.

Upon making application for such special license plate, the owner shall pay \$25 annually for each plate in addition to the regular registration fee. Application shall be made on forms as prescribed by the Department. The Department shall issue such plates in the order in which the applications are received for any letter or combination thereof. Such license plate shall be the personal property of the owner so long as the owner shall comply with provisions of this Section. No reasonable facsimile of any license plate as provided for in this Chapter shall be displayed on the front of any motorcycle registered in this State."

Approved July 8, 1982.

CHAPTER 336

FORMERLY

HOUSE BILL NO. 320

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

AN ACT TO AMEND CHAPTERS 6 AND 71, TITLE 29 OF THE DELAWARE CODE, RELATING TO ENFORCEMENT VEHICLES OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

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

Section 1. Amend §603, Chapter 6, Title 29 of the Delaware Code by adding after the words "state detectives", and before the words "Alcoholic Beverage Control Commission", the following:

"enforcement vehicles of the Department of Natural Resources and Environmental Control operated by environmental protection officers,".

Section 2. Amend §7106, Chapter 71, Title 29, Delaware Code, by striking the period at the end of said section and inserting in lieu thereof the following:

", and enforcement vehicles of the Department of Natural Resources and Environmental Control operated by environmental protection officers."

Approved July 8, 1982.

CHAPTER 337

FORMERLY

HOUSE BILL NO. 379

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE, RELATING TO SIZE AND WEIGHTS OF VEHICLES BEING TOWED BY TOW TRUCKS.

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

Section 1. Amend Chapter 45, Title 21 of the Delaware Code by adding the following new §4509:

"§4509. Removal of Disabled or Abandoned Trucks and Trailers from the Highways

(a) A tow truck or wrecker may, without regard to the limitations of the length or weight as specified in this Chapter, tow disabled or abandoned trucks, trucks and trailers, or trucks and semi-trailers from highways to a point where such disabled or abandoned vehicle can be repaired or stored."

Section 2. Amend §4507, Chapter 45, Title 21 of the Delaware Code by striking the word "or" as it appears following the number "4505", in subsection (a). Further amend §4507 by adding the phrase ", or 4509" after the number "4506" in subsection (a).

Approved July 8, 1982.

CHAPTER 338

FORMERLY

HOUSE BILL NO. 382

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REISSUANCE OF LICENSE PLATES.

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

Section 1. Amend Section 2128, Title 21 of the Delaware Code by designating the existing paragraph "(a)" and by adding the following new paragraphs:

"(b) If a vehicle registration has been expired for one year or more, the registration number may be reissued by the Division of Motor Vehicles.

(c) If a vehicle which was registered in Delaware is titled and registered in another jurisdiction, the Delaware title and registration is immediately cancelled and the registration number may immediately be reissued by the Division of Motor Vehicles.

(d) If a registered vehicle has been junked, salvaged or destroyed to an extent that it will not be registered again for highway use and if the Delaware certificate of title has been surrendered to the Division, the registration number may be reissued by the Division of Motor Vehicles.

(e) If a registration number has been removed from a vehicle pursuant to the provisions in paragraph (a) of this section, and if the registration has expired, the registration number may be reissued by the Division of Motor Vehicles."

Approved July 8, 1982.

CHAPTER 339

FORMERLY

HOUSE BILL NO. 383

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLES BEING TOWED BY TOW TRUCKS.

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

Section 1. Amend §2101, Chapter 21, Title 21 of the Delaware Code by designating the existing paragraph as subsection "(a)" and adding thereto a new subsection (b) to read as follows:

"(b) A motor vehicle or vehicle being towed by a motor vehicle registered as a tow truck or wrecker, shall not be in violation of subsection (a) of this section or §2115 of this Chapter if such towed vehicle has one end hoisted off the ground while being towed. The term tow truck or wrecker does not apply to a vehicle registered as a truck tractor."

Approved July 8, 1982.

CHAPTER 340

FORMERLY

HOUSE BILL NO. 435

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER II, CHAPTER 31, TITLE 20, OF THE DELAWARE CODE RELATING TO THE EMERGENCY POWERS OF THE GOVERNOR DURING A DROUGHT WARNING, A SEVERE CONTINUING DROUGHT, OR OTHER TYPES OF TEMPORARY CONDITIONS OF FAILURE OR INADEQUACY OF THE SUPPLY OF WATER.

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 II, Chapter 31, Title 20, Delaware Code, by adding a new section, §3132, which shall read as follows:

"§3132. Declaration of a Drought Warning by the Governor.

(a) The Governor may declare a drought warning prior to declaring a state of emergency due to a drought pursuant to the provisions of 20 Del. C. §3133. The purpose of a drought warning is to avoid or mitigate the adverse impact of a drought that may cause a state of emergency to be declared. Upon the declaration of a drought warning by the Governor, the Governor may issue orders, rules and regulations, which may provide for:

(1) Voluntary requests for water conservation by public or private users of water in the State.

(2) Other measures, including mandatory ones, which may be necessary to conserve water, in accordance with the severity of the conditions causing the declaration of the drought warning.

(b) Any order, rule, regulation and measure issued or provided for by the Governor pursuant to the authority granted in subsection (a) of this section shall be enforceable according to the provisions of 20 Del. C. §§3113, 3128.

(c) For purposes of this section 'drought warning' shall mean a condition whereby hydrologic information indicates the approach of a drought in the State, or in parts thereof, that may cause the declaration of a state of emergency pursuant to the provisions of 20 Del. C. §§3125, 3133.

(d) Before any mandatory measure shall be enforceable, or be made part of any order, rule or regulation that is issued by the Governor pursuant to this section, the Governor shall hold a public hearing on the issue of said mandatory measure. Notice of the hearing shall be published at least 20 days before the hearing in no less than two Delaware newspapers of general circulation. A hearing officer, who shall be appointed by the Governor, shall preside over the hearing, and shall make a written report and recommendation about the evidence presented at the hearing to the Governor.

(e) If any subsection, sentence, clause or provision of this section is determined to be invalid, the remainder of this section shall not be affected."

Section 2. Amend Subchapter II, Chapter 31, Title 20, Delaware Code, by adding a new section, §3133, which shall read as follows:

"§3133. Declaration of a State of Emergency Due to a Drought; Emergency Powers of the Governor.

(a) 'State of Emergency' means an emergency proclaimed as such by the Governor pursuant to 20 Del. C. §3125.

(b) As used in 20 Del. C. §3125, 'disaster' or 'emergency' shall include a severe continuing drought resulting from stress of weather or a temporary condition of failure or inadequacy of the supply of water resulting from any convulsion of nature, malice, acts of war or civil commotion, or other generally unforeseeable events natural or unnatural.

(c) It is hereby found, determined and declared by the General Assembly that an emergency may exist whenever a severe continuing drought or any condition referred to in subsection (b) of this section results in a lack of water resources, thereby threatening the availability of essential services

and jeopardizing the peace, health, safety and welfare of the people of the State. The General Assembly further finds that boundaries of municipalities and other political subdivisions within the State do not conform to the geographic boundaries of the sources of water in the State. In addition, the General Assembly finds that problems caused by a severe continuing drought or any condition referred to in subsection (b) of this section may exceed local ability to curtail or resolve such problems. The General Assembly finds that whenever such a drought emergency exists, it shall be necessary to provide information regarding water resources, and to provide an orderly procedure to assure equitable curtailment, adjustment, allocation, or regulation in the public or private use of water resources located in the State. Therefore the General Assembly declares that curtailment of water usage by public or private water users during the existence of an emergency caused by a severe continuing drought or any other condition referred to in subsection (b) of this section may require the exercise of executive authority by the Governor of the State.

(d) After the Governor has determined that a disaster or emergency such as described in subsection (b) of this section exists, the Governor may proclaim a state of emergency pursuant to 20 Del. C. §3125, and in connection therewith issue orders, rules and regulations, which may provide for:

(1) Enactment of plans for water allocation during a drought by public or private waters users.

(2) Bans on water use by public or private water users for specified purposes.

(3) Water rationing program by public or private water users.

(4) Reduction in the withdrawal of water by public or private users.

(5) Other voluntary or mandatory measures, which may be necessary to conserve water, in accordance with the severity of the conditions causing the declaration of a state of emergency because of a drought.

(e) Any order, rule, regulation and measure issued or provided for by the Governor pursuant to the authority granted in subsection (d) of this section shall be enforceable according to the provisions of 20 Del. C. §§3113, 3128.

(f) In determining the existence of a severe continuing drought, or a condition of failure or inadequacy of the supply of water, the Governor shall consider the water resources and requirements of states having contiguous borders with the State.

(g) Before any mandatory measure shall be enforceable, or be made part of any order, rule or regulation that is issued by the Governor pursuant to this section, the Governor shall hold a public hearing on the issue of said mandatory measure. Notice of the hearing shall be published at least 7 days before the hearing in no less than 2 Delaware newspapers of general circulation. A hearing officer, who shall be appointed by the Governor, shall preside over the hearing, and shall make a written report and recommendation about the evidence presented at the hearing to the Governor.

(h) If any subsection, sentence, clause or provision of this section is determined to be invalid, the remainder of this section shall not be affected."

Approved July 8, 1982.

CHAPTER 341

FORMERLY

HOUSE BILL NO. 511

AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION PLATES FOR THE HANDICAPPED.

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

Section 1. Amend §2134(d) of Chapter 21, Title 21, Delaware Code, by striking said subsection (d) in its entirety and substituting in lieu thereof a new subsection (d) to read as follows:

"(d) The registration plates issued pursuant to this section shall bear the nationally recognized symbol for a handicapped person in addition to the number assigned to each plate."

Approved July 8, 1982.

CHAPTER 342

FORMERLY

HOUSE BILL NO. 551

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

AN ACT TO AMEND CHAPTER 7, PART 1, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT.

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

Section 1. Amend §708, Chapter 7, Part 1, Title 21 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new §708 to read as follows:

"§708. Appeal

(1) any person convicted under this Title, or under any Municipal Ordinance or other law, for a motor vehicle violation within the State of Delaware before an Alderman or Mayor of any incorporated City or Town, except the City of Wilmington, shall have the right of an appeal, unless otherwise stated in this Title, to the Superior court, upon giving bond in the sum of \$500 to the State with surety satisfactory to the Mayor or Judge before whom such person was convicted, such appeal to be taken and bond given within 15 days from time of conviction. Such appeal shall operate as a stay or supersedens of all proceedings in the court below in the same manner that a certiorari from the Superior Court operates. The taking of such appeal shall constitute a waiver by the appellant of his right to a writ of certiorari in the Superior Court.

(2) Except as provided in paragraph (1) of this Section, any person convicted under this Title, shall have the right of an appeal to the Superior Court only in those cases in which the sentence imposed was imprisonment, or a fine exceeding one hundred dollars (\$100.00), upon giving bond with surety satisfactory to the Alderman, Justice of the Peace or a Judge before whom such person was convicted, such appeal to be taken and bond given within fifteen days from the time of conviction. Such appeal shall operate as a stay or supersedens of all proceedings in the court below in the same manner that a certiorari from the Superior Court operates. The taking of such appeal shall constitute a waiver by the appellant of his right to a writ of certiorari in the Superior Court."

Section 2. This Act shall apply only to crimes committed after the effective date hereof.

Approved July 8, 1982.

CHAPTER 343

FORMERLY

HOUSE BILL NO. 612

AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" TO PROVIDE FOR THE APPOINTMENT OF THE CITY MANAGER AND THE ASSISTANT CITY MANAGER FOR AN INDEFINITE TERM, TO PROVIDE FOR THEIR REMOVAL, TO PROVIDE FOR THE APPOINTMENT AND DISMISSAL OF EMPLOYEES BY THE CITY MANAGER, TO PROVIDE FOR THE APPOINTMENT OF THE CHIEF OF POLICE AND FOR THE OPERATION OF THE POLICE DEPARTMENT.

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 15, Chapter 42, Volume 53, Laws of Delaware, as amended, by striking out the words "City Manager" and "Assistant City Manager" as they appear therein.

Section 2. Amend Section 15, Chapter 42, Volume 53, Laws of Delaware, as amended, by adding thereto new Subsections (D) and (E) which shall read as follows:

"(D) The Mayor, by and with the consent of a majority of the elected members of the City Council shall appoint a City Manager who shall be the Chief Administrative Officer of the City and who shall be appointed for an indefinite term. The Mayor may also appoint an Assistant City Manager. Either the City Manager or the Assistant City Manager, or both of them, may be removed by a majority vote of all the elected members of the City Council. At least thirty (30) days before such removal shall become effective, the City Council shall, by a majority vote of all its elected members, adopt a preliminary resolution stating the reasons for the removal of either the City Manager or the Assistant City Manager, or both of them. Either the City Manager or the Assistant City Manager, or both of them, may reply in writing and may request a hearing, said request to be received by the Mayor within ten (10) days after the adoption of the said preliminary resolution. The hearing shall be held not earlier than twenty (20) days nor later than thirty (30) days after the request for the hearing is received by the Mayor. After such hearing, if one be requested, and after full consideration, the City Council, by a majority vote of all its elected members, may adopt a final resolution of removal. By the preliminary resolution, the Mayor and City Council may suspend the City Manager or Assistant City Manager, or both of them, from duty but shall, in any case, cause to be paid to the person or persons so removed any unpaid balance of his salary.

(E) The City Manager shall be responsible to the Mayor and City Council for the proper administration of the affairs of the City placed in his charge, and to that end he shall have the power to appoint and remove all officers and employees of the City, except the Chief of Police, who shall be appointed as hereinafter set forth. All appointments made by the City Manager shall be without definite term. All such employees appointed by the City Manager, or by his authorization, may be removed by him at any time. He shall exercise his sole discretion in the appointment or hiring of any such employees. The City Manager shall be the sole judge of the competence or incompetence of any such person appointed or hired by him. The Mayor and City Council shall sit as a Board of Appeal for the protection of City employees at those times when the Mayor and a majority of all the elected members of the City Council are agreed that a review of the action of the City Manager in the discharge or removal of any person from the employment of the City would be in the best interest of the City. The decision of the Mayor and City Council in such case shall be final and conclusive."

Section 4. Amend Subsection (E), Section 16, Chapter 52, Volume 53, Laws of Delaware, as amended, by striking Subsection (E) in its entirety and substituting in lieu thereof a new Subsection (E), which shall read as follows:

"(E) The Mayor shall, on the first day of his term, or as soon thereafter as is convenient, but in no event later than thirty (30) days after taking office, appoint some suitable person by and with the consent of a majority of the elected members of the City Council to act as Chief of Police for an indefinite term. The Chief of Police and the members of the Police Department shall be subject to the direction of the City Manager, acting on behalf of the Mayor. The Chief of Police, as chosen, shall serve at the pleasure of the Mayor and shall be the head of the Police Department and shall receive such compensation as the Mayor and City Council shall fix."

Approved July 8, 1982.

CHAPTER 344

FORMERLY

HOUSE BILL NO. 615

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS" AS AMENDED, BY INCREASING THE AMOUNT WHICH THE TOWN OF BETHANY BEACH MAY RAISE BY TAXATION OF ASSESSABLE REAL ESTATE.

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

Section 1. Amend §19, Chapter 212, Volume 25, Laws of Delaware, as amended, by striking said section in its entirety and inserting in lieu thereof a new Section 19 to read as follows:

"Section 19. That for the purpose of raising money for the general purposes of said Town, the Commissioners of said Town are authorized and empowered to levy and collect by taxation an annual sum, not exceeding Six Hundred Thousand Dollars (\$600,000) on all assessable real estate within the limits of the said Town."

Approved July 8, 1982.

CHAPTER 345

FORMERLY

HOUSE BILL NO. 637

AN ACT TO AMEND SECTION 1194, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO FAILURE TO FILE RETURNS.

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

Section 1. The heading of Section 1194, Chapter 11, Title 30, Delaware Code, is amended to read as follows:

"§1194. Failure to File Tax Return Or to Pay Tax."

Section 2. Amend Subsection (a) of Section 1194, Chapter 11, Title 30, Delaware Code, by striking the figure "10%" each place it appears therein and substituting in lieu thereof the figure "5%".

Section 3. Amend Section 1194, Chapter 11, Title 30, Delaware Code, by redesignating Subsection (b) as Subsection (e), and by adding thereto new Subsections (b), (c), and (d) which shall read as follows:

"(b) In case of failure to pay the amount shown as tax on any return filed pursuant to this Chapter on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such a failure is due to reasonable cause, there shall be added to the amount shown as tax on such return 0.5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. For purposes of computing the addition for any month, the amount of tax shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the beginning of such month and by the month of any credit against the tax which may be claimed on the return.

(c)(1) If any partnership required to file a return under Section 1174 for any taxable year fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing) or files a return which fails to show the information required under Section 1174, such partnership shall be liable for a penalty determined under paragraph (2) below for each month or fraction thereof during which such failure continues (but not to exceed 5 months), unless it is shown that such failure was due to reasonable cause.

(2) For purposes of paragraph (1), the amount of penalty for any month is the product of \$25.00, multiplied by the number of persons who were partners in the partnership during any part of the taxable year.

(3) The penalty shall be assessed against the partnership and the deficiency procedures provided in Section 1181 shall not apply.

(d) This Section shall not apply to any failure to file a declaration of estimated tax or to pay any estimated tax."

Section 4. This Act shall take effect on July 1, 1982.

Approved July 8, 1982.

CHAPTER 346

FORMERLY

HOUSE BILL NO. 656

AN ACT TO GRANT TITLE TO A PORTION OF THE FORMER RICHARDSON & ROBBINS PROPERTY OWNED BY THE STATE TO THE CITY OF DOVER.

WHEREAS, the State of Delaware purchased the former Richardson & Robbins property located on Kings Highway in the City of Dover, Kent County, on February 14, 1980, as appears of record in the Office of the Recorder of Deeds in Deed Record T, Volume 34, Page 259; and

WHEREAS, the said real property was purchased to serve as an office building complex for the State of Delaware, Department of Natural Resources and Environmental Control; and

WHEREAS, the said real property contains a total of 7.91 \pm acres; and

WHEREAS, at the time of the State's purchase of said real property the City of Dover was utilizing a small portion of said property for public parking; and

WHEREAS, the City of Dover is presently utilizing said small portion of said real property for public parking and wants to continue to do so; and

WHEREAS, the Department of Natural Resources and Environmental Control cannot make effective use of this 9,555 square feet of land (.22 \pm acre);

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 governor and the Secretary of the Department of Natural Resources and Environmental Control are authorized to execute and deliver to the City of Dover a good and sufficient deed to the real property that is bounded and more particularly described as follows:

"Beginning at a concrete monument near the northwest corner of a parking lot for the Dover Post Office, said point being a corner for lands now or formerly of The City of Dover; said point being located the following two courses and distances from a point formed by the intersection of the centerlines of paving of Lookerman Street and Legislative Avenue:

1. Along the centerline of paving of Legislative Avenue, N 18 degrees 45' 55" W, 412.75 feet to a reinforcing bar set,

2. Along the division line between lands of The State of Delaware and lands now or formerly of The City of Dover S 68 degrees 52' 45" W, 180.98 feet to the Point of Beginning;

Thence from said Point of Beginning the following six courses and distances:

1. Along line of lands now or formerly of The City of Dover S 13 degrees 24' 15" E, 58.63 feet to a concrete monument, a corner for lands of The City of Dover;

2. Continuing along line of lands of The City of Dover S 77 degrees 27' 40" W, 177.55 feet to an iron pipe in line of lands of The State of Delaware; thence along line of lands of The State of Delaware the following courses and distances:

3. N 21 degrees 39' W, 8.04 feet to a wooden stake;

4. N 47 degrees 01' 04" E, 118.20 feet to a wooden stake;

5. N 67 degrees 16' E, 76.90 feet to a wooden stake;

6. S 13 degrees 24' 15" E, 22.82 feet to the Point of Beginning, containing 9,555 square feet of land, more or less."

Section 2. The continued use, possession, and ownership of the real property described above in Section 1 by the City of Dover shall be conditioned on the continued and uninterrupted use of the entire parcel of real property transferred herein as a public parking facility by the City of Dover. A violation

of this condition shall result in the immediate reversion of the ownership of said real property back to the State of Delaware from the City of Dover.

Section 3. The transfer of the real property to the City of Dover as described in Section 1 above shall be subject to all easements and rights-of-way of record.

Section 4. The Deed described in Section 1 above shall provide for all the terms and conditions that are set forth above in Sections 2 and 3.

Approved July 8, 1982.

CHAPTER 347

FORMERLY

HOUSE BILL NO. 677

AN ACT TO AMEND CHAPTER 167, VOLUME 40, LAWS OF DELAWARE, RELATING TO THE CHARTER OF THE CITY OF HARRINGTON.

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 11, Chapter 167, Volume 40, Laws of Delaware by striking subsection (E) in its entirety, and substituting in lieu thereof the following:

"CITY MANAGER

(E) The City Manager shall be neither the Mayor nor a member of Council. He or she may or may not be a resident of the City of Harrington. He or she shall hold office for such term and at such compensation as the Council may determine. He or she shall collect any or all taxes, assessments or liens which may be levied or assessed by the Council; collect all bills due and owing to the City for water, or in any other manner; and shall also perform any other duties prescribed by the Council.

He or she shall recommend to the Council the employment of such employees and agents of the City as in his or her judgment may be necessary for the proper and diligent performance by him or her of all the above duties; and shall render to the Council a monthly report of the condition of City affairs under his or her management together with such recommendations as he or she may deem proper, including budgeted or probable expenditures.

He or she shall render to the Council on the first day of each and every month a true, accurate and detailed account of all moneys collected by him or her which were received in the performance of his or her duties, and shall properly turn over the same to the Treasurer of the City. He or she shall file with the City Council a bond with corporate surety in the sum five thousand dollars (\$5,000) approved and paid for by the Council, for the faithful performance of his or her duties."

Section 2. Amend Section 14, Chapter 167, Volume 40, Laws of Delaware by striking the first two paragraphs of said section, and substituting in lieu thereof the following:

"Section 14. COLLECTION OF TAXES

A. Administrative Duties and Functions of the City Manager

(a) In the month of April of each year, the Council shall deliver to the City Manager a list containing the names of taxables of the City; opposite the name of each the amount of his real property assessment; the amount of his personal property assessment and his poll assessment; the tax upon the whole of his assessment; and the rate per hundred dollars. Attached to said tax list shall be a warrant under the seal of the City of Harrington, signed by the Mayor and attested by the Secretary, commanding the City Manager to make collection of the taxes as stated and set forth in the tax list.

(b) All taxes, when paid annually, and as collected by the City Manager shall be paid to the City Treasurer; and all taxes shall be due and payable at and from the time of the delivery of the tax list to the City Manager. A discount shall be allowed by the City Manager of three percent (3%) on every tax paid before the first day of May in each year; of two percent (2%) on every tax paid before the first day of June in each year; of one percent (1%) on every tax paid before the first day of July in each year; to every tax paid after the thirtieth day of September, no discount shall be allowed by the City Manager; and to every tax paid after the thirtieth day of September in each year, there shall be added and collected one percent (1%) for every month or fraction of a month after the said thirtieth day of September that the said tax remains unpaid. Before exercising any of the powers herein given for the collection of taxes, notice shall be given to the taxable of the amount due.

(c) The City Manager shall, by agreement with taxables of real property, collect taxes on a quarterly basis, capitation taxes excluded. Under the quarterly tax payment no discount shall be allowed. Under the quarterly tax payment, any taxes thirty days or more overdue for any quarter shall become due and payable in full, and all remaining taxes shall be subject to collection as provided in Section 14 of the Charter of the City of Harrington.

B. Powers of the City Manager."

Approved July 8, 1982.

CHAPTER 348

FORMERLY

HOUSE BILL NO. 718

AN ACT TO APPROVE THE TRANSFER AND CONVEYANCE OF CERTAIN LAND BETWEEN THE STATE OF DELAWARE AND DELMARVA POWER AND LIGHT COMPANY.

WHEREAS, the State of Delaware acquired a certain parcel of property from Alfred E. Brennan, trustee under a trust agreement located in New Castle County, Pencader Hundred on November 15, 1971; and

WHEREAS, the said property was acquired along with other parcels to serve as State park land under the control of the Department of Natural Resources and Environmental Control; and

WHEREAS, the Department of Natural Resources and Environmental Control cannot make effective use of a small portion of the acreage containing 0.2247+ acres and desires to transfer said land to Delmarva Power and Light Company in exchange for an equivalent parcel of land; and

WHEREAS, Delmarva Power & Light Company will convey a parcel of land containing 0.2247+ acres to the State which the Department of Natural Resources and Environmental Control can effectively utilize.

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 Governor of the State and the Secretary of the Department of Natural Resources and Environmental Control are authorized and empowered to execute and deliver to Delmarva Power & Light Company a good and sufficient deed transferring and conveying the following described real property:

Beginning at a point in the southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide; said point being the northeast corner for the newly created parcel herein being described and being further located S87 degrees-01'-30"W, 111.80' along the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide, from its intersection with the center line of an existing overhead transmission line. Thence from the said point of beginning and along the property division line between lands of the State of Delaware (D/R Q-85-212) and lands now or formerly of Delmarva Power and Light Company (D/R V-56-534) S2 degrees-56'-31"E, 326.21' to the southeast corner of the said newly created parcel herein being described; Thence through the said lands of the State of Delaware (D/R Q-85-212) and along the southerly line of the said newly created parcel herein being described, in part, and along the westerly line of the said newly created parcel herein being described, in part, the two (2) following described courses and distances: (1) Along the said southerly line of the newly created parcel herein being described S87 degrees-01'-30"W, 30.00' to the southwest corner of the said newly created parcel herein being described; and (2) thence along the said westerly line of the newly created parcel herein being described N2 degrees-56'-31"W, 326.21' to a point in the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide; Thence along the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide, and along the northerly line of the said newly created parcel herein being described N87 degrees-01'-30"E, 30.00' to the said northeast corner of the newly created parcel herein being described, the point and place of beginning. Containing within the said described metes and bounds 0.2247+ acres of land be the same, more or less.

Section 2. The Governor of the State and the Secretary of the Department of Natural Resources and Environmental Control are authorized to accept and receive from Delmarva Power & Light Company a good and sufficient deed to the following described real property:

Beginning at a point in the property division line between lands now or formerly of Delmarva Power and Light Company, (D/R V-56-534) and other lands of the State of Delaware (D/R Y-55-083), said point also being the northeast corner of the newly created parcel herein being described and being further located the two (2) following described courses and distances from the intersection of the centerline of an existing overhead transmission line with the southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide; (1) Along the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road) at 50' wide N87 degrees-01'-30"E, 21.31' to a point, and (2) Thence leaving the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide, S2 degrees-52'-00"E, 326.21'. Thence

from the said point of beginning and continuing along the said property division line between land's now or formerly of Delmarva Power and Light Company, (D/R V-56-534) and other lands of the State of Delaware (D/R Y-55-083) S2 degrees-52'-00"E, 73.79' to the southeast corner of the newly created parcel herein being described; Thence continuing along the said property division line between lands now or formerly of Delmarva Power and Light Company (D/R V-56-534) and other lands of the State of Delaware (D/R Q-85-212) and the two (2) following described courses and distances: (1) S87degrees-01'-30"W 132.58' to the southwest corner of the newly created parcel herein being described; and (2) Thence N2 degrees-56'-31"W, 73.79' to the northwest corner for the newly created parcel herein being described; Thence through the said lands now of formerly of Delmarva Power and Light Company (D/R V-56-534) and along the northerly line of the newly created parcel herein being described N87 degrees-01'-30"E, 132.68' to the northeast corner of the newly created parcel herein being described, the point and place of beginning.

Containing within the said described metes and bounds 0.2247± acres of land be the same, more or less.

Reserving, however, unto Delmarva Power and Light Company, its' successors and assigns, forever, the right to use for utility purposes, a triangularly shaped right-of-way more particularly described as follows: Beginning at the northwest corner of the fee parcel previously described above; said point being further located the two (2) following described courses and distances from the intersection of the centerline of an existing overhead transmission line with the southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide; (1) Along the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide, S87degrees-01'-30"W, 111.80 to a point; and (2) Thence leaving the said southerly right-of-way line of Delaware State Road No. 54 (Howell School Road), at 50' wide; S2 degrees-56'-31"E, 326.21'. Thence from the said point of beginning and along the northerly line of the said fee parcel previously described above N87 degrees-01'-30"E, 39.30' to a point; Thence through the said fee parcel previously described above S49 degrees-51'-45"W, 49.34' to a point in the westerly line of the said fee parcel previously described above; Thence along the said westerly line of the said fee parcel previously described above N2 degrees-56'-31"W, 29.81' to the said northwest corner of the fee parcel previously described above, the point and place of beginning.

Section 3. The real property transferred and the real property received are both to be given and received subject to any easements and rights of way of record.

Approved July 8, 1982.

CHAPTER 349

FORMERLY

HOUSE BILL NO. 764

AS AMENDED BY

HOUSE AMENDMENT NO. 1

AN ACT TO RE-INCORPORATE THE TOWN OF FELTON.

WHEREAS, it is deemed advisable that the Charter of the Town of Felton, set forth in Chapter 208, Volume 24, 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):

"CHARTER OF THE TOWN OF FELTON

Section 1. Incorporation

The inhabitants of the Town of Felton within the corporate limits hereinafter defined in this Charter or extended as hereinafter provided, shall be and constitute a body politic and corporate, and shall be known and identified as the "Town of Felton."

Section 2. Town Limits

(a) The bounds and limits of the Town of Felton are hereby established and declared to be as follows:

Commencing in the direction of Frederica at a point in the center of the Berrytown and Frederica county road, one-quarter of a mile distant from the center of the main track of the Delaware Railroad and the Berrytown and Frederica county road, a line shall be started at right angles to the aforesaid county road, running in a direction north from the center of said road one-quarter of a mile; thence in a direction west parallel to said county road one-half mile, and thence in a direction south at right angles with said county road one-half mile, and thence in a direction east and parallel to said county road one-half mile, and thence in a direction north to the place of beginning. A referendum held August 30, 1976 from 2:00 p.m. to 6:00 p.m. at the Felton Fire Hall approved the annexation of the following two parcels of land:

(b) PARCEL NO. 1 begins at a stake set on the corner of North Street and Walnut Street in the Northwest corner of the Town of Felton. From this stake the line runs for a distance of 495.00 feet along Walnut Street to a stake set by lands of David McCracken. The line then turns west and runs for a distance of 941.61 feet along adjoining lands of Casper W. Bagley. The line then turns south running along a ditch for a distance of 399.78 feet adjoining lands of Robert E. Courtney. From that point the line turns east along a ditch for a distance of 415.27 feet adjoining lands of Robert E. Courtney. The line then turns south for a distance of 212.00 feet to the existing Town of Felton line on West Street. The line then turns northeast for a distance of 388.00 feet to the Felton Town line on the corner of West Street and North Street. The line then follows along the north side of North Street east for a distance of 425.00 feet back to the corner of North Street and Walnut Street from whence was the point and place of beginning.

(c) PARCEL NO. 2 begins at a stake set on the corner of County Road No. 245 and the proposed West Street in the west part of the Town of Felton. From this stake the line runs along the proposed West Street for a distance of 669.03 feet along a stream to a stake set in the corner of lands presently owned by William C. Myers, Jr. The line then turns west and runs for a distance of 414.06 feet along a stream to a stake and then turns north and runs for a distance of 508.05 feet again along a stream and adjoining lands of William C. Myers, Jr. From that point the line turns west and runs for a distance of 442.38 feet adjoining lands of Casper W. Bagley to a stake set; and then turns south and runs for a distance of 1025.00 feet along lands presently owned by Robert E. Courtney. From that point which lies on County Road No. 245 the line turns east and runs for a distance of 912.00 feet along County Road No. 245 to the point and place of its beginning.

Section 3. Town Survey

The Commissioners of the Town of Felton may, at any time hereafter cause a survey and plot to be made of said Town, and the said plot, when made and approved by the Commissioners, shall be recorded in the office of the Recorder of Deeds for Kent County, State of Delaware, and the same, or the record thereof, or a duly certified copy of said survey, shall be evidence in all courts of law and equity in this State.

Section 4. Commissioners, Qualification of

There shall be five Commissioners of the Town of Felton, all of whom shall be residents therein and all of whom shall be property owners in said town. Those Commissioners who are in office at the time this Charter is enacted by the General Assembly shall hold their offices for the residue of the term for which they have been previously elected. Candidates for the office of Commissioner shall reside in the Town at least one year before the election.

Section 5. Election of Commissioners

On the first Monday in March next following the enactment of this Charter and on the first Monday in March annually thereafter, at a location chosen by the Commissioners, the Town shall conduct its annual election, by voting machine, and shall elect those persons required to fill any vacancies among the Commissioners. At the election to be held on the said first Monday in March following the approval of this Charter, the polls shall remain open from 5 P.M. until 8 P.M., and five Commissioners shall be chosen, two for two years, and three for one year. At each and every election to be held annually thereafter there shall be chosen, each for a term of two years, Commissioners in the places of the Commissioners whose terms of office shall then expire; and residents shall likewise elect Commissioners to fill vacancies of unexpired terms occasioned by death, resignation, removal beyond the Town limits or otherwise.

Section 6. Voter Qualifications

Any resident who is eighteen (18) years of age or older and who has paid all Town taxes assessed against him shall be eligible to vote. All elections shall be duly advertised by notices posted in five of the most public places in said Town at least five days previous to the day of holding the same. Each notice shall state the place, day, and hour of such election; and such notices, signed by any one of the Commissioners or by the Town Clerk by authority of said Commissioners, or any one of them, shall be sufficient.

Section 7. Appointment of Town Officers

Within a reasonable time after the election, the Commissioners, by majority vote, shall appoint a Town President, Alderman, Police Chief, Assessor, Treasurer and such other officers as they may deem necessary. Each such officer shall serve for a term of one year, and until his successor has been duly appointed and qualified. The President shall be appointed from among the Commissioners.

Section 8. Official Oath of Office

The President, the Alderman, the Police Chief, the Assessor, the Treasurer, the Commissioners shall severally be sworn or affirmed to the faithful and impartial performance of their respective duties and undertakings according to the best of their skill and judgment. The said Commissioners may qualify each other and the several officers appointed by them, and any and all other persons when necessary, by administering a proper oath or affirmation suited to the case. The certificates of such qualifications shall, after being duly administered as aforesaid, be recorded in a Town book procured by the Commissioners for that and other purposes, stating the names, time and for what purposes such persons are so qualified, and shall be subscribed by the person administering such oath or affirmation, and the same shall be evidence in all cases.

Section 9. Corporate Powers

The present Commissioners of the Town of Felton, and such other persons as may hereafter be chosen Commissioners for said Town, be and they are hereby created a body politic and corporate in law, and they and their successors shall be able to sue and be sued, plead and be impleaded in all courts of this State, by the corporate name of "The Commissioners of the Town of Felton", and may purchase, take, hold and enjoy lands and tenements in fee or any other estate; may hold goods, chattels, rights and credits; may alien, grant, sell, bargain as they deem proper; and may do any and all other acts which a corporation may or can lawfully do, so as fully and effectually to carry into operation and secure the aim and purposes of this Charter.

Section 10. Continuing Authority

All laws, ordinances, resolutions, rules and regulations for municipal purposes now in force within the Town which are not inconsistent with, nor modified or repealed by any provision of this Charter, shall continue in force until repealed, rescinded or changed by proper authority. This Charter shall be construed liberally in favor of the Town, and nothing in this Charter shall be construed as exempting any individual or agency from the operation of this Section.

Section 11. Commission Procedure; Meetings

The Commission shall meet regularly at least once in every month at such times and places as the Commission may prescribe by rule. Special meetings may be held on the call of the President or of four or more members and, whenever practicable, upon no less than twelve hours' notice to each member. All meetings shall be public. However, the Commission may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person; provided however, the that general subject matter under consideration shall be expressed in the motion calling for such session, and that final action thereon shall not be taken by the Commission until the matter is placed on the agenda.

Section 12. Rules and Journal

The Commission shall determine its own rules and order of business, and shall provide for keeping a journal of its proceedings. This journal shall be a public record. Unless or until other rules are adopted, the Commission shall follow Roberts Rules of Order and parliamentary procedure.

Section 13. Voting By Commissioners

Voting, except on procedural motions, shall be by roll call; and the ayes and nays shall be recorded in the journal. Three members of the Commission shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner, and subject to the penalties, prescribed by the rules of the Commissioners.

No action of the Commissioners, except as otherwise provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four or more members. The President as an elected Commissioner is entitled to vote on all issues.

Section 14. Ordinance Action

Full power and authority is hereby conferred upon the Town Commissioners and their successors in office, at any lawful monthly or annual meeting, to vote on and enact all ordinances which may be requisite to secure good government to meet the lawful needs of the Town and its residents; to define nuisances; to determine what are obstructions to the roads, streets, avenues, passes, sidewalks, ditches, or water drains therein, and to regulate travel upon said ways, roads and avenues; to provide against improper gatherings and assemblages of persons to the fear and terror of Town citizens, and of all noisy and turbulent gatherings whatsoever; for the suppression, discontinuance or removal of all dangerous chimneys or stovepipes or other dangerous and unsightly objects, sports or practices calculated to create fear and dread in near neighbors or others, to fix adequate fines and forfeitures for any violation of any such ordinances or by-laws made and established by the Commissioners; and to provide any and all proper remedies, means and processes requisite to carry into effect all and every the aims, objects and purposes of this Charter.

Section 15. Ordinances Defined

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Town Commissioners shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter or abolish any Town department, office or agency;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes with respect to the property tax levied by adoption of the budget;
- (d) Grant, renew or extend a franchise;
- (d) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;

(g) Sell or lease, or authorize the sale or lease of, any asset of the Town at a rate to be determined by the Commissioners;

(h) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in this section may be done either by ordinance or by resolution.

Section 16. Annexation

The corporate boundaries of the Town of Felton may be enlarged by the annexation of contiguous territory. Annexation shall be accomplished by written agreement between the owners of the land to be annexed and a majority of the Town Commissioners. The agreement shall include a survey description of the lands to be annexed, shall be executed by the owners of the land and by the majority of the Commissioners, shall recite that the described lands are annexed to the Town of Felton, and shall be executed as deeds conveying real estate. Upon the agreement being recorded in the Recorder of Deeds Office in Dover, Delaware, the annexed lands shall become a part of the Town of Felton just as other lands now within the Town; provided, however, that there shall be no annexation without a favorable decision by referendum of the qualified voters of the territory to be annexed to the Town of Felton.

Section 17. Planning and Zoning Committee

The President, with the advice and consent of a majority of Town Commissioners, shall appoint a Planning and Zoning Committee consisting of seven members at large. Appointments shall be made at the first meeting of the Commissioners in July. Appointments during the transition period shall be fixed by the Commissioners, but terms shall not exceed three years. The compensation of the Planning Committee, if any, and any reimbursement for actual and necessary expenses incurred in traveling on official business, shall be approved by the Commissioners.

Section 18. Duties of Committee

The powers, duties and scope of activities of the Planning and Zoning Committee shall be determined by ordinance. The Committee shall advise the Commissioners on zoning and land subdivision matters on the comprehensive development plan, on flood plain regulation, on the official map of the Town, and on such other matters as shall be contained in said ordinance. A majority of the Committee members shall be residents of the Town of Felton.

Section 19. Authority of Committee

The Planning and Zoning Committee shall elect annually, from among its members, a Chairman and Secretary. The Committee shall have no authority to employ persons, disburse monies, make contracts, or to exercise administrative authority in any manner whatsoever; but all such employees engaged in planning matters, and all disbursements, contracts and administrative duties shall be under the direct supervision of the Commissioners.

Section 20. Opening Streets

The Commissioners or a majority of them when they shall deem such necessary for public convenience, are hereby authorized and empowered to locate, lay out, open and make any new road, street, lane, avenue, sidewalk, ditch or water-drain within said Town.

Section 21. Damages Allowable

There shall be allowed to the several owners or holders of any lands affected thereby, such just and reasonable compensation as they or a majority of them shall deem just and proper, having due regard for all benefits and injuries, public and private consequent thereupon, and any and all awards or allowances for any lands so taken or appropriated for public uses as aforesaid shall be well, duly and fully paid to the person or persons severally entitled thereto before the same, or any part thereof, shall be so taken and appropriated to public uses.

Section 22. Appeal of Award

(a) Any person or persons who desire to appeal any aspect of an award made by the Commissioners under Section 20 or Section 21 shall, within ten days after receiving notice in writing of the award, appeal by making a written application to the Alderman or to the nearest Justice of the Peace in Kent County, for the appointment of a Land Compensation Appeals Board (referred to hereinafter as the "Appeals Board") to hear all matters relating to the compensation given to the person or persons appealing the award.

(b) The Alderman or Justice shall thereupon compile a list (the "Freeholders List") containing the names of eleven impartial domiciliaries of said County, five of whom shall be residents of said town, and six of whom shall reside outside the limits of said town. No Alderman or Justice shall select the same name more than once in any year; nor select the same name twice in two consecutive years.

(c) The Alderman or Justice shall, after compiling the list and with agreement of appellants and Commissioners, appoint a reasonable place, day and hour, when the Commissioners and appellants shall appear before the Alderman or Justice. The Commissioners and appellants who appear at such time shall choose Appeals Board members by alternatively striking names from the Freeholders List until all but five of the said names shall have been stricken out; but such striking of names shall be so confined and regulated as to leave of the remaining names two who are residents of said town, and three who reside outside said town limits. The names remaining shall be constituted as the "Appeal Board". The Appeal Board shall have plenary power and authority to settle and determine any and all matters in controversy between the appellants and Commissioners.

(d) In case the said appellants or Commissioners or any of them shall fail, neglect or refuse to appear before the said Alderman or Justice, or otherwise fail to participate in the elimination of names to determine the Appeal Board, then it shall be lawful for the said Alderman or Justice without further delay to name and select such person or persons as he may think proper to act for and on behalf of such defaulting person or persons in the manner aforesaid, so as to secure a proper Appeal Board. Any party to the matter, whether an appellant or a Commissioner, may at any time within fifteen days of the time of securing such Appeal Board, and upon due notice to all other appellants and Commissioners, authorize the said Appeal Board to begin its duties. The Appeal Board, after each member is first sworn or affirmed to faithfully and impartially perform the duties required of them according to the best of his skill and judgment, may proceed to make due inquiry concerning all matters in controversy; and shall hear the allegations of the parties and their proofs.

(e) After maturely deliberating thereupon, the Board shall proceed and do and perform all and whatsoever it may, by majority vote, deem to be fair and proper. The Appeal Board shall arrive at its decision within twenty days, or a new Board shall be chosen in like manner. The Board's decision, in writing, shall immediately be transmitted to each appellant and Commissioner, and to the Alderman or Justice. And if need be, the said Appeal Board may call to its assistance a surveyor and cause a survey and plot of any lands affected by their doings to be made, and append such plot to their report as part thereof, and shall in such report return whether damages should be assessed and if so, to whom, and the amount payable to each person. If any member of said Appeal Board shall neglect or refuse to act in any case when so chosen, in whole or in part, he shall forfeit and pay to the Commissioners for the use of the "Town the sum of Five Dollars to be recovered by action before the Alderman as debts of like amount are recovered before a Justice of the Peace of Kent County with costs.

(f) If the report of said Appeal Board is substantially the same as the damages and awards of the Commissioners under Section 21 of this Charter, the costs of such appeal shall be borne by the appellants equally, otherwise the expenses shall be borne by the town. If any person entitled to any damages or award under this Charter be a minor, non-resident or in any way incapacitated to take the same, or refuse to take and receive the same, such damage or award may be deposited in any bank in Kent County, to the credit of such person so entitled, and such deposit shall in all cases operate as payment. The said Appeal Board and the surveyor, if any, shall be paid a reasonable compensation for their services.

Section 23. Board of Health

The power of the Commissioners to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious disease or nuisances affecting the same shall extend to an area within one mile outside of the limits of the Town. In the event the Commissioners do not deem it necessary to appoint a Board of Health as herein provided, said Commissioners shall have all of the duties and powers herein conferred upon the Board of Health.

Section 24. Fire Regulations

(a) The Town shall, in like manner, have the power to promulgate, amend and repeal regulations for the safe-guarding of life and property from the hazards of fire and explosion.

Such regulations, amendments or repealers shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection. In their interpretation and application, the regulations promulgated under this Section shall be held to be the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion. The Town may, in lieu of adopting its own regulations, enforce the regulations to Chapter 66, Title 16 of the Delaware Code.

(b) The Town shall have the power to condemn, under the provisions of Chapter 61, Title 10 of the Delaware Code, buildings and structures which are a fire and health hazard. The Commissioners are empowered to define, state, demolish, and remove dangerous buildings and other dangerous structures in the Town, including the power to condemn and cause to be torn down and removed any structure which, upon inspection, is determined to be a fire hazard or otherwise be unsafe; provided however, that any such ordinance shall provide procedures for notice and opportunity to be heard and to correct the hazardous condition by the affected property owner and/or lienholders, and to otherwise comply with Chapter 39, Title 25 of the Delaware Code.

(c) The Commissioners may appropriate annually such sums as are deemed desirable to any duly organized fire company operating within the Town.

Section 25. Maintenance of Lots

The Town shall further have the power and authority to compel the owners of property within the limits of the Town to keep the same free from unsanitary or unsightly conditions, clear of tall weeds and rubbish, and to fill in any low lots if the Town Commissioners, in their opinion, shall deem the same to be unsanitary or unsightly or in any other manner prejudicial to the welfare of the Town or adjoining lot owners. The Commissioners shall have the power and authority to pass any ordinance prohibiting or regulating the same.

Section 26. Town Treasurer

The Treasurer shall be the receiver of all taxes and all other moneys due or belonging to the Town, and subject to be drawn upon at any time by the Commissioners by a majority vote for the uses of the Town, and such orders so drawn when fully paid by the Treasurer shall be sufficient voucher for all payments so made.

Section 27. Treasurer's Bond

The Town Treasurer shall be required to give to the Commissioners bond and security, sufficient in amount, and conditioned on the faithful performance of each and every duty and undertaking; including the payment and delivery to his successor, when the successor is duly installed and qualified, of all moneys, books, papers and other things or effects in the Treasurer's care and keeping, or with which he may properly be chargeable.

Section 28. Annual Settlement of Accounts

There shall be held in the Town Hall of Felton, on the first Saturday next after every election, the annual Town meeting, organized and conducted by said Commissioners, for the purpose of settlement of all accounts of the then past year. The meeting shall be open to the public.

Section 29. Annual Meeting to be Advertised

The said annual meeting shall be duly advertised by the Town Clerk or Commissioners by notices posted in three of the most public places in the Town of Felton at least three days before the day of such meeting. Each notice shall state the day, hour, and place of the meeting. At all annual meetings the President or his designate shall assume the chair and the Town Secretary shall record and keep a record of the proceedings.

Section 30. Minimum Sum to be Raised by Taxation

The Commissioners shall determine the amount of money to be raised by tax during the ensuing year for Town purposes, which amount shall not exceed seventy-five thousand dollars (\$75,000).

Section 31. Annual Report

At said annual meeting there shall be produced a true and just report of the activities of the past year showing the amount of money received from all sources; the names and amounts of delinquent taxables; all expenditures, for what purpose and to whom made, including the unexpended residue; the amount owing, to whom and for what purpose; and such other information as may properly be called for at said meeting, so as to set before the taxables present a just and true state and condition of the finances of the said Town.

Section 32. Monthly Meeting

In addition to the said annual meeting there shall be held on the first Monday in each and every month of the year, the monthly meeting of the Commissioners for the purpose of hearing, determining or acting upon any matter or business relating to or concerning the said Town,

which may be properly and lawfully there entertained and acted upon.

Section 33. Compensation of Officials

The Assessor, Treasurer and Town Clerk shall each receive a reasonable compensation for his respective services, as determined by the Commissioners; but no allowances shall be made for personal services rendered in conducting any election.

Section 34. Town Assessment

The Assessor shall immediately after the annual meeting make a just, true and impartial assessment and valuation of all the real estate in the Town limits, and of all the citizens therein of the age of eighteen years and upwards.

Section 35. Completion of Assessment

The assessment shall be completed and delivered to the Commissioners within thirty days after the annual meeting for their examination; and if corrections need to be made, the Commissioners, by recorded majority vote, may make all needed corrections.

Section 36. Assessment Publicly Posted

A true copy of the assessment, as approved by the Commissioners, or as many copies as are necessary, shall be displayed at a public place for the inspection of all residents. Notice that such copy has been made shall be given by the said Commissioners or the Assessor, and posted in two of the most public places in said Town at least five days previous to the day on which they and the Assessor shall sit together to hear and determine assessment appeals. The notice shall state that the assessment appeals meeting shall continue from 7 P.M. to 9 P.M.

Section 9-04. Assessment Appeal Meeting

The assessment appeal meeting shall be kept open from 7 P.M. until 9 P.M. of the evening of the announced day, which shall also be stated in said notices, and shall be held at such place as named in said notices, and as soon after the posting of said list as conveniently may be. At the said assessment appeal meeting the Commissioners shall hear and determine the appeals and make such changes or alterations in all appeal cases as to them shall seem just and proper.

The Commissioners may alter and amend the assessment so as to secure, according to the best of their skill and judgment, a fair and impartial assessment throughout. All such corrections, additions and alterations, if any, shall be made on the day and within the hours of appeals as advertised and not thereafter.

Section 38. Assessment to Treasurer

Immediately after every appeal meeting the original assessment list shall be corrected and made to agree verbatim with the duplicate so corrected and adjusted, and shall be retained by the Commissioners or the Assessor for future reference if need be, and as a precaution against the possible loss or destruction of the duplicate and warrant delivered to the Treasurer. The said duplicate shall, as soon as possible or practicable after the appeal meeting, be delivered to the Town Treasurer with the Commissioner's warrant thereon written, commanding him to receive and collect from the several persons therein named a rate in said warrant named on every hundred dollars and a fractional part thereof, whereof they shall stand severally assessed.

Section 39. Taxes to be Received by Treasurer

The said Treasurer immediately after receiving said duplicate assessment with the Commissioners' warrant thereon written, shall proceed to collect from the persons therein named and as by said warrant commanded; and for that purpose all the remedies, powers, means and processes as by law conferred upon the collectors of school taxes, and of county taxes, are hereby conferred upon said Treasurer, who is hereby constituted also the Receiver of Taxes for the said Town.

Section 40. Collection of Town Taxes

(a) All taxes laid or imposed by the Commissioners of the Town of Felton 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 at any time after such taxes shall have been levied and imposed, situate in the Town of Felton, and such lien shall have preference and priority over all other liens of record on such real estate created or suffered by the said taxable, although such other lien or liens be of a date prior to the time of the attaching of the Town lien for taxes; provided however, that the lien for Town taxes shall remain a lien for the period of three years from the fifteenth day of May of the year in which such tax shall have

been imposed and no longer.

(b) The Treasurer shall have the following powers for the collection of taxes:

(1) By distraint of the goods and chattels of the taxable;

(2) At any time after the delivery of the tax list and warrant, the Treasurer may, in the name of the Town of Felton, institute suit before any Justice of the Peace in any county of this State, or before the Alderman of the Town, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may issue writs of execution as in case of other judgments recovered before a Justice of the Peace.

(i) The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect to county taxes, although such other liens be of a date prior to the time of the attachment of said the Town tax lien.

(3) At any time after the delivery of the tax list and warrant the Treasurer 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 Treasurer 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 Treasurer within ten (10) days. The Treasurer shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and the employee. 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 or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(4) The Treasurer may make a complaint under oath before any Justice of the Peace of Kent County, or before the Alderman, that the tax of any taxable is due and unpaid, and that he has been unable to make collection of the tax by any of the methods for the recovery of taxes prescribed in this Charter; and thereupon a warrant shall be issued for the arrest of such taxable, and if, after hearing, it shall be found that the tax of the person arrested is due and unpaid, and if the taxable shall thereupon fail to pay the tax, together with accrued costs, the Justice or Alderman may take such further action as he may lawfully be empowered to take.

Section 41. Collection of Delinquent Taxes

(a) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the other remedies provided herein, the Treasurer 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 Treasurer shall present to the Superior Court in Kent County wherein the lands and tenements are situated, a petition in which shall be stated:

(1) The name of the taxable;

(2) The year for which the tax was levied;

(3) The rate of tax;

(4) The total amount due.

(5) The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.

(6) A short description of the lands and tenements proposed to be sold sufficient to identify the same.

(7) A statement that a bill for said tax has been mailed to the taxable at his last known post office address, and that it has been found impractical to collect the said tax by any of the other remedies provided in this Charter. The petition shall be signed by the Treasurer, and shall be verified before a Notary Public.

(b) The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said court. Sales of lands and tenements shall be advertised by posting hand-bills in at least five public places in the Town of Felton, and publishing the notice of the said sale in a newspaper published and having general circulation in Kent County. The notices shall contain the day, hour and place of the sale and a short description of the premises sufficient to identify the same. The hand-bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

(c) Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Treasurer shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due is collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

(d) No sale shall be approved by the Court if the owner be ready at court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns, of the costs, the amount of the prechase money and twenty per cent (20%) interest thereon, and the expense of the deed; provided however, that if the purchaser refuses to accept the same, or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of redemption to the Treasurer making the sale, taking from him a good and lawful receipt therefor, and such receipt shall be considered for all intents and purposes as a valid and lawful exercise by the owner, his heirs, executors or assigns, of his or their power to redeem the land so sold.

(e) After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank within the Town of Felton either to the credit of the owner or in a manner by which the fund may be identified.

(f) In the sale of lands for the payment of taxes, the following costs shall be allowed to be deducted from the proceeds of sale, or be chargeable against the owner:

TO THE PROTHONOTARY

For filing and recording petition..... \$1.00

For filing and recording return of sale..... 1.50

In addition, the costs of printing hand-bills and publication of the advertisement of sale shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

(g) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale. If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

(h) If the Treasurer shall be unable by the thirty-first day of December of each year of the date of tax list to collect the tax of any taxable, he is empowered, having first paid the amount thereof to the Town, to collect said tax from such taxable for his own use by any of the processes of law herein prescribed within the space of one further year from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the Treasurer under said tax list and warrant shall cease.

(i) During the month of February next following the date of the tax list and warrant the Treasurer shall make full, final and complete settlement with the Commissioners. The Commissioners shall fix such time and place during the said month for settlement with the Treasurer, of which he, the said Treasurer, shall have due notice. At said settlement the Commissioners shall allow to the Treasurer all taxes which shall have been impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default or neglect or delay of the Treasurer, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the Treasurer by the Commissioners. Upon the conclusion of the said settlement the Treasurer shall forthwith pay over to the credit of the

Town the aggregate amount of taxes found to be due to the Town, and upon his failure or neglect to do so, it shall be the duty of the Commissioners to proceed to collect the same from the Treasurer and/or his surety.

Section 42. Commission Vacancies

If a vacancy shall happen among the Commissioners, such vacancy may be filled by appointment at any of the regular meetings, yearly or monthly, by the remaining Commissioners; and if there be none to make such appointment, then the persons present being taxables may appoint suitable persons, possessing the requisite qualifications to serve until the next election.

Section 43. Treasurer Vacancy

If the Town Treasurer should die or become incapacitated to perform the duties of the office before the end of the term, then the person or persons named in the surety bond shall fill the office of Treasurer and Receiver, and exercise the powers conferred on said Treasurer until a successor be duly appointed and qualified.

Section 44. Paving, Curbing

If any of the Commissioners shall at any time think it proper, they may order and direct any owner or holder of lands along which any sidewalk is now made or hereafter is made, to build, or repair and alter or reconstruct the same, with pavements thereon, and the said curbing thereto and in making such order or giving such directions shall specify the width of such sidewalk, the width of the pavement to be laid thereon, and of the general height and character of curbing next to the street for the support of such sidewalk; and the Commissioners shall also state in such order or directions the kind and character of the materials to be used in making the same, and that the said sidewalks and pavements and curbs shall be made to conform with the general grade of the street or sidewalk and pavement of which the same is a part; and shall also state the time within which all such work shall be completed.

Section 45. Town May Pave When Owner Refuses

If any person shall fail, neglect or refuse to perform any work lawfully ordered by the Commissioners under Section 44, when and as commanded, then and in such event the Town Commissioners are hereby authorized and empowered to contract for said work and repair, and procure the material needed.

Section 46. Expenses, How Recovered

When work ordered under Section 44 is completed, the Town shall recover all the costs and charges incurred, including any skillful superintendent's charges for his services in managing and directing the same, by action in the name of "the Commissioners of the Town of Felton" before the Alderman of said Town; and if there be no Alderman at the time, then before any Justice of the Peace in said County or any Court of this State, as circumstances of jurisdiction may require.

Section 47. Fines, How Recoverable

Fines and penalties authorized by this Charter for infraction of the same or of any ordinance or by law hereunder shall in no case exceed the sum of twenty-five dollars, (\$25.00) recoverable before the Alderman of said Town; and if there be no Alderman at the time, then before any Justice of the Peace in Kent County, with costs; and on a failure to pay, the said Alderman or Justice may take such further action as he may be lawfully empowered to take.

Section 48. Alderman, Jurisdiction of

The Alderman of the said Town shall have within Town limits all the powers, authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses thereon; to arrest, hold to bail or fine and imprison all offenders and have concurrent jurisdiction over all fines, forfeitures and penalties mentioned and prescribed by this Charter or by ordinances established by the Commissioners; and over all neglects, omissions or defaults of any of the officers of said Town.

Section 49. Alderman Fees

The fees charged by the said Alderman shall be the same as are by law allowed to Justices of the Peace for similar purposes.

Section 50. Alderman's Records

The Alderman shall keep a book of record, called "Docket: Felton Alderman," procured for him by the Commissioners in which all his official acts shall be entered, and he shall deliver all books, papers and effects belonging to his office to his successor in office when such successor is appointed and qualified.

Section 51. Police; Powers and Duties

The Police Chief appointed by the Commissioners shall have and exercise all the powers and authority within the limits of said Town, and two miles beyond for the purposes of pursuit, as police of the State of Delaware in and for Kent County have. He shall not serve any civil process, except to carry out the provisions of this Charter. It shall be his duty to execute the office of Police Chief, as fully and effectually and to all intents as largely, in all cases within the Town or arising under this Charter, as police of the State of Delaware in and for Kent County may or can do.

Section 52. Zoning

The Commissioners may adopt zoning ordinances limiting and restricting specified areas or districts of the Town; and the regulation therein of buildings, houses, and other structures according to their construction and the nature and extent of their use.

Section 53. Parks and Recreation

Commissioners shall have the right to acquire by gift, purchase, or designation of town public lands, areas suitable for municipal parks or recreation areas.

Section 54. Development of Parks

Park and recreation areas may be developed through the gift or purchase of safety approved playground and other equipment for the benefit of the Town.

Section 55. Funding

Whenever needed, the Town shall have full power and authority to appropriate funds, or to make application for grants of money for this purpose from the State of Delaware or from the Federal Government.

Section 56. Tree Care and Preservation

The Town of Felton shall have authority to plan, remove, replace, and maintain all trees located on public property and/or public right-of-way within the Town limits.

Section 57. Injuring Trees, Shrubs and Plants Prohibited

(a) It shall be unlawful for any person to injure or carry away any tree, shrub or plant that has been planted in any public place; provided however, that nothing in this Section shall prevent the Town Commission or any future park, playground or tree committee or its authorized agents from properly trimming and pruning trees, shrubs, or plants.

(b) Only the Town of Felton or its authorized agents shall have the authority to plant, remove, or maintain any planting on public property and/or public right-of-way within the limits of the Town of Felton, except where abutting property owners, with town approval desire to plant and maintain plantings on public property."

Approved July 8, 1982.

CHAPTER 350

FORMERLY

HOUSE BILL NO. 784

AN ACT TO AMEND CHAPTER 41 AND CHAPTER 70, TITLE 21, DELAWARE CODE, RELATING TO FINES FOR CERTAIN PARKING VIOLATIONS.

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

Section 1. Amend §7001(g), Chapter 70, Title 21, Delaware Code, by striking subsection 7001(g) in its entirety and inserting, in lieu thereof, a new subsection (g) to read as follows:

"(g) Court costs shall not be assessed if a fine is paid by mail pursuant to subsection (e) of this section, any statute or court rule of this State notwithstanding. The court shall mail a receipt indicating the payment of a fine mailed to the court if the person paying such fine makes a written request for a receipt and encloses a self-addressed envelope with proper postage affixed thereon."

Section 2. Amend §7001(f), Chapter 70, Title 21, Delaware Code, by striking the figure "\$2" where found in subsection 7001(f) and substituting, in lieu thereof, the figure "\$10".

Section 3. Amend §4180(f), Chapter 41, Title 21, Delaware Code, by striking the figure "\$2" where found in subsection 4180(f) and substituting in lieu thereof, the figure "\$10".

Section 4. Amend §4181(c), Chapter 41, Title 21, Delaware Code, by striking the figure "\$2" where found in subsection 4181(c) and substituting, in lieu thereof, the figure "\$10".

Approved July 8, 1982.

CHAPTER 351

FORMERLY

SENATE SUBSTITUTE NO. 1 TO SENATE BILL NO. 119

AN ACT TO AMEND CHAPTER 21, PART III, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ANNUAL SALARY OF THE GOVERNOR.

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

Section 1. Amend §2101, Chapter 21, Part III, Title 29 of the Delaware Code by striking the figure "\$35,000" and inserting the figure "\$70,000" in lieu thereof.

Section 2. This Act shall become effective on the third Tuesday of January, 1985.

Approved July 8, 1982.

CHAPTER 352

FORMERLY

SENATE BILL NO. 382
AS AMENDED BY SENATE AMENDMENT NOS. 3 AND 4

AN ACT TO AMEND TITLE 11 AND TITLE 29, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM.

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

Section 1. Amend Title 11, Delaware Code by adding thereto a new Chapter to be designated as Chapter 86 to read as follows:

"CHAPTER 86. DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM

§8601. Purpose

The purpose of this Chapter is to maintain an accurate and efficient Criminal Justice Information System in Delaware consistent with Chapter 85 of this Title and applicable federal law and regulations, the need of criminal justice agencies and courts of the State for accurate and current criminal history record information, and the right of individuals to be free from improper and unwarranted intrusions into their privacy.

§8602. 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) 'Administration of criminal justice' shall mean performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correction supervision, or rehabilitation of accused persons or criminal offenders, criminal identification activities, and the collection, storage, and dissemination of criminal history record information.

(b) 'Criminal history record information' shall mean information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system. Nor shall the term include information contained in:

(1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(2) original records of entry such as police blotters maintained by criminal justice agencies which are compiled chronologically and required by law with long-standing custom to be made public, if such records are organized on a chronological basis;

(3) court records of public judicial proceedings;

(4) published court or administrative opinions or public judicial, administrative or legislative proceedings;

(5) records of traffic offenses maintained by the Division of Motor Vehicles for the purpose of regulating the issuance, supervision, revocation, or renewal of driver's, pilot's or other operator's licenses;

(6) announcements of executive clemency.

(c) 'Criminal justice agency' shall mean:

(1) every court of this State and of every political subdivision thereof;

(2) a government agency or any sub-unit thereof which performs the administration of criminal justice pursuant to statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. Such agencies shall include, but not be limited to, the following:

- (I) the Delaware State Police,
- (II) all law enforcement agencies and police departments of any political subdivision of this State,
- (III) the State Department of Justice,
- (IV) the Office of the Solicitor of the City of Wilmington, and
- (V) the Department of Correction.

(d) 'Disposition' shall include, but not be limited to, trial verdicts of guilty or not guilty, nolle prosequis, Attorney General probations, pleas of guilty or nolo contendere, dismissals, incompetence to stand trial, findings of delinquency or non-delinquency, and initiation and completion of appellate proceeding.

(e) 'Dissemination' shall mean the transmission of criminal history record information, or the confirmation of the existence or nonexistence of such information. The term shall not include:

- (1) internal use of information by an officer or employee of the agency which maintains such information;
- (2) transmission of information to the State Bureau of Identification;
- (3) transmission of information to another criminal justice agency in order to permit the initiation of subsequent criminal justice proceedings;
- (4) transmission of information in response to inquiries from criminal justice agencies via authorized system terminals, which agencies provide and/or maintain the information through those terminals.

§8603. Justice Information System; Board of Managers

The Delaware Justice Information System Board of Managers, hereinafter referred to as the 'Board,' is hereby established.

(a) 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 against whom proceedings relating to the adjudication of a juvenile as delinquent are instituted.

(b) The Board shall be composed of thirteen members, 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 Correction and one, the Bureau of Juvenile Correction;
- (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 members-at-large to be designated by the Governor; and
- (6) one member to be designated by the Attorney General.

(c) In addition, there shall be five 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; and

(4) one member of the Delaware Criminal Justice Planning Commission to be designated by the Director of that agency.

(d) 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.

(e) The agencies represented on the Board shall provide the Board with adequate staff support to assure that applicable provisions of this Chapter are effectively carried out, not inconsistent with State law.

(f) The Board shall have the power and authority to:

(1) 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 (3) members of the Board and shall be chaired by the Board Chairman.

(2) Employ, supervise and evaluate an Executive Director and other personnel to implement and administer the provisions of this chapter.

(3) Approve the Executive Director's annual Budget request and other applications for funds from any sources.

(4) Recommend any legislation necessary for the implementation, operation, and maintenance of the criminal justice information system.

(5) Establish and implement policy for providing management and administrative statistics and for coordinating technical assistance to serve the information needs of criminal justice agencies, planners, administrators, legislators and the general public.

(6) Perform all functions necessary to carry out the duties of this Chapter.

§8604. Compliance with Statute

The Board shall insure that the State Bureau of Identification and all other criminal justice agencies collecting, storing or disseminating criminal history record information and other information concerning crimes and offenders comply with the provisions of this Chapter and Chapter 85 of this Title.

§8605. Screening of Authorized Personnel

(a) No person shall be appointed, promoted, or transferred to any position with an agency which has or allows access to criminal history record information facilities, systems operating environments, or data file contents, whether while in use or stored in a media library, without a criminal history record check by the employing agency. No person shall be appointed, promoted, or transferred to such a position by an agency if promotion or transfer could endanger the security, privacy, or integrity of such information.

(b) The Board shall initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have access to such information, where such personnel violated the provisions of Chapter 85 of this Title.

(c) The Board shall provide for the establishment of a plan for resolving employee grievances, complaints and appeals.

§8606. Rules and Regulations

The Board shall have the power and authority to promulgate rules and regulations to insure compliance with the provisions of this Chapter not inconsistent with Chapter 85 of this Title.

§8607. Duties of Executive Director

Under the direction of the Board, the Director's duties shall include but not be limited to:

(a) The employment and supervision of required employees.

(b) The preparation and control of an annual budget.

(c) The preparation of an annual report on the justice system's computerization status for presentation to the Governor, the Chief Justice of the Supreme Court and the General Assembly, which shall be made available to the general public upon request.

(d) The preparation of policy and procedure for implementing the audit, security and other provisions of this Chapter and Chapter 85 of this Title.

§8608. Exceptions: Employees Having Access to Criminal History Record Information

(a) Nothing in this Chapter or in any Rule promulgated hereunder shall limit the authority of a criminal justice agency or of the Delaware Justice Information System Board of Managers under §8605, Title 11 of the Delaware Code to deny the appointment, promotion, or transfer of any person to any position which has or allows access to criminal history record information.

(b) The Delaware Justice Information System Board of Managers shall have authority under the Rules to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel of a criminal justice agency who are authorized to have or allow access to criminal history record information, where such personnel violate the provisions of Chapter 85, Title 11 of the Delaware Code.

(c) Any person who is otherwise qualified for a position under this Chapter who is denied appointment, promotion, or transfer to such position or who is transferred or removed from such position under the provisions of §8605, Title 11 of the Delaware Code, shall be given a written statement of the reason or reasons therefor by the agency responsible for such action, and the agency shall promptly give written notice of its action to the Commission.

Approved July 8, 1982.

CHAPTER 353

FORMERLY

SENATE BILL NO. 419

AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 17 OF TITLE 24 OF THE DELAWARE CODE MANDATING PROPER MEDICAL TREATMENT FOR CHILDREN BORN ALIVE AFTER AN ABORTION OR ATTEMPTED ABORTION.

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 17 of Title 24 of the Delaware Code by adding a new §1795 to read as follows:

"§1795. Live Birth Following an Abortion

(a) In the event an abortion or an attempted abortion results in the live birth of a child, the person performing or inducing such abortion or attempted abortion and all persons rendering medical care to the child after its birth must exercise that degree of medical skill, care, and diligence which would be rendered to a child who is born alive as the result of a natural birth.

(b) Nothing found in this Section shall be deemed to preclude prosecution under any other applicable section of the Delaware Code for knowing or reckless conduct which is detrimental to the life or health of an infant born as a result of a procedure designed to terminate pregnancy. Anyone who knowingly violates this section shall be guilty of a Class A Misdemeanor."

Approved July 8, 1982.

CHAPTER 354

FORMERLY

SENATE BILL NO. 473

AN ACT TO AMEND SUBPART B, SUBCHAPTER II, TITLE II, DELAWARE CODE, RELATING TO FIRST DEGREE MURDER.

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

Section 1. Amend §636 (a) (6), Subpart B, Subchapter II, Title II, Delaware Code, by inserting after the words "robbery in the first degree," and before the words "or immediate flight therefrom" the following:

"burglary in the first degree,"

Approved July 8, 1982.

CHAPTER 355

FORMERLY

SENATE BILL NO. 505

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 69, TITLE 21, DELAWARE CODE RELATING TO REMOVAL OF MOTOR VEHICLES FROM PUBLIC HIGHWAYS.

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

Section 1. Amend §6901 (b) of Chapter 69, Title 21, Delaware Code, by striking the words "A State Police Officer" as they appear in subsection (b) and by inserting the following:

"any police officer of this State, or a county or municipality therein,".

Approved July 8, 1982.

CHAPTER 356

FORMERLY

SENATE BILL NO. 509
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 41, TITLE II OF THE DELAWARE CODE RELATING TO A SPECIAL LAW ENFORCEMENT ASSISTANCE FUND.

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

Section 1. Amend Section 4112 of Chapter 41, Title II of the Delaware Code, by designating the present paragraph as (a) and adding a new subparagraph (b) to read as follows:

"(b) Upon the signing of any forfeiture order pursuant to this section, the Clerk of the Court or the Prothonotary in which the order was signed shall transmit a copy of said order to the State Treasurer. If the forfeited money is not in the possession of the Court Clerk or Prothonotary, the money shall be transmitted to the State Treasurer, for deposit into the Special Law Enforcement Assistance Fund, directly by the law enforcement agency which is in possession of the money."

Approved July 8, 1982.

CHAPTER 357

FORMERLY

SENATE BILL NO. 510

AN ACT TO AMEND CHAPTER 42 OF TITLE II OF THE DELAWARE CODE RELATING TO THE PROCEDURE FOR DETERMINING PUNISHMENT FOR FIRST DEGREE MURDER.

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

Section 1. Amend Title II, Section 4209 (e) (1) (l) through (s) by removing those present subsections and inserting the following subsections (l) through (r) in their place:

"(l) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, use of an explosive device or poison or the defendant used such means on the victim prior to murdering him.

(m) The defendant caused or directed another to commit murder or committed murder as an agent or employee of another person.

(n) The defendant was under a sentence of life imprisonment, whether for natural life or otherwise, at the time of the commission of the murder.

(o) The murder was committed for pecuniary gain.

(p) The victim was pregnant.

(q) The victim was severely handicapped or severely disabled.

(r) The victim was 62 years of age or older."

Approved July 8, 1982.

CHAPTER 358

FORMERLY

SENATE BILL NO. 511
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE RELATING TO PRESENTENCE INVESTIGATIONS.

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

Section 1. Amend Section 4331 (a) by striking the present subsection and substituting in lieu thereof the following:

"(a) Upon conviction of any person for any crime and before sentencing, the court may, before fixing punishment or imposing sentence, direct a probation officer to thoroughly investigate and report upon the history of the accused and any and all other relevant facts, to the end that the court may be fully advised as to the appropriate and just sentence to be imposed; provided, however, that if the court order such investigation for an offender convicted of murder, rape, the manufacture, delivery or possession with intent to manufacture a narcotic drug, or trafficking under 16 Del. C. §4753A, with respect to a narcotic drug, the offender shall immediately be remanded to the Delaware Correctional Center during the time such investigation is being conducted. All time spent by the offender in custody prior to completion of the presentence investigation and all other sentencing procedures shall be credited against the amount of time which the offender is sentenced to serve."

Approved July 8, 1982.

CHAPTER 359

FORMERLY

SENATE BILL NO. 512

AN ACT TO AMEND CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO DRUG TRAFFICKING.

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

Section 1. Amend Chapter 47, Title 16 of the Delaware Code of 1974 as amended by adding a new subsection (a) (4) to Section 4753A which shall read as follows:

"(a) (4) Any person who, on any single occasion knowingly sells, manufactures, delivers or brings into this State, or who is knowingly in actual or constructive possession of 15 grams or more of methamphetamine, including its salt, isomer or salt of an isomer thereof, or of any mixture containing any such substance, as described in §4716 (d) (3) is guilty of a Class B Felony, which felony shall be known as 'trafficking in methamphetamine'. If the quantity involved:

a. Is 15 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonments of 3 years and to pay a fine of \$50,000.

b. Is 100 grams or more, but less than 250 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 years and to pay a fine of \$100,000.

c. Is 250 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and to pay a fine of \$400,000."

Approved July 8, 1982.

CHAPTER 360

FORMERLY

SENATE BILL NO. 539

AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 3

AN ACT TO AMEND CHAPTER 14, TITLE 3, DELAWARE CODE, RELATING TO NOXIOUS WEEDS.

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

Section 1. Amend §2401, Chapter 24, Title 3, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof a new Section to read as follows:

"§2401. Declared Public and Common Nuisance

The existence of growth of a noxious weed is declared to be a public and common nuisance."

Section 2. Amend §2402(a), Chapter 24, Title 3, Delaware Code, by striking the words "Johnson grass" as they appear therein and inserting in lieu thereof the words "noxious weeds".

Section 3. Amend §2402(b) Chapter 24, Title 3, Delaware Code, by inserting between the word "Department" and the word "inay" the following"

"shall designate species of weeds which adversely affect or threaten agriculture production as noxious weeds, and".

Section 4. Amend §2402, Chapter 24, Title 3, Delaware Code by adding thereto a new subsection (f) to read as follows:

"(f) A weed advisory committee consisting of five (5) persons shall serve in an advisory capacity to the Secretary on matters concerning noxious weed control in the State. The Committee shall consist of a co-operative extension representative from the University of Delaware, chosen by the director of Co-operative Extension Service; the Noxious Weed Specialist, State Department of Agriculture and one (1) person from each of the three (3) counties to be chosen by the Governor's Council on Agriculture."

Section 5. Amend §2403, Chapter 24, Title 3, Delaware Code, by inserting the word "designated" immediately after the word "any" and before the word "county" as the same appears in the first sentence of said Section, and further striking the words "Johnson grass" wherever they appear in said Section and inserting the words "designated noxious weed".

Section 6. Amend §2404, Chapter 24, Title 3, Delaware Code, by striking the words "Johnson grass" wherever they appear in said Section and inserting in lieu thereof the words "designated noxious weeds".

Section 7. Amend §2404, Chapter 24, Title 3, Delaware Code, by inserting after the word "landowner" and before the words "to mow" the following:

"or person who has the present right to possess and/or use the land".

Section 8. Amend §2405, Chapter 24, Title 3, Delaware Code, by adding thereto the words "except as hereinafter provided" immediately following the word "Chapter" and before the words "shall be" and further adding thereto the following sentence immediately following the last sentence of said Section:

"Provided, however, a landowner or person who possesses or has the use of that land may enter into a written agreement with the Department of Agriculture specifying terms and conditions of a program for the control and eradication of designated noxious weeds, and so long as all the terms and conditions are being complied with, there is no violation of this Chapter as to the land covered by the agreement."

Approved July 8, 1982.

CHAPTER 361

FORMERLY

SENATE BILL NO. 554

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

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

Section 1. Amend §2164 by deleting same in its entirety and substituting in lieu thereof the following:

"§2164. Registration, Inspection of Motor Vehicles of Disabled Veterans

Any motor vehicle owned by a disabled veteran who shall ever have been eligible for certain benefits under the provisions of 38 USCA, §1901, et seq. or Public Law 538, 93rd Congress shall be registered, but shall be exempt from the payment of registration fees; provided that such exemption shall be limited to one automobile per eligible veteran at any one time. The Secretary shall furnish without cost, number and registration plates for all such vehicles of such design as will distinguish them from other plates for which fees are paid. Nothing herein contained shall be construed as exempting such vehicles from the requirement of inspection."

Approved July 8, 1982.

CHAPTER 362

FORMERLY

SENATE BILL NO. 555

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE TO PROVIDE GROUP LIFE INSURANCE FOR STATE RETIREES.

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

Section 1. Amend Chapter 55, Title 29, Delaware Code by adding a new section to read as follows:

"§5546. Group Life Insurance

Upon the death of an individual receiving a pension under this chapter the sum of \$2,000 shall be paid from the Fund to his or her designated beneficiary or in the absence of a designated beneficiary the amount of this benefit shall be paid to the deceased pensioner's estate.

The benefit granted under this section shall not be construed as a contractual obligation of the State or of the Pension Fund and may be revised or terminated by an Act of the General Assembly."

Section 2. The effective date of this act shall be January 1, 1983.

Approved July 8, 1982.

CHAPTER 363

FORMERLY

SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 557

AN ACT TO AMEND CHAPTER 13 OF THE TITLE 18 OF THE DELAWARE CODE RELATING TO ELIGIBLE INVESTMENTS OF INSURANCE COMPANIES.

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

Section 1. Amend paragraph (3) of Section 1305, Title 18, Delaware Code, by deleting such paragraph in its entirety and substituting in lieu thereof the following:

"(3) Stocks. A life insurer shall not: (i) invest in any stocks under §§1311 (common stocks), 1312(a) (insurance stocks), and 1314 (common trust funds, mutual funds) of this title if the cost thereof, when added to the aggregate cost of all such investments then held by such insurer, would exceed 125% of its policyholders' surplus (as defined in §111(a)(2) of this title), or hold at any one time investments under such sections having an aggregate market value exceeding 250% of such policyholders' surplus; and (ii) invest in any stocks under §1310 (preferred and guaranteed stocks) of this title if the cost thereof, when added to the aggregate cost of all such stocks then held by such insurer, would exceed 20% of its assets, or hold at any one time stocks under such section having an aggregate market value exceeding 40% of its assets. This provision shall not apply to stock of any controlled or subsidiary corporation under §§1312(b) and 1313 of this title."

Section 2. Amend paragraph (4) of Section 1308, Title 18, Delaware Code, by deleting the parenthetical clause at the end of the last sentence of such paragraph and substituting in lieu thereof the following parenthetical clause:

"(other than deferred income taxes, deferred investment tax credits, capital stock and surplus)".

Section 3. Amend Section 1308, Title 18, Delaware Code, by adding a new paragraph (5) as follows:

"(5) Fixed interest-bearing obligations, other than those described in paragraphs (1), (2) and (4) of this section, or noninterest-bearing obligations issued at a discount and repayable at a stated value on a specific maturity date, if either (a)(i) the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges during each of the 5 fiscal years next preceding the date of acquisition by such insurer shall have been not less than 125% of its fixed charges for such year, and (ii) the liquid assets of such institution as of the end of the fiscal year next preceding the date as of which determination thereof shall be made and as of the end of each of the 4 fiscal years next preceding such fiscal year shall have been not less than 95% of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock and surplus); or (b)(i) the net earnings of the issuing, assuming or guaranteeing institution available for its fixed charges for a period of 5 fiscal years next preceding the date of acquisition by such insurer shall have averaged per year not less than 115% of its average annual fixed charges applicable to such period and during each of any 4 fiscal years of such period such net earnings shall have been not less than 115% of its fixed charges for such year and during any fiscal year of such 5 year period such net earnings shall have been not less than 105% of its fixed charges for such year, and (ii) the liquid assets of such institution as of the end of the fiscal year next preceding the date as of which determination thereof shall be made and as of the end of each of the 4 fiscal years next preceding such fiscal year shall have been not less than 105% of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock and surplus)."

Section 4. Amend paragraph (3) of subsection (a) of Section 1309, Title 18, Delaware Code, by deleting such paragraph in its entirety and substituting in lieu thereof the following:

"(3) 'Net earnings available for fixed charges' means net income after deducting operating and maintenance expenses, taxes (other than federal, state and other income taxes), depreciation and depletion, but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of such institutions."

Section 5. Amend paragraph (5) of subsection (a) of Section 1309, Title 18, Delaware Code, by deleting such paragraph in its entirety and substituting in lieu thereof the following:

"(5) 'Liquid assets' and 'liabilities', as to the most recent fiscal year of an issuing, assuming or guaranteeing institution, shall be determined in reliance upon the latest regular financial statement of such institution prepared as of a date not more than 15 months prior to the date of acquisition of the obligations in question by an insurer and, as to any prior fiscal year of such institution, shall be determined in reliance upon the regular financial statement of such institution as of the close of the

applicable fiscal year. If net earnings are determined in reliance upon consolidated earnings statements of parent and subsidiary institutions, 'liquid assets' and 'liabilities' shall be determined in reliance upon consolidated financial statements of parent and subsidiary institutions after treating any minority stock interest in such subsidiary institutions as a liability."

Section 6. Amend paragraph (6) of subsection (a) of Section 1309, Title 18, Delaware Code, by deleting the number 10 as it appears therein and substituting in lieu thereof the number "12".

Section 7. Amend subsection (b) of Section 1309, Title 18, Delaware Code, by deleting the portion thereof that precedes the semicolon and substituting in lieu thereof the following:

"(b) If net earnings are determined in reliance upon consolidated earnings statements of parent and subsidiary institutions, such net earnings shall be determined after provision for income taxes of subsidiaries in which the parent institution owns directly or indirectly less than 80% of all classes of voting stock, and after proper allowance for minority stock interest if any;"

Section 8. Amend Section 1311, Title 18, Delaware Code, by deleting the first sentence of such section and substituting in lieu thereof the following:

"An insurer may invest in common stocks, other than insurance stocks, of any solvent institution organized and existing under the laws of the United States or Canada, or of any state or province thereof, if during a period of 7 fiscal years next preceding the date of acquisition by such insurer the institution had aggregate net earnings available for the payment of dividends upon its common stock of no less than the aggregate sum which would have been sufficient to pay dividends of 4% per annum upon the par value (or in the case of common stocks without par value, upon the stated capital) of all of its shares of common stock outstanding during such period."

Section 9. Amend subsection (a) and amend paragraph (1) of subsection (a) of Section 1323, Title 18, Delaware Code, by deleting such subsection and paragraph in their entirety and substituting in lieu thereof the following:

"(a) An insurer may invest in bonds, notes or other evidences of indebtedness secured by first or second mortgages or deeds of trust representing first or second liens upon real estate, perpetual leases thereon or leasehold estates when the remaining term of such leasehold and enforceable renewals is not less than the term of such first or second lien, as the case may be, in the United States or Canada, subject to the following conditions:

(1) The amount loaned or the aggregate amount of bonds or other evidences of indebtedness issued upon the security of a mortgage or deed of trust (when added to the amount unpaid upon any prior first mortgage or deed of trust) shall not at the time of the investment exceed 75% of the fair market value of the real estate, as such value has been determined by a qualified appraiser for the purposes of the investment or at the time of issuance of the bonds or other evidences of indebtedness."

Section 10. Amend subsection (a) of Section 1323, Title 18, Delaware Code, by adding thereto a new paragraph (5) as follows:

"(5) The total investments of any insurer permitted under this subsection 1323(a) in bonds, notes, or other evidences of indebtedness secured by second mortgages or deeds of trust and under subsection 1323(e) in participations evidencing participating interests in bonds, notes or other evidences of indebtedness which are so secured, shall not exceed 5% of its assets, and no such investment shall be made or acquired by an insurer if the mortgagor, without the approval of the insurer, may increase the principal amount of the indebtedness secured by the prior first mortgage except to the extent that the amount of such increase is applied in reduction of the investment held by the insurer."

Section 11. Amend Section 1323, Title 18, Delaware Code, by adding thereto a new subsection (e) as follows:

"(e) A permissible investment under this §1323 shall include a participation (meaning an instrument evidencing a participating interest in a bond, note or other evidence of indebtedness secured by first or second mortgage or deed of trust) if the entire indebtedness would qualify for investment under the provisions of subsection 1323(a) and:

- (1) The entire indebtedness secured by the same mortgage or deed of trust is held by such insurer; or
- (2) The insurer holds a senior participation giving it substantially the rights of a first or second mortgagee and a position of priority over the other holders of participations in such indebtedness; or

(3) If each participation is of equal rank, the aggregate amount of the insurer's investment under this paragraph (3) in all such participations does not exceed 20% of its assets."

Section 12. Amend subsection (a) of Section 1303, Title 18, Delaware Code, by deleting the last sentence of such subsection in its entirety and substituting in lieu thereof the following:

"Nothing in this section shall prohibit an insurer from giving or receiving a participating interest in a bond, note or other evidence of indebtedness acquired by such insurer under §1323 of this title, or the acquisition by an insurer of warrants, options or similar rights to acquire securities if (i) the acquisition of such securities would then be permitted by the provisions of this chapter (other than §1320 of this title) or, (ii) such warrants, options or similar rights are acquired in connection with an investment otherwise permitted by this chapter."

Section 13. Amend paragraph 4 of Section 1305 Title 18, Delaware Code, by deleting such paragraph in its entirety and substituting in lieu thereof the following:

"(4) Mortgages. An insurer shall not at any one time have more than 50% of its assets invested in obligations under §1323 of this title, exclusive of that portion of such obligations guaranteed or insured by an agency of the United States government."

Section 14. Amend paragraph (7) of subsection (a) of Section 1324, Title 18, Delaware Code, by deleting the last sentence of such paragraph and substituting in lieu thereof the following:

"Real estate to be used primarily for agricultural, ranch, mining, development of oil and mineral resources, recreational, amusement, hotel, motel or club purposes shall in total not exceed 10% of an insurer's assets."

Section 15. Amend Section 1331, Title 18, Delaware Code, by deleting such section in its entirety and substituting in lieu thereof the following:

§1331. Secured obligations

An insurer may invest in obligations which are secured by (a) an assignment of a right to receive rental, charter hire, purchase or other payments for the use or purchase of real or personal property adequate to return the investment and payable or guaranteed by one or more governmental units or instrumentalities whose obligations would qualify for investment under §1306 (public obligations) or one or more institutions whose obligations would qualify for investment under subsections (2), (4) or (5) or §1308 (corporate obligations), and (b) a mortgage on or secured interest in such real or personal property. No insurer shall make an investment pursuant to this section in obligations, other than those of institutions, if the aggregate amount so invested will exceed 10% of its assets or if the aggregate amount so invested as to which such rental, charter hire, purchase or other payments are payable or guaranteed by any one governmental unit or instrumentality or any one institution will exceed 5% of such assets. No insurer shall make any investment pursuant to this §1331 in obligations of or in any affiliate (as defined in §5002(3))."

Section 16. Amend Chapter 13, Title 18, Delaware Code, by adding a new Section 1332 as follows:

"§1332. Production payments

Production payments, or interests therein evidenced by trust certificates or other instruments, payable from oil, gas or other hydrocarbons in producing properties located in the United States or Canada or the adjacent continental shelf if an obligation secured by and payable from such production payment or interest therein would qualify for investment under §1308(1) of this title as an obligation which is adequately secured and has investment qualities and characteristics wherein the speculative elements are not predominant. The term 'production payments' shall be deemed to mean rights to oil, gas or other hydrocarbons in place or as produced which entitle the owner thereof to a specified fraction or percentage of production until a specified sum of money has been received. No insurer shall make an investment pursuant to this section if the aggregate amount so invested will exceed 15% of its assets."

Section 17. Amend Section 1306 Title 18, Delaware Code, by adding the following language immediately preceding the words "If, by statutory or other legal requirements applicable thereto,":

"and in any such obligations issued, assumed or guaranteed by the federal government of Mexico,"

Section 18. Amend subsection (a) of Section 1321, Title 18, Delaware Code by deleting the portion thereof following the semicolon, inserting a period in place of said semicolon, and adding the following sentence:

"Except as provided in the foregoing sentence and in subsection 1321(b), an insurer may not invest more than 5% of its assets in securities and investments of or in foreign countries other than Canada; provided that in addition to investments otherwise authorized in the foregoing sentence and in subsection 1321(b), an insurer may invest in public obligations issued, assumed or guaranteed by the federal government of Mexico (as provided in §1306 of this title) in an aggregate amount not in excess of 10% of such insurer's assets."

Section 19. Amend Section 1302 of Title 18, Delaware Code, by adding a new subsection (e) thereto as follows:

"(e) An insurer shall not invest in (i) corporate obligations under §1308(5) of this title, (ii) bonds, notes or other evidences of indebtedness secured by second mortgages or deeds of trust under §1323(a) of this title, (iii) participations under §1323(e) of this title, (iv) secured obligations of institutions under §1331 of this title, or (v) production payments under §1332 of this title, unless such insurer possesses unimpaired capital and surplus (contributed and unassigned) of not less than \$7,500,000 (as shown by the insurer's annual statement as of the December 31 next preceding the date of acquisition), which amount shall be invested in investments permitted under this chapter other than those specified in this subsection or §1320 (miscellaneous investments).

Approved July 8, 1982.

CHAPTER 364

FORMERLY

SENATE BILL NO. 558

AN ACT TO PERMIT AN EMPLOYEE OF THE DEPARTMENT OF ELECTIONS OF NEW CASTLE COUNTY TO RETAIN EXCESS WAGES (\$514.00).

WHEREAS, Ruth Gula, an employee of the Department of Elections of New Castle County, received a salary during the period June 30, 1980, to July 6, 1981, which was in excess of the maximum allowable under Delaware law, due to an improper series of promotions between January 1, 1980, and June 30, 1980; and

WHEREAS, Ruth Gula was in no way responsible for said errors; and

WHEREAS, it would place an undue hardship upon Ruth Gula to require that said excess be recouped from her.

NOW, THEREFORE:

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

Section 1. Notwithstanding any provisions of Chapter 59, Title 29, Delaware Code, or any other law of this State to the contrary, Ruth Gula shall be permitted to retain the excess wages in the amount of \$514.00 paid to her by the State of Delaware and benefits incidental thereto as a result of her employment with the Department of Elections of New Castle County.

Approved July 8, 1982.

CHAPTER 365

FORMERLY

SENATE BILL NO. 571
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF A SPECIAL GREEN LIGHT FOR A COMMAND POST AT AN ACCIDENT, FIRE OR DISASTER SCENE AND FOR USE ON A HAZARDOUS MATERIAL RESPONSE VEHICLE.

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

Section 1. Amend Chapter 43, Title 21 of the Delaware Code by adding the following section:

"§4356B. Use of Special Green Light.

(a) Any motor vehicle used by a fire department or police department and emergency vehicles of state, federal, county or municipal departments, or public service corporations as are designated or authorized as emergency vehicles by the Secretary of Public Safety, may be equipped with a green revolving or flashing light for use only when the vehicle is in service at an accident, fire or disaster scene to signify a command post to which fire and police officials may report for instructions or orders, or for use on hazardous material response vehicles traveling to such scene on the request of the fire department or the police department. Such green revolving or flashing lights may only be used on a vehicle for the purposes and in the manner stated in this section."

Approved July 8, 1982.

CHAPTER 366

FORMERLY

SENATE BILL NO. 578

AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF TRANSPORTATION TO NAME THE SOUTH MARKET STREET BRIDGE IN WILMINGTON THE JOHN E. REILLY, SR. BRIDGE IN HONOR OF THE LATE STATE SENATOR.

WHEREAS, the late John E. Reilly, Sr., of Wilmington, was a member of the State Senate for about 15 years, becoming President Pro Tem in 1961; and

WHEREAS, John Reilly had been in public life before his senatorial career as a member of the Bureau of Fire of the Wilmington Department of Public Safety; and

WHEREAS, John Reilly was first elected to the Senate in 1948 and served thereafter, from the old First Senatorial District, during the 1949, 1951, 1953, 1955, 1957, 1959, 1961 and 1963 sessions, departing this life on February 26, 1963, during the 122nd General Assembly; and

WHEREAS, naming the Market Street Bridge, where it crosses the Christina River in Wilmington, in honor of John E. Reilly, Sr., is fitting and proper.

NOW, THEREFORE:

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

Section 1. The Department of Transportation is hereby directed and authorized to name the bridge which crosses the Christina River at South Market Street in the City of Wilmington the John E. Reilly, Sr. Bridge in honor of the late State Senator.

Approved July 8, 1982.

CHAPTER 387

FORMERLY

SENATE BILL NO. 580

AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF TRANSPORTATION TO NAME THE WALNUT STREET BRIDGE IN WILMINGTON THE LEO J. DUGAN BRIDGE IN HONOR OF THE LATE STATE REPRESENTATIVE AND CITY COUNCILMAN.

WHEREAS, the late Leo J. Dugan of Wilmington was a highly respected businessman and public citizen; and

WHEREAS, Leo J. Dugan served as a member of the House of Representatives in the 104th and 105th General Assemblies of Delaware, during the years 1933-36, representing the old First District of Wilmington; and

WHEREAS, Leo J. Dugan was a member of the Wilmington City Council for several terms; and

WHEREAS, naming the Walnut Street Bridge, which crosses the Christina River, in honor of Leo J. Dugan, is fitting and proper.

NOW, THEREFORE:

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

Section 1. The Department of Transportation is hereby directed and authorized to name the bridge which crosses the Christina River at Walnut Street in the City of Wilmington the Leo J. Dugan Bridge in honor of the late State Representative and City Councilman.

Approved July 8, 1982.

CHAPTER 368
FORMERLY
SENATE BILL NO. 594

AN ACT TO AMEND CHAPTER 14, TITLE II DELAWARE CODE RELATING TO WEARING BODY ARMOR DURING THE COMMISSION OF A FELONY.

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

Section 1. Amend Chapter 14, Title II Delaware Code by adding thereto a new §1449 to read as follows:

"§1449. Wearing Body Armor During the Commission of a Felony

(a) A person who wears body armor during the commission of a felony is guilty of wearing body armor during the commission of a felony.

Wearing body armor during the commission of a felony is a Class B felony.

(b) Notwithstanding §4205 of this title, the minimum sentence for violation of this section shall be not less than three years which minimum sentence shall not be subject to suspension and no person convicted for a violation of this section shall be eligible for parole or probation during such three years.

(c) Any sentence imposed upon conviction for wearing body armor during the commission of a felony shall not run concurrently with any other sentence. In any instance where a person is convicted of a felony, together with the conviction for wearing body armor during the commission of a felony, such person shall serve the sentence for the felony itself before beginning the sentence imposed for wearing body armor during the commission of such felony.

(d) Every person charged under this section over the age of 16 years shall be tried as an adult, notwithstanding any contrary provision of statutes governing the Family Court or any other state law.

(e) As used in this section, the term "body armor" means any material designed to provide bullet penetration resistance.

(f) A person may be found guilty of violating this section notwithstanding that the felony for which he is convicted and during which he wore body armor is a lesser included felony of the one originally charged.

Approved July 8, 1982.

CHAPTER 369

FORMERLY

SENATE BILL NO. 600
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND AND REVISE CHAPTER 71, TITLE 7 OF THE DELAWARE CODE RELATING TO NOISE CONTROL AND ABATEMENT.

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 71, Title 7 of the Delaware Code by striking all of said chapter and inserting in lieu thereof the following:

"Chapter 71. Noise Control and Abatement

Subchapter 1. Non-Vehicle Provisions

§7101. Declaration of Purpose

The Delaware General Assembly finds and determines that the people of this State are entitled to and should be ensured an environment free from noise which unnecessarily degrades the quality of their life; that the levels of noise often reach such a degree as to endanger the health, safety and welfare, jeopardize the value of property and erode the integrity of the environment of the people of this State.

The General Assembly also finds that a substantial body of science and technology exists by which noise may be substantially abated; and that the dangers of excessive noise can be abated by the adoption and enforcement of noise standards embodied in regulations based upon these scientific and technological findings.

The General Assembly also finds that the problem of combating noise involves a high degree of cooperation on the part of various State agencies and departments; this Act makes specific provisions for such inter-agency cooperation.

§7102. Short Title

This Act shall be known and may be cited as the Delaware Noise Control Act.

§7103. Definitions

(a) "Committee" shall mean the Noise Advisory Committee created under the provisions of this Act.

(b) "Farming operations" shall mean any activity which is involved in the production of agriculture, livestock, dairy or poultry products for sale.

(c) "Farm vehicle" shall mean a wheeled device used for transportation in farming operations.

(d) "Manufacturer" shall mean any person employing five or more employees and who is licensed as a manufacturer by the Department of Finance in accordance with the provisions of Chapter 27, Title 30 of the Delaware Code.

(e) "Motor vehicle" shall mean any vehicle defined as a motor vehicle in accordance with the provisions of §101, Chapter 1, Title 21 of the Delaware Code.

(f) "Noise" shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans, excluding all aspects of noise regulated by the Federal Occupational Safety and Health Act (OSHA).

(g) "Noise disturbance" means any sound which (1) endangers or injures the safety or health of humans or animals or (2) annoys or disturbs a reasonable person of normal sensitivities, or (3) jeopardizes the value of property and erodes the integrity of the environment.

(h) "Person" shall mean any corporation, company, association, society, firm, partnership, and any joint stock company, as well as individuals; and shall also include the State and all of its

political subdivisions; agencies and instrumentalities as well as any department, board or agency of the government of the United States.

(l) "Secretary" shall mean the Secretary of the Department of Natural Resources and Environmental Control.

§7104. Noise and Noise Disturbance Prohibited

(a) No person shall, without first having obtained a variance or a temporary emergency variance from the Department of Natural Resources and Environmental Control, undertake any activity which in any way may cause or contribute to the creation of noise or a noise disturbance.

(b) No person shall, without having first obtained a variance or a temporary emergency variance from the Department of Natural Resources and Environmental Control, construct, install, replace, modify or use any equipment, machinery, motor vehicle, device or other article which in any way may cause or contribute to the creation of noise or a noise disturbance.

§7105. Administration of this Act

The Secretary of the Department of Natural Resources and Environmental Control or his duly authorized designee shall exercise general supervision over the administration of this Chapter and, in conjunction with the various law enforcement agencies of this State, the enforcement of the provisions of this Chapter, and shall have jurisdiction over noise emanating from motor vehicles to the extent of approving standards, codes and regulations proposed by the Secretary of the Department of Public Safety.

The Secretary of the Department of Public Safety shall exercise general supervision over the administration and enforcement of the provisions of this Chapter with regard to noise emanating from motor vehicles.

The provisions of this Subchapter shall not apply to noise caused or created by the work of any public service company incident to the repair or maintenance of its equipment or facilities which may have been damaged or destroyed as the result of any emergency situation including but not limited to acts of God, accidents and explosions.

§7106. Powers and Duties of the Department of Natural Resources and Environmental Control

The Department of Natural Resources and Environmental Control shall have the power and its duty shall be to:

(a) adopt standards, rules and regulations, after public hearing, for the prevention, control, reduction and abatement of noise pollution, applicable throughout the State or to such parts or regions thereof specifically designated in such regulations. The procedure for public hearings shall conform to the procedure described in §6008(2), Chapter 60, Title 7 of the Delaware Code; such rules and regulations, however, shall not purport to exercise jurisdiction over any person or activity not included or affected by the provisions of this Subchapter;

(b) cooperate with all other State departments, divisions and agencies in the formulation and preparation of rules and regulations for the control of noise;

(c) enter into agreements with any other State department in order to affectuate the provisions of this Chapter;

(d) enforce the provisions of this Chapter, and all regulations, codes and rules, promulgated pursuant thereto, except those provisions of this Chapter pertaining to motor vehicles;

(e) in conjunction with the various law enforcement agencies of this State, receive or initiate complaints of noise and institute legal proceedings for the prevention of noise and for the recovery of penalties, in accordance with the provisions of this Chapter;

(f) keep records of violations cited, enforcement procedures initiated and completed in accordance with the provisions of this section;

§7107. Authority of the Department of Natural Resources and Environmental Control

The Department of Natural Resources and Environmental Control shall have the authority to:

(a) conduct and supervise research programs for the purpose of determining the causes, effects and hazards of noise;

(b) conduct and supervise Statewide programs of noise control education, including the preparation and distribution of information relating to noise control;

(c) enter and inspect any building or place, except private residences, for the purpose of investigating an actual or suspected source of noise and ascertaining compliance or non-compliance of any statute, rule or regulation of the Department. Any information relating to secret processes or methods of manufacture or production obtained in the course of such inspection, investigation or determination shall be kept confidential and shall not be admissible in evidence in any court or in any other proceedings except to the extent herein provided. If tests of any type are made for the purpose of determining whether or not a violation has occurred, or for any other purpose in connection with such entry and inspection, a duplicate of the results of the tests shall be furnished promptly to the person suspected of violating the statute, code or regulation;

(d) with the approval of the Governor, cooperate with and receive money from the Federal government, the State government or any county or municipal government or from private sources for the study and control of noise; and

(e) review and approve any plan to construct any highway corridor; the construction or operation of which may in the opinion of the Department cause or contribute to an amount of noise deemed excessive by the Department.

§7108. Enforcement and Penalties; Non-Vehicle Violations

(a) The Department of Natural Resources and Environmental Control shall enforce the provisions of this Chapter and any duly promulgated rules and regulations. All law enforcement agencies of this State, including but not limited to police forces of the Counties and incorporated cities and towns, may also enforce the provisions of this Chapter and any duly promulgated rules and regulations.

(b) Whenever the Department of Natural Resources and Environmental Control or any law enforcement agency within this State has cause to believe based upon observation or a complaint that any person is violating this Chapter, or any rules or regulations promulgated in accordance with this Chapter, the Department or law enforcement agency is authorized to conduct an investigation in connection therewith.

(c) If upon investigation the Department of Natural Resources and Environmental Control or any law enforcement officer of this State discovers a condition which is in violation of any provision of this Chapter or any rule or regulation promulgated pursuant thereto, the Department or law enforcement officer shall be authorized to order such violation to cease and may take such reasonable steps as are necessary to enforce such an order. The order shall state why a violation exists and shall provide a reasonably specified time within which the violation must cease.

(d) The person responsible for the violation shall make the corrections necessary to comply with the requirements of this Chapter or any rule or regulation promulgated pursuant thereto within the time specified in the order.

(e) Nothing herein shall be deemed to prevent the Department of Natural Resources and Environmental Control or any other law enforcement agency of this State from prosecuting any violation of this Chapter or any rule or regulation promulgated pursuant thereto, notwithstanding that such violation is corrected in accordance with the above order.

(f) In his discretion, the Secretary of the Department of Natural Resources and Environmental Control may endeavor by conciliation to obtain compliance with all requirements of this Chapter or any rule or regulation promulgated pursuant thereto. Conciliation shall be attempted by giving written notice to the responsible party which: (i) specifies the violation (ii) proposes a reasonable time for its correction, and (iii) advises that a cease and desist order may be issued or other action taken unless the violation is corrected.

(g) If a violation is threatening to begin, or is continuing, or if there is a substantial likelihood that it will reoccur, or if the Department of Natural Resources and Environmental Control receives information that a noise disturbance presents an imminent or substantial hazard to public health or to the environment, the Secretary of the Department of Natural Resources may, in addition to or in lieu of any other remedy provided for in this Chapter, seek a temporary restraining order or a preliminary or permanent injunction in the Court of Chancery.

(h) Whoever violates this Chapter or any rule or regulation duly promulgated thereunder, or any variance or temporary emergency variance issued pursuant to §7108 or §7109 of this title or any cease and desist order of the Secretary, shall be punished by a fine of not less than \$25 nor more than \$500 for each violation. Each day of violation shall be considered as a separate violation. Any court of competent jurisdiction shall have jurisdiction of offenses under this subsection.

(i) Any person who wilfully or negligently violates this Chapter or any rule or regulation duly promulgated thereunder, or any variance or temporary emergency variance or any cease and desist order of the Secretary shall be punished by a penalty of not less than \$500 nor more than \$3000 for each day of such violation. The Superior Court shall have jurisdiction of offenses under this subsection.

(j) It shall be a misdemeanor for any person to obstruct, hinder, delay, or interfere with, by force or otherwise, the performance by personnel of the Department of Natural Resources and Environmental Control or any other enforcement personnel of any duty under the provisions of this Chapter, or any rule or regulation or order or permit or decision promulgated or issued thereunder.

§7109. Variance

(a) Any person who owns or operates any stationary noise source may apply to the Secretary of the Department of Natural Resources and Environmental Control for a variance or a partial variance from one or more of the rules or regulations promulgated pursuant to this Chapter. Applicants for a variance shall supply information including, but not limited to:

(i) Information on the nature and location of the facility or process for which such application is made.

(ii) The reason for which the variance is required, including the economic and technical justifications.

(iii) The nature and intensity of noise that will occur during the period of the variance.

(iv) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

(v) A specific schedule of the best practical noise control measures, if any, which might be taken to bring the source into compliance with those regulations from which a variance is sought, and a statement of the length of time during which it is estimated that it will be necessary for the variance to continue.

(vi) Any other relevant information the Department may require in order to make a determination regarding the application.

(b) Failure to supply the information required shall be cause for rejection of the application unless the applicant supplies the needed information within thirty (30) days of the written request by the Department for such information.

(c) No variance shall be approved unless the Secretary finds that:

(i) Noise levels occurring during the period of the variance will not constitute a danger to the public health; and

(ii) Compliance with this Chapter and any duly promulgated rules or regulations would impose an arbitrary or unreasonable hardship upon the applicant without a commensurate benefit to the public.

(d) In determining whether to grant a variance, the Secretary shall consider:

(i) The character and degree of injury to, or interference with, the health and welfare of people or the reasonable use of property which is caused or threatened to be caused by the noise during the variance period.

(ii) The social and economic value of the activity for which the variance is sought.

(iii) The ability of the applicant to apply best practical noise control measures, as defined in duly promulgated regulations.

(e) Following receipt and review of an application for a variance, and after publishing notice once a week for two weeks in a newspaper of general circulation in the County wherein the variance is proposed, the Department shall, if necessary, fix a date, time and location for a hearing on such application in accordance with 7 Del. C., Chapter 60, §6004. Costs of newspaper advertising are to be paid by the applicant.

(f) Within ten (10) days of the receipt of the record of a hearing on a variance application, or within ten (10) days of receipt of an application on which no hearing is held, the Department shall issue its determination regarding such application and provide a copy to affected parties. All such decisions shall briefly set forth the reasons for the decision.

(g) The Department may, in its discretion, limit the duration of any variance granted. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this Chapter and any duly promulgated rules and regulations for a period not to exceed one year. Any such application shall include a certification of compliance with any condition imposed under the previous variance.

(h) The Department may attach to any variance any reasonable conditions it deems necessary and desirable, including, but not limited to:

(i) Requirements for the best practical noise control measures to be taken by the owner or operator of the source to minimize noise during the period of the variance.

(ii) Requirements for periodic reports submitted by the applicant relating to noise, to compliance with any other conditions under which the variance was granted or to any other information the Department deems necessary.

(i) A variance may include a compliance schedule and requirements for periodic reporting of increments of achievement of compliance.

§7110. Temporary Emergency Variance

(a) A temporary emergency variance may be granted by the Department:

(i) If a severe hardship would be caused by the time period involved in obtaining a full variance.

(ii) If the emergency is of an unforeseen nature so as to preclude a full variance because of time limitations.

(iii) If all conditions comply with those required for a full variance.

(iv) For a period not to exceed 60 days, not to be extended more than once.

(b) The granting of any temporary emergency variance shall be published within 5 days of the granting in a newspaper of general circulation once a week for two weeks in the county where the applicant resides.

§7111. Testimony at Hearings

Testimony taken at any hearing shall be under oath and recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts of Law and Equity. True copies of any transcript and of any other record made of or at such hearings shall be furnished to any party thereto upon request, and at his expense. Applicants shall pay for any and all stenographer's fees and, if requested, copies of the transcript.

§7112. Conduct of Hearings

Any administrative or non-judicial hearings required by this Chapter shall be held before the Secretary of the Department of Natural Resources and Environmental Control or before members of the Department designated by the Secretary. The Secretary, or persons designated by him to hear the case, shall have the power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The respondent to a complaint made by it, or to it, pursuant to this Chapter, shall subpoena and compel the attendance of such witnesses as the respondent may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

§7113. Appeals of Final Orders; Environmental Appeals Board; Superior Court

(a) Any person or persons who jointly or severally are substantially affected and aggrieved by any final order or variance of the Department, or any taxpayer, or any officer, department, board or bureau of the State may appeal that order to the State Environmental Appeals Board and to the Superior Court as provided in ? Del. C. §6008 and §6009 except that the word "variance" shall be substituted for the word "permit" in §6008(b) and (e).

(b) No appeal shall operate to stay automatically any action of the Secretary, but upon application, and for good cause, the Secretary or the Court of Chancery may stay the action pending disposition of the appeal.

Subchapter II. MOTOR VEHICLES

§7120. Powers and Duties of the Department of Public Safety

(a) The Department of Public Safety, after consideration with the Secretary of the Department of Transportation and upon approval of the Secretary of the Department of Natural Resources and Environmental Control, shall have the power and its duty shall be to:

(i) adopt regulations, after public hearing, establishing the standards, test procedures and instrumentation to be utilized in the control of noise from motor vehicles;

(ii) adopt regulations, after public hearing, necessary for the inspection of motor vehicles, including noise control and abatement equipment to assure compliance with the noise standards promulgated by the Department.

(b) For any public hearings required by the provisions of this Subchapter, the procedure shall conform to the procedure established in §6006, Chapter 60, Title 7 of the Delaware Code.

§7121. Motor Vehicle Noise Inspection

Any motor vehicle which is subject to inspection by the Division of Motor Vehicles or any other duly authorized body shall, as a condition of compliance with said inspection, pass such tests as may be required to demonstrate that the motor vehicle is in compliance with all State and Federal standards and requirements for the control of noise which are applicable to such motor vehicles.

§7122. Motor Vehicle Violations; Enforcement

Any person who operates a motor vehicle or owns a motor vehicle which he permits to be operated upon public highways of this State which generates noise in excess of standards adopted by the Department of Public Safety shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), which shall be enforced in accordance with the provisions of Chapter 7, Title 21 of the Delaware Code.

§7123. Liberal Interpretation

The powers, duties and functions vested in any State department under the provisions of this Chapter shall not be construed to limit in any manner the powers, duties and functions vested therein or in any person under any other provision of law, or any civil or criminal remedies now or hereafter available to any person related to community noise control.

§7124. Other Ordinances or Remedies

No existing civil or criminal remedy now or hereafter available to any person shall be superseded by this Chapter or any rule or regulation promulgated pursuant thereto.

No ordinances or resolutions of any governing body of a municipality or county or board of health which establish specific standards for the level or duration or community noise equivalent to or more stringent than those provided by this Chapter or any rule or regulation promulgated pursuant thereto shall be superseded. Nothing in this Chapter or in any rule or regulation promulgated pursuant thereto shall preclude the right of any governing body of a municipality or county board of health to adopt ordinances, resolutions or regulations which establish specific standards for the level or duration of community noise equivalent to or more stringent than this Chapter or any rule or regulation promulgated pursuant thereto.

§7125. Exemptions

(a) All farm vehicles are exempted from the provisions of this chapter while engaged in farming operations.

(b) Sirens operated to summon volunteer firemen to alarms and sirens used to summon ambulance crews to service calls are exempted from the provisions of this chapter.

§7126. Validity of Act

If any provision of this Act or the application thereto to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby."

Approved July 8, 1982.

CHAPTER 370

FORMERLY

SENATE BILL NO. 604

AN ACT TO AMEND SECTION 12.9, ARTICLE 12, §6501, SUBCHAPTER I, CHAPTER 65, TITLE 7 OF THE DELAWARE CODE, RELATING TO THE DELAWARE RIVER BASIN COMPACT AND THE INTEREST RATE OF BONDS ISSUED BY THE DELAWARE RIVER BASIN COMMISSION.

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

Section 1. Amend Section 12.9, Article 12, §6501, Subchapter I, Chapter 65, Title 7 of the Delaware Code by striking in said Section 12.9 the words "of not to exceed 6 percent per annum" and in lieu thereof add the words "determined by the Commission" to said Section 12.9.

Section 2. The amendment of Section 12.9, Article 12, §6501, Subchapter I, Chapter 65, Title 7 of the Delaware Code, by Section 1. of this Act, shall be effective upon the enactment of concurring legislation by the United States Congress and by each of the signatory parties of the Delaware River Basin Compact, which includes the states of New Jersey, New York and the Commonwealth of Pennsylvania.

Approved July 8, 1982.

CHAPTER 371

FORMERLY

SENATE BILL NO. 607

AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE" RELATING TO THE ELECTIONS AND THE ELIGIBILITY TO SERVE ON THE TOWN COUNCIL.

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

Section 1. Repeal Section 6 of Chapter 302, Volume 49, Laws of Delaware, and replace it with a new Section 6 as follows:

"Section 6. Elections

On the first Saturday in August each year, a municipal election shall be held between the hours of 1:00 o'clock P.M. and 5:00 o'clock P.M., at such place within the limits of the Town as shall be designated by the Town Council. Each member of the Town Council shall be elected to serve for a term of two years or until his or her successor is elected and qualified. Four members of the Town Council shall reside within fifty miles of the Town of Fenwick Island. A member of the Town Council shall only be qualified to hold office so long as he or she is qualified to vote in the Town of Fenwick Island; he or she shall not be longer be eligible to serve as a member of the Town Council from the date of the act or event causing him to be ineligible."

Approved July 8, 1982.

CHAPTER 372

FORMERLY

SENATE BILL NO. 619

AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 63 OF TITLE 7 OF THE DELAWARE CODE PERTAINING TO HAZARDOUS WASTE MANAGEMENT AND CHAPTER 64 OF TITLE 7 OF THE DELAWARE CODE PERTAINING TO THE DELAWARE SOLID WASTE AUTHORITY.

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 §6304, Chapter 63, Title 7 of the Delaware Code by adding a new subsection (g) thereto to read as follows:

"(g) No person shall transport or deliver hazardous waste to any facility operated by or on behalf of the Delaware Solid Waste Authority."

Section 2. Amend §402, Chapter 64, Title 7 of the Delaware Code by adding a new subsection (16) thereto to read as follows:

"(16) 'Industrial solid waste' means solid waste produced by or resulting from industrial applications, processes or operations."

Section 3. Amend §6405, Chapter 64, Title 7 of the Delaware Code by striking subsection 6405 (d) in its entirety and substituting in lieu thereof the following:

"(d) All members of the staff shall be employees of the Authority and, except for the Manager, his chief administrative aide, and engineers who have graduated from an engineering curriculum of four years or more, be covered by the State Merit System as classified employees."

Section 4. Amend §6405, Chapter 64, Title 7 of the Delaware Code by striking subsection 6405 (c) in its entirety and by redesignating subsections (d), (e), and (f) of §6405 as subsections (c), (d), and (e), respectively.

Section 5. Amend §6406 (a) (31), Chapter 64, Title 7 of the Delaware Code by striking the clause beginning with the words "provided, however" and ending with the words "industrial establishments" and inserting in lieu thereof:

"provided, however, that such power shall not extend to the collection, transportation, transfer and storage of hazardous wastes as defined in §6302 (7) of this Title."

Section 6. Amend §6409, Chapter 64, Title 7 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§6409. Covenant with Bondholders

The State covenants and agrees with the holders of any bonds or other securities or obligations of the Authority, assumed, issued or incurred by it and as security for which there may be pledged, the fees and revenues of any part thereof of any facility or other project that the State will not, so long as any of such bonds or other obligations remain outstanding and unpaid, diminish or impair the power of the Authority to establish, levy and collect fees and other charges in connection therewith and that the State will not so long as any of such bonds or other obligations remain outstanding and unpaid, authorize any other authority or facility to undertake or assume the functions of the Authority, unless adequate provisions shall be made by law for the protection of those advancing money upon such obligations."

Section 7. Amend §6420 (a), Chapter 64, Title 7 of the Delaware Code by redesignating the semicolon (;) as a period (.) and by striking in its entirety the clause beginning with the words "provided, however" and ending with the words "industrial establishments."

Section 8. Amend §6422 (a), Chapter 64, Title 7 of the Delaware Code by striking the last sentence in the said subsection commencing with the words "This section" and ending with the words "industrial establishments."

Section 9. Amend Chapter 64, Title 7 of the Delaware Code by adding a new §6427 to read as follows:

"§6427. Industrial Solid Waste

(a) The Authority may determine to accept or to cease accepting industrial solid waste at any one or more of its facilities.

(b) The Authority shall require any person seeking to dispose of industrial solid waste at any of its facilities to obtain the approval of the Department of Natural Resources and Environmental Control prior to commencing or continuing such disposal.

(c) The Manager, or his designee, may elect not to accept any particular industrial solid waste or type of industrial solid waste if the Manager, or his designee, determines that such waste or the quantity thereof will have an adverse effect on the facility or the operation of the facility, if an effective means of risk and cost allocation cannot be achieved, or for such other reasons as the Authority may identify in the Statewide Solid Waste Management Plan.

(d) In addition to other fees and charges that it imposes, the Authority may impose an industrial solid waste disposal surcharge to compensate the Authority for the risks associated with accepting industrial solid waste, specifically or by classes, and for the additional costs, including administrative expenses and overhead, associated with such disposal. The industrial solid waste disposal surcharge shall be set by the Manager, or his designee, without notice and public hearing thereon, and may be done on a case-by-case basis. In setting such surcharge the Manager shall take into consideration the volume of waste to be disposed of, the degree of risk associated with such disposal, the additional administrative expenses and overhead incurred by the Authority and any other relevant factors.

(e) Any person causing or allowing industrial solid waste to be delivered to a facility operated by or on behalf of the Authority shall be deemed to have agreed to indemnify and hold harmless the Authority from any liability arising from the disposal of such industrial solid waste and to have agreed to reimburse the Authority for any costs reasonably incurred to protect against or reduce any risk resulting therefrom, provided, however, such person, if such person has not caused or allowed the delivery of hazardous waste, hazardous materials, or toxic substances, shall not be liable under this subsection to the Authority for harm or damage caused by the negligence of the Authority.

(f)(i) Any person seeking to have industrial solid waste disposed of at a facility operated by or on behalf of the Authority, who is aggrieved by a determination of the Manager, or his designee, under this section, with regard to such effort, may seek review thereof by the Directors of the Authority by filing a request for review with the Manager within fifteen (15) days of learning of such determination.

(ii) At least fifteen (15) days notice of the time set forth for hearing by the Directors of the request for review shall be sent by registered mail to the person filing the request for review who bear the burden of proof in such proceeding.

(iii) The person filing for the request for review may appear personally or by counsel at the hearing and produce any competent evidence in his behalf.

(iv) Upon request of the Manager or the person filing the request for review, the Chairman of the Authority shall issue subpoenas requiring the testimony of witnesses and production of books, records, or other documents relevant to any matter involved in such hearing. In case of contumacy or refusal to obey a subpoena issued under this paragraph, the Superior Court in the County in which the hearing is held shall have jurisdiction upon application of the Chairman to issue an order requiring such person to appear and testify or produce books, records, or other documents requested.

(v) All testimony at the hearing shall be taken under oath. The chairman shall administer oaths and all Directors shall be entitled to examine witnesses.

(vi) The hearing may be held as part of a regular meeting or at a special meeting of the Authority. Deliberations on requests for review under this section shall be held in executive sessions which shall be closed to the public.

(vii) The decision of the Directors of the Authority shall be in writing and shall be sent to the person filing the request for review by registered mail."

Approved July 8, 1982.

CHAPTER 373

FORMERLY

SENATE BILL NO. 624

AN ACT TO PERMIT PACKAGE STORES LOCATED WITHIN SHOPPING CENTERS TO RELOCATE THEIR PREMISES ANYWHERE WITHIN THE SHOPPING CENTER, WHETHER MORE OR LESS THAN 500 FEET.

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

Section 1. Amend subsection (d) of Section 543, Title 4, Delaware Code, by striking the period at the end of clause (3) and inserting in lieu thereof the following:

"; provided, however, that such licensee located in a shopping center or shopping mall may move the location of his license any distance within the same shopping center or shopping mall, whether such center or mall consists of one or more than one separate buildings."

Approved July 8, 1982.

CHAPTER 374

FORMERLY

SENATE BILL NO. 632

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE HUNTING OF GAME.

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

Section 1. Amend §791, Subchapter VI, Chapter 7, Title 7, Delaware Code by adding thereto a new subsection (d) to read as follows:

"(d) Any person may trap or hunt with dogs, raccoons with permission of the landowner from any lands in New Castle County or Kent County from the southerly boundary of New Castle County Route 380 and east and southeast of the center line of U. S. Route No. 13, thence following said center line of U. S. Route No. 13 to the point where U. S. Route No. 13 forms a junction with U. S. Route No. 113 and thence along the center line of U. S. Route No. 113 to a line dividing Kent County from Sussex County during any time of the year excepting on Sundays.

Approved July 8, 1982.

CHAPTER 375

FORMERLY

SENATE BILL NO. 633

AN ACT TO AMEND CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, BEING THE CHARTER OF THE CITY OF LEWES.

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 196, Volume 22, Laws of Delaware, as amended, be and the same is hereby further amended by adding three new Sections following Section 3 (f), to be designated as Sections 3 (g), 3 (h), and 3 (i), to read as follows:

"Section 3 (g). All utility rents laid or imposed by the Board of Public Works for the City of Lewes remaining unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the lands and premises of the owner to which the electric was furnished, and such liens shall have preference and priority to all liens of recognizance, mortgage or judgment on such lands and premises, created or suffered by said owner, although such other lien or liens shall be of a date prior to the time of the attaching of such lien for utility rents. In case of the sale under execution process of any lands and promises upon which such liens for utility rents shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate so sold shall be discharged therefrom.

Section 3 (h). That the lien for utility rents shall remain a lien for the period of five years and no longer, from the expiration of thirty days after said utility rents become due and payable.

Section 3 (i). The Board of Public Works for the City of Lewes in collecting utility rents out of real estate upon which there is a lien under the provisions of this Chapter, shall proceed in the manner now by law prescribed for the collection of taxes out of real estate by Commissioners of Lewes, a municipal corporation of the State of Delaware."

Approved July 8, 1982.

CHAPTER 376

FORMERLY

SENATE BILL NO. 635

AN ACT TO AMEND TITLE 8, §391(b) OF THE DELAWARE CODE TO CLARIFY THE AMOUNT OF TAX DUE UPON THE RECEIPT FOR FILING OF AMENDMENTS TO CERTIFICATES OF INCORPORATION INCREASING THE AUTHORIZED CAPITAL STOCK OF A CORPORATION.

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

Section 1. Amend subsection (b) of §391, Title 8, Delaware Code, redesignating existing subsection (b) as subsection (b) (1) of said section.

Section 2. Amend subsection (b) of §391, Title 8, Delaware Code, by adding a paragraph (2) to said subsection to read as follows:

"(2) For the purpose of computing the taxes prescribed in subsection (a) (2) and (3) of this section, a certificate of amendment of certificate of incorporation, or an amended certificate of incorporation before payment of capital, or a restated certificate of incorporation, shall be considered as increasing the authorized capital stock of a corporation provided it involves an increase in the number of shares, or an increase in the par value of shares, or a change of shares with par value into shares without par value, or a change of shares without par value into shares with par value, or any combination of two or more of the above changes, and provided further that the tax computed at the rates set forth in subsection (a) (1) of this section upon the total authorized capital stock of the corporation including the proposed change or changes exceeds the tax so computed upon the total authorized stock of the corporation excluding such change or changes."

Approved July 8, 1982.

CHAPTER 377

FORMERLY

SENATE BILL NO. 605

AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 3 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE JUDICIARY.

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

Section 1. Amend Section 3, Article IV of the Constitution of the State of Delaware by striking the first paragraph beginning with the words "The Justice of the Supreme Court" and ending with the words "full term" and substituting in lieu thereof the following:

"Section 3. The Justices of the Supreme Court, the Chancellor and the Vice-Chancellor or Vice-Chancellors, and the President Judge and Associate Judges of the Superior Court shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for the term of twelve years each, and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this Constitution. The Governor shall submit his appointment within sixty (60) days after the occurrence of a vacancy howsoever caused. If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within sixty (60) days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term. Notwithstanding a vacancy, whether occurring when the Senate is or is not in session, an incumbent whose term has expired shall hold over in office until the incumbent, or a new appointee, is confirmed and takes the oath of office for the next term, but in no event shall an incumbent whose term has expired hold over in office for more than sixty (60) days after the expiration of the term. In all instances the term of a new or reappointed Justice of the Supreme Court, Chancellor or Vice-Chancellor, President Judge or Associate Judge of the Superior Court shall begin on the date that the oath of office is taken, thus qualifying the individual to serve, but the appointment shall be forfeit if such oath is not taken within thirty (30) days of confirmation.

Approved June 30, 1982.

CHAPTER 378

FORMERLY

HOUSE BILL NO. 725
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY; PROVIDING FOR THE MEMBERSHIP, POWERS, DUTIES AND ORGANIZATION OF THE AUTHORITY; PROVIDING THAT THE AUTHORITY MAY ISSUE BONDS FOR ITS CORPORATE PURPOSES RELATING TO LOANS FOR STUDENTS OR PARENTS OF STUDENTS TO ASSIST IN FINANCING THE COST OF HIGHER EDUCATION; PROVIDING FOR THE TERMS AND MANNER OF ISSUANCE OF THE BONDS; DEFINING CERTAIN TERMS; AND GENERALLY RELATING TO THE AUTHORITY ITS BORROWING POWERS, AND THE FINANCING OF STUDENT LOANS BY THE AUTHORITY.

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

Section 1. Amend Title 14, Delaware Code, by establishing a new Chapter 92, which new Chapter shall read as follows:

"CHAPTER 92. DELAWARE HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY

§9201. Declaration of Purpose

(A) The General Assembly makes the following findings:

(1) For the benefit of the people of the State of Delaware, the conduct and increase of their commerce, the protection and enhancement of their welfare, the development of continued prosperity and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities and skills;

(2) To achieve these ends it is of the utmost importance that students attending institutions of higher education located in the State have reasonable financial alternatives to enhance their access to such institutions;

(3) Reasonable financial access to institutions of higher education will assist such youth in achieving the optimum levels of learning and development of their intellectual and mental capacities and skills;

(4) There exists a serious problem in this State regarding the ability of students to obtain financing for the cost of education beyond the high school level;

(5) Escalating costs of securing such an education have contributed to the difficulties faced by students in attempting to finance an education;

(6) Without the public action contemplated by this Chapter, many students will be forced to postpone or abandon plans for obtaining additional education;

(7) It is in the interests and welfare of the citizens of the State to provide a means for assisting students to continue their education; and

(8) It is necessary to create a Higher Education Supplemental Loan Authority to encourage the investment of private capital in the provision of funds for the financing of student loans.

(B) The General Assembly declares its legislative purpose to:

(1) Provide a measure of assistance and an alternative method to enable students and the families of students attending institutions of higher education located in the State appropriately and prudently to finance the cost or a portion of the cost of such higher education;

(2) To supplement Federal Guaranteed Higher Education Loan Programs, other student loan programs, and grant or scholarship programs to provide the needed additional options for the financing of a student's higher education in execution of the public policy recited herein; and

(3) Cause the establishment of the Authority for the benefit of the people of the State, for the improvement of their education, health and welfare, and for the promotion of the economy.

(C) The Authority will be performing an essential governmental function in the exercise of the

powers and duties conferred upon it and this Chapter shall be liberally construed to effect its purposes.

§9202. Definitions

(A) Unless the context clearly requires otherwise, in this Chapter the following words have the meanings indicated:

(B) 'Authority' means the Delaware Higher Education Supplemental Loan Authority.

(C) 'Authority Loans' means loans by the Authority to institutions of higher education for the purpose of funding education loans.

(D) 'Bonds' means bonds, notes, or other evidences of obligation of the Authority issued under this Chapter including, without limitation, bond or revenue anticipation notes, notes in the nature of commercial paper, and refunding bonds.

(E) 'Bond Resolution' means the resolution or resolutions of the authority and the trust agreement, if any, authorizing the issuance of and providing for the terms and conditions applicable to bonds.

(F) 'Borrower' means a student who has received an education loan or any parent who has received or agreed to pay an education loan.

(G) 'Cost of Attendance' means the tuition and fees applicable to a student, together with the institution's estimate of other expenses reasonably related to cost of attendance at that institution including, without limitation, the cost of room and board, transportation, books and supplies.

(H) 'Default Insurance' means insurance insuring education loans, authority loans, or bonds against default.

(I) 'Default Reserve Fund' means a fund established under a bond resolution for the purpose of securing education loans, authority loans, or bonds.

(J) 'Education Loan' means a loan which is made by an institution to a student or to parents of a student, or both, in amounts not in excess of the maximum amounts specified by the Authority to finance a part or all of the cost of the student's attendance at that institution.

(K) 'Education Loan Series Portfolio' means all education loans made by a specific institution which are funded from the proceeds of an Authority Loan to the institution of higher education out of the proceeds of a related specific bond issue through the Authority.

(L) 'Institution' means any public or private nonprofit educational institution situated within this State which:

(1) Provides a program of education beyond the high school level;

(2) Awards an Associate's, Bachelor's, or Advanced Degree;

(3) Is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools or by a national accrediting association or group recognized by the Council on Postsecondary Accreditation.

(M) 'Loan Funding Deposit' means moneys or other property deposited by an institution with the Authority or a trustee, in amounts the Authority determines necessary as a condition for an institution's participation in the Authority's programs to:

(1) Provide security for bonds;

(2) Fund a Default Reserve Fund;

(3) Acquire default insurance; or

(4) Defray costs of the Authority.

(N) 'Parent' means any parent or guardian of a student at an institution of higher education.

§9203. Authority Established; Membership; Appointment; Qualifications

(A) There is hereby established the Delaware Higher Education Supplemental Loan Authority. The Authority is constituted a public instrumentality and the exercise by the Authority of the powers conferred by this Chapter is the performance of an essential public function. The Authority

shall consist of nine (9) members appointed by the Governor. Each member shall be a resident of the State of Delaware.

(1) Two (2) members shall be trustees, directors, officers, or employees of institutions of higher education, at least one (1) of whom is from an institution not owned or operated by the State.

(2) Two (2) members shall have had the experience in the field of state and municipal finance, either as a partner, officer, or employee of an investment banking firm which originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio, and who are not trustees, directors, officers or employees of an institution of higher education.

(3) One (1) member shall have had experience in higher education finance.

(4) Two (2) members shall have had experience with student financial aid.

(5) One (1) member shall be the State Treasurer, Ex-Officio, or his designee.

(6) One (1) member shall be the Secretary of Finance, Ex-Officio, or his designee.

(7) Two (2) members shall be appointed from the public at large.

(B) (1) Of the members of the Authority first appointed, three (3) shall serve for terms expiring on June 30, 1983, 1984, and 1985, respectively, and until a successor is appointed and qualifies. On the expiration of the term of any member a successor shall be appointed for a term of three (3) years and serve until a successor is appointed and qualifies.

(2) The Governor shall appoint a qualified person to fill any vacancy.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(4) Any member may be removed by the Governor for misfeasance, malfeasance or willful neglect of duty or other cause after notice.

(C) (1) Each year the Authority shall elect from among its members:

(I) A Chair;

(II) A Vice-Chair; and

(III) Any other officers it requires.

(2) Each member of the Authority:

(I) Serves without compensation; and

(II) Is entitled to reimbursement for expenses in accordance with the standard state travel regulations.

§9204. Officers; Quorum; Bonds; Not State Debt

(A) (1) The Authority may appoint an Executive Director and a General Counsel, and any other officers, none of whom may be members of the Authority.

(2) The Executive Director shall:

(I) Serve at the pleasure of the Authority; and

(II) Receive compensation as fixed by the Authority.

(3) The Executive Director or other person designated by resolution of the Authority:

(I) Shall keep a record of the proceedings of the Authority;

(II) Shall be custodian of all books, documents and papers filed with the Authority, the minute book or journal of the Authority, and its official seal; and

(III) May cause copies to be made of all minutes and other records and documents of

the Authority and may give certificates under the official seal of the Authority to the effect that the copies are true copies, and all persons dealing with the Authority may rely upon the certificates.

(B) (1) Six (6) members of the Authority shall constitute a quorum.

(2) The affirmative vote of a majority of the members present, and not less than five (5) votes, is necessary for any action taken by the Authority.

(C) (1) A vacancy in the membership of the Authority may not impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

(2) Any action taken by the Authority under this Chapter may be authorized by Resolution at any regular or special meeting and may take effect immediately and need not be published.

(D) (1) The Authority may issue bonds for the purpose of making Authority loans to institutions participating in a program of the Authority for the purpose of providing education loans.

(2) Bonds issued under this Section shall be obligations of the Delaware Higher Education Supplemental Loan Authority only, and not of the State of Delaware. The Authority may not offer Bonds for sale, nor issue any Bonds, to which it has pledged the moral obligation of the State of Delaware.

(E) (1) Bonds issued under this Chapter shall state on the face of each bond that they represent and constitute an obligation of the Authority only, and do not constitute either a debt of the State of Delaware within the meaning of the provisions of the Constitution or laws of the State of Delaware or a pledge of the faith and credit of the State of Delaware.

(2) The bonds may not grant to the owners or holders any right to have the Authority or the General Assembly levy any taxes or appropriate any funds for the payment of principal or interest.

§9205. Powers and Functions of the Authority

(A) (1) In addition to any other powers granted or duties imposed upon it, the Authority has the powers and duties set forth in this Section.

(2) The Authority shall adopt any rule or regulation necessary to carry out its powers and duties.

(B) The Authority may:

(1) Adopt an official seal;

(2) Maintain an office at the place or places it may designate;

(3) Participate in legal proceedings in the name of the Authority; and

(4) Sue and be sued in its own name, plead and be impleaded.

(C) The Authority, in consultation with the institutions, shall establish criteria for and guidelines encompassing the types of and qualifications for education loan financing programs which shall include those eligibility standards for borrowers that the Authority determines may be necessary or desirable to effectuate the purposes of this Chapter and which shall include provisions that each student have a certificate of admission or enrollment at a specific participating institution, that each student or student's parents satisfy the financial qualifications that the Authority establishes and that each student and each student's parent submit to the participating institution information that may be required by the Authority.

(D) The Authority shall contract with financial institutions and other qualified loan origination and servicing organizations to provide assistance in prequalifying borrowers for education loans and for servicing and administering education loans and any participating institution's respective loan series portfolio. Any education loan fee may include a portion to cover the cost of any servicing organization's assistance prorated on a basis deemed fair by the Authority.

(E) To insure the marketability of its bonds and the adequacy of the security for the payment of the principal of and interest on its bonds, the Authority shall establish criteria governing.

(1) The eligibility of institutions to participate in its program;

(2) The making of Authority loans and education loans;

- (3) Provisions for default;
- (4) The establishment of default reserve funds;
- (5) The purchase of default insurance; and

(6) Provision for the establishment of prudent debt service reserves and for the furnishing by participating institutions of such additional guarantees of or other security for education loans, Authority loans, or the Authority's bonds.

(F) The Authority shall establish limitations on the principal amounts and the terms of education loans, criteria regarding the qualifications and characteristics of borrowers and procedures for allocating Authority loans among participating institutions.

(G) The Authority may:

(1) Issue bonds for any of its corporate purposes and borrow funds as working capital for its operations;

(2) Fix, revise, charge and collect rates, fees and charges for the services furnished or to be furnished by the Authority and contract with any person, including financial institutions, loan originators, servicers, administrators, issuers of letters of credit, and insurers;

(3) Employ consultants, attorneys, accountants, financial experts, loan processors, bankers, managers, and other employees and agents as may be necessary in its judgment, and fix their compensation;

(4) Establish regulations, criteria or guidelines with respect to Authority loans, education loans, and education loan series portfolios;

(5) Receive and accept from any source in any form, loans, appropriations, contributions, gifts, or grants for or in aid of any Authority purpose or education loan financing program and, when required, use the funds, property or labor only for the purposes for which it was provided;

(6) Make Authority loans to institutions and require that the proceeds of the loans be used for making education loans and paying related loan costs and fees;

(7) Charge to and apportion among participating institutions its administrative and operating costs and expenses incurred in the exercise of its powers and duties; and

(8) Do all acts and things necessary or convenient to carry out its corporate purposes and in such manner and upon such procedure as the authority may in its discretion from time to time determine or prescribe.

(H) Notwithstanding any other provision contained in this Chapter, the Authority may commingle and pledge as security for a series or issue of bonds, with the consent of all of the institutions which are participating in the series or issue:

(1) The education loan series portfolios and some or all future education loan series portfolios of the institutions; and

(2) The loan funding deposits of the institutions if education loan series portfolios and other security and moneys set aside in any fund or funds pledged for any series or issue of bonds are held for the sole benefit of the series or issue separate and apart from education loan series portfolios and other security and moneys pledged for any other series or issue of bonds of the Authority.

(I) The Authority shall:

(1) Examine records and financial reports of participating institutions; and

(2) Examine records and financial reports of any contractor organization or financial institution retained by the Authority.

(J) The Authority shall require that:

(1) Authority loans be used solely to make education loans;

(2) Institutions require each borrower under an education loan use the proceeds solely for the cost of attendance; and

- (3) Each borrower certify that proceeds shall be used solely for the cost of attendance.

\$9206. Refunding Bond Proceeds and Expenses

(A) Whenever refunding bonds are issued to refund bonds, the proceeds of which were used to make Authority loans, the Authority may reduce the amount it is owed by the institutions which had received Authority loans from the proceeds of the refunded bonds.

(B) The institutions may use this reduced amount to reduce the amount of interest being paid on education loans which the institutions had made pursuant to the Authority loans from the proceeds of the refunded bonds.

(C) All expenses incurred in carrying out the provisions of this Section shall be payable solely from funds provided under the Authority of this Section and, except as otherwise provided, no liability shall be incurred by the Authority beyond the extent to which moneys shall have been provided under this Section.

\$9207. Loan Funding Deposits

- (A) (1) The Authority shall establish guidelines relating to:

(I) The deposits of certain moneys, endowments, or properties by institutions so as to provide reasonable security for education loan funding programs, Authority loans, education loans, or for bonds; and

(II) Guarantees of or contracts to purchase education loans or bonds by the institutions or by financial institutions or others.

- (2) A Default Reserve Fund may be established for any series or issue of bonds.

(B) (1) The Authority may receive moneys, endowments, properties, and guarantees as it determines appropriate and, if necessary, take title in the name of the Authority or in the name of a participating institution or a trustee.

(2) When the principal of and interest on bonds of the Authority issued to finance the cost of any education loan financing program or programs, including any refunding bonds issued to refund or refinance any bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the bonds, and all other conditions of the bond resolution authorizing the bonds have been satisfied and the lien created by the bond resolution has been released, the Authority shall promptly do the things and execute the deeds and conveyances necessary and required to convey any remaining moneys, properties, and other assets comprising loan funding deposits to the participating institutions in proportion to the amounts furnished by the respective institutions.

\$9208. Bonds

(A) (1) The Authority shall at any time and from time to time issue bonds for any corporate purpose.

(2) The bonds of each issue shall be payable solely out of revenues of the Authority, including, without limitation:

(I) Principal and interest on Authority loans and education loans;

(II) Payments by institutions, banks, insurance companies, or others pursuant to letters of credit or purchase agreements;

(III) Investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement;

(IV) Insurance proceeds;

(V) Loan funding deposits;

(VI) Proceeds of sales of education loans;

(VII) Proceeds of refunding bonds; and

(VIII) Other fees, charges, or revenues of the Authority.

- (3) Bonds shall be authorized by a bond resolution of the Authority and shall:

(I) Bear the date or dates, and mature at a time or times whether as serial bonds or as term bonds or both, not exceeding the year following the last year in which the final payments in an education loan series portfolio are due, or 30 years from their respective dates of issue, whichever is sooner;

(II) Bear interest at a rate or rates determined by the Authority;

(III) Be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as the Authority may establish;

(IV) Be deemed a 'security' within the meaning of Article 8, Section 8-102 of the Uniform Commercial Code, whether or not it is either one of a class or series or by its terms is divisible into a class or series of instruments and negotiable for all purposes although payable from a limited source, notwithstanding any other law;

(V) Be payable in lawful money of the United States at a designated place;

(VI) Be subject to the terms of redemption that the bond resolution provides;

(VII) Be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority; and

(VIII) Be sold in the manner and upon the terms determined by the Authority including private (negotiated) sale.

(4) Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(B) Any bond resolution may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to:

(1) Pledging or assigning the revenues derived from the Authority loans and education loans with respect to which such bonds are to be issued;

(2) The fees and other charges to be collected and the sums to be raised in each year thereby, and the use, investment, and disposition of such sums;

(3) The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulation, investment, and disposition thereof;

(4) Limitations on the use of the education loans;

(5) Limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied;

(6) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(7) The refunding or refinancing of outstanding bonds;

(8) The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds the holders of which must consent thereto, and the manner in which consent shall be given;

(9) Defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights or remedies of such holders in the event of a default;

(10) Providing for guarantees, pledges of endowments, letters of credit, property or other security, or insurance for the benefit of the holders of the bonds; and

(11) Any other matter relating to the bonds which the Authority determines appropriate.

(C) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(D) (1) The Authority may purchase its bonds out of any available funds and may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bondholders.

- (2) The Authority may refund or refinance any of its bonds.

\$9209. Trust Agreement

(A) (1) Any bonds issued under the provisions of this Chapter may be secured by a trust agreement by and between the Authority, a participating institution, and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State.

- (2) Any trust agreement or bond resolution may:

(I) Pledge or assign any revenues to be received by the Authority or proceeds or benefits of any contract and may serve to convey or mortgage or otherwise secure any property or property rights;

(II) Contain provisions for protecting and enforcing the rights and remedies of bondholders;

(III) Restrict the individual right of action by bondholders; and

(IV) Contain such other provisions as the Authority deems appropriate.

(3) Any expense incurred in carrying out the provisions of the trust agreement may be treated as a part of the cost of the operation of an education loan program.

\$9210. Rates and Fees; Pledge

(A) (1) The Authority shall fix, revise, charge, and collect fees and charges for its services and operations and may contract with any person in connection therewith without supervision or regulation by any unit of state government.

(2) Any agreement entered into by the Authority with an institution shall provide that the fees and other amounts payable by the institution with respect to any program of the Authority shall be sufficient at all times:

(I) To pay its share of the administrative costs and expenses of the Authority;

(II) To pay when due the principal of and the interest on its share of outstanding bonds of the Authority issued in respect of the program and the redemption price or purchase price of any bonds to be retired by call or purchase, to the extent that other revenues of the Authority pledged for the payment of the bonds may not be sufficient for that purpose;

(III) To create and maintain reserves which may, but need not be, required or provided for in a bond resolution; and

(IV) To establish and maintain whatever education loan servicing, control, or audit procedures are appropriate to the prudent operations of the Authority.

(B) (1) A pledge by the Authority of revenues as security for an issue of bonds shall be valid and binding from the time when the pledge is made.

(2) The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority or any participating institution, irrespective of whether the person has notice.

(3) No bond resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the Authority in order to perfect the lien against third persons, regardless of any contrary provision of public law.

(C) (1) All moneys received by or on behalf of the Authority under this Chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Chapter.

(2) Any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of the moneys and shall hold and apply them for the purposes provided in the Chapter and any applicable bond resolution or trust agreement.

\$9211. Enforcement of Rights and Duties

Except to the extent that their rights are restricted by any applicable bond resolution or trust agreement, any holder of bonds issued under this Chapter or a trustee under a trust agreement entered into under this Chapter may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of Delaware or by any applicable bond resolution or trust agreement.

§9212. Refunding Bonds

(A) (1) The Authority may issue bonds to refund any bonds of the Authority then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(2) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may be applied to the purchase or retirement at maturity or redemption of outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on a date determined by the Authority.

(B) (1) Any escrowed proceeds, pending use, may be invested and reinvested in direct obligations of the United States of America, maturing at a time or times appropriate to assure the prompt payment of the principal of and interest and redemption premium, if any, on the outstanding bonds to be refunded.

(2) The interest, income and profits, if any, earned or realized on any investment may also be applied to the payment of the outstanding bonds to be refunded.

(3) After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest, income and profits, if any, earned or realized on the investments shall be returned to the institution for use by it in any lawful manner.

(C) Refunding bonds shall be subject to this Chapter in the same manner and to the same extent as other bonds issued under this Chapter.

§9213. Investments

(A) Except as otherwise provided in this Chapter, the Authority may invest funds in:

(1) Direct obligations of the United States;

(2) Obligations as to which the timely payment of principal and interest is fully guaranteed by the United States;

(3) Obligations of the federal intermediate credit banks, federal banks for cooperatives, federal land banks, federal home loan banks, federal national mortgage association, and the government national mortgage association;

(4) Certificates of deposit or time deposits constituting direct obligations of any bank as defined by the laws of this State. However, investments may be made only in those certificates of deposit or time deposits in banks which are insured by the Federal Deposit Insurance Corporation or its successor if then in existence; and

(5) In withdrawable capital accounts or deposits of state or federal chartered savings and loan associations which are insured by the Federal Savings and Loan Insurance Corporation.

(B) Securities may be purchased at such time and at such prices as the Authority determines.

§9214. Bonds as Legal Investments

All banks, bankers, trust companies, savings bank and institutions, building, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds issued under this Chapter.

§9215. Accounts and Reports

(A) The Authority shall keep full and accurate accounts of its activities and operations and shall annually in the month of January make a report to the Governor, the Controller General, The Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the

Secretary of Finance.

(B) The report shall cover the preceding fiscal year and shall include a complete operating and financial statement for that year and a summary of the residences of the recipients of education loans. The Authority shall cause an audit of its books and accounts to be made at least once each year by independent certified public accountants, and the cost thereof shall be paid by the Authority from funds available to it pursuant to this Chapter.

\$9216. Chapter Additional and Supplemental

(A) This Chapter provides a complete, additional, and alternative method for the doing of the things authorized and shall be regarded as supplemental and additional to, and the limitations imposed by this Chapter do not limit or otherwise affect powers or rights conferred by, other laws, and the issuance of bonds and refunding bonds under this Chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

(B) (1) Notwithstanding any other provision of law or Charter, institutions may borrow money from the Authority, make education loans and take all other actions and do those things necessary or convenient to consummate the transactions contemplated under this Chapter.

(2) The Authority may establish, contract for, charge and collect any amount or rate of interest or compensation with respect to Authority loans and participating institutions may contract for, charge, and collect any amount or rate of interest or compensation with respect to education loans.

\$9217. Tax Exemption

The Authority shall not be required to pay any taxes or assessments of any kind whatsoever and its bond, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind.

\$9218. Termination of Existence of Authority

The Authority in its corporate existence shall continue until terminated by law but no law terminating its existence shall take effect as long as any bonds of the Authority are outstanding and unpaid without adequate provision for payment having been made. Upon termination of its existence, all rights, privileges, and property of the Authority shall pass to and be vested in the State of Delaware."

Section 2. This Act shall take effect July 1, 1982.

Approved July 8, 1982.

CHAPTER 379

FORMERLY

SENATE BILL NO. 267

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

AN ACT TO AMEND CHAPTER 76, PART VII, TITLE 16 OF THE DELAWARE CODE TO ESTABLISH A LIGHTING ENERGY EFFICIENCY CODE FOR NEW AND EXISTING NON-RESIDENTIAL BUILDINGS.

WHEREAS, energy conservation in new and existing buildings in Delaware is in the public interest; and

WHEREAS, the Delaware Thermal and Lighting Committee, consisting of representatives of the public and private sectors as well as professional engineers and building managers has considered and recommended the establishment of lighting efficiency standards applicable to new and existing buildings in Delaware; and

WHEREAS, the Delaware Thermal and Lighting Committee has developed proposed lighting standards that are effective and able to be administered by non-professionals; and

WHEREAS, the adoption of these lighting standards will provide flexibility and certainty to building owners, managers, construction companies, consumers, and the general public; and

WHEREAS, the adoption and enforcement of these lighting standards will reduce the need for costly, environmentally-adverse additional electric power plants in Delaware; and

WHEREAS, these lighting standards will save energy as well as energy costs.

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 76, Part VII, Title 16 of the Delaware Code by adding thereto the following new section:

"7603. Lighting Efficiency Standards for New and Existing Buildings.

Each county or municipality which has adopted a building code shall require as a part of such code lighting efficiency standards which will be in substantial accordance with the following:

(a) All such codes shall require that all existing non-residential public buildings over 25,000 square feet in floor space and all new non-residential buildings over 5,000 square feet in floor space shall comply with at least one of the following lighting standards:

- (1) Delaware Lighting Budget approach (DLB); or
- (2) Unit Power Density (UPD) IES/EMS-6 1979 standards, or its successor as developed by the National Illuminating Engineering Society; or
- (3) ASHRAE/IES 90.1-75R (IES/EMS-1 1978) or its successor Lighting Power Budget for new buildings and ASHRAE/IES 100 Series (IES/EMS-4 1979) or its successor for existing buildings.
- (4) Lighting Power Budget (Model Code) as contained in the 1977 National Model Code for Energy Conservation or its successor.

(b) Definitions:

(1) 'Non-residential public building' means any building open to the public, employees or visitors during normal business hours, including but not limited to: any building which provides facilities or shelter for public assembly, or which is used for educational, office or institutional purposes; any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant, or other commercial establishment which provides services or retail merchandise; any portion of an industrial plant building used primarily as permanent and/or fixed office space; any building owned by a state or political subdivision thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas and

university buildings.

(2) Existing Buildings: For the purpose of this section, existing buildings shall be defined as all buildings and structures in existence on the effective date of these standards, and buildings and structures for which a building permit has been issued prior to the effective date of these standards.

(3) 'Delaware Lighting Budget Approach' means - Delaware Lighting Standard as published by the Delaware Energy Office (Document No. 1005-81-05-04).

(c) Exemptions from Standards - The following buildings are exempt from the requirements of these lighting standards:

(1) Any building whose peak design rate of energy usage for all purposes is less than one watt (3.4 BTUs) per hour per square foot of floor area for all purposes;

(2) Any building with neither a heating nor cooling system;

(3) Any mobile home;

(4) Any building owned or leased in whole or in part by the United States Government;

(5) Any private residence;

(6) Any portion of a manufacturing plant not used primarily for permanent and/or fixed office space;

(7) Any portion of a facility where the proper working of security equipment would be impaired or reduced in its effectiveness, the standard may be waived by the enforcing agency in the amount necessary to meet specification or warranty provisions of the installed equipment.

(d) Compliance with Standards - The Delaware Energy Office or its successor will promulgate procedures for certification of compliance with these standards. However, the respective local government shall have exclusive authority to designate and shall designate the effective date for compliance of these standards for existing buildings."

Approved July 8, 1982.

CHAPTER 380
FORMERLY
HOUSE BILL NO. 742

AN ACT TO AMEND CHAPTER 277, VOLUME 49, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL", 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 277, Volume 49, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new Section following §15 to be designated as Section 15A to read as follows:

"POWER TO ISSUE REVENUE BONDS

Section 15A (a) The Town Council, in addition to the power set forth in Section 15 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 costs or the share of the Town of the costs 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 Town Council may be sold or leased by the Town 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 any industrial or agricultural enterprises, provided that the project requires a capital investment of at least Two Hundred Fifty Thousand Dollars (\$250,000.00) and that the issuance of such bonds pursuant to this Paragraph (6) shall not constitute a debt of the Town of Laurel 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 Mayor and Council of Laurel is pledged to the payment of the principal of premium, if any, or interest on this bond, nor is the Mayor and Council of Laurel 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 from the date of delivery of the refunding bonds to the first of any subsequently available redemption date or dates selected by the Town Council; and

D. Any expenses, including bond discount, deemed by the Town 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, guardian, trustee or any other fiduciary.

(d) At its discretion, the Town Council may dispose of any 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 Town Council may deem to be in the best interest of the Town 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 Mayor and Council of Laurel 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 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 Town pursuant to §15 of this Charter nor shall the Town 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 Town Council and shall bear such date or dates, mature at such time or times not exceeding forth (40) years from their respective dates, bear interest at a rate or rates per annum as may be determined by the Town 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 places and be subject to such terms of redemption, as such resolution or resolutions may provide. Bonds of Mayor and Council of Laurel issued by the Town 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 Town 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 regulations and disposition thereof;

(4) Limitations on the right of the Town 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 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 accrued, 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 Town may be deposited;

(9) Vesting in a trustee or trustees such properties, rights, powers and duties in trust as the Town 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 Town 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 Town 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 of course of conduct which by recital in a resolution or resolutions is declared to further secure the payment or the principal of or interest on the bonds.

(j) Neither the Mayor nor any member of the Town Council of Mayor and Council of Laurel 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 Town 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 Town 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 Town Council, the bonds may be secured by a trust indenture by and between Mayor and Council of Laurel 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 any 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 Town 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 Town 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 Town 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 bonds 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 resolutions authorizing bonds or notes of the Town pursuant to the provisions of this Section shall contain a covenant by the Town Council that it will at all times maintain rates, fees, rentals and/or other charges sufficient to pay, that any contracts entered into by the Town 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 Mayor and Council of Laurel 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 Mayor and Council of Laurel 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 Town 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 (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 Mayor and Council of Laurel 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 Mayor and Council of Laurel 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 Mayor and Council of Laurel to account as if it were the trustee of an express trust for 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 Mayor and Council of Laurel.

(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 Mayor and Council of Laurel 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 Mayor and Council of Laurel 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 9, 1982.

CHAPTER 381

FORMERLY

HOUSE BILL NO. 790

AN ACT TO AMEND TITLE 16, CHAPTER 66 OF THE DELAWARE CODE, RELATING TO THE APPOINTMENT AND AUTHORITY OF THE STATE FIRE PREVENTION COMMISSION.

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

Section 1. Amend Title 16, Chapter 66, Section 6601 by deleting said section in its entirety and substituting in lieu thereof the following:

"§6601. State Fire Prevention Commission - Appointment; Qualifications; Members To Serve Without Compensation.

(a) The State Fire Prevention Commission shall consist of seven persons who shall be qualified by experience and training to deal with the matters which are the responsibilities of the Commission. Three members of the Commission shall be appointed by the Governor and shall be representatives of industry from New Castle County, Kent County and Sussex County. Three members, one from each county, shall be members of paid or volunteer fire companies and shall be appointed by the Governor from a list of three names of members in good standing submitted by the Volunteer Firemen's Association of the county in which a vacancy exists. The seventh member of the Commission shall be the immediate past President of the State Volunteer Firemen's Association and shall be appointed by the Governor.

(b) Members may be removed by the Governor for continued neglect of the duties required by this Chapter, or for refusal to act, misconduct, incompetency or other sufficient cause.

(c) Members of the Commission shall be appointed to serve for six year terms, but no member may be appointed to more than two successive full terms. Succeeding appointments shall be made, and any vacancy on the Commission, shall be filled for the duration of the term, in the same manner as the prior appointment.

(d) Members shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties."

Section 2. Amend Title 16, Chapter 66, Section 6602 by deleting said section in its entirety and substituting in lieu thereof the following:

"§6602. Same - Organization and Meetings.

(a) The State Fire Prevention Commission shall select a Chairman and Vice-Chairman from among its members and shall hold regular meetings at least once a month. Special meetings may be called by the Chairman, by the Vice-Chairman in the absence of the Chairman, or by three members of the Commission.

(b) No business shall be transacted by the State Fire Prevention Commission in the absence of a quorum which shall be four members, one of which must be the Chairman or Vice-Chairman."

Section 3. Amend Title 16, Chapter 66, Section 6605 by deleting said section in its entirety and substituting in lieu thereof the following:

"§6605. Same - Powers in Conduct of Public Hearing.

For the purpose of any public hearing or inquiry made under this chapter, the Commission or any subcommittee of the Commission shall have the power to summon witnesses and documents and administer oaths for the purpose of giving of testimony, and issue orders requiring strict compliance with the decisions made under this chapter."

Section 4. Amend Title 16, Chapter 66, Section 6619 by deleting said section in its entirety and substituting in lieu thereof the following:

"§6619. State Fire Prevention Commission - Powers To Authorize New Fire Companies and Substations; Resolve Boundary and Other Disputes; Prohibit Cessation of Necessary Fire Protection Services.

(a) The State Fire Prevention Commission with the advice of the Advisory Board, is empowered to promulgate, amend and repeal regulations related to the exercise of Commission powers and responsibilities defined in this section.

(1) Except as provided in subsection (c) of this section, the Commission shall determine whether any new fire companies or substations shall be authorized in any part of the State. In making such determination the Commission shall consider among other things the ability, financial or otherwise, of the company seeking authorization to maintain an effective fire company and the fire protection needs of the area involved. The Commission, however, shall not authorize the establishment of a new fire company within four miles of an existing fire company unless the Commission determines that an existing company is not reasonably equipped, manned, organized, financed or disciplined to deliver, or is not actually delivering, adequate fire protection in accordance with recognized safety standards to the area it serves.

(2) Except as provided in subsection (c) of this section, the Commission shall have authority to prohibit the suspension of fire protection services in this State by any fire company or substation thereof when the ability, financial or otherwise, of the company or substation seeking to suspend such service does not warrant such suspension. In making this determination the Commission shall consider, among other things, the fire protection needs of the area involved, whether the company or substation seeking to suspend fire protection services is inadequately financed, equipped, manned, organized or disciplined, and whether a new fire company should be authorized to deliver fire protection services to the area.

(3) The Commission shall have authority to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies.

(4) The Commission shall have authority to enter binding orders resolving disputes or grievances within or between fire companies.

(b) The Delaware Volunteer Firemen's Association shall designate from its members a nine member Advisory Board to advise and make recommendations to the State Fire Prevention Commission in connection with the Commission's responsibilities under this section. The Advisory Board shall consist of the President, First Vice President, Second Vice president and the six members of the Board of Directors, excluding the immediate past President who serves as a Commissioner, of the Delaware Volunteer Firemen's Association.

(c) Subsections (a) (1) and (a) (2) of this Section shall not be applied with respect to any fire company in municipalities with a population greater than 50,000 as established in the official 1980 federal census."

Section 5. Amend Title 16, Chapter 66, by adding thereto a new Section 6621 to read as follows:

"§6621. Injunctive Relief.

The Fire Prevention Commission may in its discretion bring an action in the Court of Chancery to temporarily restrain or enjoin any act or practice which constitutes a violation of an order of the Commission or any of provision of this Chapter and to enforce compliance with any order of the Commission or provision of this Chapter."

Section 6. On the effective date of this Act the terms of office of present members of the State Fire Prevention Commission shall be modified to expire in accordance with the following schedule:

- | | |
|--|----------------|
| (1) Fire Service Representative from New Castle County - | August 1, 1982 |
| (2) Fire Service Representative from Kent County - | August 1, 1986 |
| (3) Fire Service Representative from Sussex County - | August 1, 1983 |
| (4) Industry Representative from New Castle County - | August 1, 1985 |
| (5) Industry Representative from Kent County - | August 1, 1987 |
| (6) Industry Representative from Sussex County - | August 1, 1984 |

Succeeding appointments whenever made in each respective year shall be effective August 1 of that year.

Section 7. Within 30 days after the effective date of this Act, the State Fire Prevention Commission with the advice of the Advisory Board shall promulgate regulations establishing a process for

resolving fire company disputes or grievances at the local level with ultimate appeal to and review by the Commission.

Approved July 9, 1982.

CHAPTER 382

FORMERLY

SENATE BILL NO. 308
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND PART VIII, TITLE 16 OF THE DELAWARE CODE RELATING TO HOSPITALS AND OTHER HEALTH FACILITIES; AND PROVIDING FOR THE ESTABLISHMENT OF HEALTH MAINTENANCE ORGANIZATIONS.

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

Section 1. Amend Part VIII, Title 16 of the Delaware Code by adding thereto a new chapter, designated as Chapter 91, which new Chapter shall read as follows:

"CHAPTER 91. HEALTH MAINTENANCE ORGANIZATIONS

§9101. Purpose

It is the purpose of the General Assembly in enacting this Chapter to provide for the establishment of health maintenance organizations, which are an alternate form of delivering health care services. It is the intent of the General Assembly that such organizations be subject only to the restrictions and regulations provided for in this Chapter.

§9102. Definitions

As used in this Chapter, unless the context clearly indicates a different meaning, the following words and phrases shall have the meaning ascribed to them in this section:

(1) "Basic health services" means a range of services including at least the following: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage.

(2) "Certified health maintenance organization" means a health maintenance organization which has been issued a certificate of authority under §9104, or which is operating pending action on an application as provided in §9103(b).

(3) "Department" means the Delaware Department of Health and Social Services.

(4) "Health Maintenance Organization" means a public or private organization, organized under the laws of any state, which:

(i) Provides or otherwise makes available to enrolled participants health care services, including at least the basic health services defined in (1) above;

(ii) Is compensated (except for copayment) for the provision of basic health care services to enrolled participants on a predetermined periodic rate basis; and

(iii) Provides physicians' services primarily directly through physicians who are either employees or partners of such organization, or through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(5) "Insurance Department" means the Delaware Insurance Department.

§9103. Certificate of Authority Required

(a) No person shall establish or operate a health maintenance organization in this State or enter this State for the purpose of enrolling persons in a health maintenance organization without obtaining a certificate of authority under this Chapter. A foreign corporation shall not be eligible to apply for such certificate unless it has first qualified to do business in this State as a foreign corporation pursuant to 8 Del. C. §371.

(b) Every health maintenance organization which is established or operating in this State on the effective date of this Chapter must apply for and obtain a certificate of authority under this Chapter in order to continue such operation. If such application is filed within thirty (30) days of

the effective date of this Chapter, such operation may continue until the application is acted upon. If the application is denied, the applicant shall then be treated as a health maintenance organization which has had its certificate of authority revoked under §9112.

(c) If a health maintenance organization operates in this State or enters this State for the purpose of enrolling persons in a health maintenance organization, after the effective date of this Chapter, then the health maintenance organization shall be deemed to have consented that service of process in any action, suit or proceeding based upon any cause of action arising in this State, may thereafter be made by service upon the Secretary of State.

§9104. Procedure for Issuance of Certificate of Authority

(a) Each application for a certificate of authority shall be made in writing to the Department, shall be verified by an officer or authorized representative of the applicant, shall be in a form prescribed by the Department, and shall set forth or be accompanied by the following:

(1) A copy of the basic organizational document of the applicant such as the certificate of incorporation, articles of association, partnership agreement, trust agreement or other applicable documents and all amendments thereto;

(2) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant, including all members of the Board of Directors, Board of Trustees, or other governing board, the principal officers in the case of a corporation, and the partners or members in the case of a partnership or association;

(3) A statement describing how the health maintenance organization shall operate, including its anticipated enrollment, its basic health services, facilities and personnel;

(4) Financial statements showing the applicant's assets, liabilities and sources of financial support; provided that if the applicant's financial affairs are audited by an independent certified public accountant, a copy of the applicant's most recent certified financial statement shall be deemed to satisfy this requirement; and

(5) All information needed for the Department to make the determinations in (b) of this section.

(b) Within sixty (60) days of receipt of an application for issuance of a certificate of authority, the Department shall determine whether the applicant, with respect to health care services to be furnished:

(1) Has demonstrated the ability to provide such health care services in a manner assuring availability, accessibility and continuity of services;

(2) Has arrangements for an ongoing health care quality assurance program concerning health care processes;

(3) Has the capability to comply with all applicable rules and regulations promulgated by the Department.

(4) Has the capability to provide or arrange for the provision to its enrollees of basic health care services on a prepaid basis through insurance or otherwise, except to the extent of reasonable requirements of copayments; and

(5) Has the staff and facilities to directly provide at least half of the outpatient medical care costs of its anticipated enrollees on a prepaid basis.

(c) The Department shall issue a certificate of authority to any person filing an application under this section within sixty (60) days of receipt of such application if:

(1) The application contains all of the information required in (a) of this section;

(2) The Department has not made a negative determination pursuant to (b) of this section; and

(3) Payment of the application fees prescribed in §9114 has been made.

(d) If within sixty (60) days after an application for a certificate of authority has been filed, the Department has not issued such certificate, the Department shall immediately notify the applicant in writing of the reasons why such certificate has not been issued and the applicant shall be entitled to request a hearing on the application. The hearing shall be held within sixty (60) days of receipt of written request therefor. Proceedings in regard to such hearing shall be conducted in accordance

with provisions for case decisions as set forth in the Administrative Procedures Act, 29 Del. C. Chapter 101, and in accordance with applicable rules and regulations of the Department.

\$9105. Deposit Requirement

(a) No certificate of authority shall be issued pursuant to \$9105 unless there is first filed with the Department a certification by the Insurance Commissioner of Delaware that a deposit has been made, and is being maintained, in accordance with the terms and conditions of 18 Del. C. §513(f).

(b) The required deposit shall be continuously maintained, and held by the Commissioner in trust, subject to the provisions of 18 Del. C. Chapter 15, as the same may be amended from time to time.

(c) In case of a deficiency of deposit as provided for in 18 Del. C. §1511, the Commissioner shall transmit notice thereof both to the health maintenance organization and to the Department. In case the deficiency is not cured within the time allowed, the Commissioner shall give notice thereof to the Department and the Department shall forthwith revoke its certificate of authority to the health maintenance organization.

\$9106. Filing of Rates

Every health maintenance organization operating in this State shall file with the Department every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof.

\$9107 Annual Report

(a) Every health maintenance organization shall annually, on or before June 1, file with the Department a report covering the preceding fiscal year.

(b) Such report shall include:

(1) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding fiscal year; and,

(2) A statement explaining any material change in the information originally submitted pursuant to \$9104.

\$9108. Prohibited Practices

(a) No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising or solicitation which is untrue or misleading.

(b) No health maintenance organization may cancel or refuse to renew the enrollment of an enrollee solely on the basis of his or her health. This paragraph shall not prevent a health maintenance organization from cancelling the enrollment of an enrollee if the enrollee misrepresented the state of his or her health at the time of enrollment. This paragraph shall not prevent a health maintenance organization from cancelling or refusing to renew an enrollment for reasons other than an enrollee's health, including without limitation non-payment of premiums or fraud by the enrollee.

(c) The Department shall have exclusive authority to investigate violations of the provisions of this section.

\$9109. Sale and Solicitation

A certified health maintenance organization may, at its sole option, solicit enrollees and sell its services through:

(1) its own employees;

(2) persons licensed or otherwise permitted to sell health insurance; or

(3) persons licensed or otherwise permitted to sell the benefit program of a health service corporation.

\$9110. Relationships with Insurance Companies and Health Service Corporations

Any person or corporation authorized to transact insurance or to engage in the business of a health service corporation in this State, may either directly or through a subsidiary or affiliate,

operate a health maintenance organization subject to the provisions of this Chapter. In addition, no provision of the Insurance Code shall bar such person or corporation from contracting with a health maintenance organization to provide insurance, reinsurance or similar protection for such health maintenance organization against the cost of care provided through the health maintenance organization and to provide coverage in the event of the failure of the health maintenance organization to meet its obligations.

§9111. Examinations

(a) The Department may make examinations concerning the quality of health care services of any health maintenance organization. The Department may make such examination as it deems necessary for the protection of the interests of the enrollees of the health maintenance organization, but not less frequently than very three years.

(b) Every health maintenance organization shall submit its books and records relating to health care services to such examinations. In the course of such examinations, the Department may administer oaths to and examine the officers and agents of the health maintenance organization and of any health care providers with which it has contracts, agreements or other arrangements.

(c) The reasonable expenses of examinations under this section shall be assessed against the organization being examined and remitted to the Department.

(d) In lieu of such examination of an out-of-state health maintenance organization; the Department may accept the report of a similar examination made by the appropriate agency of another state; provided that if the health maintenance organization delivers health care services in this State, such report from another state shall not relieve the Department of its responsibility to make its own examination.

§9112. Suspension or Revocation of Certificate of Authority

(a) The Department may revoke or suspend a certificate of authority issued to a health maintenance organization pursuant to this Chapter, or may place a health maintenance organization on probation for such period as it determines, or may publicly censure a health maintenance organization, if it determines, after a hearing, that:

(1) The health maintenance organization is operating in a manner which deviates substantially, in a manner detrimental to its enrollees, from the plan of operation described by it in securing its certificate of authority;

(2) The health maintenance organization does not have in effect arrangements to provide the quantity and quality of health care services required by its enrollees;

(3) The health maintenance organization is no longer in compliance with all of the requirements of §9104(b); or

(4) The continued operation of the health maintenance organization would be detrimental to the health or well-being of its enrollees needing services.

(b) Proceedings in regard to any hearing held pursuant to this section shall be conducted in accordance with provisions for case decisions as set forth in the Administrative Procedures Act, 29 Del. C. Chapter 101, and any applicable rules and regulations of the Department. Any decision rendered following a hearing shall set forth the findings of fact and conclusions of the Department as to any violations of this Chapter, and shall also set forth the reasons for the Department's choice of any sanction to be imposed. The Department's choice of sanction shall not be disturbed upon appeal, except for abuse of discretion.

(c) Suspension of a certificate of authority pursuant to this section shall not prevent a health maintenance organization from continuing to serve all its enrollees as of the date the Department issues a decision imposing suspension, nor shall it preclude thereafter adding as enrollees newborn children or other newly acquired dependents of existing enrollees. Unless otherwise determined by the Department and set forth in its decision, a suspension shall, during the period when it is in effect, preclude all other new enrollments and also all advertising or solicitation on behalf of the

health maintenance organization other than communication, approved by the Department, which are intended to give information as to the effect of the suspension.

(d) In the event that the Department decides to revoke the certificate of authority of a health maintenance organization, the decision so providing shall specify the time and manner in which its business shall be concluded. If the Department determines it is appropriate, it may refer the matter of conservation or liquidation to the Insurance Commissioner, and he shall then proceed in

accordance with 18 Del. C. Chapter 59. In any case, after the Department has issued a decision revoking a certificate of authority, unless stayed in connection with an appeal, the health maintenance organization shall not conduct any further business except as expressly permitted in the Department's decision and it shall engage only in such activities as are directed by the Department or are required to assist its enrollees in securing continued health care coverage.

§9113. Regulation and Administrative Procedures

The Department shall have authority to promulgate such reasonable rules and regulations as are necessary to carry out the provisions of this Chapter. Such rules or regulations shall conform to and be promulgated pursuant to the Administrative Procedures Act, 29 Del. C. Chapter 101.

§9114. Fees

Every health maintenance organization subject to this Chapter shall pay the following fees:

- (1) For filing an application for a certificate of authority - one hundred dollars.
- (2) For filing an annual report - fifty dollars.

§9115. Relationship to Other Laws

(a) Except as provided in (e) below, a certified health maintenance organization shall not be deemed to be practicing medicine and the health maintenance organization shall be exempt from the provisions of statutes, rules and regulations relating to the practice of medicine

(b) No health maintenance organization delivering health care services in this State shall engage in a contract with or employ, for the delivery of such services, any person who does not hold a Delaware license to practice the profession for which such person is engaged or employed, if such practice requires a license.

(c) Except as provided in §9108 or §9109, solicitation of enrollees by a certified health maintenance organization or its employees shall not be construed as a violation of any statute, rule or regulation relating to solicitation or advertising by health professionals.

(d) The provisions of Title 18 and other laws of this State relating to insurance, insurance contracts, insurance policies, insurers or health service corporations shall not be applicable to any certified health maintenance organization. If an insurer or health service corporation operates a certified health maintenance organization, only the activities related to the operation of the certified health maintenance organization shall be exempt from the provisions of such laws relating to insurers or health service corporations.

(e) Notwithstanding (a) and (d) of this section, every health maintenance organization shall be a health care provider within the meaning of the Health Care Malpractice Insurance and Litigation Act, 18 Del. C. Chapter 68.

(f) Issuance of a certificate of authority pursuant to §9104 shall be deemed licensure by the State Board of Health for purposes of the Delaware Health Facilities Act, 16 Del. C. §9703(5).

§9116. Confidentiality of Health Information

Any data or information pertaining to the diagnosis, treatment or health of any enrollee or applicant obtained from such person or from any health care provider by any health maintenance organization shall be held in confidence and shall not be disclosed to any person except upon the express consent of the enrollee or applicant, or his physician, or pursuant to statute or court order for the production of evidence or the discovery thereof, or in the event of claim or litigation between such person and the health maintenance organization wherein such data or information is pertinent. The communication of such data or information from a health care provider to a health maintenance organization shall not prevent such data or information from being deemed confidential for purposes of the Delaware Uniform Rules of Evidence.

§9117. Freedom of Choice

In order to promote freedom of choice by employers and others in Delaware who purchase group health care coverage, it shall be unlawful, from and after 30 days following the effective date of this enactment, for any insurer, health service corporation, or other person in the business of providing or insuring health care services or coverage, to offer any insurance or health care coverage to any person in this State on a basis which would preclude such person from allowing some

members of a group to elect to enroll in a certified health maintenance organization, either by means of an express prohibition or by requiring the same payment regardless of such election; provided, however, that it shall not be unlawful for such persons to offer insurance or coverage on a basis where the rates or cost thereof are calculated according to the number of persons in the group for which such coverage is provided. The Insurance Department shall have authority to enforce the provisions of this section.

§9118. Short Title

This Chapter shall be known and may be cited as the Delaware Health Maintenance Organization Act or the Delaware HMO Act."

Section 2. Severability of Sections if Held Invalid

If any section, term or provision of this Act shall be adjudged invalid for any reason, such judgment shall not effect, impair or invalidate any other section, term or provision of this Act, and the remaining sections, terms and provisions shall be and remain in full force and effect.

Section 3. Effective Date. This Act shall take effect 90 days after the date of enactment.

Approved July 9, 1982.

CHAPTER 383

FORMERLY

SENATE BILL NO. 478

AS AMENDED BY SENATE AMENDMENTS NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, BY ESTABLISHING AN OFFICE OF EMERGENCY MEDICAL SERVICES WITHIN THE DIVISION OF PUBLIC HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, AND MAKING APPROPRIATION THEREFOR.

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

Section 1. Amend Chapter 79, Title 29, Delaware Code, by adding thereto a new Subchapter IV to read as follows:

"SUBCHAPTER IV. EMERGENCY MEDICAL SERVICES SYSTEMS

§7950. Statement of Purposes

The purposes of the Emergency Medical Services Systems legislation is to establish and/or identify specific roles and responsibilities in regard to emergency medical services in Delaware in order to reduce morbidity and mortality rates for the citizens of Delaware and to ensure quality of emergency care services within available resources, through the effective coordination of the Emergency Medical Services System.

§7951. Definitions

As used in this Act:

'Advanced Life Support' (ALS) shall mean the advanced level of prehospital and interhospital emergency care that includes basic life support functions including cardiopulmonary resuscitation, plus cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures.

'Ambulance' shall mean any publicly or privately owned vehicle, as certified by the State Fire Prevention Commission, that is specifically designed, constructed or modified and equipped, and is intended to be used for and is maintained or operated for the transportation upon the streets and highways of this State for persons who are sick, injured, wounded or otherwise incapacitated or helpless.

'Ambulance Attendant' shall mean a person trained in emergency medical care procedures and currently certified by the Delaware State Fire Prevention Commission or its duly authorized agent in accordance with standards prescribed by the Commission. Such course shall be classified as basic life support and shall be the minimum acceptable level of training for certified emergency medical personnel.

'Basic Life Support' (BLS) shall mean the level of capability which provides prehospital, noninvasive emergency patient care designed to optimize the patient's chances of surviving an emergency situation.

'Consumer' shall mean a recipient or potential recipient of the services provided by an emergency medical services system, who receives no direct or indirect personal, financial, or professional benefit as a result of association with health care or emergency services other than that generally shared by the public at large, and who is not otherwise considered a 'provider' within the intent of this Act.

'Specialty Care Unit' shall mean sophisticated treatment facilities that provide advanced specialized definitive care for critically ill patients. The units shall be available for the diagnosis and care of specific patient problems including major trauma, burns, spinal cord injury, poisoning, acute cardiac, high-risk infant and behavioral emergencies.

'Disaster' shall mean a sudden unexpected event which disrupts normal community functions and/or quickly exhausts local facilities so as to require outside help.

'Emergency Medical Services Systems' (EMSS) shall mean a statewide system which provides for the utilization of available personnel, equipment, transportation and

communication to ensure effective and coordinated delivery of medical care in emergency situations resulting from accidents, illness or natural disasters.

'Emergency Medical Technician' (EMT) shall mean a person trained, and currently certified by the State Fire Prevention Commission, in emergency medical care procedures through a course which meets the objectives of the national standard curriculum.

'Emergency Medical Technician - Cardiac' (EMT-C), also known as Cardiac Rescue Technician (CRT), shall mean a person who has successfully completed a course approved by the Board of Medical Practice or its duly authorized representative, which meets the objectives of the national standard curriculum.

'Emergency Medical Technician - Paramedic' (EMT-P) shall mean a person who has successfully completed a course approved by the Board of Medical Practice or its duly authorized representative, and who acts under the direct or radio control of a physician or physician surrogate.

'Health Planning Agencies' shall mean the federally designated health system agency and/or statewide health planning and development agency for Delaware.

'Medical Control' shall mean directions and advice normally provided from a centrally designated medical facility operating under medical supervision, supplying professional support through radio or telephonic communication for on-site and in-transit basic and advanced life support services given by field and satellite facility personnel.

'Mutual Aid Agreements' shall mean the establishment of appropriate arrangements with EMS Systems of other states for the provision of emergency medical services on a reciprocal basis.

'Provider' shall mean a person who, as an individual or member of a corporation or organization, whether profit-making or non-profit, on a regular basis gives or offers for sale any supplies, equipment, professional or non-professional services, or is capable of giving or offering for sale supplies, equipment or services vital or incidental to the functions of an Emergency Medical Services System.

'Public Safety Personnel' shall mean law enforcement officers, lifeguards, park rangers, firefighters, ambulance and rescue personnel, communications and dispatch specialists, and other public employees and emergency service providers charged with maintaining the public safety.

'Treatment Protocols' shall mean written uniform treatment and care plans for emergency and critical patients. The treatment plans for Advanced Life Support must be approved and signed by appropriate physicians and/or medical groups.

§7952. Delaware Emergency Medical Services Advisory Council (DEMSAC)

The Delaware Emergency Medical Services Advisory Council, henceforth referred to as DEMSAC, established according to Chapter 79, Subchapter 1, of Title 29, Delaware Code, to serve in an advisory capacity to the Division of Public Health of the Department of Health and Social Services, is continued. The Council will review recommendations and developments of the lead agency and provide comments or advice as necessary.

§7953. Organizational Structure

(a) The Office of Emergency Medical Services is hereby created. The office shall be responsible for ensuring the effective coordination and evaluation of the Emergency Medical Services System in Delaware which includes providing assistance and advice for activities related toward the planning, development, improvement and expansion of Emergency Medical Services.

(b) The Office of Emergency Medical Services shall be a State agency within the Division of Public Health, Department of Health and Social Services. The Office of Emergency Medical Services shall report directly to and be responsible to the Director of the Division of Public Health, which is consistent with the Health Plan for Delaware.

(c) As used in this legislation, the term 'Office' shall refer to the State Office of Emergency Medical Services. In the performance of the functions mandated by this legislation which relate to the planning and evaluation of the Emergency Medical Services System in Delaware, the Office of Emergency Medical Services shall coordinate with the Bureau of Health Planning and Resources Development for technical assistance in Emergency Medical Services planning activities. Specifically, the Bureau of Health Planning and Resources Development shall have the primary responsibility for all data analysis related to the Emergency Medical Services System. This

coordination should minimize duplication of effort between the two agencies and allow for the effective use of available staff resources within the Department of Health and Social Services.

\$7954. System Components

(a) **Manpower:** It shall be the responsibility of the Office to collect and analyze annually data pertaining to certified emergency medical services personnel in Delaware by levels of training in order to identify possible or potential shortages. Once EMS manpower shortages are identified, the Office shall notify the affected agencies and provide recommended courses of action to alleviate the problem or potential problem. In order to accomplish this task, the following agencies shall be required to provide a listing of the appropriate emergency medical services personnel by organization, level of training and county:

- (1) Delaware State Fire Prevention Commission or its duly authorized representative;
- (2) Wilmington Medical Center School for Emergency Medical Technicians;
- (3) Delaware Committee on Trauma of the American College of Surgeons - Advanced Trauma Life Support;
- (4) American Heart Association of Delaware - cardiopulmonary resuscitation (CPR) training programs and Advanced Cardiac Life Support;
- (5) American Red Cross, Delaware Chapter - CPR training and first-aid training;
- (6) Delaware Chapter of the American College of Emergency Physicians;
- (7) Delaware Chapter of the Emergency Department Nurses Association; and
- (8) Any other organization not listed above that provides certified emergency medical training, including CPR.

(b) **Training:** All organizations providing emergency medical training programs, as listed under the Manpower section, shall provide to the Office copies of course curricula and schedules of the availability of training courses. The Office shall monitor EMS training levels to provide information on the availability of training programs for all levels of EMS personnel. In addition, the EMS Office shall keep abreast of all federal training standards to ensure that EMS training agencies in Delaware are aware of regional and national standards. In accordance with Title 16, Subsection 6711, Paragraph 3 of the Delaware Code, the State Fire Prevention Commission shall adopt regulations setting forth the qualifications required for the certification of Ambulance Attendants. Since Advanced Life Support ambulance personnel are 'physicians' assistants' as defined in the Delaware Code, Section 1703(e) (7), they must have been trained in programs approved by the Delaware State Board of Medical Practice.

(c) **Communications:** The Office shall: (1) Through the appropriate County dispatch center directors, monitor and evaluate the effectiveness of the statewide EMS Communications System; (2) Identify resources to improve or augment both the Communications System in Delaware and the training of medical dispatchers as needed; (3) Monitor and evaluate the effectiveness of emergency access numbers in terms of the impact on the EMS System.

(d) **Transportation:** In conjunction with appropriate EMS providers in Delaware, the Office shall monitor and evaluate emergency medical transportation services in Delaware to ensure that patients in the EMS System have access to effective and efficient transportation to appropriate treatment facilities.

Pursuant to Title 16, Subsection 6709 of the Delaware Code, all ambulances in Delaware shall be inspected and certified by the Delaware State Fire Prevention Commission or a duly authorized representative thereof. The Delaware State Fire Prevention Commission or its duly authorized representative shall be required to provide to the Office on an annual basis a listing and location of certified ambulances.

(e) **Facilities:** The Office shall monitor the availability of the various levels of care of EMS facilities and services and shall have the authority to categorize all Delaware emergency receiving facilities and services in accordance with criteria established by the Joint Commission on Accreditation of Hospitals (JCAH) for hospital settings and other appropriate national professional organizations for non-hospital settings. This authority shall also include the responsibility of categorizing and designating by level of care when appropriate, specialty care facilities in accordance with the established criteria of the American Medical Association or other appropriate national professional organizations. In addition, the Office shall periodically re-evaluate the categorization or designation of emergency care facilities and specialty care services.

(f) **Specialty Care Units:** The Office shall identify the categorization of the seven specialty care areas for EMS which are available to all patients (the specialty care areas are: trauma, burns, spinal cord, poisoning, acute cardiac, high-risk infant and behavioral emergencies). In addition, the Office shall coordinate the activities of the EMS System to ensure that all patients have access, within a reasonable time period depending on the nature of the illness, to specialty care services. In accordance with this activity, the Office shall have the authority to designate or categorize specialty care units by level of care as specified in the section related to facilities.

(g) **Public Safety Agencies:** Based on the data obtained in the section related to Manpower, the Office shall monitor and evaluate the activities of public safety agencies to determine the number of trained first responders and to promote their participation, to the maximum level possible consistent with their capabilities, in emergency medical situations.

(h) **Consumer Participation:** All agencies and organizations involved in the EMS System in Delaware should seek reasonable consumer participation in planning, development and organizational activities.

(i) **Access To Care:** The Office shall monitor and evaluate activities of all EMS organizations to ensure that no person is denied emergency treatment or transportation services.

(j) **Patient Transfer:** The EMS System shall provide for transfer of patients to facilities and programs which offer such follow-up care and rehabilitation as is necessary to effect the maximum recovery of the patient.

The transfer of emergency patients from the emergency site to the emergency department, specialty care unit, and to follow-up care and rehabilitation centers are all within the scope of a total EMS System.

(k) **Coordinated Patient Record keeping:** The Office shall collect and analyze available data from all providers of the EMS System. This data will be used by the Office in conjunction with the appropriate EMS providers, to evaluate the overall effectiveness of the system. It is necessary that the data be collected from each level of care, which includes the initial entry point through final discharge from the health care delivery system.

(l) **Public Information and Education:** The Office shall provide programs of public information and education designed to inform residents of Delaware and visitors to the State of the availability of, proper use of and access to emergency medical services. Included in these programs will be elements related to citizens involvement in the administration of prehospital care (first-aid, CPR, etc.) and information pertaining to the availability of training programs in Delaware. In addition, the Office shall monitor public EMS information and education programs of major importance offered by other EMS providers in Delaware.

(m) **Review and Evaluation:** In conjunction with the health planning agencies and the EMS providers in Delaware, the Office shall conduct and/or coordinate an on-going comprehensive evaluation of the effectiveness of the EMS System, in terms of the impact on the health status of the EMS patients in Delaware.

(n) **Disaster Planning:** The Office shall: (1) Upon request, participate in disaster planning with all organizations that provide emergency medical services to assist with coordination of disaster activities which impact the EMS System and, (2) Review all municipal, county and State disaster plans which utilize the Emergency Medical Services System. All organizations involved in planning disaster exercises which impact the EMS System should advise the Office of scheduled disaster exercises. In addition, the Office shall, upon request, participate in disaster exercises for the purpose of evaluation and improvement of the Emergency Medical Services System and make recommendations as needed to the appropriate provider for the refinement of their disaster plans. All disaster planning activities of the Office shall be coordinated with the Division of Emergency Planning and Operations as authorized by Title 20, Chapter 31 of the Delaware Code, and the Department of Health and Social Services Disaster Coordinator.

(o) **Mutual Aid Agreements:** The Director of the Office in conjunction with the Division Director shall be authorized to develop and implement mutual aid agreements as may be necessary to ensure continuity of care. These agreements shall be coordinated through and approved by the appropriate EMS providers. These agreements may relate to reciprocity of services, and treatment, transfer and triage protocols to coordinate the provision of services, both within Delaware and across State lines as necessary.

§7955. General Provisions

(a) In order to monitor and evaluate the effectiveness of the EMS System, the Office must be notified of any proposed new service or major service modification within the Emergency Medical Services System in Delaware.

(b) Copies of applications for federal, state and county Emergency Medical Service grant funds shall be sent to the Office.

(c) All proposed legislation pertaining to the EMS System in Delaware shall be reviewed by DEMSAC with recommendations from the Office.

(d) The Office shall, with the consent of the Director of the Division of Public Health, be authorized to make news releases pertaining to the Emergency Medical Services System as required in order to inform the public on issues pertinent to the health and well being of the citizens of Delaware.

(e) The Office shall be required to provide routine progress reports identifying the accomplishments and the problem areas within the System to DEMSAC at its regularly scheduled meetings. In addition, an annual summary report shall be sent to the Chairman of DEMSAC through the Division Director by August 15th of each year.

(f) The Office is authorized and empowered to apply for, accept and disburse grants, gifts and contributions from the government, individuals, foundations, corporations, and other organizations, agencies or institutions on behalf of the EMS System in Delaware.

(g) During the fiscal year ending June 30, 1983 the Department of Health and Social Services shall implement as many of the provisions of this Subchapter as possible within the constraints of its appropriation for said fiscal year. In its budget request for the fiscal year ending June 30, 1984 and subsequently, the Department shall include the funds necessary to carry out the provisions of this Subchapter.

Approved July 9, 1982.

CHAPTER 384

FORMERLY

SENATE BILL NO. 592

AN ACT TO AMEND TITLE 31, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF AN ADULT PROTECTIVE SERVICES UNIT WITHIN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

Section 1. Amend Title 31, Delaware Code, by adding thereto a new Chapter to be designated as Chapter 39, which shall read as follows:

"CHAPTER 39. ADULT PROTECTIVE SERVICES

§3901. Declaration of Policy

The Legislature of the State of Delaware recognizes that many adult citizens of this State are subject to psychological or physical injury or exploitation because of physical or mental infirmity, disease, or other causes which render them incapable of providing for their basic daily living needs. The Legislature, therefore, intends through this Act to establish a system of services for impaired adults designed to protect their health, safety, and welfare. The intent is to authorize only the least possible restrictions on the exercise of personal and civil rights and such restrictions may be permitted only when consistent with proven need for services.

§3902. Definitions

As used in this Chapter:

(a) 'Infirm adult' shall mean any person eighteen (18) years of age or over who, because of physical or mental disability is substantially impaired in his ability to provide adequately for his own care and custody.

(b) 'Physical or mental disability' shall include any physical or mental disability and shall include, but not be limited to, mental retardation, brain damage, physical degeneration, deterioration, senility, disease, habitual drunkenness or addiction to drugs, and mental or physical infirmity.

(c) 'Substantially impaired in his ability to provide adequately for his own care and custody' means the infirm person is unable to perform or obtain for himself essential services.

(d) 'Essential services' shall refer to those physical, medical, social, psychiatric or legal services necessary to safeguard the person, rights, and resources of the infirm person and to maintain his physical and mental well-being. These services shall include, but not be limited to, adequate food and clothing, heated and sanitary shelter, medical care for physical and mental health needs, assistance in personal hygiene, protection from health and safety hazards, protection from physical or mental injury or exploitation.

(e) 'Exploitation' means the illegal or improper use or abuse of an infirm person, his resources, or his rights, by another person, whether for profit or other advantage.

(f) 'Incapacitated person' means a person for whom a guardian of person or property, or both, shall be appointed, under the provisions of 12 Del. C. §3914(a).

(g) 'Independent living arrangement' means a mode of life pursued by a person capable of providing for his own care or who, while impaired, nevertheless is able to live outside an institution with assistance in obtaining essential services.

(h) 'Hazardous living condition' means a mode of life which contains a substantial risk of physical injury, or mental distress, or exploitation.

(i) 'Interested person' means any adult relative or friend of an infirm person; an official or representative of the protective services agency or of any public or nonpublic private agency; or any corporation, board, organization, or person designated by the Court to act in the interest of the infirm person.

(j) 'Emergency' means that a person is living in conditions which present a substantial risk of serious harm and includes, but is not limited to, problems which cannot be managed by an

impaired person, such as insufficient food supply, inadequate shelter, threatened abuse, or utility shut-off. Emergency does not mean psychiatric emergency as provided for in 16 Del. C., Chapter 50.

(k) 'Emergency services' are protective services furnished to a person in an emergency.

(l) 'Public Guardian' means the Office of the Public Guardian.

(m) 'Protective placement' means the transfer of a person out of an independent living arrangement.

(n) 'Court' means the Court of Chancery of the State of Delaware.

(o) 'Department' means the Department of Health and Social Services of the State of Delaware.

§3903. Establishment and Protective Service System

(a) The Secretary of the Department of Health and Social Services shall appoint, within six (6) weeks of the effective date of this Act, an Advisory Committee to assist the Department in developing a comprehensive and coordinated system of protective services for infirm and incapacitated adults in the State of Delaware. The Committee shall consist of representatives of the Office of the Public Guardian, the Division of Economic Services, the Division of Aging, the Division of Mental Retardation, the Division of Mental Health, the Division of Public Health, and Senior Citizens Legal Assistance Program and the Governor's Council on Emergency Medical Services. The Committee shall also include three (3) members from either the medical profession or the general public. The Secretary, with the advice of the Committee, shall promulgate rules and regulations for the operation of the Adult Protective Services Program.

(b) The Department shall provide those services and activities as described in Section 3904 (b) and (c) of this Chapter according to the regulations promulgated by the Secretary. In doing so, it may contract with other agencies for the provision of services, or it may provide directly any or all of those services.

(c) The Department shall utilize, to the extent possible, those resources of public and private nonprofit agencies which are appropriate and available in providing protective services.

(d) The Department shall designate five (5) persons as the initial staff in beginning the delivery of protective services. They shall be as follows:

(1) One (1) person of at least the Social Worker III level as the overall supervisor of the protective services program.

(2) Three (3) persons of at least Social Worker II level, to function throughout the State.

(3) One (1) Social Worker I.

(e) Protective Services as provided by this Chapter and the regulation promulgated pursuant to it shall be provided by the Department eight (8) months after the effective date of this Chapter.

(f) The Department shall make continuing provisions in each county for the shelter of those persons who are determined to be in temporary need of such protection pursuant to Sections 3905, 3906, and 3907 of this Chapter. In providing this service, the Department may utilize existing resources such as State institutions; it may contract for bed space in private facilities; and it may utilize the resources of rest (family care and residential) homes for those clients not requiring medical care.

(g) The Department may also make provisions for securing emergency food, clothing, fuel allotments, and funds for those persons determined to be in need of such services, pursuant to Sections 3905, 3906, or 3907 of this Chapter, insofar as such services are not available from other State-supported programs. To the extent that funds are available for this purpose, the Department may draw upon the funds budgeted to provide emergency services as needed and, where possible, reimbursement shall be made to the Department for the services provided which amounts shall revert to the General Fund of the State of Delaware.

§3904. Nature of Protective Services

(a) Definition: Protective services are services furnished to an infirm or incapacitated adult, with the person's consent or pursuant to Court order, to assist that person in performing the activities of daily living, in maintaining independent living arrangements, or avoiding hazardous living conditions.

(b) Services: Protective services include, but are not limited to:

(1) Preliminary investigation and evaluation of reports of adults needing protective services, including a comprehensive social evaluation.

(2) Medical and psychiatric evaluation, if necessary.

(3) Social casework for the purpose of planning and providing services needed by the adult client.

(4) Maintenance of the person in his own home through provision of home health care, homemaker services, day care and chore services.

(5) Assistance in obtaining out-of-home services such as respite care, emergency housing and placement in a rest-residential home.

(6) Referral for legal assistance, information on establishing power of attorney or representative payee arrangements and on guardianship of person or property; referral to the Office of Public Guardian; referral for medical assistance.

(7) Transportation to and from service providers, if necessary.

(8) Other services consistent with this Chapter.

(c) In order to provide the services listed in subsection (b) of this Section, the following services will be performed by the Adult Protective Services unit.

(1) Informing and educating the citizens of the State on the needs of protective service clients and the services available to them.

(2) Accepting and processing all referrals on, or applications from, adults in need of protective services.

(3) Home visits to all clients, if necessary.

(4) Counseling with clients to assist them to accept needed services voluntarily.

(5) Referring clients to other service-providing agencies, arranging for visits, and following up to determine that needed services were delivered by those agencies.

(6) Maintaining case records and statistics.

(7) Contracting with existing public and private agencies and professionals for the provision of services not directly provided by the Department.

(8) Provision for shelter of those persons in temporary need of such protection, pursuant to Section 3903 (f) above.

(9) Provisions for emergency food, clothing, fuel allotments and funds for persons determined to be in need of such services.

(10) Arranging for the development of a system, in cooperation with public and private community agencies, to insure that emergencies requiring adult protective services will be handled on a coordinated basis.

(d) (1) The cost of services provided by the State which are voluntarily accepted by the protective services client shall be borne by the client himself, insofar as he is able to pay for them from his own resources, insurance programs, Medicare, Medicaid, or similar programs. The Department shall determine the client's ability to pay for services from a fee schedule and income criteria which shall be established by the Secretary under the rulemaking authority provided by this Chapter. For a client aggrieved by a decision regarding fees, a caseworker's determination may be appealed to the program administrator.

(2) In the event that services are voluntarily accepted and no payment is made by a client whose resources are adequate for such payment, the State may take action in the Court of Chancery to obtain reimbursement, provided that efforts have been made to collect the account through other means.

(3) Where protective services are provided under Court order, the Court may authorize reasonable payment to the Department from the resources of the person if the Department can prove to the satisfaction of the Court that payment may be made without endangering the welfare or interests of the person served.

(4) To the extent that funds are available, the cost of protective services not paid from the resources of the client shall be debited to the Adult Protective Services budget.

§3905. Voluntary Protective Services

(a) Any qualified person may receive adult protective services, provided the person requests or affirmatively consents to receive these services. If the person withdraws or refuses consent, the service shall not be provided unless by Court order.

(b) No person shall interfere with the provision of protective services to a person who requests or consents to receive such services or who has been ordered by Court to be provided with such services. In the event that interference occurs on a continuing basis, the Department or the service recipient may petition the Court to enjoin such interference.

§3906. Involuntary Protective Services

(a) If a person lacks the capacity to consent to receive protective services, these services may only be given in one or more of the following ways:

(1) by a police officer, on probable cause of death or immediate and irreparable physical injury, pursuant to Section 3907 of this Chapter.

(2) by the attorney general or a deputy attorney general of this State, pursuant to Section 3907 of this Chapter.

(3) by an emergency order of the Court, pursuant to Section 3908 of this Chapter. The Court shall order only that intervention which it finds to be the least restrictive of the person's liberty and rights, while consistent with his welfare and safety. The basis for such order and finding shall be stated in the opinion by the Court.

(4) by the appointment of a guardian pursuant to 12 Del. C. §3914.

(5) by a social service worker on probable cause of death or immediate and irreparable physical injury pursuant to Section 3907 of this Chapter.

§3907. Involuntary Protective Services on Probable Cause of Death or Immediate and Irreparable Physical Injury

(a) When probable cause exists to make a peace officer believe that a person will suffer immediate and irreparable physical injury or death if not immediately placed in a health care facility or other emergency shelter and that the person is incapable of giving consent, the peace officer may transport the person to an appropriate medical facility or emergency shelter.

(b) The peace officer shall immediately or at the beginning of the next working day notify the Department of such transfer and of the circumstances which necessitated it and any other relevant information.

(c) The Adult Protective Services unit shall investigate, and if involuntary protective services are needed on a continuing basis for a person so transported, proceedings shall be initiated for supplying such services pursuant to Section 3908 of this Chapter or pursuant to 12 Del. C. §3914.

§3908. Emergency Order for Involuntary Protective Service

(a) Upon petition by the Public Guardian or Adult Protective Services Unit of the Department of Health and Social Services, the Court of Chancery may issue an order authorizing the provision of protective services on an emergency basis to an adult person after finding on the record, based on a preponderance of the evidence that:

(1) the person is infirm or incapacitated, as defined in Section 3902 (a) and (f) of this Chapter;

(2) an emergency exists, as defined in Section 3902 (j) of this Chapter;

(3) the person lacks the capacity to consent to receive protective services;

(4) no person authorized by law or Court order to give consent for the person is available and willing to consent to emergency services; and

(5) there are compelling reasons for ordering services.

(b) In an emergency order, the Court is to consider:

(1) Only such protective services as are necessary to remove the conditions creating the emergency shall be ordered; and the Court shall specifically designate the approved services in its order.

(2) Protective services authorized by an emergency order shall not include hospitalization or change of residence unless the Court specifically finds such action is necessary and gives specific approval for such action in its order.

(3) Protective services may be provided through an emergency order only for one (1) week period upon a showing to the Court that continuation of the original order is necessary to remove the emergency.

(4) In its order, the Court shall appoint the petitioner or another interested person other than the service provider as temporary guardian of the person of the infirm. The temporary guardian shall assume responsibility for the person's welfare and be granted therein authority to give consent for the person for the approved protective services until the expiration of the order.

(5) The issuance of an emergency order and the appointment of a temporary guardian shall not deprive the person of any rights except to the extent validly provided for in the order of appointment.

(6) To implement an emergency order, the Court may authorize forcible entry of the premises of the person for the purpose of rendering protective services or transporting the person to another location for the provisions of such services. Such forcible entry may be authorized only after a showing to the Court that attempts to gain voluntary access to the premises have failed and forcible entry is necessary. The order of the Court shall include an order to the appropriate police department authorizing forcible entry.

(c) The petition for an emergency order shall set forth to the best of the petitioner's knowledge and belief:

(1) the name, address and interest of the petitioner;

(2) the name, address and approximate age of the person in need of protective services;

(3) if the information can be obtained and if any exist, the names and addresses of the spouse and next of kin of the person;

(4) the petitioner's attempts to contact the persons named in §3908 (c) (3) and their responses to the situation;

(5) the petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the facts stated in §3908 (a) (1) through (4);

(6) facts showing petitioner's attempts to obtain the person's consent to the services and the outcomes of such attempts; and

(7) the proposed protective services.

(d) Actual notice of the filing of such petition, and other relevant information including the factual basis of the belief that emergency services are needed and a description of the exact services to be rendered, shall be given to the person, and at the Court's discretion, to his spouse, or if none, to his adult children, next of kin, or guardian if any. Notice to any parties other than the person in need of services may be waived by the Court if the petition avers with specificity that such notice would be detrimental to the infirm person. Such notice shall be given in language reasonably understandable by their intended recipients at least twenty-four (24) hours prior to the hearing for emergency intervention, and longer if possible.

(e) Upon the filing of a petition for an emergency order for protective services, the Court shall hold a hearing within seven (7) days or immediately, if necessary, pursuant to the provisions of §3908 of this Chapter.

(f) If the person continues to need protective services after the order and renewal provided for in subsection (b) (3) of this Section has expired, such services can only be rendered pursuant to the appointment of a guardian.

(g) The petitioner or other witness supplying information shall be immune from civil liability for damages as a result of filing the petition if he acted in good faith and believed the person to be in need of such assistance.

(h) The authority of the police departments of this State to transfer a person to a mental health facility in cases of a psychiatric emergency are not affected by this Act.

§3909. Hearing on Petition

(a) The hearing on a petition for involuntary protective services shall be held under the following conditions:

(1) The person needing protective services shall be present unless he has knowingly and voluntarily waived the right to be present or unless, because of physical or mental incapacity, he cannot be present without endangering his welfare. Waiver or incapacity may not be presumed from nonappearance but shall be determined on the basis of factual information supplied to the Court by counsel or a caseworker.

(2) The infirm person has the right to counsel whether or not he is present at the hearing. If the person is indigent or lacks the capacity to waive counsel, the Court shall appoint counsel. Where the person is indigent, the Court shall assess reasonable attorney's fees, such as are customarily charged by attorneys in this State for comparable services. To the extent that funding for this purpose is budgeted and available, such funds shall be drawn from the budget for Adult Protective Services upon an order directing payment signed by the Court.

(3) The infirm person has the right at his own expense or, if indigent, at the expense of the State, to secure an independent medical and/or psychological examination relevant to the issue involved in any hearing under this Section, and to have presented a report of this independent evaluation or to have the Court hear the evaluator's personal testimony as to his condition and circumstances as a part of the evidence presented in his behalf at the hearing. The infirm person shall have the right to have witnesses and evidence subpoenaed in his behalf and to have presented at the hearing such witnesses and evidence in support of his position as he desires.

(b) The Court shall record a statement of its findings in support of any order for emergency protective services.

§3910. Duty to Report

(a) Any person having reasonable cause to believe that an adult person is infirm or incapacitated as defined in Section 3902 of this Chapter shall report such information to the Department of Health and Social Services.

(b) Upon receipt of a report, the Department shall make a prompt and thorough evaluation to determine whether the person named is in need of protective services and what services are needed, unless the Department determines that the report is frivolous or is without a factual basis. The evaluation shall include a visit to the person and consultation with others having knowledge of the facts of the particular case. If outside professional assistance is required in order for a caseworker to complete an evaluation, the Department may contract with professionals in order to provide such services.

Section 2. This Act shall be effective upon the appropriation of the General Assembly of sufficient funds for the purposes set forth in this Act.

Section 3. Funds appropriated for the purposes of this Act remaining unexpended on June 30, 1983, shall revert to the General Fund of the State of Delaware.

Section 4. Services set forth in this Chapter shall be provided to the extent that funding is appropriated and sufficient for such services.

Section 5. 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 of 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 6. This Act shall become effective July 1, 1982."

Approved July 9, 1982.

CHAPTER 385

FORMERLY

HOUSE BILL NO. 694
AS AMENDED BY SENATE AMENDMENT NO. 4

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, BEING VOLUME 61, CHAPTER 503, LAWS OF DELAWARE, RELATING TO THE RECLAMATION AND RECYCLING OF BEVERAGE CONTAINERS.

WHEREAS, aluminum containers are readily recyclable and are being recycled actively at the present time in this State and do not, therefore, constitute a significant burden on the finances of this State in the collection of litter and in the disposal of solid waste; and

WHEREAS, consumers of beverages in this State prefer aluminum containers to other types of containers for beverages; and

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

Section 1. Amend subsection (b) of section 6052 of Title 7 of the Delaware Code by inserting the word "nonaluminous" between the words "airtight" and "container" as the same appear therein.

Section 2. The provisions of Section 1. above shall terminate on January 1, 1984.

Approved July 12, 1982.

CHAPTER 386

FORMERLY

SENATE BILL NO. 560
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND PART II, TITLE 16 OF THE DELAWARE CODE RELATING TO "LIVING WILLS" AND SIMILAR DOCUMENTS WHEREIN TERMINALLY-ILL PATIENTS AND OTHER PERSONS MAY AUTHORIZE THE DISCONTINUANCE OF CERTAIN MEDICAL PROCEDURES.

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

Section 1. Amend Part II, Title 16 of the Delaware Code by adding thereto a new chapter, designated as Chapter 25, which new chapter shall read as follows:

"CHAPTER 25. PATIENT'S RIGHT TO TERMINATE TREATMENT.

§2501. Definitions

(a) 'Artificial means' shall mean manufactured or technical contrivances which may be attached to or integrated into the human body, but which are not normally a part of the human body.

(b) 'Attending physician' shall mean the physician selected by the patient or someone on his behalf, or assigned by a health care facility to the patient, which physician has primary responsibility for the treatment and care of the patient.

(c) 'Declarant' shall mean the person on whose behalf a declaration, in accordance with this chapter, is made.

(d) 'Declaration' shall mean a written statement voluntarily executed by the declarant or his agent directing the withholding or withdrawal of certain medical treatment, even if such treatment is the sole means of sustaining life, during a future state of incompetency.

(e) 'Maintenance medical treatment' shall mean any medical or surgical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function; and which would serve only to artificially prolong the dying process and delay the moment of death where death is imminent, whether or not such procedures are utilized. The words 'maintenance medical treatment' shall not include the administration of medication, nor the performance of any medical procedure necessary to provide comfort care or to alleviate pain.

(f) 'Terminal condition' shall mean any disease, illness, injury or condition sustained by any human being from which there is no reasonable medical expectation of recovery and which, as a medical probability, will result in the death of such human being regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life, or the life processes.

§2502. Right of Self-determination

(a) An individual, legally adult, who is competent and of sound mind, has the right to refuse medical or surgical treatment if such refusal is not contrary to existing public health laws. Such individual has the right to make a written, dated declaration instructing any physician, including without limitation the treating physician, to cease or refrain from medical or surgical treatment during a possible pre-stated future incompetency of such person. The declaration shall take effect whenever the circumstances described in the declaration take place, and the fact they have taken place is confirmed in writing by two physicians.

(b) An adult person by written declaration may appoint an agent who will act on behalf of such appointor if, due to a condition resulting from illness or injury and, in the judgment of the attending physician, the appointor becomes incapable of making a decision in the exercise of the right to accept or refuse medical treatment.

(c) An agent appointed in accordance with this section may accept or refuse medical treatment proposed for the appointor if, in the judgment of the attending physician, the appointor is incapable of making that decision. This authority shall include the right to refuse medical treatment which would extend the appointor's life. An agent authorized to make decisions under this chapter has a duty to act in good faith, and with due regard for the benefit and interests of the appointor.

2503. Written Declaration

(a) Any adult person may execute a declaration directing the withholding or withdrawal of maintenance medical treatment, where the person is in a terminal condition and under such circumstances as may be set forth in the declaration. The declaration made pursuant to this chapter shall be:

- (1) in writing;
- (2) signed by the person making the declaration, or by another person in the declarant's presence and at the declarant's expressed direction;
- (3) dated; and
- (4) signed in the presence of two or more adult witnesses, as set forth in subsection (b).

(b) The declaration shall be signed by the declarant in the presence of two subscribing witnesses, neither of whom:

- (1) is related to the declarant by blood or marriage;
- (2) is entitled to any portion of the estate of the declarant under any will of the declarant or codicil thereto then existing nor, at the time of the declaration, is so entitled by operation of law then existing;
- (3) has, at the time of the execution of the declaration, a present or inchoate claim against any portion of the estate of the declarant;
- (4) has a direct financial responsibility for the declarant's medical care; or
- (5) is an employee of the hospital or other health care facility in which the declarant is a patient.

(c) Each witness to the declaration shall verify that he is not prohibited, under subsection (b) of this section, from being a witness under the provisions of this chapter.

(d) The declaration of a patient diagnosed as pregnant by the attending physician shall be of no effect during the course of the patient's pregnancy. Where a declaration is lacking any requirement under this subsection and such defect is later corrected by amendment or codicil, whether formally or informally prepared, such declaration shall be valid ab initio, notwithstanding the earlier defect.

\$2504. Revocation

(a) The desires of a declarant who is competent shall at all times supercede the effect of the declaration. A declarant may revoke his declaration at any time, without regard to his mental state or competency. Any of the following methods is sufficient for revocation:

(1) Destruction, cancellation, obliteration, or mutilation of the declaration with an intent to revoke it. If physical disability has rendered the declarant unable to destroy, cancel, obliterate, or mutilate the declaration, he may direct another individual to do so in his presence;

(2) An oral statement made in the presence of two persons, each eighteen years of age or older, which expresses an intent contrary to that expressed in the declaration;

(3) Either a new declaration, made in the same manner with the same formality as the former declaration, which expresses an intent contrary to that expressed in the prior declaration; or a written revocation signed and dated by the declarant.

(b) There shall be no criminal nor civil liability on the part of any person for failure to act in accordance with a revocation, unless such person has actual or constructive knowledge of the revocation.

(c) If the declarant becomes comatose or is rendered incapable of communicating, the declaration shall remain in effect for the termination of the comatose condition, or until such time as the declarant's condition renders him able to communicate.

\$2505. Health Care Personnel; Legal Immunity

Physicians or nurses who act in reliance on a document executed in accordance with this chapter, where such health care personnel have no actual notice of revocation or contrary indication, by withholding medical procedures from an individual who executed such document shall be presumed to be acting in good faith, and unless negligent shall be immune from civil or criminal liability.

For purposes of this chapter a physician or nurse may presume, in the absence of actual notice to the contrary, that an individual who executed a document under this chapter was of sound mind when it was executed.

§2506. Safeguard Provisions

(a) Anyone who has good reason to believe that the withdrawal or withholding of a maintenance medical treatment in a particular case:

(1) is contrary to the most recent expressed wishes of a declarant;

(2) is being proposed pursuant to a Declaration that has been falsified, forged, or coerced;
or

(3) is being considered without the benefit of a revocation which has been unlawfully concealed, destroyed, altered or cancelled;

may petition the Court of Chancery for appointment of a guardian for such declarant.

(b) Upon receipt of a declaration, the hospital or the attending physician shall acknowledge receipt of same, and shall include the declaration as part of the declarant's medical records.

(c) A declaration shall be effective for ten years from the date it was declared or executed, unless sooner revoked in a manner permitted under this chapter. Nothing in this chapter shall be construed to prevent any person from re-executing a Declaration at any time.

(d) The Division of Aging and the Public Guardian shall have oversight over any declaration executed by a resident of a sanatorium, rest home, nursing home, boarding home, or related institution as the same is defined in §1101, Title 16 of the Delaware Code. Such declaration shall have no force nor effect if the declarant is a resident of a sanatorium, rest home, nursing home, boarding home or related institution at the time the declaration is executed unless one of the witnesses is a person designated as a patient advocate or ombudsman by either the Division of Aging or the Public Guardian. The patient advocate or ombudsman must have the qualifications required of other witnesses under this Chapter.

§2507. Assumptions and Presumptions

(a) Neither the execution of a declaration under this Chapter nor the fact that maintenance medical treatment is withheld from a patient in accordance therewith shall, for any purpose, constitute a suicide.

(b) The making of a declaration pursuant to this Chapter shall not restrict, inhibit, nor impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed or presumed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of maintenance medical treatment from an insured patient, notwithstanding any term of the policy to the contrary.

(c) No physician, health facility, or other health care provider, nor any health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or non-profit hospital service plan, shall require any person to execute a Declaration as a condition to being insured, or for receiving health care services, nor shall the signing of a Declaration be a bar.

(d) This chapter shall create no presumption concerning the intentions of an individual, who has not executed a declaration, to consent to the use or withholding of life-sustaining procedures in the event of a terminal condition.

§2508. Penalties

(a) Whoever threatens directly or indirectly, coerces, or intimidates any person to execute a declaration directing the withholding or withdrawal of maintenance medical treatment shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$500 nor more than \$1,000; be imprisoned not less than 30 days nor more than 90 days; or both. The Superior Court shall have jurisdiction over such offenses.

(b) Whoever knowingly conceals, destroys, falsifies or forges a document with intent to create the false impression that another person has directed that maintenance medical treatment be utilized for the prolongation of his life is guilty of a Class C felony.

(c) The Superior Court shall have jurisdiction over all offenses under this Chapter.

§2509. Exemption from Liability; Defense

(a) No physician or other individual, nor any health care facility which, acting in accordance with the requirement of this Chapter, causes the withholding or withdrawal of life-sustaining procedures from a patient, shall be subject to civil liability therefrom. No physician or other person acting under the direction of a physician who participates in the withholding or withdrawal of a life-sustaining procedure in accordance with the provisions of this Chapter shall be guilty of any criminal act or of unprofessional conduct, other determinations to the contrary notwithstanding.

(b) In any action for malpractice governed by Chapter 68 of Title 18, brought against any attending physician or any health care facility, arising out of the observance of the provisions of this Chapter, it shall be a defense to such action that the attending physician or health care facility acted in accordance with a written declaration meeting all of the procedural requirements of this Chapter.

Section 2. This Act shall be known and may be cited as the Delaware Death with Dignity Act.

Section 3. Nothing in this Act shall be construed to condone, authorize, or approve of mercy killing; be construed to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying; nor be construed to be a method of defining or determining a technical state of death.

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 this 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 12, 1982.

CHAPTER 387 .

FORMERLY

HOUSE BILL NO. 809
AS AMENDED BY HOUSE AMENDMENT NO. 1

A BOND ACT OF THE STATE OF DELAWARE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY PAYABLE FROM MOTOR FUEL TAX REVENUES AND ANNUAL MOTOR CARRIER REGISTRATION FEES, PLEDGING SUCH REVENUES AND FEES TO THE SUPPORT OF ALL BONDS ISSUED BY THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING THE TRANSFER FROM THE DELAWARE TRANSPORTATION AUTHORITY TO THE STATE GENERAL FUND A SUM EQUAL TO ANNUAL MOTOR CARRIER REGISTRATION FEES LEVIED AT THREE DOLLARS PER ANNUM, RAISING VARIOUS MOTOR CARRIER REGISTRATION FEES AND FINES FOR NONCOMPLIANCE; AUTHORIZING THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY TO ISSUE BONDS AND CREATING THE DELAWARE DEVELOPMENT CORPORATION IN SUPPORT OF SMALL BUSINESSES; MAKING CHANGES TO THE DELAWARE CODE TO PERMIT THE DELAWARE STATE HOUSING AUTHORITY TO CONTINUE ISSUING REVENUE BONDS PAYABLE FROM VARIOUS SOURCES; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING SURPLUS BALANCES IN CERTAIN SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY AND PLACING CERTAIN CONDITIONS ON THOSE APPROPRIATIONS; AND MAKING CERTAIN ADDITIONAL CHANGES TO THE DELAWARE CODE APPLICABLE TO THE ISSUANCE OF BONDS BY THE STATE AND CERTAIN OF ITS AUTHORITIES.

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 \$36,757,317 bonds to which the State shall pledge its full faith and credit. Bonds authorized to be used 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, agencies, and instrumentalities of the State and in the following amounts for the purposes set forth in the Fiscal Year 1983 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Budget Commission	\$ 300,000
Delaware Development Office	1,490,000
Department of Administrative Services	4,200,000
Department of Health & Social Services	1,900,000
Department of Correction	300,000
Department of Natural Resources & Environmental Control	5,600,000
Department of Public Safety	275,000
Department of Transportation	11,868,317
Fire Prevention Commission	214,000
University of Delaware	4,610,000
Delaware State College	2,300,000
Delaware Technical & Community College	1,600,000
State Board of Education (as provided below)	<u>2,100,000</u>

<u>Purpose</u>	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>
Indian River - Additions and Renovations, Phase I	\$2,100,000	\$1,400,000	\$3,500,000

TOTAL \$36,757,317

Section 2. Authorization of Ten-Year Bonds. The State hereby authorizes the issuance of \$18,295,233 bonds to which the State shall 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, agencies, and instrumentalities of the State and in the following amounts for the purposes set forth in the Fiscal Year 1983 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department, Agency, or Instrumentality</u>	<u>Amount</u>
Budget Office	\$ 450,000
Delaware Development Office	790,000
Department of State	370,000
Department of Administrative Services	1,150,000
Department of Health & Social Services	1,798,233
Department of Correction	100,000
Department of Natural Resources & Environmental Control	2,200,000
Department of Public Safety	79,000
Department of Community Affairs	225,000
Department of Transportation	8,719,000
Department of Agriculture	92,000
University of Delaware	15,000
Delaware State College	100,000
Delaware Technical & Community College	757,000
State Board of Education (as provided below)	<u>1,450,000</u>

<u>Purpose</u>	<u>Maximum State Share</u>	<u>Local Share</u>	<u>Maximum Total Cost</u>	
Capital - Roof Replacement and Repairs	\$ 447,900	\$ 298,600	\$ 746,500	
Capital - Central Middle School Renovations, Phase I	<u>552,100</u>	<u>368,067</u>	<u>920,167</u>	
<u>Subtotal</u>	<u>\$1,000,000</u>	<u>\$ 666,667</u>	<u>\$1,666,667</u>	
School Building Maintenance	\$ 442,000	-0-	\$ 442,000	
Christina - Sterck School- Planning	<u>8,000</u>	<u>-0-</u>	<u>8,000</u>	
<u>TOTAL</u>	<u>\$1,450,000</u>	<u>\$ 666,667</u>	<u>\$2,116,667</u>	<u>\$18,295,233</u>

Section 3. Repeal of Prior General Obligation Bond Authorizations. There is hereby repealed the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following departments and agencies pursuant to the following laws for the following projects in the following amounts:

<u>Department, Agency, or Instrumentality</u>	<u>Authorized Vol. & Ch.</u>	<u>Project Account Code</u>	<u>Amount</u>
Department of Health & Social Services	56 - 363	35-05-002-42-00	\$500,000
Department of Health & Social Services	61 - 408	35-05-004-79-80	15,000
Department of Health & Social Services	62 - 146	35-06-008-50-12	150,000

Department of Natural Resources &
Environmental Control

61 - 376 40-05-001-78-84 99,050

TOTAL

\$764,050

Section 4. Farmers Bank Preferred Stock Proceeds. Pursuant to a resolution of the State's Bond Issuing Officers, the sum of Thirteen Million Four Hundred Twenty-Three Thousand Five Hundred Dollars (\$13,423,500.00) has heretofore been deposited to the credit of certain project account codes within the Capital Improvement Fund for the credit of the Department of Transportation. Accordingly, there is hereby repealed the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following department pursuant to the following laws for the following projects in the following amounts:

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Account Code	Amount
Department of Transportation	62 - 146	55-05-000-55-00	\$ 8,388,000
Department of Transportation	61 - 376	55-05-000-55-00	612,269
Department of Transportation	61 - 376	55-05-000-55-00	820,000
Department of Transportation	61 - 408	55-05-000-55-00	3,542,538
Department of Transportation	61 - 408	55-05-000-55-00	<u>60,693</u>

TOTAL

\$13,423,500

Section 5. Farmers Bank Common Stock Proceeds. Pursuant to a resolution of the State's Bond Issuing Officers, the sum of Three Million Five Hundred Fifty Thousand Dollars (\$3,550,000.00) has heretofore been deposited to the credit of certain project account codes within the Capital Improvement Fund for the credit of the State Board of Education. Pursuant to Volume 63, Chapter 266, Laws of Delaware, prior bond authorizations in the amount of Four Hundred Forty-Two Thousand Dollars (\$442,000.00) were repealed and a like sum was appropriated from the Future School Construction Fund to rehabilitate the Frederick Douglass School which had been damaged by fire. Accordingly, there is hereby repealed the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following department pursuant to the following laws for the following projects in the following amounts:

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Account Code	Amount
State Board of Education	63 - 179	95-01-002-52-12	\$ 30,000
State Board of Education	63 - 179	95-01-002-52-82	1,358,000
State Board of Education	63 - 179	95-01-002-52-92	685,000
State Board of Education	63 - 179	95-23-000-52-12	800,000
State Board of Education	63 - 179	95-23-000-52-13	200,000
State Board of Education	62 - 146	95-38-000-50-12	<u>35,000</u>

TOTAL

\$3,108,000

Section 6. Farmers Bank Proceeds. Amend §2717 of Title 29 of the Delaware Code by adding a new sentence at the end thereof to read as follows:

"The proceeds shall not be included in the computation of the principal amount of bonds retired for the purposes of §7429 of this Title, unless and until projects for which the proceeds are to be spent have had their previously authorized general obligation bonds of the State deauthorized by an Act of the General Assembly."

Section 7. Deauthorization of State Guaranteed Bonds.

(a) Amend §5054(d)(2) of Title 29 of the Delaware Code, as amended, by striking the words of that Subsection in their entirety and inserting in lieu thereof the following:

"(2) The aggregate principal amount of State guaranteed bonds that may be authorized to be outstanding shall be limited to Thirty-Nine Million Dollars (\$39,000,000.00). The limit shall automatically be reduced below Thirty-Nine Million Dollars (\$39,000,000.00), once the aggregate principal amount of

outstanding State guaranteed bonds is reduced to Thirty-Nine Million Dollars (\$39,000,000.00), by an amount equal to the principal amount of State guaranteed bonds thereafter retired by the Authority."

(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 8. Reversion of Fund Balances. On the effective date of this Act, the State Treasurer shall transfer the remaining cash balances, not in excess of the amounts indicated below in the enumerated project accounts, to the Bond Reversion Account (12-05-003-40-00) to be reappropriated pursuant to Section 9 of this Act.

<u>Department or Agency</u>	<u>Authorized Vol. & Ch.</u>	<u>Project Account Code</u>	<u>Amount</u>
Department of State	62 - 407	20-06-004-51-12	\$ 3,475
Department of Administrative Services	62 - 146	30-05-001-50-01	105
Department of Administrative Services	62 - 407	30-05-001-51-01	75
Department of Administrative Services	62 - 407	30-05-001-51-15	20,000
Department of Administrative Services	62 - 407	30-05-001-51-16	2,439
Department of Health & Social Services	56 - 363	35-05-002-42-00	761,000
Department of Health & Social Services	62 - 146	35-05-003-50-13	42,342
Department of Health & Social Services	62 - 146	35-06-002-50-15	89
Department of Health & Social Services	59 - 223	35-06-002-74-80	1
Department of Health & Social Services	60 - 291	35-06-002-77-80	10
Department of Health & Social Services	62 - 146	35-06-004-50-12	118
Department of Health & Social Services	60 - 271	35-11-002-76-83	484
Department of Health & Social Services	61 - 408	35-11-002-79-82	6,000
Department of Health & Social Services	62 - 146	35-11-003-50-12	64,700
Department of Correction	61 - 229	38-08-003-78-82	160,000
Department of Correction	61 - 408	38-08-003-79-80	8
Department of Correction	61 - 229	38-08-004-78-80	2,367
Department of Public Safety	62 - 146	45-06-002-50-12	309
Delaware National Guard	62 - 407	76-01-001-51-12	70,619
<u>TOTAL</u>			<u>\$1,134,141</u>

Section 9. Transfers from Reversion Account. The State Treasurer shall transfer amounts on deposit in the agency bond reversion account (12-05-003-40-00) to the following departments and agencies in the following amounts for the purposes set forth in the Fiscal Year 1983 Capital Improvements Project Schedule attached hereto and made a part hereof:

<u>Department or Agency</u>	<u>Amount</u>
Department of State	\$ 5,000
Department of Administrative Services	25,000
Department of Health & Social Services	926,767
Department of Correction	180,000

Department of Public Safety

1,000

Delaware National Guard

80,000

TOTAL\$1,217,767

Section 10. Appropriations for Minor Capital Improvements. The sum of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) appropriated by Section 44 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	\$ 41,454	\$ 27,636	\$ 69,090
Brandywine	226,388	150,925	377,313
Special Schools	10,783	-0-	10,783
Caesar Rodney	80,400	53,600	134,000
Cape Henlopen	63,600	42,400	106,000
Capital	109,887	73,258	183,145
Christina	286,393	190,929	477,322
Special Schools	17,276	-0-	17,276
Colonial	189,288	126,192	315,480
Special Schools	6,020	-0-	6,020
Delmar	14,971	9,981	24,952
Indian River	119,051	79,367	198,418
Kent Vo-Tech	37,600	-0-	37,600
Lake Forest	60,572	40,381	100,953
Laurel	37,479	24,986	62,465
Milford	75,233	50,155	125,388
New Castle Vo-Tech	134,919	-0-	134,919
Red Clay Consolidated	273,828	182,552	456,380
Special Schools	14,460	-0-	14,460
Seaford	66,572	44,381	110,953
Special Schools	8,000	-0-	8,000
Smyrna	53,000	35,333	88,333
Sussex Vo-Tech	39,890	-0-	39,890
Woodbridge	<u>32,936</u>	<u>21,957</u>	<u>54,893</u>
<u>Subtotal</u>	<u>\$2,000,000</u>	<u>\$1,154,033</u>	<u>\$3,154,033</u>
vocational Equipment	\$ 100,000	\$ 66,668	\$ 166,668
State Board of Education	<u>100,000</u>	<u>66,668</u>	<u>166,668</u>
<u>TOTAL</u>	<u>\$2,200,000</u>	<u>\$1,287,369</u>	<u>\$3,487,369</u>

Section 11. Authorization of State General Obligation Bonds. General obligation bonds of the State are hereby authorized in the aggregate principal amount of Five Million Dollars (\$5,000,000.00) to acquire outstanding State guaranteed bonds of any issue for which an assisted person has failed to make payment and for which the provisions of §5061(1) and (2) of Title 29 of the Delaware Code, as amended, or predecessor sections have been invoked by The Delaware Economic Development Authority or its predecessors.

Upon the happening of any such event, The Delaware Economic Development Authority shall notify the Bond Issuing Officers of the State, and the bonds hereby authorized may be issued by the Bond Issuing Officers of the State in an amount not exceeding the reduction below Thirty-Nine Million Dollars (\$39,000,000.00) effected by operation of §5054(d)(2) of Title 29 of the Delaware Code, as amended. The provisions of this Section shall not be subject to the provisions of §7416 of Title 29 of the Delaware Code, as amended.

Section 12. Defaulted State Guaranteed Bonds. Amend §5061 of Title 29 of the Delaware Code, as amended, by striking Subsection (3) in its entirety as such Subsection appears in such Section and inserting in lieu thereof a new Subsection (3) and a Subsection (4) to read as follows:

"(3) Shall exercise its rights to secure its title and take possession of the project and any other assets pledged, assigned, or transferred to the Authority in connection with the financing of the project. The Authority shall thereupon attempt to realize from the sale, lease, or other disposition of the project assets sufficient funds to meet debt service on the outstanding State guaranteed bonds. Realized funds shall first be applied to meet the costs, incurred or to be incurred, of administering such project. Thereafter, such funds shall be applied by the Authority to any lawful purpose of the Authority including, but not limited to, the payment of principal and interest on State guaranteed bonds for such project. The remainder of such funds, after payment of or provision for the payment of the foregoing shall be paid into the General Fund of the State.

"(4) Trustees for holders of State guaranteed bonds are hereby authorized to release to the Authority the proceeds of sale, lease, or other disposition of any real or personal property comprising the project less any proceeds, to be held in a principal or interest payment fund necessary to meet principal of and interest on such State guaranteed bonds for the twelve (12) month period following the date of such transfer. The State shall indemnify, defend, and hold harmless the trustee for any losses that may reasonably be incurred by the trustee by virtue of the transfer of such proceeds of the property."

Section 13. Small Business Administration Lending Program.

(a) Amend Chapter 50 of Title 29 of the Delaware Code, as amended, by adding thereto a new §5063 to read as follows:

"§5063. Delaware Development Corporation - Established; Organization; Purpose; Powers.

(a) There is hereby established a body corporate and politic, with corporate succession, to be known as 'The Delaware Development Corporation.' The Corporation is hereby constituted as an instrumentality of the State exercising essential governmental functions, and the exercise by The Delaware Development Corporation of powers conferred in this Subchapter shall be deemed and held to be an essential governmental function of the State.

(b) The Delaware Development Corporation shall consist of twenty-five (25) members, including the Director of the Delaware Development Office and the seven (7) members of the Council on Development Finance. The Director of the Delaware Development Office shall serve as President of The Delaware Development Corporation. The additional seventeen (17) members shall be appointed by the Governor and shall serve for a term of three (3) years.

At least twelve (12), but no more than thirteen (13), members of The Delaware Development Corporation shall be affiliated with one of the major political parties and at least eleven (11), but no more than twelve (12), of the members shall be affiliated with the other major political party; provided, however, that there shall be not more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of The Delaware Development Corporation.

(c) Members of The Delaware Development Corporation shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members in accordance with State law.

(d) Any appointment, pursuant to this Section, to replace a member whose position becomes vacant prior to the expiration of his term shall be filled only for the remainder of that term.

(e) The Director shall supervise the administration of The Delaware Development Corporation and shall designate officers or employees of the Delaware Development Office or The Delaware Economic Development Authority to carry out activities required by The Delaware Development Corporation. The annual budget for The Delaware Development Corporation shall be prepared as part of the annual budget for The Delaware Economic Development Authority.

(f) No member, officer, employee, or agent of The Delaware Development Corporation 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 Delaware Development Corporation or The Delaware Economic Development Authority is a party.

(g) The principal objectives of The Delaware Development Corporation shall be to benefit the community by fostering increased employment opportunities and expansion of business and industry for the citizens of Delaware. The Delaware Development Corporation is created for the purpose of [1] furthering the economic development and social welfare of Delaware, with specific emphasis on promoting and assisting the growth and development of small business concerns; and [2] operating Statewide as a certified development company as authorized by Section 503 of Title V of the Small Business Investment Act of 1958 to offer long-term, subordinated mortgage financing at attractive rates to small agricultural, commercial, and industrial businesses, thereby stimulating investment by small businesses in plant and equipment.

(h) The Delaware Development Corporation is authorized to enter into loan agreements with, or make loans to, for profit-assisted persons, for up to 50 percent (50%) of a project (title to which project may remain or vest in such assisted person), which loans must be secured for up to 40 percent (40%) of the project by debentures guaranteed by the U. S. Small Business Administration. The full faith and credit of the United States is pledged to the payments of all amounts so guaranteed. The full faith and credit of the State of Delaware may not be pledged to the payment of and shall not guarantee any debentures issued by The Delaware Development Corporation. Such debentures shall be issued within limits promulgated by the U. S. Small Business Administration for the purpose of assisting small business concerns to finance plant acquisition, construction, conversion, or expansion, including the acquisition of land, machinery, and equipment.

(i) The Delaware Development Corporation shall prescribe such regulations as may be necessary to carry out this Section."

(b) Further amend Chapter 50 of Title 29 of the Delaware Code, as amended, by redesignating existing §5063 through §5067 as new §5064 through §5068.

Section 14. State Assistance for Small Business. It is the intent of the General Assembly that the State, and its agencies, authorities, and instrumentalities should provide assistance to small businesses within the State. Accordingly, the Director of the Delaware Development Office is authorized and directed, notwithstanding any other provision of Chapter 50 of Title 29 of the Delaware Code, as amended, to expend amounts not exceeding the sum of One Hundred Thousand Dollars (\$100,000.00) appropriated in Section 2 of this Act, to hire the necessary legal and financial consultants in order to structure and issue bonds of The Delaware Economic Development Authority designed to help finance the needs of Delaware's new and existing small businesses. The Director shall, to the maximum extent practicable, solicit and enlist the support of Delaware's financial institutions in order that they may make below market rate of interest loans to qualifying small businesses. The Director may seek assistance from financial institutions outside the State in order to provide necessary capital and/or credit and guarantees, but first preference shall be given to Delaware financial institutions to participate in making loans under this program. Bonds issued pursuant to this Section may be insured or otherwise collateralized with letters of credit or other instruments, but under no circumstances may such bonds be issued with the guarantee of the faith and credit of the State. The Director shall report to the General Assembly on or before October 1, 1982, on the results of this program.

Section 15. Facsimile Signatures. Amend §5056(a) of Title 29 of the Delaware Code, as amended, by deleting the next to last sentence of said Subsection and inserting in lieu thereof the following:

"The bonds shall bear the manual or facsimile signature of the Director, and of the Secretary of the Council on Development Finance, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the Director."

Section 16. New Castle County Airport Industrial Park. The sum of Six Hundred Thousand Dollars (\$600,000.00) appropriated to the Delaware Development Office shall be used to help pay for the construction of, and improvements to, roads within the New Castle County Airport site. It is the intent of the General Assembly that the New Castle County government shall repay the State for its capital contribution by assigning to the State that portion of the proceeds of land sales and/or ground and building leases executed by the County, or its agencies and instrumentalities, required to amortize the State's payments over a twenty (20) year period. The Director of the Delaware Development Office is hereby authorized and directed to enter into such contracts with New Castle County, its agencies and instrumentalities, as may be necessary to carry out the intent of this Section.

Section 17. Camden/Wyoming Foreign Trade Zone. It is the intent of the General Assembly to help promote economic development throughout the State, and to take such steps as may be required to implement previously enacted State legislation authorizing the creation of a Foreign Trade Zone within the State. Accordingly, the Director of the Delaware Development Office is authorized and directed to expend such sums as may be necessary, not in excess of Forty Thousand Dollars (\$40,000.00), to continue feasibility studies for a foreign trade zone in or near Camden/Wyoming, Kent County. The Development Office shall consult with the Department of Transportation on necessary highway improvements and shall seek the views of locally elected officials to insure maximum citizen participation on the costs and benefits of such a facility in or near Camden/Wyoming. The Director shall report to the General Assembly on or before March 31, 1983, on the results of this study and shall share such report with all interested parties.

Section 18. Old Milford Post Office. Effective on or before December 31, 1982, title to the property (land and improvements) known as the Old Milford Post Office shall be transferred from the Division of Public Health of the Department of Health and Social Services to the Division of Historical and Cultural Affairs of the Department of State. This conveyance shall be deemed to be for a public purpose. Upon transfer of title, the Division of Historical and Cultural Affairs is hereby authorized and directed to lease for One Dollar (\$1.00) per year the Old Milford Post Office to the City of Milford for the purpose of locating there the Museum of the City of Milford, Commission of Landmarks and Museums, and for other public purposes approved by the Division of Historical and Cultural Affairs. It is the intent of the General Assembly that the City of Milford will assume all responsibility for operations, insurance, and maintenance of the building and grounds. In cooperation with the Department of Administrative Services, the Director of the Division of Historical and Cultural Affairs is hereby authorized and directed to expend such sums as are necessary from the Three Hundred Thousand Dollars (\$300,000.00) for Statewide Minor Capital Improvements to pay for the relocation, improvements, and fiscal year 1983 occupancy expenses required to transfer the State's Dental Health Clinic to another location within the greater Milford area. The Director of the Division of Historical and Cultural Affairs is also authorized and directed to expend such other funds as he deems necessary and appropriate to make initial repairs and improvements to the Old Milford Post Office in order to house the Commission of Landmarks and Museums and other occupants.

Section 19. Miscellaneous Historic Monuments. An amount not exceeding Fifteen Thousand Dollars (\$15,000.00) shall be used by the Division of Historical and Cultural Affairs of the Department of State, from the funds appropriated for Statewide Minor Capital Improvements, for payment to the Friends of Fenwick Island Lighthouse in order to help restore this historic lighthouse. An amount not exceeding Twenty-Five Thousand Dollars (\$25,000.00) shall be used to match an equal amount of funds to be supplied by the Town of New Castle, or other sources, to erect a statue of William Penn in New Castle in commemoration of the 300th anniversary of his landing in Delaware.

Section 20. Tatnall Building Renovations. The sum of Two Hundred Thousand Dollars (\$200,000.00) appropriated to the Department of Administrative Services shall be used for the initial planning and design required to convert the Tatnall Building for use as additional office space for the Executive and Legislative Branches. The Capitol Complex Committee is hereby created to advise and oversee the planning and restoration of the Tatnall Building. The Committee shall be composed of six (6) members: one member from each of the four Legislative caucuses, named by the Speaker of the House of Representatives and the President Pro Tempore of the Senate respectively; the Secretary of the Department of Administrative Services; and the Director of the Delaware Development Office. The Committee shall make such reports to the Governor and the Legislative Council as may be required from time to time, and shall present a final plan to the Governor and the Council not later than March 31, 1983, as to the recommended renovation and cost of this project.

Section 21. Dover Office Building. The sum of Six Hundred Thousand Dollars (\$600,000.00) appropriated to the Department of Administrative Services shall be used to the extent required to carry out the necessary planning, improvements, relocation, and fiscal year 1983 occupancy costs associated with the construction of a new office building to be located on State property adjacent to the Thomas Collins Building in Dover, and for

the demolition of that existing structure. It is the intent of the General Assembly that the Secretary of the Department of Administrative Services, with the approval of the Director of the Delaware Development Office, shall solicit bids from, and award a contract to, private developer(s) for the construction of a State Office Building on that site. Title to the land shall not be transferred from the State.

The Building, and, at the Secretary's discretion, necessary improvements, shall be developed under a lease-purchase option which gives the State the opportunity to purchase the building over a period not exceeding seven (7) years from the date of occupancy. The Secretary and the Director shall solicit proposals from any qualified developer or builder and shall award a contract for construction based upon a uniform set of specifications made known to all interested parties prior to the invitation to bid. The Department is specifically authorized to engage consultants and/or a construction manager to assist it in the preparation of specifications and the review of all proposals.

The balance of this appropriation shall be used to make necessary improvements to other buildings and the lighting system in and around the Capitol Complex.

Section 22. Youth Intake and Diagnostic Center. The sum of Five Hundred Thousand Dollars (\$500,000.00) appropriated to the Department of Health and Social Services shall be used to plan and construct a Youth Intake and Diagnostic Center in New Castle County. The Secretary of the Department shall, to the maximum extent possible, make use of existing Departmental facilities and personnel to accomplish this project. The Secretary of the Department of Administrative Services, the Director of the Delaware Development Office, and the superintendents of the local school districts shall cooperate fully with the Department to make available all other State financed and/or owned facilities which are not currently being used for other purposes. The Secretary of the Department may not encumber any of these funds until a new law creating an organization and/or program for youth services has been enacted, and in the event that such law has not been enacted by September 1, 1982, the bonds authorized for this project in Section 1 of this Act shall be deauthorized and the State Treasurer and Budget Director shall take the necessary steps to remove any entries from the State's system of accounts.

Section 23. Department of Correction - Halfway Houses.

(a) The sum of Two Hundred Thousand Dollars (\$200,000.00) appropriated to the Department of Correction for a Sussex County Halfway House shall be used to replace existing trailers currently located at the Sussex County Correctional Center. The new facility shall be located within the secure perimeter of the Center.

(b) The sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) appropriated to the Department of Correction for a New Castle County Halfway House shall be used to construct a new facility at the current Plummer House site on Todd's Lane in the City of Wilmington or on the immediately adjacent site known as Subdivision Block 1486, Lot 8 if said land is subsequently acquired by the State.

(c) The Commissioner of the Department of Correction is authorized and directed to undertake the construction of these two projects, provided, however, that upon their completion, no inmate shall be assigned to a halfway house unless said inmate is within six (6) months of his or her certified release date.

Section 24. Hazardous Waste Disposal. The sum of One Hundred Thousand Dollars (\$100,000.00) appropriated to the Department of Natural Resources and Environmental Control shall be used to help with projects requiring the identification, clean-up, and removal of hazardous wastes in the State. At the Secretary's discretion, all or a portion of these funds may be used to match Federal and/or local funds appropriated for this purpose and to engage such services as the Secretary deems appropriate.

Section 25. Little River Dredging. The Secretary of the Department of Natural Resources and Environmental Control is hereby authorized and directed to use the remaining unencumbered balance in Project Account 40-07-005-51-13, Little River Dredging, for continued dredging on the River by the Department's personnel and/or by contractual services, as approved by the U. S. Army Corps of Engineers.

Section 26. Land Acquisition - White Clay Creek. It is the intent of the General Assembly that the Department of Natural Resources and Environmental Control shall make every effort to work cooperatively with private land owners in the White Clay Creek valley in order to make additional land available for public recreation. Accordingly, the Secretary of the Department of Natural Resources and Environmental Control is authorized and directed to expend sums not in excess of Fifteen Thousand Dollars (\$15,000.00) from appropriations for land acquisition in order to undertake such studies and/or appraisals as may be necessary to carry out the provisions of this Section.

Section 27. Sussex County Police Troop. The sum of Two Hundred Seventy-Five Thousand dollars (\$275,000.00) appropriated to the Department of Public Safety shall be used to establish a new State Police Troop installation near Five Points in Sussex County. The Department is hereby authorized and directed to obtain at least two appraisals from certified appraisers on the existing State Police Troop land and improvements located at Dewey Beach. The Department shall offer the Dewey Beach facility for sale, at a price not less than the average of the two appraisals and shall deposit all proceeds from the sale into the Bond Reversion Account (12-05-003-40-00) for future appropriation by the General Assembly.

Section 28. Motor Carrier Vehicle Marker and Registration. Amend §5211 of Title 30 of the Delaware Code, as amended, by striking the phrase "every such vehicle for a fee of \$3 each," as it appears in Subsection (a) of said Section and inserting in lieu thereof the phrase "every such vehicle for a fee of Ten Dollars (\$10.00) each."

Section 29. Motor Carrier Temporary Permits.

(a) Amend §5211 of Title 30 of the Delaware Code, as amended, by striking the phrase "shall be \$5 for each motor vehicle" as it appears in Subsection (a) of said Section and inserting in lieu thereof the phrase "shall be Ten Dollars (\$10.00) for each motor vehicle".

(b) Further amend §5211 of Title 30 of the Delaware Code, as amended, by striking Subsection (b) of said Section in its entirety.

Section 30. Fines for Failure to Register and Display Vehicle Markers.

(a) Amend §5211 of Title 30 of the Delaware Code, as amended, by striking Subsection (c) of said Section in its entirety and inserting in lieu thereof the following:

"(b) Whoever violates this Section shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), and for each subsequent offense, not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00).

Justice of the Peace Courts shall have exclusive jurisdiction over this Section."

(b) Further amend §5211 of Title 30 of the Delaware Code, as amended, by redesignating existing Subsections (d) and (e) of said Section as new Subsections (c) and (d).

(c) Further amend §5211 of Title 30 of the Delaware Code, as amended, by striking new Subsection (d) of said Section and inserting in lieu thereof the following:

"(d) In addition to any fine imposed under this Chapter, there shall also be imposed a victims' compensation tax of Five Dollars (\$5.00) payable in the same manner as set forth under Subsection (c) of this Section."

Section 31. Enforcement of Motor Carrier Identification. It is the intent of the General Assembly that all provisions of Chapter 52 of Title 30 of the Delaware Code, as amended, be vigorously enforced in order to guarantee the State and the Delaware Transportation Authority the revenue levied pursuant to that Chapter. Accordingly, the sum of One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated from the Transportation Fund of the Delaware Transportation Authority, created pursuant to new §1310(c)(10) of Title 2 of the Delaware Code, as amended. These monies shall be transferred to a new special fund of the State to be administered by the Department of Public Safety, Division of State Police. The funds shall be used by the State Police to augment their Statewide enforcement efforts of Chapter 52 pursuant to §5213 of Title 30 of the Delaware Code, as amended, and may be used to compensate State Police personnel for additional duty hours if deemed appropriate by the Secretary of the Department of Public Safety. The Secretary, in cooperation with the Delaware Transportation Authority and the Delaware River and Bay Authority, shall seek to ensure maximum enforcement at, or near, the toll barriers of said Authorities and shall provide necessary assistance to the personnel of said Authorities in their efforts to identify vehicles not in compliance with the provisions of Chapter 52 of Title 30 of the Delaware Code, as amended. The Secretary of the Department of Public Safety shall report to the Governor and the General Assembly not later than March 31, 1983, on the costs and benefits on this increased surveillance and enforcement.

Section 32. Huling Cove Housing Development.

(a) The Governor and the Secretary of the Department of Community Affairs are hereby authorized and empowered to execute and deliver to the Delaware State Housing Authority a good and sufficient deed on behalf of and under the Great Seal of the State of Delaware conveying all of the right, title, and interest of the State in that certain parcel of real estate, together with the improvements thereon, known as Huling Cove, situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, for and in consideration of the payment by the Delaware State Housing Authority to the State of Delaware of One Dollar (\$1.00), said lands being more particularly bounded and described as follows, to-wit:

ALL that certain tract, piece, and parcel of land, situate, lying and being in The City of Lewes, Lewes and Rehoboth Hundred, Sussex County, Delaware, and being more particularly described as follows:

BEGINNING at a nail set in the northern right-of-way line of Savannah Road, said nail marking a corner of these lands or lands now or formerly of L. B. Graves; thence from said beginning point along and with the northern right-of-way line of Savannah Road South 46 degrees West a distance of 438.58 feet to a point, said point marking a corner of these lands and lands of the State of Delaware; thence cutting a new line in the lands of the State of Delaware North 44 degrees West a distance of 500 feet to a point, said point marking a corner of these lands and other lands of the State of Delaware; thence cutting another new division line in the lands of the State of Delaware North 46 degrees East a distance of 386.72 feet to a point, said point marking a corner of these lands other lands of the State of Delaware and lands now or formerly of L. B. Graves; thence along and with the division line between these lands and lands now or formerly of L. B. Graves South 49 degrees, 55 minutes, 17 seconds East a distance of 502.68 feet, home to the place of BEGINNING, containing 4.737 acres, be the same more or less.

(b) The conveyance authorized by Subsection (a) of this Section shall be deemed to be for a public purpose.

Section 33. State Assisted Housing. It is the intent of the General Assembly that the Delaware State Housing Authority shall do everything within its statutory mandate to help plan and finance the construction of single and multifamily dwellings for low- and moderate-income persons within the State. Accordingly:

(a) Amend Chapter 40 of Title 31 of the Delaware Code, by adding a new sentence to §4067 to read as follows:

"... The Authority, with the approval of the State's Bond Issuing Officers, may borrow from the Fund for any lawful purpose with respect to any housing program or financing with respect thereto, undertaken by the Authority, or for the purpose of investing borrowed funds in accordance with §4053(17) of Title 31; any such borrowing to be upon such terms and conditions, and with such security, as the Bond Issuing Officers of the State shall direct."

(b) Further amend Chapter 40, Subchapter VI of Title 31 of the Delaware Code by adding a new §4084 thereto to read as follows:

"§4084. Loans to Delaware State Housing Authority.

The Delaware State Housing Authority, with the approval of the State's Bond Issuing Officers, may borrow from the Delaware Home Improvement Insurance Fund for any lawful purpose with respect to any housing program, or financing with respect thereto, undertaken by the Authority, or for the purpose of investing such borrowed funds in accordance with §4053(17) of Title 31; any such borrowing to be upon such terms and conditions, and with such security, as the Bond Issuing Officers of the State shall direct."

Section 34. Delaware Transportation Authority Bonds. Pursuant to §1312 of Title 2 of the Delaware Code, as amended, the General Assembly hereby authorizes additional bonds of the Authority not in excess of the sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) to carry out improvements to the Interstate Highway System and to the bridges throughout the State in the most critical condition, as further detailed in the Fiscal year 1983 Capital Improvements Project Schedule attached hereto and made a part hereof.

Section 35. Delaware Transportation Authority-Reprogramming of Prior Authorizations. Pursuant to §1312 of Title 2 of the Delaware Code, as amended, the General Assembly

authorized and directed funds in prior years for the Christina by-pass and Statewide suburban streets, drainage, intersections, and miscellaneous projects. In view of the U. S. Department of Transportation's decision to participate in the funding of the by-pass and because projects authorized for suburban streets have been completed at less than anticipated cost, the General Assembly hereby authorizes the sum of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000.00) to continue carrying out projects as set forth in the Fiscal Year 1983 Capital Improvements Project Schedule attached hereto and made a part hereof.

Section 36. Delaware Transportation Authority - Appropriation of Surplus Balances. There is hereby appropriated the sum of Eight Million Nine Hundred Thousand Dollars (\$8,900,000.00) in special funds from the Road Improvement Fund of the Delaware Transportation Authority established pursuant to new §1310(c)(11) of Title 2 of the Delaware Code, as amended, and by resolution or indenture of the Authority. Such funds shall be transferred as they become available to the appropriate special funds of the State to be applied to the following project accounts in the following amounts:

<u>Department of Transportation</u>	<u>Amount</u>
OTA - Corridor/Noncorridor (55-05-000-66-00)	\$1,450,000
OTA - Road Maintenance (55-05-000-68-00)	1,600,000
OTA - Suburban Streets, Etc. (55-05-000-69-00)	<u>5,850,000</u>
<u>TOTAL</u>	<u>\$8,900,000</u>

The Secretary of the Department of Transportation, with the concurrence of the Director of the Delaware Development Office, shall transfer from funds in the Transportation Fund on deposit with the Trustee, such amounts at such times during fiscal year 1983 as may be required to insure that the program supported by these special fund appropriations are carried out in accordance with the needs of the Division of Highways of the Department of Transportation. These funds shall remain on deposit in their respective accounts until fully expended by the Department of Transportation or specifically rescinded by act of the General Assembly.

Section 37. Churchman's Road and Continental Drive. Notwithstanding the requirement for approval by the Budget Commission, pursuant to the provisions of §151 of Subchapter IV of Title 17 of the Delaware Code, as amended, the Secretary of the Department of Transportation is hereby authorized and directed to enter into contracts with such private entities as he deems necessary in order to construct Continental Drive and related improvements to Churchman's Road. The Department may enter into agreements with any party to be served by such road construction and/or an adjacent property owner to permit said party or property owner to design and construct said roads, pursuant to plans and specifications approved by the Department. The Department may utilize funds appropriated and authorized hereby to pay the costs of such construction, provided, however, that such contracting party shall reimburse the State over a twenty (20) year period, on a pro-rata share basis, for all costs and expenses incurred by the State, including all principal, interest, and expenses of issuance of the aforesaid bonds relating to that portion of the road, serving said contracting party.

All funds paid to the State as reimbursement, as provided herein, shall be deposited to the credit of the Road Improvement Fund created pursuant to new §1310(c)(11) of Title 2 of the Delaware Code, as amended.

Any undertaking conducted pursuant to the terms of this provision shall be performed pursuant to a written agreement upon such terms and conditions as the Department, with the approval of the Delaware Development Office, shall determine. The provisions of Chapter 69 of Title 29 of the Delaware Code, as amended, shall not apply to any such agreement.

Section 38. Miscellaneous Projects. The Secretary of the Department of Transportation shall use such funds as are required from funds appropriated for Traffic Control Devices for necessary traffic signalization at the intersection of Lookerman Street and Legislative Avenue in Dover.

Section 39. Miscellaneous Bridges. The Secretary of the Department of Transportation is authorized and directed to use funds not in excess of Two Hundred Thousand Dollars (\$200,000.00) to make repairs to the Washington Street Bridge over the Brandywine River in Wilmington, not in excess of One Hundred Thousand Dollars (\$100,000.00) for Bridge No. 40A, off Route 300 in Kent County, and not in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) for Bridge No. 223A in Willow Grove in Kent County.

Section 40. Bonded Subdivisions. The sum of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated from the Suburban Streets Account (55-05-000-56-00) of the Department of Transportation for Bonded Subdivisions throughout the State. The Secretary of the Department of Transportation shall make necessary improvements to those subdivisions in which security deposits have been collected from private parties or in which a potential security forfeiture exists. The Secretary shall report to the General Assembly not later than March 31, 1983, on the progress made toward resolving these problems and in having these rights-of-way fully dedicated pursuant to the appropriate regulations of the Department.

Section 41. Railroad Grade Crossings. The Secretary of the Department of Transportation is authorized and directed to use such funds as are necessary from funds appropriated for Engineering and Contingencies to make required improvements and conduct required maintenance to railroad grade crossings in the State. For purposes of the Denney's Road (CR 100) [Kent Vo-Tech School to Saulsbury Road (CR 156)] project, §703(a) of Title 17 of the Delaware Code, as amended, is waived.

Section 42. Deposit of Funds, Pledge of Revenues, and Reimbursements.

(a) Amend §5206 of Title 30 of the Delaware Code, as amended, by striking said Section in its entirety and inserting in lieu thereof the following:

"§5206. Deposits of Revenue.

(a) All money received by the Department of Public Safety for the annual registration of motor carriers pursuant to §5211(a) of this Chapter, as amended, shall be deposited not later than the close of the business day next following such receipt, to the credit of the Delaware Transportation Authority pursuant to the provisions of Chapter 13 of Title 2 of the Delaware Code, as amended, and any resolution or indenture of the Delaware Transportation Authority, authorizing the issuance of bonds to finance the Costs of Transportation Facilities described in said Title, to be used to finance the Costs of roads, highways, and other Transportation Facilities, and not to defray the expenses and obligations of the general government of the State.

(b) All other taxes, fees, penalties, and interest (including the fees levied for temporary permits pursuant to §5211(a) of this Chapter) received by the State under this Chapter shall be credited to the General Fund of the State."

(b) Amend Subsection (p) of §1303 of Title 2 of the Delaware Code, as amended, by inserting the following phrase between the words "taxes" and "pledged" as they appear in said Subsection:

"and annual motor carrier registration fees imposed pursuant to §5211(a) of Title 30 of the Delaware Code, as amended,"

(c) Amend Subsection (b) of §1310 of Title 2 of the Delaware Code, as amended, by striking the first three sentences of said Subsection and inserting in lieu thereof the following:

"(b) The State hereby irrevocably pledges and assigns the motor fuel taxes imposed pursuant to Chapter 51 of Title 30 of the Delaware Code, as amended, and the annual motor carrier registration fees imposed pursuant to §5211(a) of Title 30 of the Delaware Code, as amended, collected by the State and deposited to the credit of the Authority to pay principal of, premium, if any, and interest on bonds of the Authority issued to finance the Cost of Transportation Facilities as provided below. The State shall transfer all motor fuel taxes, and the annual motor carrier registration fees, as defined herein and in §5206(a) of Title 30 of the Delaware Code, as amended, to the Authority for deposit into a motor fuel tax collection fund and a motor carrier registration collection fund. The Authority shall apply motor fuel taxes, and annual motor carrier registration fees, in the following order and for the following purposes, to the extent such revenues are available:"

(d) Amend §1310 of Title 2 of the Delaware Code, as amended, by adding a new Subsection (9) of §1310(c) to read as follows:

"(9) To make payments to a motor carrier registration reimbursement fund. Money shall be transferred monthly by the Authority from the motor carrier registration reimbursement fund to the General Fund of the State in an aggregate amount equal to Three Dollars (\$3.00) for each vehicle registered during the preceding month, pursuant to §5211(a) of Title 30 of the Delaware Code, as amended."

(e) Further amend §1310(c) of Title 2 of the Delaware Code, as amended, by redesignating existing Subsections (9) and (10) as new Subsections (10) and (11).

(f) Amend §1310(d) of Title 2 of the Delaware Code, as amended, by striking the number "(10)" as it appears in said Subsection and inserting in lieu thereof the number "(11)".

(g) Amend §1317 of Title 2 of the Delaware Code, as amended, by inserting between the words "taxes," and "made", as they appear in the second paragraph of said Section, the phrase "and annual motor carrier registration fees,".

Section 43. Delaware State College Renovations. The sum of One Million Six Hundred Thousand Dollars (\$1,600,000.00) appropriated to the Delaware State College shall be used for necessary renovations to the Tubman Hall Dormitory and/or the College Dining Hall. In the event the College is successful in securing a Federal loan for improvements to Tubman Hall, the General Assembly hereby authorizes the President of the College to accept the loan and agrees to pay to the Federal agency any principal and/or interest required under the terms of the loan from future appropriations of the State.

Section 44. Future School Construction Fund Authorization (State Share). Pursuant to Section 2 of Volume 63, Chapter 186, Laws of Delaware, and Section 3 of the Bond Issuing Officers' Resolution dated February 26, 1982, regarding the use of proceeds of State-owned stock of Farmers Bank of the State of Delaware, the Future School Construction Fund was established to assist in contributing State funds for use in authorized capital projects for free public schools. Accordingly, the sum of Two Million Seven Hundred Forty-Two Thousand Dollars (\$2,742,000.00) is hereby appropriated from the Fund to be used as the State share of certain capital projects set forth in the Fiscal Year 1983 Capital Improvements Project Schedule attached hereto and made a part hereof. Of this amount, the sum of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) shall be used for Minor Capital Improvements as further set out in Section 10 of this Act. The State Treasurer shall establish the required account codes to record these appropriations as part of the Capital Improvement Fund and shall transfer monies from the Future School Construction Fund to meet these obligations as they become necessary.

Section 45. Use of Proceeds of Sale of School Property Financed with State General Obligation Bonds. Amend Subsection (a)(15) of §1057 of Title 14 of the Delaware Code, as amended, by striking the words of that Subsection in their entirety and inserting in lieu thereof the following:

"(15)a. The proceeds of sale of school district property financed, in whole or in part, with the proceeds of bonds issued by the State shall be paid to the State less costs incurred in selling the property after such costs have been met or provision for their payment has been made. The proceeds of sale attributable to the State financing of the property shall be deposited in the School Bond Reversion Account of the State in an amount that bears the same proportion to total net sale proceeds as the State's contribution to meet the cost of the property bears to the total cost of the property.

" b. The remaining proceeds shall be deposited in a special fund of the State for the benefit of the selling school district. The money in those special funds shall be invested by and subject to the guidelines established by the Cash Management Policy Board separate and apart from other money invested by the Board. Interest earned, but not profit realized, from the investment of such proceeds shall be paid by the State Treasurer, not less than once nor more than four times in each fiscal year of the State, to the school district for which the proceeds are held, for any lawful school purpose, or reinvested pursuant to a written request to the State Treasurer from the school board for such school district. If the school board directs the reinvestment of the interest earnings, they shall become part of the corpus of such special fund.

" c. The corpus of the special funds shall, at the direction of the appropriate school board, be applied to retire bonds issued by the school district or to meet the school district's local share of construction required by any school construction bond authorization act, as defined in Chapter 75 of Title 29 of the Delaware Code, as amended.

" d. Notwithstanding any other provisions of the above Subsections, when it can be documented that all of a part of the property was a gift to a reorganized school district, or its antecedent, the portion of the residual representing the gift shall be assigned to the school district to be used in conformance with Subsections 15(b) and (c) above. That portion not identifiable as a gift shall be distributed and deposited in conformance with Subsections 15(a) and (b) above."

Section 46. Bond Verification. All bonds issued, or herein before or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 47. 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 48. 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 49. Effective Date.

(a) Except as provided in Subsections (b), (c), and (d) of this Section, this Act shall become effective in accordance with the provisions of State law.

(b) The increase in Temporary Motor Carrier Permits, as provided for in Section 29 of this Act, and the increase in fines for non-registration of Motor Carriers, as provided for in Section 30 of this Act, shall take effect August 1, 1982.

(c) The increase in annual Motor Carrier registration fees, as provided for in Section 28 of this Act, shall take effect October 1, 1982.

(d) Existing Subsection 5211(b) of Title 30 of the Delaware Code, as amended, shall remain in force until December 31, 1982, at which time it shall be repealed pursuant to Section 29(b) of this Act.

Approved July 13, 1982.

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

<u>BUDGET OFFICE</u>	<u>New G.O. Bond Authorizations</u>	<u>Authorization of DTA Bonds</u>	<u>Projects Funded From Deauthorizations</u>	<u>Projects Funded From Reversions and Future Sch. Const. Fund</u>	<u>DTA Road Improve- and Trans. Funds</u>	<u>Total</u>
Information Systems - Equipment	\$ 450,000+	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 450,000
Subtotal	\$ 450,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 450,000
<u>BUDGET COMMISSION</u>						
<u>Reimburse Advanced Real Property Fund</u>						
Department of Correction	\$ 300,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 300,000
Subtotal	\$ 300,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 300,000

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

	New G.O. Bond Authorizations	Authorization of OIA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	OIA Road Improv. and Trans. Funds	Total
<u>DELMARE DEVELOPMENT OFFICE</u>						
Brandywine Gateway - Completion	\$ -0-	\$ -0-	\$ 100,000	\$ -0-	\$ -0-	\$ 100,000
Christina Gateway - Phase II	-0-	-0-	500,000	-0-	-0-	500,000
NCC Airport - Site Improv. - Phase I	-0-	-0-	600,000	-0-	-0-	600,000
Camden/Wyoming FTZ - Feasibility Study	-0-	-0-	40,000*	-0-	-0-	40,000
R & R - Completion	-0-	-0-	290,000	-0-	-0-	290,000
Small Business Loan Program	-0-	-0-	100,000*	-0-	-0-	100,000
Retirement of Defaulted IRB's	-0-	-0-	650,000*	-0-	-0-	650,000
Subtotal	\$ -0-	\$ -0-	\$ 2,280,000	\$ -0-	\$ -0-	\$ 2,280,000
<u>DEPARTMENT OF STATE</u>						
Hall of Records & Annex - MCI	\$ 70,000*	\$ -0-	\$ -0-	\$ 5,000	\$ -0-	\$ 75,000
Statewide Properties - MCI	300,000*	-0-	-0-	-0-	-0-	300,000
Subtotal	\$ 370,000	\$ -0-	\$ -0-	\$ 5,000	\$ -0-	\$ 375,000
<u>DEPARTMENT OF ADMINISTRATIVE SERVICES</u>						
Wilmington Public Building - Phase II	\$ 4,000,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 4,000,000
Tatall Building Renov. - Plan. & Des.	200,000	-0-	-0-	-0-	-0-	200,000
State Buildings - MCI & Energy Improv.	350,000*	-0-	-0-	25,000	-0-	375,000
Courthouse Alter. & Improv. - Dover	200,000*	-0-	-0-	-0-	-0-	200,000
Capital Complex - Lighting, Building Development, Renovations	600,000*	-0-	-0-	-0-	-0-	600,000
Subtotal	\$ 5,350,000	\$ -0-	\$ -0-	\$ 25,000	\$ -0-	\$ 5,375,000.

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

DEPT. OF HEALTH & SOCIAL SERVICES									
	New G.O. Bond Authorizations	Authorization of DTA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	DTA Road Improv. and Trans. Funds	Total			
DSH - Biggs Building, Renov. - Phase II.	\$ 900,000	-0-	-0-	-0-	-0-	\$ 900,000			
DSH - Steam Dist. System - Phase I	-0-	-0-	-0-	800,000	-0-	800,000			
DSH - Comegys Building - HVAC	200,000*	-0-	-0-	200,000	-0-	200,000			
DSH - Roof Replacements	100,000*	-0-	-0-	-0-	-0-	100,000			
DSH - Rewiring & Life/Safety Improvements	273,233*	-0-	-0-	126,767	-0-	400,000			
DSH - Telephone System	260,000*	-0-	165,000*	-0-	-0-	425,000			
DSH - MCI	100,000*	-0-	-0-	-0-	-0-	100,000			
EPBH - MCI	100,000*	-0-	-0-	-0-	-0-	100,000			
GBHC - MCI	100,000*	-0-	-0-	-0-	-0-	100,000			
HCI - MCI	200,000*	-0-	-0-	-0-	-0-	200,000			
Alcohol Detox Center	-0-	-0-	500,000	-0-	-0-	500,000			
Youth Intake and Diagnostic Center	500,000	-0-	-0-	-0-	-0-	500,000			
Departmental - Miscellaneous - MCI	300,000*	-0-	-0-	-0-	-0-	300,000			
Subtotal	\$ 3,033,233	-0-	\$ 665,000	\$ 926,767	-0-	\$ 4,625,000			
DEPARTMENT OF CORRECTION									
Sussex County Halfway House	\$ 200,000	-0-	-0-	-0-	-0-	\$ 200,000			
New Castle County Halfway House	100,000	-0-	-0-	180,000	-0-	280,000			
Statewide - MCI	100,000*	-0-	-0-	-0-	-0-	100,000			
Subtotal	\$ 400,000	-0-	-0-	\$ 180,000	-0-	\$ 580,000			

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

	DEPT. OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL					
	New G.O. Bond Authorizations	Authorization of OIA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	OIA Road Improv. and Trans. Funds	Total
Richardson & Robbins - Completion	\$ 3,600,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 3,600,000
Water Pollution Control	2,000,000	-0-	-0-	-0-	-0-	2,000,000
Park Development - Sussex	276,000*	-0-	-0-	-0-	-0-	276,000
Park Development - Kent	150,000*	-0-	-0-	-0-	-0-	150,000
Park Development - New Castle	205,000*	-0-	-0-	-0-	-0-	205,000
Park Development - Statewide	229,000*	-0-	-0-	-0-	-0-	229,000
Tax Ditches	620,000*	-0-	-0-	-0-	-0-	620,000
Superfund and/or Haz. Waste Site Cont. Sup.	100,000*	-0-	-0-	-0-	-0-	100,000
Small Beach Erosion Control	80,000*	-0-	-0-	-0-	-0-	80,000
Dredging - Kent and Sussex	950*	-0-	99,050*	-0-	-0-	100,000
Insecticide Storage Building	40,000*	-0-	-0-	-0-	-0-	40,000
Fish and Wildlife - Equipment	165,000*	-0-	-0-	-0-	-0-	165,000
Indian River Inlet Bypass - P.E.	-0-	-0-	150,000*	-0-	-0-	150,000
Land Acquisition	75,000*	-0-	-0-	-0-	-0-	75,000
Fisheries - Field Headquarters	10,000*	-0-	-0-	-0-	-0-	10,000
Subtotal	\$ 7,550,950	\$ -0-	\$ 249,050	\$ -0-	\$ -0-	\$ 7,800,000
DEPARTMENT OF PUBLIC SAFETY						
New Sussex County Police Troop	\$ 275,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 275,000
Miscellaneous Departmental - M-1	79,000*	-0-	-0-	1,000	-0-	80,000
Subtotal	\$ 354,000	\$ -0-	\$ -0-	\$ 1,000	\$ -0-	\$ 355,000

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

DEPT. OF COMMUNITY AFFAIRS		New G.O. Bond Authorizations	Authorization of DTA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	DTA Road Improv. and Trans. Funds	Total
Statewide Handicapped Compliance Housing - Multifamily Program Studies	\$ 200,000* 25,000*	\$ -0- -0-	\$ -0- -0-	\$ -0- -0-	\$ -0- -0-	\$ -0- -0-	\$ 200,000 25,000
Subtotal	\$ 225,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 225,000
DEPARTMENT OF TRANSPORTATION							
Corridor/Noncorridor (55-05-000-55-00)	\$ -0-	\$ -0-	\$ -0-	\$ 1,200,000	\$ -0-	\$ -0-	\$ 1,200,000
Suburban Streets, Drainage, Intersections	1,250,000*	-0-	-0-	1,169,000*	-0-	-0-	2,419,000
Miscellaneous (55-05-000-56-00)	-0-	-0-	-0-	3,800,000*	-0-	-0-	3,800,000
Engineering & Contingencies (55-05-000-57-00)	1,000,000*	-0-	-0-	-0-	-0-	-0-	1,000,000
Equipment (55-05-000-58-00)	-0-	-0-	-0-	400,000	-0-	-0-	400,000
Advance ROW (55-05-000-59-00)	-0-	-0-	-0-	300,000*	-0-	-0-	300,000
Advance Planning (55-05-000-60-00)	-0-	-0-	-0-	200,000*	-0-	-0-	200,000
Traffic Control Devices (55-05-000-61-00)	-0-	-0-	-0-	1,000,000*	-0-	-0-	1,000,000
Dirt Roads (55-05-000-62-00)	-0-	-0-	-0-	200,000	-0-	-0-	500,000
Safety Program (55-05-000-63-00)	300,000	-0-	-0-	3,150,000	-0-	-0-	6,718,317
Pave & Rehabilitation (55-05-000-64-00)	3,568,317	-0-	-0-	-0-	-0-	-0-	-0-
Bridge Rehabilitation & Replacement (55-05-000-65-00)	1,045,500	-0-	-0-	354,500	-0-	-0-	1,400,000
DTA Corridor/Noncorridor (55-05-000-66-00)	-0-	-0-	-0-	-0-	-0-	-0-	1,750,000
DTA Road Maintenance (55-05-000-68-00)	-0-	-0-	-0-	-0-	-0-	-0-	1,600,000
DTA Suburban Streets (55-05-000-69-00)	-0-	-0-	-0-	1,650,000	-0-	-0-	7,750,000
DTA Bridge Replacement (55-05-000-70-00)	-0-	-0-	-0-	-0-	-0-	-0-	1,000,000
DTA Capital (55-06-001-67-00)	-0-	-0-	-0-	-0-	-0-	-0-	2,000,000
Subtotal	\$ 7,163,817	\$ 3,350,000	\$13,423,500	-0-	\$ 8,900,000	\$33,037,317	

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

	New G.O. Bond Authorizations	Authorization of DIA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	DIA Road Improv. and Trans. Funds	Total
<u>DEPARTMENT OF AGRICULTURE</u>						
Redden Forest Lodge - Well Repairs	\$ 7,000*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 7,000
Main Building - Parking Lot	25,000*	-0-	-0-	-0-	-0-	25,000
Fire PLOW	60,000*	-0-	-0-	-0-	-0-	60,000
Subtotal	\$ 92,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 92,000
<u>FIRE PREVENTION COMMISSION</u>						
State Fire School - Renovations	\$ 214,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 214,000
Subtotal	\$ 214,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 214,000
<u>DELAWARE NATIONAL GUARD</u>						
Seaford Maintenance Shop	\$ -0-	\$ -0-	\$ -0-	\$ 27,000	\$ -0-	\$ 27,000
Statewide Properties - MCI	-0-	-0-	-0-	53,000	-0-	53,000
Subtotal	\$ -0-	\$ -0-	\$ -0-	\$ 80,000	\$ -0-	\$ 80,000
<u>UNIVERSITY OF DELAWARE</u>						
Engineering Building - Completion	\$ 4,500,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 4,500,000
Morris Library Addition - Design	110,000	-0-	-0-	-0-	-0-	110,000
Agricultural Substation - Equipment	15,000*	-0-	-0-	-0-	-0-	15,000
Subtotal	\$ 4,625,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 4,625,000

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

	New G.O. Bond Authorizations	Authorization of DIA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	DIA Road Improv. and Trans. Funds	Total
<u>DELAWARE STATE COLLEGE</u>						
Tubman Hall and/or Dining Hall - Reno.	\$ 1,600,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 1,600,000
ETV Building - Improvements	350,000	-0-	-0-	-0-	-0-	350,000
New Maintenance Facility	350,000	-0-	-0-	-0-	-0-	350,000
Miscellaneous - MCI	<u>100,000*</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>100,000</u>
Subtotal	\$ 2,400,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 2,400,000
<u>DELAWARE TECHNICAL AND COMMUNITY COLLEGE</u>						
Southern Campus - Miscellaneous - MCI	\$ 100,000*	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 100,000
Terry Campus - Administration Bldg.	650,000	-0-	-0-	-0-	-0-	650,000
Terry Campus - Equipment	75,000*	-0-	-0-	-0-	-0-	75,000
Terry Campus - HVAC - MCI	30,000*	-0-	-0-	-0-	-0-	30,000
Stanton Campus - Equipment	480,000*	-0-	-0-	-0-	-0-	480,000
Wilmington Campus - Land Acq., Fac. Devel.	950,000	-0-	-0-	-0-	-0-	950,000
Wilmington Campus - Equipment	<u>72,000*</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>72,000</u>
Subtotal	\$ 2,357,000	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 2,357,000

FISCAL YEAR 1983 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

STATE BOARD OF EDUCATION							
	New G.O. Bond Authorizations	Authorization of OTA Bonds	Projects Funded From Deauthorizations	Projects Funded From Reversions and Future Sch. Const. Fund	OTA Road Improv. and Trans. Funds	Total	
Reimburse School Bond Reversion Account	\$ -0-	\$ -0-	\$ -0-	\$ 192,000	\$ -0-	\$ 192,000	
Minor Capital Improvements - Statewide	-0-	-0-	-0-	2,200,000	-0-	2,200,000	
School Building Maintenance - Statewide	-0-	-0-	442,000*	2,258,000	-0-	700,000	
Capital School District - Roof Repairs	-0-	-0-	447,900*	-0-	-0-	447,900	
Capital School District - Central Middle School, Renovations	-0-	-0-	552,100*	-0-	-0-	552,100	
Indian River School District - Renovations and Construction, Phase I	-0-	-0-	2,100,000	-0-	-0-	2,100,000	
Christina School District - Sterck School - Planning	-0-	-0-	8,000*	92,000	-0-	100,000	
Subtotal	\$ -0-	\$ -0-	\$ 3,550,000	\$ 2,742,000	\$ -0-	\$ 6,292,000	
TOTAL	\$34,875,000	\$ 3,550,000	\$20,177,550	\$ 3,959,767	\$ 8,900,000	\$21,462,317	

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1983

Corridor/Noncorridor

Churchman's Road/Continental Drive	\$1,200,000
Saulsbury Road	400,000
Denney's Road	300,000
Kirkwood Highway, White Clay Bridge - Route 7 Intersection	500,000
Route 141, Prices Corner - Lancaster Pike	250,000
Interstate Shoulders	300,000
<u>Subtotal</u>	<u>\$2,950,000</u>

Paving, Rehabilitation, and Suburban StreetsNORTH DISTRICT

Airport Road, Churchman's Rd. to Industrial Park County Connector	\$ 126,000
Arden, Harvey Road - Drainage	16,000
Arlington Street - Overlay	16,000
Ashborne Hills - Curb & Gutter	142,000
Ashley - Curb & Gutter	121,000
Augusta Drive - Drainage	20,000
Baynard Blvd. - Concord Avenue to 29th Street, Include Curb	57,000
Berge Road, Old Wilmington Road to Old County Road	79,000
Birchwood Park - Route 273 - Landscaping	12,000
Brandywood - Phase I	111,000
Bridge #327 on Road 364 - P.E.	20,000
Broom Street - 18th Street to 29th Street	60,000
Broom Street - Pennsylvania Avenue to 9th Street	43,000*
Bulkheading - Christina River, Wilmington	125,000
Carr Road, I-95 to Washington Street Extended	51,000*
Carriage Run - Curb & Gutter	44,000
Casho Mill Road - Church Street to Route 273	34,000
Castle Hills - Overlay & Patch	70,000
Cedars - Phase II	239,000
Chalfonte	100,000
Chelsea Estates - Curb and Gutter	126,000
Chestnut Avenue, Marsh Road to Darley Road	39,000*
Cleland Heights - Curbing	30,000
Cleveland Avenue (Newark), P.E.	31,000
Collins Park - Grade Crossing	51,000
Coventry - Curb & Gutter	78,000
Crossan Road - Overlay	45,000
Crossgates - Curb and Gutter	39,000
Darley Woods - Curb & Gutter	86,000
Delaware Avenue - Wilmington	60,000*
Delaware Avenue, Newark - P.E. & Design	80,000*
Dunlinden Acres - Curb and Gutter	53,000
East Latimer Place - Reconstruction	39,000
Eastburn Acres - Gutter & Patch	96,000
Eden Park	50,000
Edgemoor Gardens	42,000
Elk's Club Road - Road 215A to Oead End	44,000*
Fairfax - Gutter	113,000*
Fairfax - Patch	43,000*
Faulkland Road, Route 41 to Elder Drive	124,000*
Friends Meeting House Road	19,000
Gov. Printz Blvd. (Shoulders): Lea Blvd. to Prospect Drive	70,900*
Grubb Road, Philadelphia Pike to Gov. Printz Blvd.	18,400*
Hamilton Park - Curb, Sidewalks	47,000*
Heather Valley - Patch & Overlay	50,000
Highway Lighting - Ott's Chapel and W. Chestnut Hill Rd.	1,000*

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1983

NORTH DISTRICT (Continued)

Paving, Rehabilitation, and Suburban Streets (Continued)

Holly Oak Terrace - Curb, Gutter, Patch, Overlay	112,000
Intersections in City of Wilmington	23,000*
Washington & 12th Streets	
Jackson Steet & Lancaster Avenue	
Fourth & Union Streets	
Jefferson Farms - Resurfacing	81,000
Kenilworth - Curb & Gutter	56,000
Kennett Pike - Drainage	135,000*
Kimberton	50,000
Kingston Acres	25,000
Lamaton - Drainage	5,000
Lancashire - Curb, Gutter, Overlay	62,000
Landers Lane, Russell Road - Curb & Gutter	22,000
Liftwood Curb & Gutter	27,000
Liftwood Estates - Curb & Gutter	30,000
Limestone Acres - Curb & Gutter	26,000
Lindemere - P.E.	6,000
Longview Farms - Curb, Gutter, Overlay	30,000
Lore Avenue - Overlay	50,000
Lyndalia	290,000
Manor Park - Drainage and Overlay	27,000
Marrows Road, Chestnut Hill Road to Route 273	176,000*
Marshallton Heights - Oak Street	25,000
Maryland Avenue - Curb and Gutter	105,000*
Maryland Avenue - Sidewalk - Latimer Place and Clayton Road	36,000
Meadowood East - Gutter & Patch	25,000
Middleboro Crest - Drainage	20,000
Milford Crossroads	126,000
Millcreek Road, Old Lancaster Pike to Brackenville Road	105,000*
Miller Road - 29th Street to Lea Boulevard	13,000
Murphy Road - Curb	19,000*
Naamans Gardens - Curb, Gutter, Overlay	20,000
Neury Lane, Road 335 to Dead End	13,000
New Castle Avenue - P.E.	21,000
New London Road, Patch & Rotomill	64,000*
New Road, Kirkwood Highway to Dead End (Elsmere)	17,000*
North Star Road - Overlay	60,000
Northshire - Curb, Gutter, Overlay	10,000
Northshire - Gutter, Catch Basin	35,000
Oak Street, Marshallton Hts., - Curb & Gutter	10,000
Old Baltimore Pike, Route 896 to Maryland Line	200,000*
Old Capitol Trail, Kirkwood Highway to Old Newport Road	141,300*
Old Lancaster Pike, Lancaster Pike to Road 237D	73,000*
Old Mill Manor	56,000
Old Murphy Road, Rockland Road to Murphy Road	39,000*
Orchard Ave. - Curb & Gutter	30,000
Park Drive, Cross Drainage - P.E.	10,000
Pike Creek Road: Kirkwood Highway to Linden Hill Road	95,600*
Prospect St., Marshallton Hts., - Curb & Gutter	27,000
Pyles Ford Road, New London Road to Kennett Pike	106,500*
Railroad Crossing - New Castle Avenue	221,000*
Reybold Road, Salem Church Road to Route 72	76,500
Road 53 (Route 72 to Road 302)	80,000*
Road 302	55,000

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1983

NORTH DISTRICT (Continued)

Paving, Rehabilitation, and Suburban Streets (Continued)

Road 401 - New Castle, Widen	115,000*
Robscott Manor - Curb and Gutter	94,000
Rolling Meadows - Clydesdale Drive	40,000
Rolling Meadows - Suffolk Drive	35,000
Rose Hill Gardens - Curb and Gutter	21,000
Roselle - Phase II	410,000
Route 2 at Route 141	122,000*
Route 72 (Scottfield Entrance)	55,000*
Route 273 & Appleby Road - Intersection	15,000*
Rutherford - Curb, Gutter, Overlay	114,000
S. Heald St. - 3rd St. Bridge to Lobdell Street	30,000
S. Heald St. - Lobdell St. & New Castle Ave., Intersection	9,000
School House Lane - Widen & Overlay	63,000
Shipley Road, Foulk Road to Washington Street Extended	175,000*
Silverside Road, W. of Shipley Road to Foulk Road	250,000*
Skyline Drive	30,000
South Wilmington Viaduct - Standpipes	56,000*
Swanwyck Gardens, Garden Lane and Varmar - Curb & Gutter	11,000
Tarleton, Perry Park - Drainage	42,000
Traffic Signal - Route 72 & Scottfield Turn	35,000
Traffic Signalization Clocks - Various Locations	3,000*
Tyre Avenue Connector, P.E.	10,000
Valley Road - P.E., ROW, Utility	25,000
Valley Road, Maryland Line to Route 273	41,400*
Vandever Avenue - Northeast Boulevard to Market Street	152,000*
Wallaston Road - Overlay	32,000
Walnut Hill - Gutter	6,000
Washington Street - 36th Street to Lea Boulevard	64,000
Weldin Lane - Philadelphia Pike to Dead End	14,000
Weldon & Talley - Pave, Drainage, Patch	35,000
West Main Street, Newark (Spot Locations)	30,000*
Whitten Road - Road 336 to Road 32	142,000
Wier Avenue, Hillcrest - Reconstruct	72,000*
Wilmington Manor - Entrance	13,000
Wilmington Manor Gardens	119,000
Yorklyn Road - Shoulder	25,000
Zebley Road - Upper Marsh to Pennsylvania	40,000
Rotomilling, Patching, Drainage, Safety & Pavement Marking	294,717
<u>Subtotal - North District</u>	<u>\$ 8,969,317</u>

CENTRAL DISTRICT

Burwood Farms - Patch	5,000
Clark Street (Harrington) - Route 13 to Fleming Street	91,000
Clayton - Hydrologic Improvements	48,000*
Commerce Street - P.E., ROW, Utility	29,000
Fox Hall Drive	4,000
Grant Street (Harrington) - Drainage	35,000
Lake Como - Emergency Fire Supply	59,000
Leipsic - Miscellaneous Drainage	15,000
Leipsic - Miscellaneous Drainage	60,000
Leipsic - Route 9	68,000

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1983

CENTRAL OISTRICT (Continued)

Paving, Rehabilitation, and Suburban Streets (Continued)

Old Mill Road	85,000*
Port Penn - Curb and Sidewalk	71,000
Road 108: Road 10 to Road 246	119,000
Road 129, Route 6 to New Castle County Line	188,800*
Road 156, Road 154 to Road 100	121,400*
Road 25, Route 13 to North Governor's Avenue	127,500*
Road 56, Road 53 to Road 253	177,100*
Road 67, Route 113 to Pole #91	210,000*
Road 330 - Resurface	30,000
Road 330A - Resurface	55,000
Road 344, Road 16 to Road 67	26,700
Road 348: Road 67 to Road 17	142,000*
Road 384, Road 35 to Road 116	381,500*
Road 444, Maryland Line to Road 443	78,000
Road 465, Road 1 to Road 30	248,000*
Rodney Village - Curb & Gutter	103,000
South & Commerce Streets - P.E. & Utility	9,000
Voshell Cove - Street Repairs	85,000
Woodshaven	30,000
Rotomilling, Patching, Safety, Drainage, and Pavement Marking	100,000*
Surface Treatment (Oistrictwide)	300,000*

Subtotal - Central Oistrict \$ 3,102,000

SOUTH OISTRICT

Briarwood Manor	\$ 26,000
Bridge 241 (Road 534)	40,000
Bridge 306 - Guardrail	35,000
Country Pride, Milford - Route 14 - Drainage	25,000
Highland Acres - Overlay	72,000
Hogland Subdivision - Reshape Roadway	21,000
Kenmore - Overlay	14,000
Middleford Road Bikeway	83,000
Mulberry Street - Milton	71,000
Piney Glade - All Streets	128,000
Road 14 - Road 36 to Road 209 (S/B)	25,300*
Road 18 - Road 22 to Road 261	218,800*
Road 24 - Route 113 to Road 425	425,900*
Road 26 - Road 341 to Road 348	308,500*
Road 54 (5 locations) - Route 113 to Route 26	116,000*
Road 66 - Road 64 to Road 455 - Overlay	8,000*
Road 68 - Widen and Overlay	320,000*
Road 272B & Anne Acres - Overlay	60,000
Road 431 - Georgetown Limits to Route 113	148,000
Road 546 - Road 534 to Road 18	177,100*
Road 583 - Road 4 to Bridgeville Limits	129,400
Route 16 - Road 227 to Road 248	365,000
Route 54 - North Shoulders East of Route 13	56,000
Route 54 - Road 58C to Keenwick West, Shoulders	55,000
U.S. 13A and Road 78 - Sidewalks	9,000

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1983SOUTH DISTRICT (Continued)Paving, Rehabilitation, and Suburban Streets (Continued)

White River Estates - Reshape Roadway	29,000
Rotomilling, Patching, Safety,	
Drainage and Pavement Marking	100,000*
Surface Treatment (Districtwide)	<u>300,000*</u>

<u>Subtotal</u> - South District	<u>\$ 3,366,000</u>
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Bonded Subdivisions - Statewide	<u>\$ 200,000*</u>
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<u>GRAND TOTAL</u>	<u>\$15,637,317</u>
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CHAPTER 388

FORMERLY

SENATE BILL NO. 668

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, 1983; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 606 OF THE 131ST 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 an Act entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1983; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", being Senate Substitute No. 1 for Senate Bill No. 606 of the 131st General Assembly, by increasing the number of authorized General Fund positions for the (35-09-001) Division of Child Protective Services in said Section 1 by eleven (11) positions.

Section 2. The Department of Health and Social Services shall hire eleven (11) Social Worker II's to fill the General Fund positions authorized by Section 1 of this Act as soon as practicable after July 1, 1982. The Department of Health and Social Services shall include in its fiscal year 1984 budget request form an additional fourteen (14) Social Worker II's.

Section 3. Amend an Act entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1983; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", being Senate Substitute No. 1 for Senate Bill No. 606 of the 131st General Assembly of the State of Delaware, by adding a new section designated as Section 149 to read as follows:

"Section 149. (a) There is hereby established within the Executive Department an Interagency Youth Diagnostic Center (10-09-001) for the purpose of serving inpatient and outpatient referrals by public and private agencies upon approval by the State.

(b) There is hereby established a Delaware Diagnostic Steering Committee to oversee the planning and implementation of the Diagnostic Center. The Committee shall consist of the Budget Director, who shall serve as chairperson, the Commissioner of Corrections, the Secretary of Health and Social Services, the Superintendent of Public Instruction, and the Chief Judge of Family Court.

(c) Upon the effective date of this Act, the Governor is authorized to appoint an Executive Director who in turn shall, with the approval of the Steering Committee, be authorized to hire staff for the unit, and to contract for professional services where appropriate. The Executive Director shall be responsible for providing staff support for the Diagnostic Steering Committee. Compensation for the Executive Director shall be at a salary established according to Section 15 of this Act.

(d) The Delaware Diagnostic Steering Committee, with the assistance of the Executive Director shall submit a written memorandum budget not to exceed \$250.0. The Controller General and Budget Director shall transfer the amount of such budget in accordance with Section 150 of this Act. Upon the joint approval of the Controller General and the Budget Director, the proposed memorandum budget shall be fully authorized to the Interagency Youth Diagnostic Center as if set forth in this Act and enacted as a portion thereof. The memorandum budget may include proposed positions and salaries. Upon approval of the Controller General and the Budget Director, such positions and salaries shall be fully authorized as if enacted as a portion of this Act."

Section 4. Amend an Act entitled, "An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1983; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions", being Senate Substitute No. 1 for Senate Bill No. 606 of the 131st General Assembly of the State of Delaware, by adding a new section designated as Section 150 to read as follows:

"Section 150. Section 6528, Chapter 65, Title 29, Delaware Code, to the contrary notwithstanding, the Budget Director and the Controller General shall transfer from any line item General Fund appropriation in Section 1 of this Act to provide Salaries and Other Employment Costs to cover the employment of eleven (11) Social Worker II's and to provide funding for the Interagency Youth Diagnostic Center in accordance with Section 149 of this Act."

Approved July 13, 1982.

CHAPTER 389

FORMERLY

HOUSE BILL NO. 271
AS AMENDED BY HOUSE AMENDMENTS NOS. 3 AND 4

AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATION OF CERTAIN FISH AND GAME STATUTES; PROHIBITION OF HUNTING ON SUNDAYS; SPOTLIGHTING DEER AND; PROHIBITION OF SELLING AND TRANSPORTING SKUNKS AND RACCOONS.

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 744, Chapter 7, Title 7 of the Delaware Code by striking it in its entirety.

Section 2. Amend Section 1304, Chapter 13, Title 7 of the Delaware Code by striking it in its entirety and adding in lieu thereof the following new Section 1304:

**"§1304. Penalty for Violation of any Game or Fish Law
Except those Laws Specifying a Penalty**

Any person convicted of violating any provision of Part I of Title 7 of the Delaware Code which does not specifically prescribe a penalty shall be fined not less than fifty dollars (\$50.00), nor more than two hundred fifty dollars (\$250.00), plus the costs of prosecution, or said person may be imprisoned for not more than thirty (30) days, or said person may be both fined and imprisoned according to the aforesaid limitations. No penalty imposed by this Section shall be suspended.

Section 3. Amend Section 714, Chapter 7, Title 7 of the Delaware Code by striking it in its entirety and adding in lieu thereof a new Section 714 as follows:

"§714. Prohibition Against Sunday Hunting

(a) On Sundays, no person shall hunt or pursue any game birds or game animals with any dog or any kind of implement which is capable of killing said game birds or game animals, except as provided in Subsection (b) of this Section.

(b) This Section shall not be applicable to trapping, training dogs or hunting red foxes with dogs."

Section 4. Amend Section 101, Chapter 1, Title 7 of the Delaware Code by adding a new Subsection (5) to read as follows:

"(5) 'Hunt' means to chase, pursue, kill, trap or take or attempt to chase, pursue, kill trap or take any form of wild bird or wild animal."

Section 5. Amend Subsection 704(e), Subchapter 1, Chapter 7, Title 7 of the Delaware Code by striking it in its entirety and reletter Subsections (f) and (g) as (e) and (f) respectively.

Section 6. Amend Subchapter 1, Chapter 7, Title 7 of the Delaware Code by adding a new Section 729 to read as follows:

"§729. Prohibiting the Use of Lights; Penalties

(a) No person or persons shall hunt or attempt to hunt at nighttime any species of wild bird or wild animal with a light including the headlights of any vehicle. Possession in a motor vehicle or conveyance of any firearms or other implements with which wild birds or wild animals may be killed, exposed within immediate reach, either loaded or unloaded, while using artificial lights, shall be prima facie evidence of the use of such firearms or other implements for hunting. Raccoons or opossums may be hunted on foot or while riding on a horse or mule at nighttime during open season with the use of a dog or light or both. Frogs may be hunted on foot at nighttime during open season with a light.

(b) No person or persons shall make use of any artificial light emanating from a vehicle and directing toward woods, fields, orchards, livestock, wild animals or birds, dwellings or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle traveling on any public or private road in a normal manner, to any police, emergency or utility company vehicle

using spotlights to perform their duties, or to any farmer or landowner on his own or leased land using artificial lights to check on his equipment, crops, livestock or poultry. Nor shall the provisions of this paragraph apply to the normal use of headlights of a vehicle traveling in a normal manner two hours prior to sunrise or two hours after sunset.

(c) Whoever violates this Section shall be fined not less than \$100 nor more than \$250 for the first offense and not less than \$250 nor more than \$500 for each subsequent offense. The fines imposed in this Section shall not be suspended."

Section 7. Amend Chapter 7, Title 7 of the Delaware Code by adding the following new Section 799:

"§799. Prohibition of Sale and Transportation of Live
Skunks or Raccoons

No live skunks or raccoons shall be sold or possessed in this State or transported into this State for any purpose without a permit from the Division."

Section 8. Amend Subsection 704(c), Chapter 7, Title 7 of the Delaware Code by striking the phrase ", or pursue or kill the same, except frogs, raccoons, opossums, skunks, minks, and otters, with the aid of any artificial light or lantern" as the same appears in the first sentence of said Subsection and by striking the phrase "or lantern" as the same appears in the last sentence of said Subsection.

Section 9. Amend §502, Chapter 5, Title 7 of the Delaware Code by adding a new subsection to read as follows:

"Any unarmed residents participating in an organized fox hunt are exempt from the licensing requirements of this Chapter."

Section 10. Amend §507, Chapter 5, Title 7 of the Delaware Code by adding a new subsection (d) to read as follows:

"(d) Any non-residents participating in an organized fox hunt are exempt from the licensing requirement of this Chapter."

Approved July 21, 1982.

CHAPTER 390

FORMERLY

HOUSE BILL NO. 386

AS AMENDED BY HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLES 24 AND 28 OF THE DELAWARE CODE IMPLEMENTING RECOMMENDATIONS OF THE SUNSET COMMITTEE RELATING TO CERTAIN STATE BOARDS AND COMMISSIONS.

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 §416 (a) of Chapter 4, Title 24, Delaware Code by striking the remainder of the sentence following the figure '\$75' and substituting in lieu thereof a period '.'.

Section 2. Amend §624 of Chapter 6, Title 24, Delaware Code, by striking all of the sentence immediately following the figure '\$100' and substituting in lieu thereof a period '.'.

Section 3. Amend §3112 (a) of Chapter 31, Title 24, Delaware Code, by striking the remainder of the sentence immediately following the figure '\$300' and substituting in lieu thereof a period '.'.

Section 4. Amend §3102 of Chapter 31, Title 24, Delaware Code, by adding thereto a new paragraph to be designated as paragraph (c) to read as follows:

"The Board shall be subject to the provisions of Chapter 58A of Title 29, Delaware Code."

Section 5. Amend §605(7)(d) of Chapter 6, Title 24, Delaware Code, by striking the following words: ", regardless of where they are instructing" and inserting in lieu thereof the following:

"; provided, however, any teacher and/or instructor who holds a professional status certificate pursuant to the provisions of Chapter 12, Title 14, Delaware Code, shall be exempt from any licensing requirement fees under this Chapter; and further provided; however, that such person does not become engaged in the various practices of cosmetology regulated by this Chapter."

Section 6. Amend §301(b), Subchapter I, Chapter 3, Title 28, Delaware Code, by striking the third sentence of said subsection 2 in its entirety commencing with the words "No person" and ending with the word "State" and substituting in lieu thereof the following:

"No person shall be appointed to the Commission nor be an employee thereof nor officiate at pari-mutuel meetings conducted in this State who is licensed or regulated, directly or indirectly, by the Commission other than for the position to which he is appointed nor shall he have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any firm, association, or corporation so licensed or regulated or which participates in pari-mutuel meetings in any manner nor shall he participate in pari-mutuel meetings in any manner other than in his official capacity."

No person shall be a member of the Commission who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Delaware or any other state, or the United States."

Section 7. Amend §502(b), Subchapter I, Chapter 5, Title 28, Delaware Code, by striking the second sentence in its entirety commencing with the words "No person" and ending with the word "State" and substituting in lieu thereof the following:

"No person shall be appointed to the Commission nor be an employee thereof nor officiate at pari-mutuel meetings conducted in this State who is licensed or regulated, directly or indirectly, by the Commission other than for the position to which he is appointed nor shall he have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any firm, association, or corporation so licensed or regulated or which participates in pari-mutuel meetings in any manner."

No person shall be a member of the Commission who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Delaware or any other state, or the United States."

Section 8. Amend §1156, Chapter 11, Title 28, Delaware Code, by striking said section in its entirety.

Approved July 21, 1982.

CHAPTER 391

FORMERLY

HOUSE BILL NO. 390

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

AN ACT TO AMEND CHAPTER 63 OF TITLE 29, DELAWARE CODE, RELATING TO UNEMPLOYMENT INSURANCE FOR STATE EMPLOYEES AND OTHER EMPLOYMENT COSTS.

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

Section 1. Amend Section 6340, Title 29, Delaware Code, by striking existing subsection (b) of said section in its entirety and by substituting in lieu thereof a new subsection (b) to read as follows:

"Other employment costs shall include such costs to the State as federal insurance contributions (social security), state retirement plans (employees' pensions), health care insurance (Blue Cross and Blue Shield), Workers' Compensation, unemployment insurance, and such other fringe benefit plans as may be provided."

Section 2. Amend Section 6340, Title 29, Delaware Code, by striking existing subsection (c) of said section in its entirety and by substituting in lieu thereof a new subsection (c) to read as follows:

"Each year, on or before August 1:

(i) the Secretary of Finance shall determine the appropriate rate factor on an average or actual basis for each of the state benefit plans, excluding unemployment insurance; and

(ii) the Secretary of Labor shall determine on an average actual, or historical basis, the appropriate rate factor for each state agency, other than the University of Delaware, and the distribution of that rate to each fund pertaining thereto for unemployment insurance and shall prescribe the appropriate procedure for reimbursement thereof; state agency how it shall provide for such other employment costs in their respective budget requests for the ensuing year."

Section 3. Amend Section 6340, Title 29, Delaware Code, by designating existing subsection (e) as a new subsection (f) and by adding to said section a new subsection (e) as follows:

"Each state agency, other than the University of Delaware, liable for reimbursement payments in lieu of assessments in accordance with section 3345(c)(2), Title 19, Delaware Code, shall be required to reimburse the Department of Labor for all unemployment insurance reimbursements disbursed by the Department of Labor which arise out of unemployment insurance claims filed by and paid to an employee of such state agency. Such reimbursement shall be made according to the rate factor and distribution according to agency funds as shall be prescribed by the Secretary of Labor.

Section 4. Amend existing subsection (e), designated subsection (f) pursuant to Section 3 of this Act, of Section 6340, Title 29, Delaware Code by striking the words "from funds not otherwise appropriated" as they appear therein.

Section 5. Sections 1, 2 and 4 of this Act shall be effective upon adoption. Section 3 of this Act shall be effective July 1, 1983.

Approved July 21, 1982.

CHAPTER 392

FORMERLY

HOUSE BILL NO. 413
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2, 3 AND 4AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE BY ADDING A CHAPTER 76 THERETO
RELATING TO REGISTRATION OF LIVESTOCK DEALERS.

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. Part VI of Title 3, Delaware Code is hereby amended by adding a new chapter thereto to be designated as Chapter 76 and to read as follows:

"CHAPTER 76. REGISTRATION OF LIVESTOCK DEALERS.**§7601. Declaration of Purpose.**

The purpose of this chapter is to provide for the registration of livestock dealers to enable the Department to trace the movement of livestock for the purpose of controlling or eradicating serious livestock diseases. This chapter establishes the Department's jurisdiction and authority over the animal transportation recordkeeping practices of persons transporting livestock or operating a livestock auction or sales facility.

§7602. Definitions.

For the purpose of this chapter, unless the context otherwise requires:

- (1) "Department" means the State Department of Agriculture.
- (2) "Secretary" means the Secretary of the State Department of Agriculture or his designee.
- (3) "Person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.
- (4) "Livestock" means any cattle, sheep, swine, goats, horses, mules, or other equines.
- (5) "Livestock Dealer" means every recognized dealer engaged in the business of buying, selling or transporting livestock or operating a livestock auction or a livestock sales facility.

§7603. License Fee.

Any person desiring to engage in the business of a livestock dealer subject to this chapter, shall obtain a license from the Department. Every application for a license shall be submitted to the Department on forms obtained from the Department with a \$10.00 fee. All fees shall be forwarded to the State Treasurer. The license shall be for the first fiscal year ending June 30, and shall be renewed annually thereafter. A license may be denied at the time of application or revoked if the livestock dealer is found violating any section of this chapter or rules and regulations of the Department.

§7604. Exemptions from License.

Those livestock markets and their owners and officers which are approved and are classified as State-Federal Approved Livestock Markets are exempt from this chapter. Exempt companies are expected to abide by the provisions of the Codes of Federal Regulations applying to livestock markets and duties of the livestock markets concerning the identification of livestock.

§7605. Revocation of Buyer's License; Right of Appeal; Jurisdiction.

The Department of Agriculture may revoke the license of any person for the violation of any of the provisions of this chapter or of any rule or regulation which may be prescribed by the Department. Notice of revocation shall be sent to the licensee by registered mail setting forth the reason for the revocation and fixing the time for a hearing, should one be desired by the licensee. At the hearing, should the reason set out in the notice be sustained, the Department may continue the revocation indefinitely or for such other period of time as the Department deems advisable or may make such other order as it deems equitable.

Any person affected by the ruling of the Department of Agriculture, under this chapter, may take an appeal within 10 days from notification of the Department's decision to the Superior Court.

The Superior Court for the three counties is vested with jurisdiction to hear and determine all such appeals and may by proper rules prescribe the procedure to be followed in such appeals. Every such appeal shall be determined by the Court. Costs may be awarded by the Court and when so awarded the same shall be collected as other costs are collected.

§7606. Rules and Regulations.

The Department of Agriculture, after conducting public hearings on any proposed rules or regulations, may make such rules and regulations as it deems advisable to aid in carrying out the purposes of this chapter and relative to the enforcement thereof. These rules may include requirements for record keeping by livestock dealers to identify animals and sales for the purpose of tracing animals found to be diseased at a later date.

§7607. Penalty for Violations.

Whoever violates any provisions of the chapter or any rules or regulations promulgated hereunder shall be guilty of a Class C misdemeanor. The Superior Court shall have jurisdiction over all offenses under this chapter."

Approved July 21, 1982.

CHAPTER 393

FORMERLY

HOUSE BILL NO. 424

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 42, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SENTENCE FOR RAPE IN THE FIRST DEGREE.

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

Section 1. Amend Chapter 42, Title 11 of the Delaware Code by adding the following section:

"4209A. Punishment for First-degree rape.

Any person who is convicted of first-degree rape shall be punished by imprisonment for not less than twenty years without benefit of probation or parole or any other reduction."

Approved July 21, 1982.

CHAPTER 394

FORMERLY

HOUSE BILL NO. 433

AN ACT TO AMEND CHAPTER 22, TITLE 25 OF THE DELAWARE CODE RELATING TO UNIT PROPERTIES; AND PROVIDING FOR AN AMOUNT OF INTEREST TO BE CHARGED ON CERTAIN ASSESSMENTS.

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

Section 1. Amend §2233, Chapter 22, Title 25 of the Delaware Code by striking the words "the rate of 6" as the same appear in said section, and substituting the words "a rate not to exceed 18%" in lieu thereof.

Approved July 21, 1982.

CHAPTER 395

FORMERLY

HOUSE BILL NO. 443

AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE RELATING TO THE SCOPE OF THE DELAWARE INSURANCE GUARANTEE ASSOCIATION ACT.**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. Amend §4203, Chapter 42, Title 18, Delaware Code by striking the period at the end of the last sentence of such section, substituting a comma in lieu thereof, and adding the following:

"and insurance obtained pursuant to Chapter 19, Surplus Lines, of this title."

Section 2. Amend §4208, Chapter 42, Title 18, Delaware Code by adding after subsection 7 of section (a) the following new subsection:

"(8) Issue to each insurer paying an assessment under this Act a certificate of contribution, in a form prescribed by the Commissioner, for the amount so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the Commissioner may approve."

Section 3. Amend Chapter 42, Title 18, Delaware Code by adding thereto a new section to read as follows:

"§4219. Member Insurer's Rights

(a) Unless a longer period has been allowed by the commissioner, a member insurer shall at its option have the right to show a certificate of contribution as an asset in the form approved by the commissioner at percentages of the original face amount approved by the commissioner, for calendar years as follows:

- (1) One hundred percent (100%) for the calendar year of issuance;
- (2) Eighty percent (80%) for the first calendar year after the year of issuance;
- (3) Sixty percent (60%) for the second calendar year after the year of issuance;
- (4) Forty percent (40%) for the third calendar year after the year of issuance;
- (5) Twenty percent (20%) for the fourth calendar year after the year of issuance;

(b) The insurer may offset the amount written off by it in a calendar year under subsection (a) above, against its premium tax liability to this state accrued with respect to business transacted in such year.

(c) Any sums acquired by refund from the Association which have theretofore been written off by contributing insurers and offset against premium taxes as provided above, and is not then needed for purposes of this Act, shall be paid by the Association to the commissioner and by him deposited with the state treasury for credit to the general fund of this state.

(d) To the extent amounts have been written off under subsection (c) above, the provisions of §4216 of this title shall not apply."

Section 4. Amend Chapter 42, Title 18, Delaware Code by adding thereto a new section to read as follows:

"§4220. Preferred Creditor Status

Upon the issuance of a proper court order placing a domestic insurer in receivership for rehabilitation or liquidation, all policyholders, beneficiaries and insureds of such insolvent insurer, with respect to claims arising from and within the coverages of and not in excess of the applicable limits of insurance policies and contracts issued by the insolvent insurer, and liability claims against

insureds which claims are within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the insolvent insurer, and the Delaware Insurance Guaranty Association and any similar organization in another state shall be preferred creditors of said insolvent insurer."

Section 5. Amend Chapter 42, Title 18, Delaware Code by adding thereto a new section to read as follows:

"§4221. Access to Assets of Insolvent Insurer; Application for Court Approval of Plan to Disburse Assets; Notice of Application

(a) Within 120 days of a final determination of insolvency by an insurance company by a court of competent jurisdiction the receiver shall make application to the said court for approval of a proposal to disburse assets out of such company's marshalled assets, from time to time as such assets become available, to the Delaware Insurance Guaranty Association and to any entity or person performing a similar function in another state. (The Delaware Insurance Guaranty Association and any entity or person performing a similar function in other states shall hereinafter be referred to collectively as the associations.)

(b) Such proposal shall at a minimum include provision for:

(1) Reserving amounts for the payment of expenses of administration and claims falling within the priorities established in the Delaware Uniform Insurers Liquidation Act but only with respect to such priorities higher than that of the associations;

(2) Disbursement of the assets marshalled to date and subsequent disbursement of assets as they become available;

(3) Equitable allocation of disbursements to each of the associations entitled thereto;

(4) The securing by the receiver from each of the associations entitled to disbursements pursuant to this section of an agreement to return to the receiver such assets previously disbursed as may be required to pay claims of secured creditors and claims with a higher priority than those of the associations. No bond shall be required of any such associations.

(c) The receiver's proposal shall provide for disbursements to the associations in amounts at least equal to the payments made or to be made thereby for which such associations could assert claims against the receiver, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such payments made or to be made by the associations then disbursements shall be in the amount of available assets.

(d) Notice of such application shall be given to the associations in and to the commissioners of insurance of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first-class postage prepaid, at least 30 days prior to submission of such application to the said court. Action on the application may be taken by the said court provided the above required notice has been given and provided further that the receiver's proposal complies with subdivisions (1) and (4) of subsection (b) of this section."

Section 6. Amend Chapter 42, Title 18, Delaware Code by adding thereto a new section to read as follows:

"§4222. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable."

Approved July 21, 1982.

CHAPTER 396

FORMERLY

HOUSE BILL NO. 445

AN ACT TO AMEND DELAWARE CODE, CHAPTER 13, TITLE 14 AS IT RELATES TO THE SALARY'S SCHEDULE OF EDUCATIONAL SERVICES TO PERSONS WHO ARE DEAF-BLIND.

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

Section 1. Amend Delaware Code, Title 14, §1321 (e) (14) by deleting from that subsection the first main paragraph which begins with the words "therapists and special services/personnel" and ends with the words "9 units of deaf-blind children.", and by also deleting the present subparagraph a. and inserting in lieu thereof the following:

"(14) Specialist and Coordinator - Appropriate therapist and special services personnel or personal services for persons who are deaf-blind such as occupational therapists, physical therapists, speech therapists, social workers, audiological specialists, ophthalmological specialists and orientation and mobility specialists for a period of twelve (12) months per year at the rate of 1/3 of a full time equivalent of any such specialist for each unit authorized for deaf-blind persons. Partial funding shall be provided for fractional parts of units.

a. Whenever the State Board of Education designates a particular school district to serve as the administrative agency for a statewide program for deaf-blind pupils that district may employ specialists as herein authorized to serve the entire statewide program. Specialists so employed shall be paid according to the salary authorized for teachers in §1305 of this Chapter. The school district authorized to employ such specialists and the coordinator may provide additional salary to such personnel according to the provisions of §1304 of this chapter and shall recover funds so expended from the school districts responsible for the day to day instruction of the deaf-blind persons according to the provisions of Chapter 6 of this title.

Section 2. Further amend Delaware Code, Title 14, §1321 (e) (14) a. by adding to that subparagraph the following sentence:

"Salary authorized by §1304 of this chapter may be provided according to the provisions of Chapter 6 of this title."

Section 3. This Act shall become effective upon Governor's signature.

Approved July 21, 1982.

CHAPTER 397

FORMERLY

HOUSE BILL NO. 451

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 4 OF THE DELAWARE CODE REDEFINING THE WORD "RESTAURANT".

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

Section 1. Amend §101, Chapter 1, Title 4 of the Delaware Code by striking subsection (26) and inserting in lieu thereof the following:

"(26) 'Restaurant' means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for consideration, and which has seating at tables for 35 or more persons, and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of 'meals'."

Section 2. This Act shall be effective on October 1, 1982; provided, however, the Alcoholic Beverage Control Commission may grant variances respecting seating capacity at tables, which said variances shall terminate not later than October 1, 1983.

Approved July 21, 1982.

CHAPTER 398

FORMERLY

HOUSE BILL NO. 468

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, DELAWARE CODE, RELATING TO TRANSFERS OR CRIMINAL CASES FROM JUSTICE OF THE PEACE COURTS, MAYOR'S COURTS OR ALDERMAN'S COURTS TO THE COURT OF COMMON PLEAS.

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 11, Delaware Code, §5503 by inserting the words "or the maximum fine is \$15 or more" after the word "incarceration" and before the word "may".

Approved July 21, 1982.

CHAPTER 399

FORMERLY

HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 473

AN ACT TO AMEND SECTIONS 2911 AND 2913 OF TITLE 18 OF THE DELAWARE CODE RELATING TO LIFE INSURANCE POLICY LOANS.

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

Section 1. Amend Title 18, Delaware Code, by striking Section 2911 in its entirety and substituting in lieu thereof a new Section 2911 which shall read as follows:

"§2911. Policy Loan

(a) There shall be a provision that after three (3) full years premiums have been paid and after the policy has a cash surrender value and while no premium is in default beyond the grace period for payment, the insurer will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a rate of interest not exceeding 8% per annum (if payable in advance such interest shall not exceed the rate of 7.4% per annum for policies issued prior to January 1, 1983) an amount equal to or, at the option of the party entitled thereto, less than the loan value of the policy. Before approving any policy provision providing for a rate of interest in excess of 6%, the Commissioner may require assurances by the insurer that the holders of such policies will benefit from the increased earning of the insurer resulting from the use of such higher rates, through the use of higher dividends or lower premiums, or both. The loan value of the policy shall be at least equal to the cash surrender value at the end of the then current policy year, and the insurer may deduct, either from such loan value or from the proceeds of the loan, any existing indebtedness not already deducted in determining such cash surrender value, including any interest then accrued but not due, any unpaid balance of the premium for the current policy year and interest on the loan to the end of the current policy year. The policy may also provide that if interest on any indebtedness is not paid when due it shall then be added to the existing indebtedness and shall bear interest at the same rate and that if and when the total indebtedness on the policy, including interest due or accrued, equals or exceeds the amount of the loan value thereof, then the policy shall terminate and become void, but not until at least 30 days notice has been mailed by the insurer to the last address on record with the insurer of the insured or other policy owner and of any assignee or record at the insurer's home office. The policy shall reserve to the insurer the right to defer the granting of a loan, other than for the payment of any premium to the insurer, for 6 months after application therefor. Such provision shall also contain a table showing in figures the loan values each year during the first 20 years of the policy or during the term of the policy whichever is shorter. The policy, at the insurer's option, may provide for an automatic premium loan.

(b) (1) Policies issued on or after January 1, 1983, shall provide for policy loan interest rates as follows:

(a) A provision permitting a maximum interest rate of not more than 8% per annum; or

(b) A provision permitting an adjustable maximum interest rate established from time to time by the life insurer as permitted by law.

(2) The rate of interest charged on a policy loan made under Subsection (b) (1) (b) shall not exceed the higher of the following:

(a) The Published Monthly Average for the calendar month ending two months before the date on which the rate is determined; or

(b) The rate used to compute the cash surrender values under the policy during the applicable period plus 1% per annum.

(3) The term "Published Monthly Average" means:

(a) Moody's Corporate Bond Yield Average — Monthly Average Corporates as published by Moody's Investors Service, Inc. or any successor thereto; or

(b) In the event that the Moody's Corporate Bond Yield Average — Monthly Average Corporates is no longer published, a substantially similar average, established by regulation issued by the Commissioner.

(4) If the maximum rate of interest is determined pursuant to Subsection (b) (1) (b), the policy shall contain a provision setting forth the frequency at which the rate is to be determined for that policy.

(5) The maximum rate for each policy must be determined at regular intervals at least once every 12 months, but not more frequently than once in any three-month period. At the intervals specified in the policy:

(a) The rate being charged may be increased whenever such increase as determined under Subsection (b) (2) would increase that rate by 1/2% or more per annum.

(b) The rate being charged must be reduced whenever such reduction as determined under Subsection (b) (2) would decrease that rate by 1/2% or more per annum.

(6) The life insurer shall:

(a) notify the policyholder at the time a cash loan is made of the initial rate of interest on the loan;

(b) notify the policyholder with respect to premium loans of the initial rate of interest on the loan as soon as it is reasonably practical to do so after making the initial loan. Notice need not be given to the policyholder when a further premium loan is added, except as provided in (6) (c) below;

(c) send to policyholders with loans reasonable advance notice of any increase in the rate; and

(d) include in the notices required above the substance of the pertinent provisions of Subsection (b) (1) and (b) (4).

(7) The loan value of the policy shall be determined in accordance with Subsection (a), but no policy shall terminate in a policy year as the sole result of a change in the interest rate during that policy year, and the life insurer shall maintain coverage during that policy year until the time at which it would otherwise have terminated if there had been no change during that policy year.

(8) The substance of the pertinent provisions of Subsections (b) (1) and (b) (4) shall be set forth in the policies to which they apply.

(9) For purposes of this Section:

(a) The rate of interest on policy loans permitted under this Subsection includes the interest rate charged on reinstatement of policy loans for the period during and after any lapse of a policy.

(b) The term 'policy loan' includes any premium loan made under a policy to pay one or more premiums that were not paid to the life insurer as they fell due.

(c) The term 'policyholder' includes the owner of the policy or the person designated to pay premiums as shown on the records of the life insurer.

(d) The term 'policy' includes certificates issued by a fraternal benefit society and annuity contracts which provide for policy loans.

(10) No other provision of law shall apply to policy loan interest rates unless made specifically applicable to such rates.

(11) The provisions of this Subsection shall not apply to any insurance contract issued before January 1, 1983, unless the policyholder agrees in writing to the applicability of such provisions.

(c) This section shall not apply to term policies or to term insurance benefits provided by rider or supplemental policy provisions or to industrial life insurance policies."

Section 2. Amend Title 18, Delaware Code, by deleting §2913 in its entirety and substituting in lieu thereof a new Section 2913 which shall read as follows:

"52913. Reinstatement

There shall be a provision that unless:

- (1) The policy has been surrendered for its cash surrender value; or
- (2) Its cash surrender value has been exhausted; or
- (3) The paid-up term insurance, if any, has expired; the policy will be reinstated at any time within 3 years (or 2 years in the case of industrial life insurance policies) from the date of premium default upon written application therefor, the production of evidence of insurability satisfactory to the insurer, the payment of all premiums in arrears with interest at a rate not exceeding 6% per annum compounded annually, and the payment or reinstatement of any indebtedness to the insurer upon the policy with interest as provided in Section 2911 of Title 18 of this Code.

Section 3. The provisions of this Act shall take effect on January 1, 1982.

Approved July 21, 1983.

CHAPTER 400

FORMERLY

HOUSE BILL NO. 490
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, SUBCHAPTER III, SUBPART I, OF TITLE II OF THE DELAWARE CODE, TO MAKE IT A CRIME TO FRAUDULENTLY CONVEY OR RECEIVE PUBLIC LANDS.

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

Section 1. Amend Chapter 5, Subchapter III, Subpart I, of Title II of the Delaware Code by adding the following section:

"§91L. Fraudulent conveyance of public lands

A person is guilty of fraudulent conveyance of public lands when he executes any deed or other written instrument purporting to convey an interest in land any part of which is public lands of this State, when such person at the time of execution of such instrument knows that he has no legal or equitable interest in the land described in said instrument. Fraudulent conveyance of public lands is a Class E Felony."

Approved July 21, 1982.

CHAPTER 401

FORMERLY

HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 491

AN ACT TO AMEND CHAPTER 45 OF TITLE 7 OF THE DELAWARE CODE TO ALLOW FOR TITLE OR INTEREST IN PUBLIC LANDS TO BE OBTAINED ONLY BY DEED OR WRITTEN INSTRUMENT.

WHEREAS, the public lands of the State of Delaware constitute a valuable asset held for the benefit of the general public, not only as a source of natural beauty and conservation, but also as a recreational resource for enjoyment by all citizens; and

WHEREAS, it is in the best interest of the general public for the State to preserve and protect the integrity of its title to these public lands; and

WHEREAS, acknowledging the differing ability to preserve and protect the integrity of title to land as between private owners thereof and the State for the benefit of the general public, the General Assembly deems it desirable to legislatively confirm the common laws, clarify existing law and declare the exclusive method for acquisition of title or other interest in land belonging to the State.

NOW, THEREFORE:

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

Section 1. Amend Chapter 45 of Title 7 of the Delaware Code by adding a new section to read as follows:

"§4519. Title or Interest in Public Lands Obtainable Only by Deed or Conveyance or Written Instrument.

No title or other interest in real property belonging to the State of Delaware shall be acquired by adverse possession, presumed grant, or any means other than by a deed or conveyance or other written instrument of transfer executed by a duly authorized official of the State of Delaware pursuant to State law."

Approved July 21, 1982.

CHAPTER 402

FORMERLY

HOUSE BILL NO. 502

AS AMENDED BY HOUSE AMENDMENTS NOS. 1, 2, 4 AND 5

AN ACT TO AMEND TITLE 9, TITLE 14, AND TITLE 21 OF THE DELAWARE CODE RELATING TO SCHOOL CROSSING GUARDS; AND PROVIDING FOR REPORTING OF CERTAIN OFFENSES AND INFRACTIONS.

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 §2702, Chapter 27, Part II, Title 9 of the Delaware Code by re-designating present subsection (c) as new subsection (d); by re-designating present subsection (d) as new subsection (e); and by adding to said section the following new subsection:

"(c) In instances where the driver of a motor vehicle fails to comply with the lawful directions or signals of a school crossing guard, or otherwise violates a lawful ordinance or statute, the school crossing guard may report such driver to the appropriate police authorities. If the identity of the driver is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name the vehicle is registered, to whom a rental vehicle is leased, or whose name appears on a company's records as driving a company car is responsible for the violation."

Section 2. Amend Chapter 41, Part I, Title 14 of the Delaware Code by adding thereto a new section, designated as §4113, which new section shall read as follows:

"§4113. Safety of Pupils

Where school crossing guards are employed by a school district, the guards shall have the right to stop, control and guide vehicular traffic near any pedestrian crosswalk in order to permit children to cross streets or highways safely. In instances where the driver of a motor vehicle fails to comply with the lawful directions or signals of a school crossing guard, or otherwise violates a lawful ordinance or statute, the school crossing guard may report such driver to the appropriate police authorities. If the identity of the driver is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name the vehicle is registered, to whom a rental vehicle is leased, or whose name appears on a company's records as driving a company car is responsible for the violation."

Section 3. Amend §4166, Chapter 41, Part III, Title 21 of the Delaware Code by striking the words "or a school bus operator" as the same appear in subsection (g), and substituting the words ", school bus operator or school crossing guard" in lieu thereof.

Approved July 21, 1982.

CHAPTER 403

FORMERLY

HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 508

AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 1, TITLE 13, DELAWARE CODE RELATING TO SOLEMNIZATION OF MARRIAGES.

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

Section 1. Amend §106(a) of Subchapter 1, Chapter 1, Title 13, Delaware Code by striking the first sentence in its entirety and substituting in lieu thereof the following:

"A clergyman or minister of any recognized religion and the several Clerks of the Peace of various counties may solemnize marriages between persons who may lawfully enter into the matrimonial relation."

Approved July 21, 1982.

CHAPTER 404

FORMERLY

HOUSE BILL NO. 517
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND
SENATE AMENDMENTS NOS. 1 AND 2AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CREDITING
OF INTEREST TO LOCAL SCHOOL DISTRICT FUNDS.

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

Section 1. Amend §1923 of Title 14 of the Delaware Code by striking subsection (b) thereof in its entirety and inserting in lieu thereof the following:

"(b) On or before the last day of each month, the State Treasurer shall credit the operating and debt service accounts respectively of each school district's operating and debt service funds with interest on the average balances in operating and debt service funds for the preceding month. The interest to be paid shall be that proportionate share, during such preceding month, of interest paid to the State as the school's average balances are to the total State's average balance. The school's average balances and the total State's average balance shall be determined by averaging, in each instance, the balances at the beginning of each month and the balances at the end of that month."

Section 2. Amend §1923 of Title 14 of the Delaware Code by striking subsection (c) thereof in its entirety and inserting in lieu thereof the following:

"(c) On or before the last day of each month, the State Treasurer shall credit the debt service account of each local school district's construction fund with interest on the average balance of that proportion of the construction account contributed by the local district. The interest to be paid will be that proportionate share of interest paid to the State as the school's average balances of the proportion of construction accounts are to the total State's average balance. The school's average balance and the total State's average balance shall be determined by averaging, in each instance, the balances at the beginning of each month and the balance at the end of that month."

Section 3. Amend §7514 of Title 29 of the Delaware Code by striking subsection (2) thereof in its entirety and inserting in lieu thereof the following:

"(2) On or before the last day of each month, the State Treasurer shall credit the operating and debt service accounts respectively of each school district's operating and debt service funds with interest on the average balances in operating and debt service funds for the preceding month. The interest to be paid shall be that proportionate share, during such preceding month, of interest paid to the State as the school's average balances are to the total State's average balance. The school's average balances and the total State's average balance shall be determined by averaging, in each instance, the balances at the beginning of each month and the balances at the end of that month."

Section 4. Amend §7514 of Title 29 of the Delaware Code by striking subsection (3) thereof in its entirety and inserting in lieu thereof the following:

"(3) On or before the 1st day of each month, the State Treasurer shall credit the debt service account of each local school district's construction fund with interest on the average balance of that proportion of the construction account contributed by the local district. The interest to be paid will be that proportionate share of interest paid to the State as the school's average balances of the proportion of construction accounts are to the total State's average balance. The school's average balance and the total State's average balance shall be determined by averaging, in each instance, the balances at the beginning of each month and the balance at the end of that month."

Section 5. This Act shall be effective for computation of interest on balances existing during the month of June, 1983. The first crediting of interest under this Act shall be for the month of June, 1983, and shall take place on or before July 31, 1983. Prior to that time, interest shall be computed and credited according to the law as it exists prior to the adoption of this Act.

Section 6. Amend Section 1923, Title 14, Delaware Code, by striking subsection (a) thereof and by substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer such amount of interest as determined by this section upon such funds."

Section 7. Amend Section 7514, Title 29, Delaware Code, by striking subsection (1) thereof and by substituting in lieu thereof a new subsection (1) to read as follows:

"(1) The State Treasurer shall credit to the account of each local school district which has funds on deposit with the State Treasurer such amount of interest as determined by this section upon such funds."

Section 8. No funds authorized to be transferred by this Act shall be credited to the accounts of a local school district unless and until the State Treasurer and the Director of the Delaware Development Office certify to the Secretary of Finance and the Controller General that the eligible school district has repaid to the Advance Planning and Real Property Funds all loans for the local share of school projects previously authorized by the Budget Commission.

In the event that said loans remain outstanding, the State Treasurer shall withhold payments to the eligible school district and shall credit all interest earned by all local funds of that district to the appropriate loan balances within the aforementioned Funds until such time as any outstanding loans from the State have been fully repaid.

Approved July 21, 1982.

CHAPTER 405

FORMERLY

HOUSE BILL NO. 546

AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2 AND 4

AN ACT TO AMEND CHAPTER 21 OF TITLE 21, DELAWARE CODE RELATING TO REQUIREMENTS OF INSURANCE FOR ALL MOTOR VEHICLES REGISTERED IN THIS STATE.

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

Section 1. Amend section 2118 by striking said subsection 2118 in its entirety and substituting in lieu thereof a new subsection 2118.

"§2118. Requirements of Insurance for all Motor Vehicles Registered in this State; Penalty

(a) No owner of a motor vehicle required to be registered in this State, other than a self-insurer pursuant to §2904 of this title, shall operate or authorize any other person to operate such vehicle unless the owner has insurance on such motor vehicle providing the following minimum insurance coverage:

(1) Indemnity from legal liability for bodily injury, death or property damage arising out of ownership, maintenance or use of the vehicle to the limit, exclusive of interest and costs, of at least the limits prescribed by the Financial Responsibility Law of this State.

(2)a. Compensation to injured persons for reasonable and necessary expenses incurred within 2 years from the date of the accident for:

1. Medical, hospital, dental, surgical, medicine, x-ray, ambulance, prosthetic services, professional nursing and funeral services. Compensation for funeral services, including all customary charges and the cost of a burial plot for one person, shall not exceed the sum of \$2,000. Compensation may include expenses for any non-medical remedial care and treatment rendered in accordance with a recognized religious method of healing.

2. Net amount of lost earnings. Lost earnings shall include net lost earnings of a self-employed person.

3. Where a qualified medical practitioner shall, within two years from the date of an accident, verify in writing that surgical or dental procedures will be necessary and are then medically ascertainable but impractical or impossible to perform during that two-year period, the cost of such dental or surgical procedures, including expenses for related medical treatment, and the net amount of lost earnings lost in connection with such dental or surgical procedures shall be payable. Such lost earnings shall be limited to the period of time that is reasonably necessary to recover from such surgical or dental procedures but not to exceed 90 days. The payment of these costs shall be either at the time they are ascertained or at the time they are actually incurred, at the insurer's option.

4. Extra expenses for personal services which would have been performed by the injured person had they not been injured.

5. 'Injured person' for the purposes of this section shall include the personal representative of an estate; provided, however, that if a death occurs, the 'net amount of lost earnings' shall include only that sum attributable to the period prior to the period prior to the death of the person so injured.

b. The minimum insurance coverage which will satisfy the requirements of subsection (a)(2)a of this section is a minimum limit for the total of all payments which must be made pursuant to that subsection of \$10,000 for any one person and \$20,000 for all persons injured in any one accident.

c. The coverage required by paragraph (2) of this subsection shall be applicable to each person occupying such motor vehicle and to any other person injured in an accident involving such motor vehicle, other than an occupant of another motor vehicle.

d. The coverage required by paragraph (2) of this subsection shall also be applicable to the named insureds and members of their households for accidents which occur through being injured by an accident with any motor vehicle other than a Delaware insured motor vehicle while a pedestrian or while occupying any registered motor vehicle other than a Delaware registered insured motor vehicle, in any state of the United States, its territories or possessions

or Canada.

e. The coverage required in paragraph (2) of this subsection shall apply to pedestrians only if they are injured by an accident with any motor vehicle within the State except as to named insureds or members of their households to the extent they must be covered pursuant to subparagraph d. of this paragraph (2).

f. The owner of a vehicle may elect to have the coverage described in paragraph (2) of this subsection written subject to certain deductibles, waiting periods, sublimits, percentage reductions, excess provisions and similar reductions offered by insurers in accordance with filings made by such insurers with the Department of Insurance, applicable to expenses incurred as a result of injury to the owner of a vehicle or members of this household; provided that the owner of a motorcycle may elect to exclude from such coverage expenses incurred as a result of injury to any person riding such vehicle while not on a highway and in any case of injury when no other vehicle was involved by actual collision or contact. This election must be made in writing and signed by the owner of the vehicle; insurers issuing such policies may not require such reductions.

g. The coverage required by paragraph (2) of this subsection shall be considered excess over any similar insurance for passengers, other than Delaware residents, when the accident occurs outside the State.

h. Insurers shall notify injured persons covered under this section that the coverage is for two years from the date of the accident, and that it is only extended for compensation related to surgical or dental procedures that are related to the accident and that were impossible or impractical to perform within the two-year period. Such surgical or dental procedures must be verified in writing within two years of the accident, by a qualified medical practitioner.

i. 1. Expenses under subsection a(2)a shall be submitted to the insurer as promptly as practical, in no event more than 2 years after they are received by the insured.

2. Payments of expenses under subsection a(2)a shall be made as soon as practical after they are received during the period of two years from the accident. Expenses which are incurred within the two years but which have been impractical to present to an insurer within the two years shall be paid if presented within 90 days after the end of the two-year period.

(3) Compensation for damage to property arising as a result of an accident involving the motor vehicle, other than damage to a motor vehicle, aircraft, water craft, self-propelled mobile equipment and any property in or upon any of the aforementioned, with the minimum limits of \$5,000 for any one accident.

(4) Compensation for damage to the insured motor vehicle, including loss of use of the motor vehicle, not to exceed the actual cash value of the vehicle at the time of the loss and \$10 per day, with a maximum payment of \$300, for loss of use of such motor vehicle.

The owner of the motor vehicle may elect to exclude, in whole or in part, the coverage described in paragraph (4) of this subsection by the use of certain deductibles and exclusions in accordance with filings made by the insurer with the Department of Insurance.

(b) Only insurance policies validly issued by companies authorized to write in this State all the kinds of insurance embodies in the required coverages shall satisfy the requirements of this section.

(c) Nothing in this section shall be construed to prohibit the issuance of policies providing coverage more extensive than the minimum coverages required by this section or to require the segregation of such minimum coverages from other coverages in the same policy.

(d) Policies purporting to satisfy the requirements of this section shall contain a provision which states that, notwithstanding any of the other terms and conditions of the policy, the coverage afforded shall be at least as extensive as the minimum covered required by this section.

(e) The coverage described in paragraphs (1) through (4) of subsection (a) of this section may be subject to conditions and exclusions customary to the filed of liability, casualty and property insurance and not inconsistent with the requirements of this section. Except there shall be no exclusion to any person who sustains bodily injury or death to the extent that benefits therefore are in whole or in part either payable or required to be provided under any workmen's compensation law.

(f) Insurers providing benefits described in paragraphs (1) through (4) of subsection (a) of this section shall be subrogated to the rights, including claims under any workmen's

compensation law, of the person for whom benefits are provided, to the extent of the benefits so provided.

(1) Such subrogated rights shall be limited to the maximum amounts of the tortfeasor's liability insurance coverage available for the injured party, after the injured party's claim has been settled or otherwise resolved, except that the insurer providing benefits shall be indemnified by any workmen's compensation insurer obligated to make such payments to the injured party.

(2) Any settlement made with an injured party by a liability insurer shall not be challenged or disputed by any insurer having subrogated rights.

(3) Disputes among insurers as to liability or amounts paid pursuant to paragraphs (1) through (4) of subsection (a) of this section shall be arbitrated by the Wilmington Auto Accident Reparation Arbitration Committee or its successors. Any disputes arising between an insurer or insurers and a self-insurer or self-insurers shall be submitted to arbitration which shall be conducted by the Commissioner in the same manner as the arbitration of claims provided for in subsection (i) of this section.

(4) No insurer or self-insurer shall join or be joined in an action by an injured party against a tortfeasor for the recovery of damages by the injured party and/or the recovery of benefits paid by the insurer of self-insurer.

(5) Nothing contained herein shall prohibit a liability insurer from paying the subrogated claim of another insurer prior to the settlement or resolution of the injured party's claim. However, should the amount of such settlement or resolution, in addition to the amount of any subrogated claim, exceed the maximum amount for the tortfeasor's liability insurance coverage available for the injured party, then any insurer who has been paid its subrogated claim shall reimburse the tortfeasor's liability insurer that portion of the claim exceeding the maximum amount of the tortfeasor's liability insurance coverage available for the injured party.

(6) Unless specifically excepted by this subsection, this subsection shall also apply to self-insurers.

(g) Any person eligible for benefits described in paragraph (2) or (3) of subsection (a) of this section other than an insurer in an action brought pursuant to subsection (f) of this section, is precluded from pleading or introducing into evidence in an action for damages against a tortfeasor those damages for which compensation is available under paragraph (2) or (3) of subsection (a) of this section without regard to any elective reductions in such coverage and whether or not such benefits are actually recoverable.

(h) Nothing in this section shall be construed to require an insurer to insure any particular risk. Nothing herein shall limit the insurer's obligation pursuant to the Delaware Automobile Plan.

(i) Every insurance policy issued under this section shall require the insurer to submit to arbitration, in the manner set forth hereinafter, any claims for losses or damages within the coverages required under paragraph (2) of subsection (a) of this section and for damages to a motor vehicle, including the insured motor vehicle, including loss of use of such vehicle, upon request of the party claiming to have suffered a loss or damages within the above-described coverages of paragraph (2) of subsection (a) of this section or to such a motor vehicle. Such request shall be in writing and mailed to the Insurance Commissioner within 90 days from the date an offer of settlement or denial of coverage or liability has been made by an insurer.

(1) All arbitration shall be administered by the Insurance Commissioner or his nominee.

(2) The Insurance Commissioner or his nominee shall establish a panel of arbitrators consisting of attorneys authorized to practice law in the State and insurance adjusters licensed to act as such in the State.

(3) The Insurance Commissioner, or his nominee, shall select three individuals from the panel of arbitrators, at least one of whom shall be an attorney authorized to practice law in the State, to hear each request for arbitration.

(4) The Insurance Commissioner, or his nominee, shall promulgate all rules and regulations necessary to implement this arbitration program.

(5) The right to require such arbitration shall be purely optional and neither party shall be held to have waived any of its rights by any act relating to arbitration and the losing party shall have a right to appeal de novo to the Superior Court if notice of such appeal is filed with that Court in the manner set forth by its rules within 30 days of the

date of the decision being rendered.

(6) The Insurance Commissioner shall establish a schedule of costs of arbitration; provided, however, the arbitrator's fee shall not exceed \$25 per arbitrator for any one arbitration.

(7) The cost of arbitration shall be payable to the State Department of Insurance, and shall be maintained in a special fund identified as the "Arbitration Fund" which shall be administered by the Insurance Commissioner. These funds under no circumstances shall revert to the General Fund. All costs of arbitration including administrative expenses of the Insurance Department and the arbitrator's fee shall be payable from this Fund.

(8) The applicant may be reimbursed their cost of filing arbitration as a part of the award rendered by the arbitration panel. If an insurer should pay an applicant his damages in advance of a hearing, they shall include with those damages the cost of the applicant of his filing the arbitration.

(9) This subsection shall also apply to self-insurers.

(j) Every insurance company authorized to transact the business of motor vehicle liability insurance in this State shall file with the Insurance Commissioner as a condition of its continued transaction of such business within this State a form approved by the Insurance Commissioner stating that its motor vehicle liability policies, on Delaware registered vehicles wherever issued, shall be deemed to provide the insurance required by this section. A non-admitted insurer may file such a form.

(k) A motor vehicle registration shall not be issued or renewed for any vehicle not covered by a vehicle insurance policy meeting the requirements of this title.

(l) A motor vehicle owner shall, upon request of the Division of Motor Vehicle, offer proof of insurance in full force and effect as a condition of registration or continued registration of a motor vehicle. The Division of Motor Vehicles upon proof from its records or other sufficient evidence that the required insurance has not been provided or maintained for a motor vehicle shall immediately suspend the registration of such vehicle.

(m) Immediately upon notice of suspension of the registration of a vehicle, the owner shall return the registration plate and certificate to the Division of Motor Vehicles or produce proof of replacement insurance. Notice is complete upon the expiration of four days after deposit of such notice in the United States mail. No person shall possess or display a registration plate or certificate that has been suspended. Any person whose vehicle registration has been suspended under this subsection shall pay a fee of \$50 at the end of such suspension for return of the registration plate and certificate.

(n) "Insurance identification card" shall mean a card issued by or on behalf of an insurance company or bonding company duly authorized to transact business in this State, stating in such form as the Insurance Commissioner may prescribe or approve that such company has issued a vehicle insurance policy meeting the requirements of this title. The Insurance Commissioner shall require all insurance companies transacting such business within this State to provide with each vehicle insurance policy an insurance identification card for each vehicle describing the vehicle covered. Such card shall contain such information and shall be valid during such period as may be prescribed by the Insurance Commissioner. If an owner shall have filed a financial security deposit, or shall have qualified as a self-insurer, the term "insurance identification card" shall mean a card issued by the Office of the Insurance Commissioner which evidences that such deposit has been filed or that such owner has so qualified.

(o) The insurance identification card issued for a vehicle required to be registered under this title shall at all times, while the vehicle is being operated upon a highway within this State, be in the possession of the operator thereof or carried in the vehicle and shall be produced upon the request of a police officer or justice of the peace or any other part involved in an accident with the insured. However, an operator shall not be convicted under this subsection if, prior to conviction, he shall produce to the court in which the offense is to be tried the insurance identification card or in lieu thereof other sufficient proof of insurance showing such insurance to be in full force and effect at all pertinent times when the motor vehicle is being operated within this State.

(p) The Director of the Division of Motor Vehicles may adopt such rules and regulations, not inconsistent with this title, as are necessary to enforce this section.

(q) Whoever violates any subsection of this section shall be fined for the first offense not less than \$150 nor more than \$1,000 and shall have his driving license and/or privileges suspended for three months. For each subsequent offense occurring within three years of a former offense, he shall be fined not less than \$500 nor more than \$2,000. The minimum fine

levied for a violation of subsection (a) (j) or (p) of this section shall not be subject to suspension.

Failure of the owner or operator to produce an insurance identification card for insurance which is in full force and effect at the time the insurance identification card is produced shall be presumptive evidence that such person is operating his vehicle without having insurance required by this title.

Notwithstanding the penalties specified above, anyone convicted of driving without minimum insurance as required in this section shall have his privilege of driving revoked in this State until such time as he has furnished proof of insurance to the Division of Motor Vehicles."

Approved July 21, 1982.

CHAPTER 406

FORMERLY

HOUSE BILL NO. 581
AS AMENDED BY HOUSE AMENDMENTS NOS. 1 AND 2AN ACT TO AMEND PART V, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION;
ESTABLISHING ANNUAL TEACHER-OF-THE-YEAR AWARDS.

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

Section 1. Amend Part V, Title 14 of the Delaware Code by adding thereto a new chapter, designated as Chapter 88, which new chapter shall read as follows:

"CHAPTER 88. TEACHER-OF-THE-YEAR AWARD**§8801. Teacher-of-the-Year Award**

The State Board of Education, jointly with each local board of education within the State, may each year designate a classroom teacher as the Delaware Teacher-of-the-Year. A teacher may be nominated for the award by any Delaware resident by means of a nomination form which shall be prepared and distributed by the State Board of Education. Subject to the qualifications set forth in §8802 of this chapter, nomination for the award shall be open to any person who is employed as a full-time teacher, kindergarten through Grade 12, in a public school which is authorized by the State Board of Education, including a school for exceptional students, retarded students or adult students.

§8802. Qualifications for Nomination

No person shall be considered for the Teacher-of-the-Year Award unless such person has taught, continuously or intermittently, for an accumulative period of nine months or more previous to the date of such person's nomination; shall have been formally nominated; and be actively teaching in this State at the time of nomination. A nominee shall be a person fully certified by the State Board of Education for the position held.

§8803. Procedures for Nomination

Persons wishing to nominate a person to be a recipient of the Teacher-of-the-Year Award shall forward such nomination, in writing, to the superintendent of the public school district in which the nominee is employed. The district superintendent, shall, from all nominations, choose one such nominee and forward the name of such person to the State Superintendent of Public Instruction, together with such additional material as the State Superintendent may request. The evaluation of each teacher nominated for the award, the determining of finalists, the appointment of judges for the choosing of the winner shall be determined by the State Superintendent in accordance with rules promulgated by the State Board of Education.

§8804. Teacher-of-the-Year Award Fund

A special fund of five thousand dollars (\$5,000.00) shall be set aside within the budget of the State Board of Education, which fund shall be known and referred to as the "Teacher-of-the-Year Award."

Each annual recipient of the Teacher-of-the-Year Award pursuant to this chapter shall have, set aside from the Teacher-of-the-Year Award Fund for his or her exclusive assignment and disbursement, an amount equal to five thousand dollars (\$5,000.00). The award recipient shall not directly receive the funds so set aside, but may make such withdrawals as are necessary for his or her educational purposes and objectives as herein authorized.

§8805. Use of Award Funds

The State Board of Education shall adopt and promulgate rules and regulations concerning the use to which Teacher-of-the-Year Award Funds may be assigned by the designated recipient.

(a) The amount set aside for designation by an award recipient shall be expended solely to accomplish educational purposes or objectives for pupils. No amount or portion of such award shall be used for the personal benefit of the award recipient; provided however, that in the use of such funds for educational purposes the recipient may be an indirect or incidental beneficiary as teacher of the benefited pupils. In the event that all funds set aside for an award recipient have not been completely expended by that recipient at the time when a subsequent award is

granted, the remainder of the former recipient's award shall not revert, but shall remain set aside in the name of such former recipient until such time as it is totally expended or the recipient dies or leaves the State.

(b) The recipient shall present to the Superintendent of the school district in which he or she is employed a plan for utilization of the award. Such submission shall not waive the right of the recipient to judge and choose but shall be in order to avoid wasteful duplication of materials or violation of school district policy regarding students, materials, or activities. The principle criteria for use of the fund shall be that of educational benefit to pupils. The fund may be designated for, but not limited to, such items as:

(1) Purchase of non-consumable materials and supplies, e.g.; library books, audio visual equipment, computer equipment and programs, musical instruments, specialized furniture.

(2) Purchase of otherwise consumable materials that are used in the production of a student designed item, e.g.; artist's or draftman's paper, canvas, paints, instruments, wood and metal.

(3) Payment for student travel, e.g.; prepared visits to museums, theaters, historic sites, laboratories when these are related to classroom study.

(4) Employment of performers and consultants, e.g.; touring companies of a dramatic or musical group, visiting artist, poet, author, musician, or historian.

(c) Where the recipient has purchased materials, equipment or any other durable item with award funds, such item shall be the property of the Delaware school district in which the recipient is employed at the time of the expenditure. Each invoice, purchase order and personal reimbursement form related to withdrawals from Teacher-of-the-Year Award Fund shall be retained by the school district, and shall be available for inspection as public records and subject to regular audit by the State Auditor of Accounts."

Section 2. This Act shall be effective 60 days following the appropriation by the General Assembly of sufficient funds for the purposes set forth in this Act.

Approved July 21, 1982.

CHAPTER 407

FORMERLY

HOUSE BILL NO. 582
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 31, TITLE 6, OF THE DELAWARE CODE RELATING TO UNINCORPORATED ASSOCIATIONS.

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

Section 1. Amend §3104, Title 6 of the Delaware Code by striking the 2nd paragraph therein in its entirety.

Section 2. Amend §3106, Title 6 of the Delaware Code by striking the phrase "3102 and 3103 of this title" as the same appears therein and substitute in lieu thereof the phrase "3102, 3103 and 3104 of this title".

Approved July 21, 1982.

CHAPTER 408

FORMERLY

HOUSE BILL NO. 585

AN ACT TO AMEND SECTION 5201(b), TITLE 29, DELAWARE CODE, TO CLARIFY ELIGIBILITY FOR HEALTH CARE INSURANCE COVERAGE.

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

Section 1. Amend Section 5201(b), Title 29, Delaware Code; by adding immediately at the end of said subsection (b) the following sentence:

"This subsection shall not apply to members of Boards or Commissions."

Approved July 21, 1982.

CHAPTER 409

FORMERLY

HOUSE BILL NO. 588

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

AN ACT TO AMEND TITLE 15, DELAWARE CODE RELATING TO ELECTRONIC VOTING SYSTEMS.

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

Section 1. Amend Title 15, Delaware Code by adding thereto a new chapter to be designated as Chapter 50A to read as follows:

"CHAPTER 50A. ELECTRONIC VOTING SYSTEMS

\$5000A. Use in Lieu of Voting Machines

In any general, special or primary elections, an electronic voting system may alternatively be used in lieu of a voting machine as required by Chapter 50 of this title so long as the voting system complies with the requirements of this chapter.

\$5001A. Requirements

- A. Any electronic voting system may be adopted purchased or used which shall be so constructed as to fulfill the following requirements:
 1. Each voting device shall have a serial number permanently attached to or stamped to the device;
 2. It shall secure to the voter secrecy in the act of voting for or against as many questions as may be submitted;
 3. It shall permit the voter to vote for the candidates of one or more parties, or to write in the name or candidate of his choice for any office;
 4. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, and the automatic tabulating equipment used in such electronic voting systems shall reject choices recorded on any ballot card if the number of such choices exceeds the number to which a voter is entitled;
 5. It shall prevent the voter from voting for the same person more than once for the same office;
 6. It shall permit the voter to vote for or against any question he may have the right to vote upon, but no other;
 7. It shall permit each voter in primary elections to vote only for the candidates of the party with which he has declared his affiliation, and preclude him from voting for any candidate seeking nomination by any other political party;
 8. It shall correctly record and accurately count all votes cast for any and all candidates of a political party, and for or against any and all questions, and correctly record the names of all candidates written in by votes;
 9. It shall be provided with means for sealing the vote recording devices to prevent its use and to prevent tampering with ballot labels, both before and after the polls are open or before the operation of the vote recording device for any election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is completed;
 10. It shall provide a serialized stub number for each ballot issued to a voter to be retained by the poll worker which will show at all times during any election the total number of persons who have voted;
 11. It shall be so equipped that it shall prevent the voter from voting for all the candidates of one party by the use of a single mark or punch; however, it shall be provided with a device or method for each party, for voting for all presidential electors of that party by one mark or punch.

- B. Every voting device or booth shall be provided with a means of providing sufficient light to enable voters while on the voting booth to read the ballots or ballot labels. All voting devices used in any election shall be provided with side curtains and front shield to insure that no person can see or know for whom any voter has voted or is voting.
- C. Electronic voting systems of different kinds may be adopted for use in different districts in the same county.

\$5002A. Compliance guarantee

Before any electronic voting system is purchased, rented or otherwise acquired, or used, the person owning or manufacturing such voting device must give an adequate guarantee in writing and post a bond accompanied by satisfactory surety with the Department of Elections guaranteeing and securing that such voting devices comply fully with the requirements contained in 5001A of the title and will correctly and accurately record every vote cast and further guaranteeing such voting device against defects in workmanship and materials for a period of five years from the date of acquisition thereof, or, in the case of rented voting devices, for the period of rental.

\$5003A. Use of voting devices; costs in municipal elections

Electronic voting devices may be used throughout this state in all primary, general and special elections and in all municipal elections in all incorporated cities and towns of this state. In the event no contest exists, in municipal elections voting devices shall not be required. Voting devices may be used in elections held under the provisions of Title 14. Incorporated cities or towns, may use voting devices in the custody of the Department of Elections of the same county upon payment of all costs and expenses incident to their use.

\$5004A. Number of voting devices per election district

- A. In all general or primary elections every election district or polling place shall be supplied with at least one voting device for every 600 registered voters or a majority fraction thereof.
- B. In all special elections every election district or polling place shall be supplied with as many voting devices as the department of elections shall deem necessary to conduct an election properly and efficiently, provided, however, that there shall be not less than one voting device for every 180 registered voters or a majority fraction thereof.

\$5005A. Printing of official ballots for voting devices; adjustment of devices for ballots; distribution of ballots

- A. All ballot labels and ballot cards shall be printed in black ink on clear, white material of such size as will fit the ballot frame for the general or special elections. Ballot labels and ballot cards for the primary elections shall be printed in black ink on material colored to distinguish one party from another, providing, however, that the colors used shall provide easy readability by the voter. All ballot labels shall be secured in the ballot frame to make tampering or removal difficult.
- B. The party emblem which has been duly adopted by such party in accordance with law and the party name or other designation for each political party represented on the voting device shall appear on the ballot label. The titles of offices may be arranged to the left of the candidate names and placed in booklet form.
- C. Separate voting devices for each party shall be provided for the primary election and write-in voting may be accomplished on the ballot card or a separate secrecy envelope.
- D. Official ballot labels and cards for voting devices shall be prepared and furnished by the department of each county in the same manner as now provided by law, and shall be delivered to the department not later than 15 days prior to the next succeeding election.

\$5006A. Number of official ballots to be furnished

The department shall provide and furnish 110 official ballots per 100 registered voters and retain ballot labels at the department in a quantity sufficient to repair voting devices if it becomes necessary during the course of the election, but in no case, less than 25% of ballot labels in actual use during the election.

\$5007A. Substitute ballots

If the official ballots for an election district are not delivered in time for use on election day or after delivery shall be lost, destroyed, or stolen, the department shall cause other ballots to be

prepared, printed or written as nearly as may be of the form and description of the official ballots, and the department shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

§5008A. Preparation of the voting devices

- A. The department of elections shall cause sufficient voting devices to be delivered to the proper polling places prior to the time appointed for the election officers to report for duty. The department shall make sure that each device to be used in an election has been properly prepared and inspected.
- B. The department shall mail written notices to the Chairman of the county committee of each of the two principal parties, stating the time and place at which the voting device will be inspected. Each principal political party may have one representative present during this inspection.
- C. The Board of Elections shall designate at least two representatives of opposite political affiliation, other than the person preparing the devices;
 1. to inspect each device to make certain it is in good working order and that the proper ballot labels have been placed in it;
 2. to test each voting position for proper registration;
 3. to certify such inspections and testing upon a record provided by the department.
- D. The department shall cause all ballot cards to be sealed in a metal transfer carrier and the seal number recorded. Two representatives of the Board of Elections, of opposite political affiliation, shall examine each voting device and insure that each voting device is sealed with a numbered seal. They shall:
 1. Certify the numbers on the voting devices and the election districts for which they are designated;
 2. Certify that all voting devices are in proper working condition;
 3. Certify that the voting devices are properly sealed.
- E. The department shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be published and the test conducted within five days of the election. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved. Two representatives of the Board of Elections of opposite political affiliation, shall certify that this has been done.
- F. The certification required by this section shall be a public record in the office of the Department of Elections.
- G. The Department shall require that all persons with custody of the voting devices, either for delivery or storage before and after the election shall insure the voting devices safety and protection.

§5009A. Instruction of voters before election

For the instructions of the voters on any election day there shall be provided for each polling place an instruction model constructed so as to provide a replica of a vote recording device, and shall contain the arrangement of the ballot labels, party columns or rows, and questions. Fictitious names shall be inserted in the ballot labels of the models. Each voter upon request, before voting, shall be offered instruction by the election officials in the operation of the vote recording device by use of the instruction model, and each voter shall be given ample opportunity to operate the model himself.

§5010A. Voting devices out of order; procedure

If during the conduct of an election a vote recording device becomes inoperative, the election officers shall seal it in such manner as to prevent further voting thereon. The department shall maintain and hold in readiness a reasonable number of extra voting devices to be supplied to election districts where a voting device has become inoperative, and the department shall take reasonable steps to insure rapid delivery in such event.

\$5011A. Voting device curtains: Absentee voting

Side curtains on all voting devices shall be securely fastened before being used in any election. An electronic voting system providing a method of voting absentee utilizing a ballot card may be used for all absentee voting providing it meets all requirements of the law."

Approved July 21, 1982.

CHAPTER 410**FORMERLY****HOUSE BILL NO. 591
AS AMENDED BY HOUSE AMENDMENT NO. 1****AN ACT TO AMEND CHAPTER 31, AND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE,
RELATING TO EXCEPTIONAL CHILDREN.****BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. Amend Delaware Code, Title 14, Section 3101 by renumbering subsection (5) of that section as number (6) and inserting a new subsection (5) as follows:

"'Disruptive person' means a person who continually exhibits behavior that does not meet minimal standards of conduct established by the school authorities and that are required in the school and classrooms; whose behavior is in defiance of school personnel, disrupts the school instructional program and is antagonistic to other students and the purpose of the school."

Section 2. Amend Delaware Code, Title 14, Chapter 17 by inserting into that Chapter a new Section 1716C to read as follows:

**"§1716C. Disruptive Pupil Referral Unit, Funding and
Assignment of Funds.**

(a) 'Disruptive pupil referral unit' is defined for funding purposes as one funding unit for each enrollee in a school district, grades kindergarten through 12. Funds allocated to a district may be assigned for program purposes to any grade or group of grades subject to subsection (f) of this section."

(b) Each pupil may be counted only once in a district or districts and shall be counted at the same time as other units are counted. 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) 'Disruptive pupil referral unit' shall include pupils meeting the criteria set forth in Chapter 31 of this title 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 or Division III to be used in the teaching of disruptive 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) 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 Section 1305(c) of this Title be assigned during any of the months of a 12-month fiscal year beginning July 1.

(f) 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 3. The implementation of this Act shall be subject to specific appropriation in the annual operating budget.

Section 4. This Act shall become effective July 1, 1982.

Approved July 21, 1982.

CHAPTER 411

FORMERLY

HOUSE BILL NO. 629

AN ACT TO AMEND CHAPTER 50, VOLUME 57, LAWS OF DELAWARE, RELATING TO THE CHARTER OF THE TOWN OF VIOLA.

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 50, Volume 57, Laws of Delaware, by striking the word "Saturday" as the same appears in the first sentence of said section, and substituting the word "Tuesday" in lieu thereof; by striking the words "two o'clock" as the same appear in the first sentence of said section, and substituting the words "six o'clock" in lieu thereof; and by striking the words "four o'clock" as the same appear in the first sentence of said section, and substituting the words "eight o'clock" in lieu thereof.

Section 2. Amend Section 4, Chapter 50, Volume 57, Laws of Delaware, by striking the third and fourth sentences of the second paragraph of Section 4, and substituting in lieu thereof the following:

"At the annual election held on the last Tuesday in March, 1982, there shall be chosen three Commissioners to serve for terms of two years, or until their successors have been chosen and qualified. At the annual election held on the last Tuesday in March, 1983, there shall be chosen two Commissioners to serve for terms of two years, or until their successors have been chosen and qualified."

Section 3. Amend Section 4, Chapter 50, Volume 57, Laws of Delaware, by striking the last sentence of said section, and substituting in lieu thereof the following:

"A written statement of a person's candidacy must be filed at least ten days prior to the said election. Write-in votes will be allowed. If more candidates file than there are Commissioners to be elected, then a voting machine shall be used; and a person qualified to operate the machine shall be present during the official voting hours."

Section 4. Amend Section 5, Chapter 50, Volume 57, Laws of Delaware, by striking the words "on the last Saturday in March, June, September and December" and substituting the words "one per quarter with the time and date of each meeting duly advertised," in lieu thereof; and by adding the words "and removal of trash" immediately following the words "public pumps," as the same appear in the first sentence of said section.

Section 5. Amend Section 6, Chapter 50, Volume 57, Laws of Delaware, by striking the first paragraph of said section, and substituting in lieu thereof the following:

"That the Commissioners and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said Town for that year in an amount necessary to defray the general, special, and contingent expenses for the year including taxes on real property and capitation; and they shall appoint an Assessor, who may or may not be one of their number, to make an assessment of the persons and property in said Town; and shall also appoint a Collector and Treasurer who may or may not be one of their number."

Section 6. Amend Section 6, Chapter 50, Volume 57, Laws of Delaware, by striking the third sentence of said section, and substituting in lieu thereof the following:

"When the assessment is returned, the Commissioners shall give five days' public notice of the fact; and notice that they will sit together at a certain place, on a certain evening, from seven to nine o'clock in the evening, to hear appeals from said assessment; and that they shall have power on such evening to add to or decrease any assessment."

Section 7. Amend Section 11, Chapter 50, Volume 57, Laws of Delaware, by striking the word "March" as the same appears in the last sentence of the first paragraph of said section, and substituting the word "June" in lieu thereof.

Section 8. Amend Section 14, Chapter 50, Volume 57, Laws of Delaware, by striking the words "shall appoint" as the same appear in the first sentence of said section, and substituting the words "may appoint" in lieu thereof.

Approved July 21, 1982.

CHAPTER 412

FORMERLY

HOUSE BILL NO. 661

AN ACT TO AMEND §1447, TITLE 11, DELAWARE CODE, RELATING TO THE PENALTY FOR POSSESSION OF A DEADLY WEAPON DURING COMMISSION OF A FELONY.

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

Section 1. Subsection (b) of Section 1447 of Title 11 of the Delaware Code is amended to read as follows:

"(b) Any sentence imposed for a violation of this Section shall not be subject to suspension and no person convicted for a violation of this Section shall be eligible for parole or probation during the period of the sentence imposed."

Approved July 21, 1982.

CHAPTER 413

FORMERLY

HOUSE BILL NO. 662

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 provided such recoupment shall not exceed \$10 per month. Such recoupment must be made in accordance with applicable Federal laws and regulations."

Approved July 21, 1982.

CHAPTER 414

FORMERLY

HOUSE BILL NO. 669

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO FARM EQUIPMENT BEING MOVED ON THE HIGHWAYS.

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 adding the following new definition:

"Farm equipment' means an implement that:

- (1) is designed and adapted only for agricultural, horticultural, or livestock raising operations; or
- (2) is designed and adapted only for lifting or carrying an implement described in Item (1) of this paragraph."

Section 2. Amend Section 4502, Chapter 45, Title 21 of the Delaware Code by striking subsection (f) in its entirety and inserting a new subsection (f) to read as follows:

"(f) The provisions of this Chapter governing size, weight and load do not apply to:

- (1) fire apparatus owned or used by an organized fire company;
- (2) farm equipment being temporarily operated, moved, or transported on a highway; or
- (3) a vehicle being operated or towed under the terms of a special permit issued under this Chapter; or
- (4) a vehicle being towed with one set of axles free of the surface."

Approved July 21, 1982.

CHAPTER 415

FORMERLY

HOUSE BILL NO. 686

AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, TO DESIGNATE THE SECRETARY OF FINANCE AS AN EX-OFFICIO MEMBER OF THE BOARD OF PENSION TRUSTEES IN PLACE OF THE BUDGET DIRECTOR.

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

Section 1. Amend subsection 8308(d)(1), Chapter 83, Title 29, Delaware Code, by deleting the words "Budget Director" as they appear in said subsection and inserting in lieu thereof the words "Secretary of Finance".

Approved July 21, 1982.

CHAPTER 416

FORMERLY

HOUSE BILL NO. 691

AN ACT TO AMEND CHAPTER 35, TITLE 24 OF THE DELAWARE CODE RELATING TO MANDATORY CONTINUING EDUCATION FOR PSYCHOLOGISTS AS A PREREQUISITE FOR LICENSE RENEWAL.

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

Section 1. Amend Section 3512, Chapter 35, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§3512. Renewals.

Licensees shall be required to renew their license on the date set forth pursuant to Section 8803 of Title 29. Licenses will be renewed upon payment of the appropriate fee and upon submission of proof that the licensee has met all continuing education requirements established by regulation of the Board. In the event a licensee fails to timely renew his license, such license can be reinstated, at the discretion of the Board, upon payment of the regular renewal fee plus a penalty established by the Board and upon the furnishing of proof of having met all continuing education requirements established by the Board."

Approved July 21, 1982.

CHAPTER 417

FORMERLY

HOUSE BILL NO. 693
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 21, 23 AND 29 OF TITLE 30 OF THE DELAWARE CODE TO PROVIDE FOR LICENSING AND GROSS RECEIPTS TAXATION OF NURSERIES AS FARMS, RETAILERS, OR WHOLESALEERS, AS APPLICABLE, AND TO MAKE RELATED CHANGES.

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. Amend Section 2301, Title 30 of the Delaware Code by striking all of (a) (56) and substituting in lieu thereof the following:

"(56) Retail plant nursery and florist, \$50. "Retail plant nursery and florist" includes every person in the business of operating a place where trees, shrubs, plants, flowers and the like are cultivated, grown or propagated from seed or are purchased from another person for sale other than as a wholesaler as that term is defined by §2901 (7) of this title."

Section 2. Amend subsection (7) of §2901, Title 30 of the Delaware Code by adding a new subparagraph (e) as follows:

"(e) Persons other than owners or operators of nurseries or farms engaged in the business of operating a place where trees, shrubs, plants, flowers and the like are purchased from another person for cash or barter or any consideration for the purpose of resale by the person acquiring such goods."

Section 3. Amend subsection (5) of §2901, Title 30, Delaware Code, by striking said subsection and substituting in lieu thereof the following:

"(5) "Retailer," for purposes of this chapter, except as provided in the definition of "wholesaler," includes every person engaged as owner or agent in the business of selling or exchanging goods for cash or barter or any consideration on the assumption that the purchaser of such goods has acquired the same for ultimate consumption or use and not resale; and where engaged in the foregoing business, includes automatic merchandising machine operators regardless of the product dispensed or vended, retail plant nurserymen and florists, hucksters, peddlers, and also includes trading stamp redemption stores and catalog stores; and includes branch stores."

Section 4. Amend subsection (a) of §2301, Title 30, Delaware Code, by striking subparagraph (56) thereof and by renumbering the remaining subparagraphs of that subsection in sequential order, beginning by renumbering existing subparagraph (57) as a new subparagraph (56), and so forth, so that all remaining subparagraphs shall appear in numerical order thereafter.

Section 5. Amend subsection (b) of §2908, Title 30, Delaware Code, by striking said subsection and substituting in lieu thereof the following:

"(b) This chapter shall not apply to the sale of unprocessed agricultural products, including nursery or floral products, by the owner or operator of a farm or nursery; nor shall this chapter apply to the incidental sale by the owner or operator of a farm or nursery of processed agricultural products on the assumption that the purchaser of such products has acquired the same for consumption or use and not for resale; provided, however, that growers of nursery products shall be treated under this chapter as retailers to the extent of sales at retail."

Section 6. Amend subsection (a) of §2114, Title 30, Delaware Code, by striking said subsection and substituting in lieu thereof the following:

"(a) In each case where more than 1 occupation or business for which a license is required is carried on by the same person at the same time, a license must be taken out for each such occupation or business. Where any provision of this part is based upon a percentage of the volume of the business of a taxpayer as defined in any Chapter of this part, nothing contained in this part shall be construed to require the imposition of more than one tax or license upon such volume where the same goods, product, or services are involved in the activity of the same taxpayer; provided however, subject to §2908 of this title, where the taxpayer is engaged in separate occupations or businesses covered by this part, the volume of each such separate occupation or business of the taxpayer covered by any provisions of this part shall be taxed or subject to a license fee at least once and at the highest rate applicable to such occupation or business, and provided that, where a

person is required to have more than one license, and such person is unable to substantiate with certainty that a specific volume of business is attributable to each of such licensable businesses or occupations, then the entire volume of as much of such business activity as cannot be so attributed shall be taxed at the highest tax rate pertaining to any fraction of such total volume. For the purpose of Chapter 29 of this title, unless shown to the contrary by the taxpayer, (a) it shall be deemed that \$2905 of this title is applicable to each business rather than \$2902 of this title, and (b) it shall be deemed that all goods sold by a wholesaler to which \$2902 of this applies were sold within this state. The Secretary of Finance shall issue rules and regulations specifically governing the implementation of this section in accordance with the power granted in §2103 of this title."

Section 7. (a) Section 1 of this Act shall be effective from the first day of the month following adoption through December 31, 1982, inclusive.

(b) Sections 2, 5, and 6 of this Act shall be effective on the first day of the month following adoption of this Act.

(c) Sections 3 and 4 of this Act shall be effective January 1, 1983.

Approved July 21, 1982.

CHAPTER 418

FORMERLY

HOUSE BILL NO. 701

AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO HEARINGS OF THE INDUSTRIAL ACCIDENT BOARD; NOTICE OF AWARDS.

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

Section 1. Amend §2348, Chapter 23, Title 19 of the Delaware Code by striking the phrase "1 week" as it appears in subsection (a) and inserting in lieu thereof the phrase "2 weeks".

Approved July 21, 1982.

CHAPTER 419

FORMERLY

HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 711

AN ACT TO AMEND SECTION 422(b), SUBCHAPTER II, CHAPTER 4, TITLE 29, DELAWARE CODE, RELATING TO THE CARE OF STATE PROPERTY.

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

Section 1. Amend Section 422 (b), Subchapter II, Chapter 4, Title 29 of the Delaware Code by striking said section in its entirety and inserting in lieu thereof the following:

"(b) For the purpose of enforcing this section, the Secretary of Administrative Services and the persons appointed by the Secretary pursuant to subsection (a) of this section shall have the police powers of constables and other police officers of the State, counties and other subdivisions of the State, and they shall be conservators of the peace throughout the State, and may suppress all acts of violence."

Approved July 21, 1982.

CHAPTER 420

FORMERLY

HOUSE BILL NO. 714

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE BY ADOPTING THE REVISED UNIFORM LIMITED PARTNERSHIP ACT, AS MODIFIED CONSISTENT WITH DELAWARE PRACTICE, RELATING TO THE CREATION, REGULATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS, AS WELL AS THE REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

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

Section 1. Amend Chapter 17, Title 6, Delaware Code, by adding thereto new Section 17-101 through 17-1106 which shall read as follows:

"Subchapter I - General Provisions

§17-101. Definitions

As used in this Chapter unless the context otherwise requires:

- (1) 'Certificate of limited partnership' means the certificate referred to in Section 17-201, and the certificate as amended.
- (2) 'Contribution' means any cash, property, services rendered, or a promissory note or other obligation to contribute cash or property or to perform services, which a partner contributes to limited partnership in his capacity as a partner.
- (3) 'Event of withdrawal of a general partner' means an event that causes a person to cease to be a general partner as provided in Section 17-402.
- (4) 'Foreign limited partnership' includes a partnership formed under the laws of any State, territory, possession, the District of Columbia, the Commonwealth of Puerto Rico or jurisdiction other than the State of Delaware or under the laws of any foreign country and having as partners one or more general partners and one or more limited partners.
- (5) 'General partner' means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and so named in the certificate of limited partnership or similar instrument of the State or foreign country under which the limited partnership is organized if so required.
- (6) 'Limited partner' means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement and so named in the certificate of limited partnership or similar instrument of the State or foreign country under which the limited partnership is organized if so required.
- (7) 'Limited partnership' and 'domestic limited partnership' mean a partnership formed by 2 or more persons under the laws of the State of Delaware and having one or more general partners and one or more limited partners.
- (8) 'Partner' means a limited or general partner.
- (9) 'Partnership agreement' means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.
- (10) 'Partnership interest' means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.
- (11) 'Person' means a natural person, partnership, limited partnership (domestic or foreign), trust, estate, association, or corporation.
- (12) 'State' means a State, territory, or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§17-102. Name

The name of each limited partnership as set forth in its certificate of limited partnership:

- (1) shall contain the words 'Limited Partnership' or the abbreviation 'L.P.;
- (2) may not contain the name of a limited partner unless (i) it is also the name of a general partner or the corporate name of a corporate general partner, or (ii) the business of the limited partnership had been carried on under that name before the admission of that limited partner;
- (3) may not contain any word or phrase indicating or implying that it is organized other than for a purpose stated in its certificate of limited partnership;
- (4) must be such as to distinguish it upon the records in the Office of the Secretary of State from the name of any corporation or limited partnership reserved, registered or organized under the laws of the State of Delaware or qualified to do business or registered as a foreign corporation or limited partnership in the State of Delaware, provided, however, that a limited partnership may register under any name which is not such as to distinguish it upon the records in the Office of the Secretary of State from the name of any domestic or foreign corporation or limited partnership reserved, registered or organized under the laws of the State of Delaware with the consent of the other corporation or limited partnership, which written consent shall be filed with the Secretary of State; and
- (5) may contain the following words: 'Company', 'Association', 'Club', 'Foundation', 'Fund', 'Institute', 'Society', 'Union' or 'Syndicate' (or abbreviations of like import).

§17-103. Reservation of Name

- (a) The exclusive right to the use of a name may be reserved by:

- (1) any person intending to organize a limited partnership under this Chapter and to adopt that name;
- (2) any domestic limited partnership or any foreign limited partnership registered in the State of Delaware which, in either case, proposes to change its name;
- (3) any foreign limited partnership intending to register in the State of Delaware and adopt that name; and
- (4) any person intending to organize a foreign limited partnership and intending to have it register in the State of Delaware and adopt that name.

(b) The reservation of a specified name shall be made by filing with the Secretary of State an application, executed by the applicant and specifying the name and address of the applicant. If the Secretary of State finds that the name is available for use by a domestic or foreign limited partnership, he shall reserve the name for the exclusive use of the applicant for a period of 120 days. Once having so reserved a name, the same applicant may again reserve the same name for successive 120-day periods. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the Office of the Secretary of State a notice of the transfer, executed by the applicant for whom the name was reserved and specifying the name and address of the transferee.

(c) A fee as set forth in §17-1107 (1) shall be paid at the time of the initial reservation of any name, at the time of the renewal of any such reservation and at the time of the filing of a notice of the transfer of any such reservation.

§17-104. Registered Office and Registered Agent

- (a) Each limited partnership shall have and maintain in the State of Delaware:

- (1) a registered office, which may but need not be a place of its business in the State of Delaware; and
- (2) a registered agent for service of process on the limited partnership, which agent may be either an individual resident of the State of Delaware whose business office is identical with the limited partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in the State of Delaware having a business office identical with such registered office, or the limited partnership itself.

(b) A registered agent may change the address of the registered office of the limited partnership(s) for which he is registered agent to another address in the State of Delaware by paying a fee as set forth in §17-1107 (2) and filing with the Secretary of State a certificate, executed by such registered agent, setting forth the names of all the limited partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such limited partnerships, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such registered

agent will thereafter maintain the registered office for each of the limited partnerships recited in the certificate. Upon the filing of such certificate, the Secretary of State shall furnish to the registered agent a certified copy of the same under his hand and seal of office, and thereafter, or until further change of address, as authorized by law, the registered office in the State of Delaware of each of the limited partnerships recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. Filing of such certificate shall be deemed to be an amendment of the certificate of limited partnership of each limited partnership affected thereby and each such limited partnership shall not be required to take any further action with respect thereto, to amend its certificate of limited partnership under Section 17-202. Any registered agent filing a certificate under this Section shall promptly, upon such filing, deliver a copy of any such certificate to each limited partnership affected thereby.

(c) The registered agent of one or more limited partnerships may resign and appoint a successor registered agent by paying a fee as set forth in §17-1107 (2) and filing a certificate with the Secretary of State, stating that it resigns and the name and address of the successor registered agent. There shall be attached to such certificate a statement executed by each affected limited partnership ratifying and approving such change of registered agent. Upon such filing, the successor registered agent shall become the registered agent of such limited partnerships as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate shall become the address of each such limited partnership's registered office in the State of Delaware. The Secretary of State shall furnish to the successor registered agent a certified copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed to be an amendment of the certificate of limited partnership of each limited partnership affected thereby and each such limited partnership shall not be required to take any further action with respect thereto, to amend its certificate of limited partnership under Section 17-202.

(d) The registered agent of one or more limited partnerships may resign without appointing a successor registered agent by paying a fee as set forth in §17-1107 (2) and filing a certificate with the Secretary of State stating that it resigns as registered agent for such limited partnerships as are identified in the certificate but such resignation shall not become effective until 60 days after the certificate is filed. There shall be attached to such certificate an affidavit of such registered agent, if an individual, or of the president, a vice-president or the secretary thereof if a corporation, that at least 30 days prior to the date of the filing of said certificate notice was sent by certified or registered mail to each limited partnership for which such registered agent is resigning as registered agent, at the principal office thereof within or outside the State of Delaware, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such limited partnership, of the resignation of such registered agent. After receipt of the notice of the resignation of its registered agent, the limited partnership for which such registered agent was acting shall obtain and designate a new registered agent, to take the place of the registered agent so resigning. If such limited partnership fails to obtain and designate a new registered agent as aforesaid prior to the expiration of the period of 60 days after the filing by the registered agent of the certificate of resignation, the certificate of such limited partnership shall be deemed to be cancelled. After the resignation of the registered agent shall have become effective as provided in this Section and if no new registered agent shall have been obtained and designated in the time and manner aforesaid, service of legal process against the limited partnership for which the resigned registered agent had been acting shall thereafter be upon the Secretary of State in accordance with §17-105 of this title.

§17-105. Service of Process on Domestic Limited Partnerships

(a) Service of legal process upon any domestic limited partnership shall be made by delivering a copy personally to any managing or general agent or general partner of the limited partnership in the State of Delaware or the registered agent of the limited partnership in the State of Delaware, or by leaving it at the dwelling house or usual place of abode in the State of Delaware of any such managing or general agent, general partner or registered agent (if the registered agent be an individual), or at the registered office or other place of business of the limited partnership in the State of Delaware. If the registered agent be a corporation, service of process upon it as such may be made by serving, in the State of Delaware, a copy thereof on the president, vice-president, secretary, assistant secretary, or any director of the corporate registered agent. Service by copy left at the dwelling house or usual place of abode of any officer, managing or general agent, general partner or registered agent, or at the registered office or other place of business of the limited partnership in the State of Delaware, to be effective must be delivered thereat at least 6 days before the return date of the process, and in the presence of an adult person, and the officer serving the process shall distinctly state the manner of service in his return thereto. Process returnable forthwith must be delivered personally to the officer, managing or general agent, general partner or registered agent.

(b) In case the officer whose duty it is to serve legal process cannot by due diligence serve the process in any manner provided for by subsection (a), it shall be lawful to serve the process against the limited partnership upon the Secretary of State, and the service shall be as effectual to all intents and purposes as if made in any of the ways provided for in subsection (a). Within 2 business days after service upon the Secretary of State, it shall be the duty of the Secretary of State to

notify the limited partnership thereof by letter directed to the limited partnership at its last registered office, in which letter shall be enclosed a copy of the process or other papers served. It shall be the duty of the plaintiff in any action in which the process shall be issued, to pay to the Secretary of State, for use of the State of Delaware, the sum of \$25, which sum shall be taxed as a part of the costs in the action if the plaintiff shall prevail therein. The Secretary of State shall alphabetically enter in the 'process book' the name of the plaintiff and defendant, the title of the action in which process has been served upon him, the text of the process so served and the return day thereof, and the day and hour when the service was made.

\$17-106. Nature of Business

A limited partnership may carry on any business that a partnership without limited partners may carry on except the business of granting policies of insurance, or assuming insurance risks or banking (as defined in Title 8, Section 126).

\$17-107. Business Transactions of Partner with the Partnership

Except as provided in the partnership agreement, a partner may lend money to and transact other business with the limited partnership and, subject to other applicable law, has the same rights and obligations with respect thereto as a person who is not a partner.

Subchapter II. Formation; Certificate of Limited Partnership

\$17-201. Certificate of Limited Partnership

(a) In order to form a limited partnership two or more persons must execute a certificate of limited partnership. The certificate shall be filed in the Office of the Secretary of State and set forth:

- (1) the name of the limited partnership;
- (2) the nature of the business to be conducted or promoted;
- (3) the address of the registered office and the name and address of the registered agent for service of process required to be maintained by Section 17-104;
- (4) the name and the business or residence address of each partner (specifying separately the general partners and limited partners);
- (5) the amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute in the future;
- (6) the times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;
- (7) any power of a limited partner to grant the right to become a limited partner to an assignee of any part of his partnership interest, and the terms and conditions of the power;
- (8) if agreed upon, the time at which or the events on the happening of which a partner may withdraw from the limited partnership and the amount of, or the method of determining, the distribution to which he may be entitled respecting his partnership interest, and the terms and conditions of the withdrawal and distribution;
- (9) any right of a partner to receive distributions of property, including cash from the limited partnership;
- (10) any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution;
- (11) any time at which or events upon the happening of which the limited partnership is to be dissolved and its affairs wound up;
- (12) any right of the remaining general partners to continue the partnership on the happening of an event of withdrawal of a general partner; and
- (13) any other matters the partners determine to include therein.

(b) A limited partnership is formed at the time of the filing of the initial certificate of limited partnership in the Office of the Secretary of State or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this Section.

(c) The filing of the certificate in the Office of the Secretary of State shall make it unnecessary to file any other documents under Chapter 31 of this Title.

§17-202. Amendment to Certificate

(a) A certificate of limited partnership is amended by filing a certificate of amendment thereto in the Office of the Secretary of State. The certificate of amendment shall set forth:

- (1) the name of the limited partnership; and
- (2) the amendment to the certificate.

(b) A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any matter described has changed making the certificate inaccurate in any material respect, shall promptly amend the certificate, but an amendment to show a change of address of a limited partner need be filed only once every 12 months.

(c) Notwithstanding the requirements of subsection (b) of this Section, no later than 30 days after the happening of any of the following events an amendment to a certificate of limited partnership reflecting the occurrence of the event or events shall be filed by a general partner:

- (1) a change in the amount or character of the contribution of any partner, or in any partner's obligation to make a contribution, or in the time set for the return of such contribution;
- (2) the admission of a new partner;
- (3) the withdrawal of a partner;
- (4) the continuation of the partnership under Section 17-801 after an event of withdrawal of a general partner; or
- (5) a change in the name of the limited partnership, or a change in the address of the registered office or a change in the name or address of the registered agent.

(d) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners may determine.

(e) Unless otherwise provided in this Chapter or in the certificate of amendment, a certificate of amendment shall be effective at the time of its filing with the Secretary of State.

§17-203. Cancellation of Certificate

A certificate of limited partnership shall be cancelled upon the dissolution and the commencement of winding up of the partnership, or at any other time there are no limited partners, or as specified in Section 17-104(d). A certificate of cancellation shall be filed in the Office of the Secretary of State and set forth:

- (1) the name of the limited partnership;
- (2) the date of filing of its certificate of limited partnership;
- (3) the reason for filing the certificate of cancellation;
- (4) the future effective date (which shall be a date certain) of cancellation if it is not to be effective upon the filing of the certificate; and
- (5) any other information the general partners determine.

§17-204. Execution of Certificates

(a) Each certificate required by this Subchapter to be filed in the Office of the Secretary of State shall be executed in the following manner:

- (1) an initial certificate of limited partnership must be signed by all partners named therein;
- (2) a certificate of amendment must be signed by at least one general partner and by each other partner designated in the certificate of amendment as a new partner or whose contribution is described as having been increased; and

(3) a certificate of cancellation must be signed by all general partners or, if there is no general partner, by a majority of the limited partners;

(b) Any person may sign any certificate by an attorney-in-fact, but a power of attorney to sign a certificate relating to the admission, or increased contribution, of a partner must describe the admission or increase. Powers of attorney relating to the signing of a certificate by an attorney-in-fact need not be filed in the Office of the Secretary of State, but must be retained by a general partner.

(c) The execution of a certificate by a general partner constitutes an oath or affirmation, under the penalties of perjury, that the facts stated therein are true and that any power of attorney used in connection with the execution of the certificate is in proper form and substance.

\$17-205. Amendment or Cancellation by Judicial Act

If a person required by Section 17-204 to execute a certificate of amendment or cancellation fails or refuses to do so, any other partner, or any assignee of a partnership interest, who is adversely affected by the failure or refusal, may petition the Court of Chancery to direct the amendment or cancellation. If the court finds that the amendment or cancellation is proper and that any person so designated has failed or refused to execute the certificate, it shall order the Secretary of State to record an appropriate certificate of amendment or cancellation.

\$17-206. Filing in Office of Secretary of State

(a) The original signed copy, together with a duplicate copy, which may be either a signed or conformed copy, of the certificate of limited partnership and of any certificates of amendment or cancellation (or of any judicial decree of amendment or cancellation) shall be delivered to the Secretary of State. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of his authority as a prerequisite to filing. Unless the Secretary of State finds that any certificate does not conform to law, upon receipt of all filing fees required by law he shall:

(1) certify that the certificate of limited partnership, the certificate of amendment or the certificate of cancellation (or of any judicial decree of amendment or cancellation) has been filed in his office by endorsing upon the original certificate the word 'Filed', and the date and hour of the filing. This endorsement is conclusive of the date and time of its filing in the absence of actual fraud;

(2) file and index the endorsed certificate; and

(3) return the duplicate copy, similarly certified, to the person who filed it or his representative.

(b) Upon the filing of a certificate of amendment (or judicial decree of amendment) in the Office of the Secretary of State, or upon the future effective date of a certificate of amendment (or judicial decree thereof), as provided for therein, the certificate of limited partnership shall be amended as set forth therein. Upon the filing of a certificate of cancellation (or a judicial decree thereof), or upon the future effective date of a certificate of cancellation (or a judicial decree thereof), as provided for therein, or as specified in Section 17-104(d), the certificate of limited partnership is cancelled.

(c) A fee as set forth in §17-1107 (3) shall be paid at the time of the filing of a certificate of limited partnership, a certificate of amendment and a certificate of cancellation.

(d) A fee as set forth in §17-1107 (4) shall be paid for a certified copy of any paper on file as provided for by this Chapter, and a fee as set forth in §17-1107(5) shall be paid for each page copied.

\$17-207. Liability for False Statement in Certificate

(a) If any certificate of limited partnership or certificate of amendment or cancellation contains a materially false statement, one who suffers loss by reliance on the statement may recover damages for the loss from:

(1) any person who executes the certificate, or causes another to execute it on his behalf, and knew, and any general partner who knew or should have known, the statement to be false in any material respect at the time the certificate was executed; and

(2) any general partner who thereafter knows or should have known that any arrangement or other fact described in the certificate has changed, making the statement inaccurate in any material respect, if that general partner has sufficient time to amend or cancel the certificate, or to file a petition for its amendment or cancellation, before the statement was reasonably relied upon.

(b) No person shall have any liability for failing to cause the amendment or cancellation of a certificate to be filed or failing to file petition for its amendment or cancellation pursuant to subsection (a) of this Section if the certificate of amendment, certificate of cancellation or petition is filed within 30 days of when that person knew or should have known that the statement in the certificate was inaccurate in any material respect.

S17-208. Notice

The fact that a certificate of limited partnership is on file in the Office of the Secretary of State is notice that the partnership is a limited partnership and the persons designated therein as limited partners are limited partners, and is notice of all other facts set forth therein which are required to be set forth in a certificate of limited partnership by Section 201(a)(1) through (12).

S17-209. Delivery of Certificates to Limited Partners

Upon the return by the Secretary of State pursuant to Section 17-207 of a certificate marked 'Filed', the general partners shall promptly deliver or mail a copy of the certificate of limited partnership and each certificate of amendment to each limited partner unless the partnership agreement provides otherwise.

S17-210. Restated Certificate of Limited Partnership

(a) A limited partnership may, whenever desired, integrate into a single instrument all of the provisions of its certificate of limited partnership which are then in effect and operative as a result of there having theretofore been filed with the Secretary of State one or more certificates or other instruments pursuant to any of the sections referred to in this subchapter and it may at the same time also further amend its certificate of limited partnership by adopting a restated certificate of limited partnership.

(b) If the restated certificate of limited partnership merely restates and integrates but does not further amend the initial certificate of limited partnership, as theretofore amended or supplemented by any instrument that was executed and filed pursuant to any of the sections in this subchapter, it shall be executed and filed by a general partner in the Office of the Secretary of State. If the restated certificate restates and integrates and also further amends in any respect the certificate of limited partnership, as theretofore amended or supplemented, it shall be executed and filed in the Office of the Secretary of State by at least one general partner and by each other partner designated in the restated certificate of limited partnership as a new partner or whose contribution is described as having been increased.

(c) A restated certificate of limited partnership shall be specifically designated as such in its heading. It shall state, either in its heading or in an introductory paragraph, the limited partnership's present name, and, if it has been changed, the name under which it was originally filed, and the date of filing of its original certificate of limited partnership with the Secretary of State. A restated certificate shall also state that it was duly executed and filed in accordance with the provisions of this section. If it was executed by a general partner alone because it only restates and integrates and does not further amend the provisions of the limited partnership's certificate of limited partnership as theretofore amended or supplemented and there is no discrepancy between those provisions and the provisions of the restated certificate, it shall state that fact as well.

(d) Upon the filing of the restated certificate of limited partnership with the Secretary of State, the initial certificate of limited partnership, as theretofore amended or supplemented, shall be superseded; thenceforth, the restated certificate of limited partnership, including any further amendment or changes made thereby, shall be the certificate of limited partnership of the limited partnership, but the original effective date of formation shall remain unchanged.

(e) Any amendment or change effected in connection with the restatement and integration of the certificate of limited partnership shall be subject to any other provision of this chapter, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

Subchapter III. Limited Partners

S17-301. Admission of Additional Limited Partners

(a) After the filing of a limited partnership's initial certificate of limited partnership, a person may be admitted as an additional limited partner:

(i) in the case of a person acquiring a partnership interest directly from the limited partnership, upon compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners; and

(2) In the case of an assignee of a partnership interest of a partner who has the power, as provided in Section 17-704, to grant the assignee the right to become a limited partner, upon the exercise of that power and compliance with any conditions limiting the grant or exercise of the power.

(b) In each case under subsection (a), the person acquiring the partnership interest becomes a limited partner only upon amendment of the certificate of limited partnership reflecting that fact.

\$17-302. Voting

Subject to Section 17-303, the partnership agreement may grant to all or a specified group of the limited partners the right to vote (on a per capita or other basis) upon any matter.

\$17-303. Liability to Third Parties

(a) Except as provided in Section 17-207(a)(1) and in subsection (d) of this Section, a limited partner is not liable for the obligations of a limited partnership unless he is also a general partner or, in addition to the exercise of his rights and powers as a limited partner, he participates in the control of the business. However, if the limited partner does participate in the control of the business, he is liable only to persons who transact business with the limited partnership reasonably believing, based upon the limited partner's conduct, that the limited partner is a general partner.

(b) A limited partner does not participate in the control of the business within the meaning of subsection (a) by virtue of his possessing or exercising one or more of the following powers:

(1) to be a contractor for or an agent or employee of the limited partnership or of a general partner;

(2) to consult with or advise a general partner with respect to the business of the limited partnership;

(3) to act as surety for the limited partnership;

(4) to approve or disapprove an amendment to the partnership agreement;

(5) to vote on one or more of the following matters:

(i) the dissolution and winding up of the limited partnership;

(ii) the sale, exchange, lease, mortgage, pledge, or other transfer of a material portion of the assets of the limited partnership;

(iii) the incurrence of material indebtedness by the limited partnership;

(iv) a change in the nature of the business;

(v) the removal of a general partner; or

(vi) the admission of a general partner or a limited partner; or,

(6) to approve or disapprove, by voting or otherwise, such material matters related to the business of the partnership as shall be stated in the certificate of limited partnership and in the partnership agreement.

(c) The enumeration in subsection (b) does not mean that the possession or exercise of any other powers by a limited partner constitutes participation by him in the control of the business of the limited partnership.

(d) A limited partner who knowingly permits his name to be used in the name of the limited partnership, except under circumstances permitted by Section 17-102(2), is liable to creditors who extend credit to the limited partnership without actual knowledge that the limited partner is not a general partner.

\$17-304. Person Erroneously Believing Himself Limited Partner

(a) Except as provided in subsection (b), a person who makes a contribution to a partnership and erroneously but in good faith believes that he has become a limited partner in the partnership is not a general partner in the partnership and is not bound by its obligations by reason of making the contribution, receiving distributions from the partnership or exercising any rights of a limited partner, if, on ascertaining the mistake:

(1) in the case of a person who wishes to be a limited partner, he causes an appropriate

certificate to be executed and filed; or

(2) in the case of a person who wishes to withdraw from the partnership, he takes such action as may be necessary to withdraw.

(b) A person who makes a contribution under the circumstances described in subsection (a) is liable as a general partner to any third party who transacts business with the partnership prior to the occurrence of either of the events referred to in subsection (a):

(1) if such person knew or should have known either that no certificate has been filed or that the certificate inaccurately refers to him as a general partner; and

(2) if the third party actually believed in good faith that the person was a general partner at the time of the transaction and acted in reliance on such belief.

§17-305. Information

Each limited partner has the right, subject to such reasonable standards as may be set forth in the partnership agreement, to obtain from the general partners from time to time upon reasonable demand (i) true and full information regarding the state of the business and financial condition of the limited partnership, (ii) promptly after becoming available, a copy of the limited partnership's federal, state, and local income tax returns for each year, (iii) a current list of the full name and last known business or residence address of each partner set forth in alphabetical order, and a copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed, and (iv) other information regarding the affairs of the limited partnership as is just and reasonable.

Subchapter IV. General Partners

§17-401. Admission of Additional General Partners

After the filing of a limited partnership's initial certificate of limited partnership, unless otherwise provided in the certificate of limited partnership, additional general partners may be admitted only with the specific written consent of each partner.

§17-402. Events of Withdrawal

A person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

(1) the general partner withdraws from the limited partnership as provided in Section 17-602;

(2) the general partner ceases to be a member of the limited partnership as provided in Section 17-702;

(3) the general partner is removed as a general partner in accordance with the partnership agreement;

(4) unless otherwise provided in the certificate of limited partnership, or with the specific written consent of all partners, the general partner: (i) makes an assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) is adjudged a bankrupt or insolvent, or has entered against him an order for relief in any bankruptcy or insolvency proceeding; (iv) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties;

(5) unless otherwise provided in the certificate of limited partnership, or with the specific written consent of all partners, 120 days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within 90 days after the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties, the appointment is not vacated or stayed, or within 90 days after the expiration of any such stay, the appointment is not vacated;

(6) in the case of a general partner who is a natural person,

(i) his death; or

(ii) the entry by a court of competent jurisdiction adjudicating him incompetent to manage his person or his property;

(7) in the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust (but not merely the substitution of a new trustee);

(8) in the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

(9) in the case of a general partner that is a corporation, the filing of a certificate of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

(10) in the case of a general partner that is an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

§17-403. General Powers and Liabilities

Except as provided in this Chapter or in the partnership agreement, a general partner of a limited partnership has the rights and powers and is subject to the restrictions and liabilities of a partner in a partnership without limited partners.

§17-404. Contributions by a General Partner

A general partner of a limited partnership may make contribution to the partnership and share in the profits and losses of, and in distributions from, the limited partnership as a general partner. A general partner also may make contributions to and share in profits, losses, and distributions as a limited partner. A person who is both a general partner and limited partner has the rights and powers, and is subject to the restrictions and liabilities, of a general partner and, except as provided in the partnership agreement, also has the rights and powers, and is subject to the restrictions, of a limited partner to the extent of his participation in the partnership as a limited partner.

§17-405. Voting

The partnership agreement may grant to all or certain identified general partners the right to vote (on a per capita or any other basis), separately or with all or any class of the limited partners, on any matter.

Subchapter V. Finance

§17-501. Form of Contribution

The contribution of a partner may be in cash, property, or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services.

§17-502. Liability for Contributions

(a) Except as provided in the certificate of limited partnership, a partner is obligated to the limited partnership to perform any promise to contribute cash or property or to perform services, even if he is unable to perform because of death, disability or any other reason. If a partner does not make the required contribution of property or services, he is obligated at the option of the limited partnership to contribute cash equal to that portion of the value (as stated in the certificate of limited partnership) of the stated contribution that has not been made.

(b) Unless otherwise provided in the partnership agreement, the obligation of a partner to make a contribution or return money or other property paid or distributed in violation of this Chapter may be compromised only by consent of all the partners. Notwithstanding the compromise, a creditor of a limited partnership who extends credit, or whose claim arises, after the filing of the certificate of limited partnership or an amendment thereto which, in either case, reflects the obligation, and before the amendment or cancellation thereof to reflect the compromise, may enforce the original obligation.

§17-503. Sharing of Profits and Losses

The profits and losses of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, profits and losses shall be allocated on the basis of the value (as stated in the certificate of limited partnership) of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

§17-504. Sharing of Distributions

Distributions of cash or other assets of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, distributions shall be made on the basis of the value (as stated in the certificate of limited partnership) of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

Subchapter VI. Distributions and Withdrawal

§17-601. Interim Distributions

Except as provided in this Subchapter, a partner is entitled to receive distributions from a limited partnership before his withdrawal from the limited partnership and before the dissolution and winding up thereof:

(1) to the extent and at the times or upon the happening of the events specified in the partnership agreement; and

(2) if any distribution constitutes a return of any part of his contribution under Section 17-608(c), to the extent and at the times or upon the happening of the events specified in the certificate of limited partnership.

§17-602. Withdrawal of General Partner

A general partner may withdraw from a limited partnership at any time by giving written notice to the other partners, but if the withdrawal violates the partnership agreement, the limited partnership may recover from the withdrawing general partner damages for breach of the partnership agreement and offset the damages against the amount otherwise distributable to him.

§17-603. Withdrawal of Limited Partner

A limited partner may withdraw from a limited partnership at the time or upon the happening of events specified in the certificate of limited partnership and in accordance with the partnership agreement. If the certificate does not specify the time or the events upon the happening of which a limited partner may withdraw or a definite time for the dissolution and winding up of the limited partnership, a limited partner may withdraw upon not less than 6 months' prior written notice to each general partner at his address as set forth in the certificate of limited partnership filed in the Office of the Secretary of State.

§17-604. Distribution Upon Withdrawal

Except as provided in this Subchapter, upon withdrawal any withdrawing partner is entitled to receive any distribution to which he is entitled under the partnership agreement and, if not otherwise provided in the agreement, he is entitled to receive, within a reasonable time after withdrawal, the fair value of his interest in the limited partnership as of the date of withdrawal based upon his right to share in distributions from the limited partnership.

§17-605. Distribution in Kind

Except as provided in the certificate of limited partnership, a partner, regardless of the nature of his contribution, has no right to demand and receive any distribution from a limited partnership in any form other than cash. Except as provided in the partnership agreement, a partner may not be compelled to accept a distribution of any asset in kind from a limited partnership to the extent that the percentage of the asset distributed to him exceeds a percentage of that asset which is equal to the percentage in which he shares in distributions from the limited partnership.

§17-606. Right to Distribution

Subject to Sections 17-607 and 17-804, at the time a partner becomes entitled to receive a distribution, he has the status of, and is entitled to all remedies available to, a creditor of the limited partnership with respect to the distribution.

17-607. Limitations on Distribution

A partner may not receive a distribution from a limited partnership to the extent that, after giving effect to the distribution, all liabilities of the limited partnership, other than liabilities to partners on account of their partnership interests, exceed the fair value of the partnership assets.

§17-608. Liability Upon Return of Contribution

(a) If a partner has received the return of any part of his contribution without violation of the partnership agreement or this Chapter, he is liable to the limited partnership for a period of one year thereafter for the amount of the returned contribution, but only to the extent necessary to

discharge the limited partnership's liabilities to creditors who extended credit to the limited partnership during the period the contribution was held by the partnership.

(b) If a partner has received the return of any part of his contribution in violation of the partnership agreement or this Chapter, he is liable to the limited partnership for a period of 6 years thereafter for the amount of the contribution wrongfully returned.

(c) A partner receives a return of his contribution to the extent that a distribution to him reduces his share of the fair value of the net assets of the limited partnership below the value (as set forth in the certificate of limited partnership) of his contribution which has not been distributed to him.

Subchapter VII. Assignment of Partnership Interests

§17-701. Nature of Partnership Interest

A partnership interest is personal property.

§17-702. Assignment of Partnership Interest

Unless otherwise provided in the partnership agreement, a partnership interest is assignable in whole or in part. An assignment of a partnership interest does not dissolve a limited partnership or entitle the assignee to become or to exercise any rights of a partner. An assignment entitles the assignee to receive, to the extent assigned, only the distribution to which the assignor would be entitled. Unless otherwise provided in the partnership agreement, a partner ceases to be a partner upon assignment of all his partnership interest.

§17-703. Rights of Creditor

On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the partnership interest. This Chapter does not deprive any partner of the benefit of any exemption laws applicable to his partnership interest.

§17-704. Right of Assignee to Become Limited Partner

(a) An assignee of a partnership interest, including an assignee of a general partner, may become a limited partner if and to the extent that:

(1) the assignor gives the assignee that right in accordance with authority described in the certificate of limited partnership; or

(2) all other partners consent.

(b) An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement and this Chapter. An assignee who becomes a limited partner also is liable for the obligations of his assignor to make and return contributions as provided in Subchapters V and VI. However, the assignee is not obligated for liabilities unknown to the assignee at the time he became a limited partner and which could not be ascertained from the certificate of limited partnership or the partnership agreement.

(c) If an assignee of a partnership interest becomes a limited partner, the assignor is not released from his liability to the limited partnership under Sections 17-207 and 17-502.

§17-705. Power of Estate of Deceased or Incompetent Partner

If a partner who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the partner's executor, administrator, guardian, conservator, or other legal representative may exercise all of the partner's rights for the purpose of settling his estate or administering his property, including any power the partner had to give an assignee the right to become a limited partner. If a partner is a corporation, trust, or other entity and is dissolved or terminated, the powers of that partner may be exercised by its legal representative or successor.

Subchapter VIII. Dissolution

§17-801. Dissolution

A limited partnership is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1) at the time or upon the happening of events specified in the certificate of limited partnership;

(2) written consent of all partners;

(3) an event of withdrawal of a general partner unless at the time there is at least one other general partner and the certificate of limited partnership permits the business of the limited partnership to be carried on by the remaining general partner and that partner does so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal if, within 90 days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment, effective as of the date of withdrawal, of one or more additional general partners if necessary or desired; or

(4) entry of a decree of judicial dissolution under Section 17-802.

§17-802. Judicial Dissolution

On application by or for a partner the Court of Chancery may decree dissolution of a limited partnership whenever it is not reasonably practicable to carry on the business in conformity with the partnership agreement.

§17-803. Winding Up

Unless otherwise provided in the partnership agreement, the general partners who have not wrongfully dissolved a limited partnership or, if none, the limited partners, may wind up the limited partnership's affairs; but the Court of Chancery, upon cause shown, may wind up the limited partnership's affairs upon application of any partner, his legal representative, or assignee.

§17-804. Distribution of Assets

Upon the winding up of a limited partnership, the assets shall be distributed as follows:

(1) to creditors, including partners who are creditors, to the extent otherwise permitted by law, in satisfaction of liabilities of the limited partnership other than liabilities for distributions to partners under Section 17-601 or 17-604;

(2) unless otherwise provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distributions under Section 17-601 or 17-604; and

(3) unless otherwise provided in the partnership agreement, to partners first for the return of their contributions and second respecting their partnership interests, in the proportions in which the partners share in distributions.

Subchapter IX. Foreign Limited Partnerships

§17-901. Law Governing

(a) Subject to the Constitution of the State of Delaware, (i) the laws of the State, territory, possession or other jurisdiction or country under which a foreign limited partnership is organized govern its organization and internal affairs and the liability of its limited partners, and (2) a foreign limited partnership may not be denied registration by reason of any difference between those laws and the laws of the State of Delaware.

(b) A foreign limited partnership shall be subject to Section 17-106.

§17-902. Registration

Before doing business in the State of Delaware, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the Secretary of State:

(a) An original copy executed by a general partner, together with a duplicate copy, of an application for registration as a foreign limited partnership, setting forth:

(1) the name of the foreign limited partnership and, if different, the name under which it proposes to register and do business in the State of Delaware;

(2) the State, territory, possession or other jurisdiction or country where organized, the date of its organization, and a statement issued by an appropriate authority in such jurisdiction that the foreign limited partnership exists in good standing under the laws of the jurisdiction of its organization;

(3) the nature of the business or purposes to be conducted or promoted in the State of Delaware;

(4) the address of the registered office and the name and address of the registered agent for service of process required to be maintained by Section 17-904(b);

(5) a statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process under the circumstances set forth in Section 17-910(b);

(6) if the certificate of limited partnership or similar instrument of the state or country under which the foreign limited partnership is organized is not filed in a public record in that jurisdiction or, if filed, is not required to include the names and business or residence addresses of each of the partners, a list of the names and addresses; and

(7) the date on which the foreign limited partnership first did, or intends to do, business in the State of Delaware.

(b) A fee as set forth in §17-1107(6) shall be paid.

§17-903. Issuance of Registration

(a) If the Secretary of State finds that an application for registration conforms to law and all requisite fees have been paid, he shall:

(1) certify that the application has been filed in his office by endorsing upon the original application the word 'Filed', and the date and hour of the filing. This endorsement is conclusive of the date and time of its filing in the absence of actual fraud;

(2) file and index the endorsed application.

(b) The duplicate of the application, similarly certified, shall be returned to the person who filed the application or his representative.

(c) The filing of the application with the Secretary of State shall make it unnecessary to file any other documents under Chapter 31 of this Title.

§17-904. Name, Registered Office and Registered Agent

(a) A foreign limited partnership may register with the Secretary of State under any name (whether or not it is the name under which it is registered in the jurisdiction of its organization) that includes the words 'Limited Partnership' or the abbreviation 'L.P.' and that could be registered by a domestic limited partnership; provided, however, that a foreign limited partnership may register under any name which is not such as to distinguish it upon the records in the Office of the Secretary of State from the name of any domestic or foreign corporation or limited partnership reserved, registered or organized under the laws of the State of Delaware with the consent of the other corporation or limited partnership, which written consent shall be filed with the Secretary of State.

(b) Each foreign limited partnership shall have and maintain in the State of Delaware:

(1) a registered office which may but need not be a place of its business in the State of Delaware; and

(2) a registered agent for service of process on the limited partnership, which agent may be either an individual resident of the State of Delaware whose business office is identical with the limited partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in the State of Delaware having a business office identical with such registered office, or the limited partnership itself.

(c) A registered agent may change the address of the registered office of the foreign limited partnership(s) for which he is registered agent to another address in the State of Delaware by paying a fee as set forth in §17-1107(7) and filing with the Secretary of State a certificate, executed by such registered agent, setting forth the names of all the foreign limited partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such foreign limited partnerships, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such registered agent will thereafter maintain the registered office for each of the foreign limited partnerships recited in the certificate. Upon the filing of such certificate, the Secretary of State shall furnish to the registered agent a certified copy of the same under his hand and seal of office, and thereafter, or until further change of address, as authorized by law, the registered office in the State of Delaware of each of the foreign limited partnerships recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. Filing of such certificate shall be deemed to be an amendment of the application of each foreign limited

partnership affected thereby and each foreign limited partnership shall not be required to take any further action with respect thereto, to amend its application under Section 17-905. Any registered agent filing a certificate under this Section shall promptly, upon such filing, deliver a copy of any such certificate to each foreign limited partnership affected thereby.

(d) The registered agent of one or more foreign limited partnerships may resign and appoint a successor registered agent by paying a fee as set forth in §17-1107(7) and filing a certificate with the Secretary of State, stating that it resigns and the name and address of the successor registered agent. There shall be attached to such certificate a statement executed by each affected foreign limited partnership ratifying and approving such change of registered agent. Upon such filing, the successor registered agent shall become the registered agent of such foreign limited partnerships as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate, shall become the address of each such foreign limited partnership's registered office in the State of Delaware. The Secretary of State shall furnish to the successor registered agent a certified copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed to be an amendment of the application of each foreign limited partnership affected thereby and each such foreign limited partnership shall not be required to take any further action with respect thereto, to amend its application under Section 17-905.

(e) The registered agent of one or more foreign limited partnerships may resign without appointing a successor registered agent by paying a fee as set forth in §17-1107(7) and filing a certificate with the Secretary of State stating that it resigns as registered agent for such foreign limited partnerships as are identified in the certificate, but such resignation shall not become effective until 60 days after the certificate is filed. There shall be attached to such certificate an affidavit of such registered agent, if an individual, or of the president, a vice-president or the secretary thereof if a corporation, that at least 30 days prior to the date of the filing of said certificate, notice was sent by certified or registered mail to each foreign limited partnership for which such registered agent is resigning as registered agent, at the principal office thereof within or outside the State of Delaware, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such foreign limited partnership, of the resignation of such registered agent. After receipt of the notice of the resignation of its registered agent, the foreign limited partnership for which such registered agent was acting shall obtain and designate a new registered agent, to take the place of the registered agent so resigning. If such foreign limited partnership fails to obtain and designate a new registered agent as aforesaid prior to the expiration of the period of 60 days after the filing by the registered agent of the certificate of resignation, such foreign limited partnership shall not be permitted to do business in the State of Delaware and its registration shall be deemed to be cancelled. After the resignation of the registered agent shall have become effective as provided in this section and if no new registered agent shall have been obtained and designated in the time and manner aforesaid, service of legal process against the foreign limited partnership for which the resigned registered agent had been acting shall thereafter be upon the Secretary of State in accordance with §17-911 of this title.

§17-905. Changes and Amendments

If any statement in the application for registration of a foreign limited partnership was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited partnership shall promptly file in the Office of the Secretary of State a certificate, executed by a general partner, correcting such statement, together with a fee as set forth in §17-1107(6).

§17-906. Cancellation of Registration

A foreign limited partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation executed by a general partner, together with a fee as set forth in §17-1107(6). A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign limited partnership with respect to causes of action arising out of the doing of business in the State of Delaware.

§17-907. Doing Business Without Registration

(a) A foreign limited partnership doing business in the State of Delaware may not maintain any action, suit, or proceeding in the State of Delaware until it has registered in the State of Delaware, and has paid to the State of Delaware all fees and penalties for the years, or parts thereof, during which it did business in the State of Delaware without having registered.

(b) The failure of a foreign limited partnership to register in the State of Delaware does not impair (i) the validity of any contract or act of the foreign limited partnership, (ii) the right of any other party to the contract to maintain any action, suit or proceeding on the contract, or (iii) prevent the foreign limited partnership from defending any action, suit or proceeding in any court of the State of Delaware.

(c) A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of the limited partnership's having done business in the State of Delaware without registration.

(d) Any foreign limited partnership doing business in the State of Delaware without first having registered shall be fined and shall pay to the Secretary of State \$200 for each year or part thereof during which the foreign limited partnership failed to register in the State of Delaware.

§17-908. Foreign Limited Partnerships Doing Business without having Qualified; Injunctions

The Court of Chancery shall have jurisdiction to enjoin any foreign limited partnership, or any agent thereof, from doing any business in the State of Delaware if such foreign limited partnership has failed to register under this Subchapter or if such foreign limited partnership has secured a certificate of the Secretary of State under Section 17-903 of this Subchapter on the basis of false or misleading representations. The Attorney General shall, upon his own motion or upon the relation of proper parties, proceed for this purpose by complaint in any county in which such foreign limited partnership is doing or has done business.

§17-909. Execution and Liability

The provisions of Section 17-204(c) and 17-207 shall be applicable to foreign limited partnerships as if they were domestic limited partnerships.

§17-910. Service of Process on Registered Foreign Limited Partnerships

(a) Service of legal process upon any foreign limited partnership shall be made by delivering a copy personally to any managing or general agent or general partner of the foreign limited partnership in the State of Delaware or the registered agent of the foreign limited partnership in the State of Delaware, or by leaving it at the dwelling house or usual place of abode in the State of Delaware of any such managing or general agent, general partner or registered agent (if the registered agent be an individual), or at the registered office or other place of business of the foreign limited partnership in the State of Delaware. If the registered agent be a corporation, service of process upon it as such may be made by serving, in the State of Delaware, a copy thereof on the president, vice-president, secretary, assistant secretary, or any director of the corporate registered agent. Service by copy left at the dwelling house or usual place of abode of any officer, managing or general agent, general partner or registered agent, or at the registered office or other place of business of the foreign limited partnership in the State of Delaware to be effective must be delivered therat at least 6 days before the return date of the process, and in the presence of an adult person, and the officer serving the process shall distinctly state the manner of service in his return thereto. Process returnable forthwith must be delivered personally to the officer, managing or general agent, general partner or registered agent.

(b) In case the officer whose duty it is to serve legal process cannot be due diligence serve the process in any manner provided for by subsection (a), it shall be lawful to serve the process against the foreign limited partnership upon the Secretary of State, and the service shall be as effectual to all intents and purposes as if made in any of the ways provided for in subsection (a). Within 2 business days after service upon the Secretary of State, it shall be the duty of the Secretary of State to notify the foreign limited partnership thereof by letter directed to the foreign limited partnership at its last registered office, in which letter shall be enclosed a copy of the process or other papers served. It shall be the duty of plaintiff in any action in which the process shall be issued, to pay to the Secretary of State, for use of the State of Delaware, the sum of \$25, which sum shall be taxed as a part of the costs in the action if the plaintiff shall prevail therein. The Secretary of State shall alphabetically enter in the 'process book' the name of the plaintiff and defendant, the title of the action in which process has been served upon him, the text of the process so served and the return day thereof, and the day and hour when the service was made.

§17-911. Service of Process on Unregistered Foreign Limited Partnerships

(a) Any foreign limited partnership which shall do business in the State of Delaware without having registered under §17-902 of this Chapter shall be deemed to have thereby appointed and constituted the Secretary of State of the State of Delaware, its agent for the acceptance of legal process in any civil action, suit or proceeding against it in any state or federal court in the State of Delaware arising or growing out of any business done by it within the State of Delaware. The doing of business in the State of Delaware by such foreign limited partnership shall be a signification of the agreement of such foreign limited partnership that any such process when so served shall be of the same legal force and validity as if served upon an authorized general partner or agent personally within the State of Delaware.

(b) Whenever the words 'doing business', 'the doing of business', or 'business done in this State', by any such foreign limited partnership are used in this Section, they shall mean the course or practice of carrying on any business activities in the State of Delaware, including, without limiting

the generality of the foregoing, the solicitation of business or orders in the State of Delaware.

(c) In the event of service upon the Secretary of State, it shall be the duty of the Secretary of State forthwith to notify the foreign limited partnership thereof by registered or certified mail, return receipt requested, directed to the foreign limited partnership at the address furnished to the Secretary of State by the plaintiff in such action, suit, or proceeding, accompanied by a copy of the process or other papers served upon him. It shall be the duty of the plaintiff in any action, suit, or proceeding to serve process or other papers in duplicate and to pay to the Secretary of State the sum of \$25 for the use of the State of Delaware, which sum shall be taxed as part of the costs in the action, suit, or proceeding, if the plaintiff shall prevail therein. The Secretary of State shall enter alphabetically in the 'process book', kept for that purpose, the name of the plaintiff and defendant, the title and docket number of the cause in which process has been served upon him the return date thereof, and the day and hour when the service was made.

Subchapter X. Derivative Actions

§17-1001. Right of Action

A limited partner may bring an action in the right of a limited partnership to recover a judgement in its favor if general partners with authority to do so have refused to bring the action or if an effort to cause those general partners to bring the action is not likely to succeed.

§17-1002. Proper Plaintiff

In a derivative action, the plaintiff must be a partner at the time of bringing the action and (1) at the time of the transaction of which he complains or (2) his status as a partner had devolved upon him by operation of law or pursuant to the terms of the partnership agreement from a person who was a partner at the time of the transaction.

§17-1003. Pleading

In a derivative action, the complainant shall set forth with particularity the effort, if any, of the plaintiff to secure initiation of the action by a general partner or the reasons for not making the effort.

§17-1004. Expenses

If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of a judgement, compromise, or settlement of any such action, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees. If anything is so received by the plaintiff, the court shall make such award of plaintiff's expenses payable out of those process and direct plaintiff to remit to the limited partnership the remainder thereof, and if those proceeds are insufficient to reimburse plaintiff's reasonable expenses, the court may direct that any such award of plaintiff's expenses or a portion thereof be paid by the limited partnership.

Subchapter XI. Miscellaneous

§17-1101. Construction and Application

(a) This Chapter shall be so applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Chapter among states enacting it.

(b) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Chapter.

§17-1102. Short Title

This Chapter may be cited as the Delaware Revised Uniform Limited Partnership Act.

§17-1103. Severability

If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

§17-1104. Effective Date and Extended Effective Date

(a) All limited partnerships formed on or after January 1, 1983, the 'effective date', shall be governed by the provisions of this Chapter.

(b) Except as provided in Subsections (e) and (f) of this Section, all limited partnerships formed

on or after July 1, 1973 and prior to the effective date, under the provisions of 6 Del. C. Chapter 17 as hereby repealed, shall continue to be governed by the provisions of that Chapter until January 1, 1985, the 'extended effective date' at which time such limited partnerships shall be governed by the provisions of this Chapter.

(c) Except as provided in Subsection (c) of this Section, a limited partnership formed prior to July 1, 1973 shall continue to be governed by the provisions of 6 Del. C. Chapter 17 in effect prior to the adoption of 6 Del. C. Chapter 17 as hereby repealed, except that such limited partnership shall not be renewed except under this Chapter.

(d) Except as provided in Subsection (e) of this Section, Subchapter IX, dealing with foreign limited partnerships, is not effective until the extended effective date.

(e) Any limited partnership formed prior to the effective date, and any foreign limited partnership, may elect to be governed by the provisions of this Chapter before the extended effective date by filing with the Secretary of State a certificate of limited partnership or an application for registration as a foreign limited partnership which complies with this Chapter or a certificate of amendment which would cause its certificate of limited partnership to comply with this Chapter and which specifically states that it is electing to be so bound.

(f) With respect to a limited partnership formed on or after July 1, 1973, and prior to the effective date:

(i) On and after the extended effective date, such limited partnership need not file with the Secretary of State a certificate of amendment which would cause its certificate of limited partnership to comply with this Chapter until the occurrence of an event which, under this Chapter, requires the filing of a certificate of amendment;

(ii) Sections 17-501, 17-502 and 17-608 shall apply only to contributions and distributions made after the effective date; and

(iii) Section 17-704 shall apply only to assignments made after the effective date.

\$17-1105. Rules for Cases Not Provided for in this Chapter

In any case not provided for in this Chapter the provisions of the Delaware Uniform Partnership Law (6 Del. C. Chapter 15) and the rules of law and equity, including the Law Merchant, shall govern.

\$17-1106. Prior Law

Except as set forth in Section 17-1104 of this Chapter, Chapter 17 of Title 6 of the Delaware Code is hereby repealed.

\$17-1107. Fees

(a) No document required to be filed under this chapter shall be effective until the applicable fee required by this Section is paid. The following fees shall be paid to and collected by the Secretary of State for the use of the State of Delaware:

(1) Upon the receipt for filing of an application for reservation of name, an application for renewal of reservation or a notice of transfer of reservation pursuant to §17-103(b), a fee in the amount of \$50.00.

(2) Upon the receipt for filing of a certificate under §17-104(b), §17-104(c) or §17-104(d), a fee in the amount of \$50.00.

(3) Upon the receipt for filing of a certificate of limited partnership under §17-201, a certificate of amendment under §17-202, a certificate of cancellation under §17-203 or a restated certificate of limited partnership under §17-210, a fee in the amount of \$100.00.

(4) For certifying copies of any paper on file as provided for by this Chapter, a fee in the amount of \$10.00 for each copy certified.

(5) The Secretary of State may issue photocopies of instruments on file as well as other copies, and for all such copies, whether certified or not, a fee in the amount of \$1.00 per page shall be paid.

(6) Upon the receipt for filing of an application for registration as a foreign limited partnership under §17-902, a certificate under §17-905 or a certificate of cancellation under §17-906, a fee in the amount of \$100.00.

(7) Upon the receipt for filing of a certificate under §17-904(c), §17-904(d) or §17-904(e), a

fee in the amount of \$50.00.

(8) For preclearance of any document for filing, a fee in the amount of \$25.00.

(9) For preparing and providing a written report of a record search a fee in the amount of \$10.00.

(10) For issuing any certificate of the Secretary of State, including but not limited to a certificate of good standing, other than a certification of a copy under subparagraph (4) of this Section, a fee in the amount of \$10.00.

(11) For receiving and filing and/or indexing any certificate, affidavit, agreement, or any other paper provided for by this Chapter, for which no different fee is specifically prescribed, a fee in the amount of \$25.00.

(b) The Secretary of State may in his discretion permit the extension of credit for the fees required by this Section upon such terms as he shall deem to be appropriate.

(c) The Secretary of State shall retain from the revenue collected from the fees required by this Section a sum sufficient to provide at all time a fund of at least \$500, but not more than \$1,500, from which he may refund any payment made pursuant to this Section to the extent that it exceeds the fees required by this Section. The fund shall be deposited in a financial institution which is a legal depository of state moneys to the credit of the Secretary of State and shall be disbursable on order of the Secretary of State.

(d) Except as provided in this Section, the fees of the Secretary of State shall be as provided in §2315 of Title 29."

Approved July 21, 1982.

CHAPTER 421

FORMERLY

HOUSE BILL NO. 724

AN ACT TO AMEND CHAPTER 44, TITLE 21 OF THE DELAWARE CODE, RELATING TO THE TOWING OF ABANDONED VEHICLES FROM PRIVATE PROPERTY.

WHEREAS, the State Police, the Department of Transportation and political subdivisions are permitted by Chapter 44, Title 21 of the Delaware Code to tow abandoned vehicles from private property after notice to the owner of such vehicles; and

WHEREAS, such authorities must wait 30 days after notifying the owner of the abandoned vehicle by certified mail before the vehicle may be towed; and

WHEREAS, this period of waiting is so long as to undermine the enforcement of the provisions of this Chapter.

NOW, THEREFORE:

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

Section 1. Subsection 4402(d), Chapter 44, Title 21, of the Delaware Code is hereby amended by striking the number "30" each time it appears in said subsection, and replacing it with the number "7".

Approved July 21, 1982.

CHAPTER 422

FORMERLY

HOUSE BILL NO. 730

AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, DELAWARE CODE, BY CREATING A NEW OFFENSE RELATING TO COMPUTER CRIMES.

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

Section 1. Amend Chapter 5, Title 11, Delaware Code, by adding thereto a new Section 858 which shall read as follows:

"§858. Computer Fraud and Computer Misuse

(a) Whoever knowingly and willfully, directly or indirectly, without proper authorization, accesses, causes to be accessed, or attempts to access any computer, computer system, computer network, or any part of same for the purpose of

(1) devising or executing any scheme to defraud the owner thereof or any company, government, client or person who may be so defrauded, or

(2) obtaining money, property, or services for themselves or another by means of false or fraudulent pretenses, representations or promises shall be guilty of computer fraud. Computer fraud is a Class C felony.

(b) Whoever intentionally and without proper authorization, directly or indirectly accesses, alters, damages, modifies, destroys, or attempts to damage or destroy any computer system network, software, program, or data or any computer for an improper purpose shall be guilty of computer misuse. Computer misuse is a Class E felony.

(c) For purposes of this section,

(1) 'computer' means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses;

(2) 'computer system' means a set of connected devices including a computer and all other devices such as data input, output, or storage devices; data communication circuits; and operating system computer programs procedures, and associated documentation that make the system capable of performing general-purpose data processing tasks;

(3) 'computer network' means a set of two or more computer systems that automatically transmit data over communication circuits connecting them;

(4) 'property' includes, but is not limited to, financial instruments, data, computer programs, and documentation associated with data and computer systems and programs and any other tangible or intangible item of value;

(5) 'services' includes, but is not limited to, providing a computer system to perform tasks;

(6) 'access' means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of, a computer or computer system or network;

(7) 'software' means a set of computer programs, procedures, and associated documentation concerned with the processing of data on a computer or computer system;

(8) 'data' is information, knowledge, facts, concepts, or instructions or a representation thereof which is intended to be processed, is being processed, or has been processed in a computer or computer system. Data may be in any form including, but not limited to, computer printouts, microfilm, microfiche, magnetic storage media, or punched cards, or it may be stored internally in the memory of a computer. Data is classified as intellectual property."

Section 2. Amend Title 11, Delaware Code, by adding thereto a new Section 2738 which shall read as follows:

"§2738. Venue for Computer Related Crimes

A person charged with computer fraud or misuse may be prosecuted in the county where the act was committed, in the county where the violator had possession of any proceeds or materials used in such violation, or in the county where the principal place of business of the owner or lessee of the computer or computer system is located."

Approved July 21, 1982.

CHAPTER 423

FORMERLY

HOUSE BILL NO. 732

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO THE STATE EMPLOYEES PENSION PLAN AND MAKING TECHNICAL CHANGES AND CORRECTIONS THERETO.

Section 1. Amend §5502 (a), Chapter 55, Title 29, Delaware Code by striking the phrase "An individual shall not receive a pension" as the same appears in said subsection and inserting in lieu thereof the following:

"An individual shall not receive a service or disability pension"

Section 2. Amend §5522 (b), Chapter 55, Title 29, Delaware Code by striking the phrase "under §5527 (a)(1)(i)" as the same appears in said subsection and substituting in lieu thereof the following:

"under §5527 (a)(1)"

Section 3. Amend §5523 (a), Chapter 55, Title 29, Delaware Code by striking the phrase "under §5527 (a)(1)(i)" as the same appears in said subsection and substituting in lieu thereof the following:

"under §5527 (a)(1)"

Section 4. Amend §5505 (b), Chapter 55, Title 29, Delaware Code by striking the date "January 1, 1972" as the same appears in said subsection and inserting in lieu thereof the following:

"January 1, 1971"

Approved July 21, 1982.

CHAPTER 424

FORMERLY

HOUSE BILL NO. 741
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC LIBRARY RECORDS.

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

Section 1. Amend §10002, Chapter 100, Title 29 of the Delaware Code by adding the following subparagraph to subsection (d):

"(12) Any records of public library which contain the identity of a user and the books, documents, films, recordings, or other property of the library which a patron has used."

Approved July 21, 1982.

CHAPTER 425

FORMERLY

HOUSE BILL NO. 750
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 55, TITLE 25 OF THE DELAWARE CODE RELATING TO TERMINATION OF RENTAL AGREEMENTS.

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

Section 1. Amend Chapter 55, Title 25 of the Delaware Code by adding thereto a new section 5518 to read as follows:

"§5518. Remedy for tenant's breach of agreement for rental of single rooms in certain buildings.

Any provision of the Landlord-Tenant Code to the contrary notwithstanding, all rental agreements for rental of single rooms in certain buildings may be terminated immediately upon notice to the tenant for a tenant's material violation of a regulation which has been given to a tenant at the time of contract or lease and the landlord shall be entitled to bring a proceeding for possession where:

- (i) The building is the primary residence of the landlord; and
- (ii) No more than three rooms in the building are rented to tenants; and
- (iii) No more than three tenants occupy such building."

Approved July 21, 1982.

CHAPTER 426

FORMERLY

HOUSE BILL NO. 753

AN ACT TO AMEND CHAPTER 5, SUBCHAPTER III, SUBPART I, TITLE II OF THE DELAWARE CODE TO MAKE IT A CRIME TO FRAUDULENTLY RECEIVE PUBLIC LANDS.

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

Section 1. Amend Chapter 5, Subchapter III, Subpart I, Title II of the Delaware Code by adding a new section 912 to read as follows:

"§912. Fraudulent receipt of public lands

A person is guilty of fraudulent receipt of public lands when he records any deed or other written instrument purporting to transfer to him an interest in land any part of which is public lands of this State, when such person at the time of recording knows that the transferor had not legal or equitable interest in the land described in said instrument. Fraudulent receipt of public lands is a class E felony."

Approved July 21, 1982.

CHAPTER 427

FORMERLY

HOUSE BILL NO. 754

AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION.

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

Section 1. Amend §3152 of Title 19, Delaware Code, by striking the words "an assessment" as they appear therein and by substituting in their place the words "a contribution".

Section 2. Amend §3302(10)(D) of Title 19, Delaware Code, by striking the words "or §3343(c) or (d)" as they appear therein.

Section 3. Amend Title 19, Delaware Code, by striking existing §3302(14) thereof and by substituting in its place a new §3302(14) to read as follows:

"(14)(A) 'Institution of higher education', for the purposes of this section, means an educational institution which:

(i) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate;

(ii) Is legally authorized in this State to provide a program of education beyond high school;

(iii) Provides an educational program for which it awards a bachelors or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies or a program of training to prepare students for gainful employment in a recognized occupation; and

(iv) Is a public or other nonprofit institution.

(v) Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(B) 'Educational institution' (including an insti-higher education) is:

(i) One in which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher, and

(ii) It is approved, licensed or issued a permit to operate as a school by the State Department of Public Instruction or other governmental agency that is authorized within the State to approve, license or issue a permit for the operations of a school, and

(iii) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation."

Section 4. Amend §3302(21) of Title 19, Delaware Code, by striking the words "contributions" and "(17)" as they appear therein and by substituting in their place respectively the words "assessment" and "(18)".

Section 5. Amend §3305 of Title 19, Delaware Code, by striking the word "contributions" as it appears in the second paragraph thereof and by substituting in its place the word "assessments".

Section 6. Amend §3313 of Title 19, Delaware Code, by striking subsection (g) thereof in its entirety and by substituting in its place a new subsection (g) to read as follows:

"(g)(1) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as defined under subsection (7). If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the Department shall notify the State or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

(2) The Department shall deduct and withhold from any unemployment compensation payable to an individual that owes child support obligations as defined under subsection (7),

a. the amount specified by the individual to the Department to be deducted and withheld under this subsection, if neither b. nor c. is applicable, or

b. the amount (if any) determined pursuant to an agreement submitted to the Department under Section 454 (20)(B)(i) of the Social Security Act by the State or local child support enforcement agency, unless c. is applicable, or

c. any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process (as that term is defined in Section 462(e) of the Social Security Act) properly served upon the Department.

(3) Any amount deducted and withheld under subsection (2) shall be paid by the Department to the appropriate State or local child support enforcement agency.

(4) Any amount deducted and withheld under subsection (2) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the State or local child support enforcement agency in satisfaction of the individual's child support obligations.

(5) For purposes of subsection (1) through (4), the term 'unemployment compensation' means any compensation payable under this Act (including amounts payable by the Department pursuant to an agreement under any Federal law providing for compensation, assistance, or allowances with respect to unemployment).

(6) This section applies only if appropriate arrangements have been made for reimbursement by the State or local child support enforcement agency for the administrative costs incurred by the Department under this section which are attributable to child support obligations being enforced by the State or local child support enforcement agency.

(7) The term 'child support obligation' is defined for purposes of these provisions as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(8) The term 'State or local child support enforcement agency' as used in these provisions means any agency of a state or a political subdivision thereof operating pursuant to a plan described in subsection (7)."

Section 7. Amend §3315 of Title 19, Delaware Code, by adding a new subsection (11) to read as follows:

"(11) Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he or she is in training, approved under Section 236(a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable Federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.

For purposes of this subsection, the term 'suitable employment' means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than 80 percent of the individual's average wage as determined for the purposes of the Trade Act of 1974."

Section 8. Amend §3318(b) of Title 19, Delaware Code, by striking the word and numeral "Department" and "(8)" wherever they appear therein and by substituting in their place respectively the words and numeral "Unemployment Insurance Appeal Board" and "(7)".

Section 9. Amend §3318(c) of Title 19, Delaware Code by striking the word "Department's" wherever it appears therein and by substituting in lieu thereof the words "Unemployment Insurance Appeal Board's".

Section 10. Amend Title 19, Delaware Code, by striking existing §3326(a)(1) through (11) and by substituting in its place a new §3326(a)(1) through (9) to read as follows:

"(a) As used in this section, unless the context clearly requires otherwise:

(1) 'Extended benefit period' means a period which:

a. Begins with the third week after the first week for which there is a state 'on' indicator, and

b. Ends with either of the following weeks, whichever occurs later:

1. The third week after the first week for which there is a state 'off' indicator, or
2. The thirteenth consecutive week of such period;

Provided, that no extended benefit period may begin before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this State.

(2)a. There is a state 'on' indicator for a week beginning prior to September 25, 1982, if the rate of insured unemployment under the state law for the period consisting of such week and the immediately preceding 12 weeks:

1. Equalled or exceeded 120 percent of the average of such rates for the corresponding 13 week period ending in each of the preceding 2 calendar years, and
2. Equalled or exceeded 4 percent.

b. There is a state 'on' indicator for a week beginning after September 25, 1982, if the rate of insured unemployment under the state law for the period consisting of such week and the immediately preceding 12 weeks:

1. Equalled or exceeded 120 percent of the average of such rates for the corresponding 13 week period ending in each of the preceding 2 calendar years, and
2. Equalled or exceeded 5 percent.

(3)a. There is a state 'off' indicator for a week beginning prior to September 25, 1982, if, for the period consisting of such week and the immediately preceding 12 weeks, either subparagraph 1. or 2. of paragraph (2) a. of this subsection was not satisfied.

b. There is a state 'off' indicator for a week beginning after September 25, 1982, if, for the period consisting of such week and the immediately preceding 12 weeks, either subparagraph 1. or 2. of paragraph (2) b. of this subsection was not satisfied.

(4) 'Rate of insured unemployment,' for purposes of paragraphs (2) and (3) of this subsection, means the percentage derived by dividing:

a. The average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the Department on the basis of its reports to the United States Secretary of Labor, by

b. The average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13 week period.

(5) 'Regular benefits' means benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.A. Chapter 85) other than extended benefits.

(6) 'Extended benefits' means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.A. Chapter 85) payable to an individual under this section for weeks of unemployment in his eligibility period.

(7) 'Eligibility period' of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(8) 'Exhaustee' means an individual who, with respect to any week of unemployment in his eligibility period:

a. Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C.A. Chapter 85) in his current benefit year that includes such week; provided, that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although:

1. As a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

2. His benefit year, having expired prior to such week, he has no or insufficient wages on the basis of which he could establish a new benefit year that would include such week; and

b. Has he no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act (45 U.S.C.A. §351 et. seq.), the Trade Expansion Act of 1962 (19 U.S.C.A. §1801 et seq.), the Automotive Products Trade Act of 1965 (19 U.S.C.A. §§1202, 2001 et seq.) and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

c. Has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Island or of Canada but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

d. Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amounts as trade adjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(9) 'State law' means the unemployment insurance law of any state, approved by the United States Secretary Labor under §3304 of the Internal Revenue Code of 1954 (26 U.S.C.A. §3304)."

Section 11. Amend §3326 (c)(1) of Title 19, Delaware Code by striking the numeral "(10)" and substituting in its place "(8)".

Section 12. Amend §3326(c) of Title 19, Delaware Code, by adding a new subsection to be designated "(3)" which reads as follows:

"(3) He has, during his base period, been paid wages for unemployment equal to not less than 40 times his weekly benefit amount and, as used in this subdivision, 'wages' means wages for employment by employers for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by which such wages were paid has satisfied the conditions of subdivision (7) of §3302 of this title or §3343 of this title with respect to becoming an employer."

Section 13. Amend §3326 (h)(2) of Title 19, Delaware Code by striking the numeral "(6)" and substituting in its place "(4)".

Section 14. Amend Title 19, Delaware Code, by striking existing §3326(h)(1) thereof and by substituting in its place a new §3326(h)(1) to read as follows:

"(h)(1) Whenever an extended benefit period is to become effective in this state or an extended benefit period is to be terminated in this state, the Department shall make an appropriate public announcement."

Section 15. Amend §3343 of Title 19, Delaware Code, by repealing subsection (c) and (d) thereof.

Section 16. Amend §3345(b) of Title 19, Delaware Code, by inserting the words "except as otherwise provided in subsection (d) of this section", directly after the word "(3)" as it appears therein.

Section 17. Amend §3345(c)(1) of Title 19, Delaware Code, by striking the words "§3343(d)" as they appear therein and by substituting in their place the words "§3302(7)(B)".

Section 18. Amend §3345(c)(2) of Title 19, Delaware Code, by striking the word "employees" as it appears therein and by substituting in its place the word "employers".

Section 19. Amend Title 19, Delaware Code, by repealing §3345(c)(3) g. thereof.

Section 20. Amend §3326 (10) c. of Title 19, Delaware Code, by striking the words "of the Virgin Islands or" as they appear therein.

Section 21. Section 12 of this bill shall be effective with respect to weeks which begin after September 25, 1982.

Approved July 21, 1982.

CHAPTER 428

FORMERLY

HOUSE BILL NO. 759
AS AMENDED BY SENATE AMENDMENT NO. 1AN ACT TO AMEND CHAPTER 4, TITLE 11 OF THE DELAWARE CODE RELATING TO
CONFINEMENT AT THE DELAWARE STATE HOSPITAL.

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

Section 1. Amend §403, Chapter 4, Part I, Title 11 of the Delaware Code by striking subsection (b) in its entirety, and substituting in lieu thereof the following:

"(b) Except as provided in (c) below, a person committed to the Delaware State Hospital in accordance with subsection (a) of this section (referred to herein as "the patient") shall be kept there until the Superior Court of the county wherein the case was tried is satisfied that the public safety will not be endangered by his release. The Superior Court shall without special motion reconsider the necessity of continued detention of a patient thus committed after he has been detained for 1 year. The Court shall thereafter reconsider his detention upon petition on his behalf or whenever advised by the State Hospital that the public safety will not be endangered by his release."

Section 2. Amend §403, Chapter 4, Part I, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (c), which new subsection shall read as follows:

"(c) (1) Upon petition by a patient confined pursuant to this section, §404 or §405 of this chapter, or upon petition by the Hospital Director of the Delaware State Hospital, the Court may permit participation by the patient in any treatment program which is offered by the hospital. Such participation shall include, but not be limited to: employment off hospital grounds; job interviews; family visits; and other activities inside and outside the Hospital, as may be prescribed by the Medical Director in the interest of rehabilitation.

(2) The petition shall include an affidavit from the Medical Director which states that the patient has not exhibited dangerous behaviour during the last year of confinement and that in the opinion of the Medical Director, the patient will benefit from such participation.

(3) The petition shall set forth any specific treatment program being sought; the specific goals and course of treatment involved; and a schedule for periodic judicial re-evaluation of the patient's treatment status, all of which shall be subject to the court's approval and modification.

(4) Copies of the petition shall be served on the Attorney General, the Medical Director and the patient or his counsel or guardian.

(5) There shall be a judicial hearing on the petition, and any person or agency served with a copy of petition, or a representative of such person or agency, shall have the right to testify, present evidence and/or cross-examine witnesses. The patient shall have the right to be represented by counsel at any proceeding held in accordance with this section. The Court shall appoint counsel for the patient if the patient cannot afford to retain counsel.

(6) Upon conclusion of a hearing on a petition pursuant to this section, the Court may approve, modify or disapprove any request or matter within the petition. If the patient's participation in any treatment program is approved, such approval or participation shall be effective for not longer than six months from the date of the judge's signature on the petition or Order permitting such participation. Immediately prior to the conclusion of the six months' period, the Hospital Director shall report to the Court on the patient's status, and make recommendations. Any authorization by the Court for continued participation by the patient in any authorized treatment programs may be extended, modified or discontinued at the end of the effective period with or without further hearings, as the Court may determine."

Section 3. Amend §403, Chapter 4, Part I, Title 11 of the Delaware Code by adding thereto a new subsection, designated as subsection (d), which new subsection shall read as follows:

"(d) Any treatment program approved by the Court under this section may be terminated by the Medical Director of the Delaware State Hospital. When a treatment program is terminated earlier than its court-approved expiration date, the Medical Director shall immediately notify the Superior Court. The Superior Court shall, after giving appropriate notice, hear the matter and review the decision of the Medical Director. At such termination hearing the patient shall have such rights as

are provided for other hearings under this section, including the right to counsel, the right to present evidence, and the right to cross-examine witnesses. Where the Medical Director's decision to terminate is based upon the patient's mental or psychological condition, the patient may be examined by an independent psychiatrist or other qualified expert; provided however, that the termination hearing shall not be held until such examination has been finally concluded."

Section 4. The provisions of this Act shall also apply to any person who was committed under the provisions of \$403, \$404, and \$405 prior to or after the said effective date.

Approved July 21, 1982.

CHAPTER 429

FORMERLY

HOUSE BILL NO. 777 AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO MANDATORY REVOCATION OF LICENSE.

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

Section 1. Amend Chapter 27, Title 21 of the Delaware Code by striking the present subsections (1) and (2) of paragraph (a) of Section 2732 and substituting in lieu therefore the following:

"\$2732. Mandatory Revocation of License.

(a) (1) (a) Upon a conviction of Manslaughter, under Title 11, Section 632, if the manslaughter resulted directly from the use of a motor vehicle, or upon conviction of Vehicular Homicide First Degree, pursuant to 11 Delaware Code §630A, the license or driving privileges or both of the person so convicted shall be revoked for a period of four (4) years.

(a) (1) (b) Upon a conviction of Vehicular Homicide Second Degree, pursuant to 11 Delaware Code, Section 630, or upon a conviction for criminally negligent homicide if the homicide resulted directly from the use of a motor vehicle, the license or driving privileges or both of any person so convicted shall be revoked for a period of three (3) years.

(a) (2) (a) Upon conviction for Assault First Degree, pursuant to Title 11, Section 613 or Assault Second Degree, pursuant to Title 11, Section 612, if the assault resulted directly from the use of a motor vehicle or upon a conviction of Vehicular Assault First Degree, pursuant to Title 11, Section 629, the license or driving privileges or both of any person so convicted shall be revoked for a period of two (2) years.

(a) (2) (b) Upon conviction for Vehicular Assault Second Degree, pursuant to Title 11, Section 628, the license or driving privileges or both of any person so convicted shall be revoked for a period of one (1) year."

Section 2. Amend Chapter 27, Title 21 of the Delaware Code by striking the present Section 2735 in its entirety and inserting in its place the following:

"\$2735. (a) Except as otherwise provided in Section 2732, a person whose license is revoked under this chapter shall not be entitled to apply for or receive a new license to drive until the expiration of 1 year from the date such former license was revoked."

Approved July 21, 1982.

CHAPTER 430

FORMERLY

HOUSE BILL NO. 780
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 27 AND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO OPERATION OF MOTOR VEHICLES, SUSPENSION AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TEST, AND TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS AND FURTHER PROVIDING A SUPPLEMENTARY APPROPRIATION 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 §2740 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2740. Consent to Submit to Chemical Test

Any person who drives, operates or has in actual physical control a vehicle, an off-highway vehicle, a moped or a bicycle within this State shall be deemed to have given his consent, subject to the provisions of this section and §4177 to a chemical test or tests of his blood, breath and/or urine for the purpose of determining the presence of alcohol or a drug or drugs. The testing may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a vehicle in violation of §4177 or §2742, or a local ordinance substantially conforming thereto."

Section 2. Amend §2741 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2741. Administration of Test

(a) At the time a chemical test specimen is required, the person may be informed that if testing is refused, the person's driver's license and or driving privilege shall be revoked for a period of at least one year.

(b) If there are reasonable grounds to believe that there is impairment by a drug or drugs which are not readily subject to detection by a breath test, a blood and/or urine test may be required even after a breath test has been administered.

(c) The fact that the police officer offered or required a person to submit to a preliminary screening test of his breath in order to estimate the alcohol concentration of the person's blood, at the scene of the stop or other initial encounter between the officer and the person, shall have no bearing upon the implied consent provisions of this chapter. Refusal to take such a preliminary screening test shall not be deemed an implied consent violation nor shall the taking of such a test satisfy the requirements of the implied consent law."

Section 3. Amend §2742 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2742. Revocation, hearing, and duration of revocation

(a) If a person refuses to permit chemical testing, after being informed of the penalty of revocation for such refusal, the test shall not be given but the police officer shall report the refusal to the department. The police officer may, however, take reasonable steps to conduct such chemical testing even without the consent of the person if he seeks to conduct such test or tests without informing the person of the penalty of revocation for such refusal and thereby invoking the provisions of the implied consent law.

(b) Upon certification by the police officer that there existed probable cause to believe that the person had been acting in violation of §4177 of Title 21 or a local ordinance substantially conforming thereto and that the person refused to submit to a chemical test after being informed of the penalty of revocation for such refusal, the secretary shall revoke the person's driver's license and/or driving

privilege for a period of one year for a person with no previous violation of §4177 or §2742 of Title 21 or a similar statute of any state or the District of Columbia or local government, within five years of the date of the charge in question; 18 months revocation for a person with one previous violation of such statutes as described above; and 24 months revocation for a person with two or more previous violations of such statutes as described above.

(c) Upon certification by the police officer that there existed probable cause to believe that the person was in violation of §4177 of Title 21 or a local ordinance substantially conforming thereto and that a chemical test was conducted and the person was arrested on that occasion, either before or after said test, for a violation of §4177 of Title 21 or a local ordinance substantially conforming thereto the secretary shall revoke the person's driver's license and/or driving privilege for a period of three months for a first time DUI offender, one year for a second DUI offender, or 18 months for more than two DUI offenses. For purposes of this subsection, a DUI offender shall include anyone who has previously committed a first offense as defined in §4177B (e) and any person convicted of a violation of §4177 of this Title or similar statutes of any State or the District of Columbia or local government, within five years of the date of the charge in question, a revocation within five years of said date for an implied consent violation, or a revocation within five years of said date under this subsection.

(d) No revocation under §2742(b) or (c) is effective until the secretary or a police officer or other person acting on his behalf notifies the person of revocation and allows the person a 10 day period to request of the secretary in writing a hearing as herein provided. If no request is filed in writing with the Division of Motor Vehicles within the 10 day period, the order of revocation becomes effective. If a request for a hearing is filed, a revocation is not effective until the final decision of the hearing officer resulting in a decision adverse to the person.

(e) On behalf of the secretary the police officer offering a chemical test or directing the administration of a chemical test, shall serve immediate notice of revocation on a person who refuses to permit chemical testing, after being informed of the penalty of revocation for such refusal, or on a person who is given a chemical test and is arrested, on that occasion either before or after said test, for a violation of §4177 of Title 21 or a local ordinance substantially conforming thereto. The officer shall take the Delaware license or permit of the driver in any such case and issue a temporary license effective only for 10 days with a provision for an additional period if a written request for a hearing is received by the Division of Motor Vehicles within the 10 day period. The police officer shall send the person's driver's license or permit to the secretary along with the certificate required by §2242(b) or (c).

(f) The hearing under this section shall be before the secretary or his designee. The scope of the hearing shall cover the issues of:

(1) Whether the police officer had probable cause to believe the person was in violation of §4177 of this Title.

(2) Whether a chemical test was conducted and the person was arrested on that occasion, either before or after said test, for a violation of §4177 of Title 21 or a local ordinance substantially conforming thereto.

(3) Whether by a preponderance of the evidence it appears that the person was in violation of §4177 of this Title or a local ordinance substantially conforming thereto. For purposes of this subsection a blood/alcohol concentration of .10% or more pursuant to the testing referred to above, or a positive indication of drugs, shall be conclusive evidence of said violation.

(4) Whether the person refused to permit the test after being informed of the penalty of revocation for such refusal.

(g) The hearing specified in this section shall be scheduled within 30 days following the filing of the request for a hearing.

(h) In addition to the revocation authorized by this section, the secretary shall require attendance of the person whose license is revoked at a course of instruction or a rehabilitation program established under §4177D of this Title."

Section 4. Amend §2743 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2743. Duration of revocation

(a) Any revocation pursuant to §2742(b) of this Title shall be for a period of one year, 18 months or 24 months as appropriate from the effective date of the revocation.

(b) Any revocation pursuant to §2742(c) of this title shall be for a period of three months, one year or 18 months as appropriate from the effective date of the revocation.

(c) The secretary shall not issue a driver's license to anyone who has been found in violation of §2742(b) or (c) until (1) they have satisfactorily completed a program established under §4177D of this title and (2) have paid all fees under the schedule adopted by the secretary and (3) the individual has had a favorable character investigation conducted by the Division of Motor Vehicles.

(d) If, after expiration of the period of revocation and upon compliance with the provisions of §2742(c) the secretary refuses to issue a driver's license, the applicant may appeal the secretary's denial to the Superior Court in the county wherein the applicant resides.

(e) Notwithstanding the provisions of subsection (a) of this section, upon satisfactory completion of a program established under §4177D of this title a person who is a first offender and meets the criteria specified in §4177B(a) and whose license has been revoked pursuant to §2742(b) of this title shall be permitted to apply for a driver's license under the following terms:

(1) Payment of all fees under the schedule adopted by the secretary;

(2) At least six months have elapsed since the date of the revoked license or temporary license, which ever is later, reached the Division of Motor Vehicles;

(3) The individual has had a favorable character investigation conducted by the Division of Motor Vehicles."

Section 5. Amend §2744 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2744. Appeal

The decision of the secretary shall be final and not subject to judicial review or appeal, unless the secretary rules against the person at a hearing requested by such person in which event the person may appeal to the Superior Court, but the appeal shall not operate as a stay of the revocation of his license, permit, or privilege to drive."

Section 6. Amend §2747 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2747. Alternative tests; physical incapacity

If for any reason a person is physically unable to supply enough breath or complete the chemical test, he shall submit to such other chemical tests as authorized by this subchapter as the police officer shall elect, subject to the requirements of §2741 of this title. Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn the consent provided in §2740 of this title and any test may be performed as provided in §2741 of this title."

Section 7. Amend §2749 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2749. Refusal to submit is admissible evidence

Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while in violation of §4177 of this title or local ordinance substantially conforming thereto, the court may admit evidence of the refusal of such person to submit to a chemical test of his breath, blood or urine under this subchapter."

Section 8. Amend §2750 of Title 21 by repealing said section in its entirety and substituting in lieu thereof the following:

"§2750. Admissibility in evidence of results of chemical test

(a) Upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person while under the influence of alcohol, a drug or drugs, with respect to any chemical test taken by or at the request of the state, the court shall admit the results of a chemical test of the person's breath, blood or urine according to normal rules of search and seizure law. The informing or failure to inform the accused concerning the implied consent law shall not affect the admissibility of such results in any case, including a prosecution for a violation of §4177 of this title. The informing of an accused concerning the implied consent law shall only have application

and be relevant at a hearing concerning revocation of the driver's license of said person for a violation of the implied consent law. Nothing contained in this section shall be deemed to preclude the admissibility of such evidence when such evidence would otherwise be admissible under the law relative to search and seizure law such as when such evidence has been obtained by valid consent or other means making the obtaining of the evidence legal under the Fourth Amendment.

(b) The Doctor-Patient Privilege shall not apply to the disclosure to law-enforcement personnel nor the admissibility into evidence in any criminal proceeding of the results of a chemical test of a person's blood, breath or urine for the purpose of determining the alcohol or drug content of his blood irrespective of whether such test was done at the request of a treating physician, other medical personnel or a peace officer."

Section 9. Amend Chapter 27, §2737, Title 21 of the Delaware Code by deleting said section and inserting in lieu thereof the following:

"§2737. Fee for return of suspended license and reinstatement

Any person whose license and/or driving privileges has been suspended shall pay a fee of \$15 at the end of such suspension for the return of his/her license and/or the re-instatement of his/her driving privileges."

Section 10. Amend Chapter 27, Subchapter II, Title 21 of the Delaware Code by adding a new section §2738 to read as follows:

"§2738. Fee for reinstatement of driving privileges, following the revocation of license and/or driving privileges

Any person whose license and/or driving privileges has been revoked shall pay a fee of \$125 at the end of such revocation for the reinstatement of his/her driving privileges. The above stated fee does not include the fee for the issuance of a new license."

Section 11. Amend §2756, Chapter 27, Title 21, Subchapter IV by striking said section and substituting in lieu thereof the following:

"§2756. Driving vehicle while license is suspended or revoked; penalty

(a) Any person whose driver's license or driving privileges have been suspended or revoked and who drives any motor vehicle upon the highways of this State during the period of suspension or revocation shall for the first offense be fined not less than \$100 nor more than \$500 and be imprisoned not less than 30 days nor more than six months. For each subsequent like offense, be fined not less than \$500 nor more than \$1,000 and in addition be imprisoned not less than 60 days nor more than one year. However, for a first offense under this section, if the suspension or revocation resulted from a violation of Section 4177 of this title or a local ordinance substantially conforming thereto, the minimum fine shall be \$200.

(b) The minimum fine for a first or subsequent offense shall not be subject to suspension. The period of imprisonment for a subsequent offense shall not be subject to suspension.

(c) Any vehicle used in connection with a violation of this section, while the permit or license of the operator was revoked for violation of §4177 or §2742, shall be impounded for at least ninety days for the first violation of this section, and for at least one year for a subsequent violation. The court shall permit any party with a legal or equitable interest in the vehicle an opportunity to show cause why the impoundment of such vehicle should cease.

Section 12. Amend §4177 of Title 21 by striking said section and substituting in lieu thereof the following:

"§4177. Operation of vehicle while under the influence of intoxicating beverage or drugs; penalties

(a) No person shall drive, operate or have in actual physical control a vehicle, an off highway vehicle, a moped or a bicycle while under the influence of alcohol or of any drug or any combination of drugs and/or alcohol.

(b) Any person charged under subsection (a) of this section whose blood alcohol concentration is one tenth of 1% or more by weight as shown by a chemical analysis of a blood, breath or urine sample taken within four hours of the alleged offense shall be guilty of violating subsection (a) of this section. This provision shall not preclude a conviction based on other admissible evidence.

(c) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

(d) Whoever is convicted of a violation of subsection (a) of this section shall:

(1) For the first offense, be fined not less than \$200 nor more than \$1,000 or imprisoned not less than 60 days nor more than six months or both, and shall be required to complete a course of instruction and/or rehabilitation program pursuant to 4177D of this title, which may include confinement for a period not to exceed six months, and pay a fee not to exceed the MAXIMUM fine.

(2) For each subsequent like offense occurring within five years from the former offense, be fined not less than \$500 nor more than \$2,000 and imprisoned not less than 60 days nor more than 18 months. For the purposes of this subsection, prior offenses shall include those occurring in any other state, the District of Columbia or under generally conforming local ordinances.

(e) In addition to the penalties prescribed in subsection (d)(2) of this section, anyone convicted of a subsequent like offense occurring within five years from the former offense shall be ordered to complete a program of education or rehabilitation which may include inpatient treatment and followed by such other programs as established by the training facility, not to exceed a total of 15 months.

(g) No person who violates subsection (a) of this section shall receive a suspended sentence. However, for the first offense, the period of imprisonment may be suspended."

Section 13. Amend Subsection (b) of §4177A of Title 21 by striking the words "or (e)" as they appear following the words "Subsection (d)".

Section 14. Amend Subsection (a) of §4177A of Title 21 by adding the phrase "for first or second offense or 18 months for three or more offenses" after the word "year" and before the period "." in the second sentence of said Subsection.

Section 15. Amend §4177B of Title 21 by striking said section in its entirety and substituting in lieu thereof the following:

"§4177A. First offenders; election in lieu of trial

(a) Any person who:

(1) Has not within five years been convicted of any offense under §4177 or under of the United States or of any state or of the District of Columbia or a local ordinance which deals with driving, operating, or having actual physical control of a motor vehicle while under the influence of alcohol or drugs; and

(2) Had not accumulated three or more moving violations within two years of the date of the offense in question on his driving record according to the records of the Division of Motor Vehicles of the person's state of residence; and

(3) Was not, with respect to the offense in question, involved in an accident resulting in injury to any person other than himself; and

(4) Did not have a blood alcohol level of two tenths of 1% or more by weight as shown by a chemical analysis of a blood, breath, or urine sample taken within four hours of the alleged offense; and

(5) Was not driving without a valid license or under a suspended or revoked license at the time of the offense in question;

may qualify for the first offense election at the time of his arraignment. The court, without entering a judgment of guilt and with the consent of the accused may defer further proceedings and place him on probation upon terms and conditions, including enrollment in a course of instruction or program of rehabilitation established pursuant to §4177D of this title. If he elects to apply, his application shall constitute a waiver of the right to speedy trial. If the person elects not to apply, or if he is not accepted, he shall promptly be arraigned for a violation of §4177 of this title.

(b) If after acceptance to the course of instruction or rehabilitation program, a term or condition of probation is violated, he shall be brought before the court, and upon a determination by the court that the terms have been violated, the court shall enter an adjudication of guilt and proceed as otherwise provided under §4177 of this title.

(c) Upon fulfillment of the terms and conditions of probation, including satisfactory completion of the course of instruction and/or program of rehabilitation, and payment of all fees, the court shall discharge the person and the proceedings against him and shall simultaneously with said discharge and dismissal submit to the Division of Motor Vehicles a written report specifying the name of the person and the nature of the proceedings against him which report shall be retained by the Division of Motor Vehicles for further proceedings, if required.

(d) The driver's license and/or driving privileges of a person applying for enrollment in an education or rehabilitation program pursuant to subsection (a) of this section shall forthwith be revoked by the Secretary for a period of one year. If the person is accepted into the education or rehabilitation program the period of revocation shall be for one year from the date of the initial revocation. If the person is not accepted for enrollment, or if he is found by the court to be in violation of the terms of enrollment, the revocation under this section shall continue until sentence is imposed. This revocation shall not be concurrent with or part of any period of revocation established under any other provisions of this subchapter.

(e) For purposes of §2742, §2743, and subsection (d) of this title and this section, previous enrollment in a course of instruction or program of rehabilitation pursuant to this section and §4177, §4177A, §4177C and §4177D of this Title, or §2742, or §2743, or similar statutes of any state, or local jurisdiction, or the District of Columbia, within five years of the date of a violation of §4177 or §2742 or §2743 of this title shall constitute a first offense and be considered a conviction for purposes of sentencing for subsequent offenses.

(f) The Attorney General may move the sentencing court to apply the provisions of this section to any person who does not come within the prescription of subsection (a)(1) of this section but would otherwise be disqualified from consideration under this section because of the applicability of one or more of the provisions found in subsection (a)(2) through (a)(5) of this section. In the event of such a motion by the Attorney General, the court may in its discretion apply the terms of this section to such person."

Section 16. Amend paragraph (1) of subsection (a) of §4177C of Title 21 by striking the number "8" as it appears therein and substituting in lieu thereof the number "16".

Section 17. Amend paragraph (3) of Subsection (a) of §4177C of Title 21 by striking the number "30" as it appears therein and substituting in lieu thereof the number "90".

Section 18. Amend §4177D of Title 21 by striking the word "minimum" where it appears therein and substituting in lieu thereof the word "maximum".

Section 19. Amend Chapter 41, Title 21 by adding thereto a new section designated as 4177F which shall read as follows:

"§4177F. Applicability of conforming ordinances

Any references to §§4177, 4177A 4177B, 4177C, 4177D or 4177E shall include all conforming statutes of any other state or the District of Columbia, or local ordinances in conformity therewith."

Section 20. Authorize eight (8) additional positions in Division of Motor Vehicles (four (4) hearing officers and four (4) senior clerk typists).

Section 21. There is hereby appropriated to the Division of Motor Vehicles the sum of \$135,000 to be used for the purpose of implementing the provisions of this Act.

Section 22. This is a supplementary appropriation and the monies herein appropriated shall be paid from the General Fund of the State of Delaware not otherwise appropriated.

Section 23. Funds appropriated herein remaining unexpended on June 30, 1983, shall revert to the General Fund of the State of Delaware.

Section 24. These amendments shall become effective 90 days after enactment into law. The applicable sections of the law which are in effect as of May 1, 1982 shall remain in force until the effective date of these amendments.

Approved July 21, 1982.

CHAPTER 431

FORMERLY

HOUSE BILL NO. 782

AN ACT TO AMEND CHAPTER 65, PART III, TITLE 25 OF THE DELAWARE CODE RELATING TO THE LANDLORD-TENANT CODE; AND PROVIDING FOR THE RESERVATION OF RENTAL UNITS FOR USE BY SENIOR CITIZENS.

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

Section 1. Amend §6503, Chapter 65, Part III, Title 25 of the Delaware Code by adding thereto a new subsection, designated as subsection (d), which new subsection shall read as follows:

"(d) Notwithstanding the provisions of Subsection (a) relating to age discrimination, a landlord may reserve ten or more dwelling units exclusively for rental by senior citizens by registering, with the Division of Consumer Affairs as herein prescribed, specific dwelling units which shall be rented to senior citizens only. Each unit so reserved shall be designated as a senior citizen rental unit, and each such unit shall be registered with the Division of Consumer Affairs before October 31 of any year, to take effect as of January 1 of the next year. A senior citizen rental unit shall be available for rent solely to senior citizens, without regard to race, creed, color, sex, national origin, age or occupation of the senior citizen and without regard to whether the senior citizen has a dependent child or children in residence. For purposes of this subsection, the words "senior citizen" shall mean any natural person 62 years of age or older, regardless of the age of such person's spouse."

Approved July 21, 1982.

CHAPTER 432

FORMERLY

HOUSE BILL NO. 802

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FREDERICA TO PROVIDE THE MEANS FOR FILLING VACANCIES ON THE TOWN COUNCIL.

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

Section 1. Amend Chapter 32, Volume 47 of the Laws of Delaware by adding the following paragraph as the last paragraph of Section 4 of said Chapter:

"In the case of any vacancy created by death, resignation, or otherwise, in the office either of Mayor or Councilman, the Council shall fill such vacancies by appointment."

Approved July 21, 1982.

CHAPTER 433

FORMERLY

HOUSE BILL NO. 811

AN ACT AWARDING SPECIAL PENSION BENEFITS TO FRANCES W. FARLOW, AUTHORIZING TRANSFER OF MONIES INTO THE SPECIAL PENSION FUND AUTHORIZED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

WHEREAS, Frances W. Farlow was employed by the Levy Court of Sussex County, for the Sussex County Department of Elections for one year and five months before this function was taken over by the State; and

WHEREAS, Frances W. Farlow continued her employment with the Department of Elections to the present time; and

WHEREAS, Frances W. Farlow is entitled to receive pension credit for all of her employment with the Department of elections.

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 grant Frances W. Farlow pension credit for her employment by the Levy Court of Sussex County, for the Sussex County Department of Elections as if such employment were creditable under Chapter 55, Title 29, Delaware Code.

Section 2. The Budget Director and Controller General are hereby authorized and directed to transfer \$3,800.00 from the Contingency line item appropriation in Senate Substitute No. 1 for Senate Bill No. 606 of the 131st General Assembly for Budget — Office — Contingencies (10-02-004) entitled "Contingency — Termination Pay", to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, for the purposes of implementing the provisions of Section 1 for this Act, commencing with the month of July, 1982.

Approved July 21, 1982.

CHAPTER 434

FORMERLY

HOUSE BILL NO. 812

AN ACT AWARDED SPECIAL PENSION BENEFITS TO MARY MEARS, WIDOW OF HENRY DALE MEARS, SR., A FORMER STATE EMPLOYEE: DIRECTING TRANSFER OF MONIES INTO THE SPECIAL PENSION FUND CREATED 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, Henry Dale Mears, Sr. worked for the State of Delaware in the Highway Department for fourteen years and eight months; and

WHEREAS, Henry Dale Mears, Sr. worked for six years for the Sussex County Soil and Water Conservation Districts; and

WHEREAS, Henry Dale Mears, Sr. died in 1971 leaving his widow, Mary Mears; and

WHEREAS, under the statutes, rules and regulations of the Board of Pension Trustees, Mary Mears is not eligible for a survivor's 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 Mary Mears' application for a survivor's pension of \$75.00 per month.

Section 2. The Budget Director and Controller General are hereby authorized and directed to transfer \$10,921.00 from the Contingency line item appropriation in Senate Substitute No. 1 for Senate Bill No. 606 of the 131st General Assembly for Budget Office - Contingencies (10-02-004) entitled "Contingency - Termination Pay", to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, for the purposes of implementing the provisions of Section 1 for this Act, commencing with the month of July, 1982.

Approved July 21, 1982.

CHAPTER 435

FORMERLY

SENATE BILL NO. 850

AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF ECONOMIC SERVICES FOR THE PURPOSE OF AN EMERGENCY CONCERNING MEDICAID FUNDS FOR STATE AND NON-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 and Non-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 and Non-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 and Non-State institutions.

Section 2. The amount of eleven million six hundred sixty thousand dollars (\$11,660,000) is hereby appropriated to the Department of Health and Social Services, Division of Economic Services for the purposes of Medicaid for State Institutions.

Section 3. The amount of six hundred forty thousand dollars (\$640,000) is hereby appropriated to the Department of Health and Social Services, Division of Economic Services for the purpose of Medicaid for Non-State institutions.

Section 4. 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 5. The funds herein appropriated which remain unencumbered on June 30, 1983, shall revert to the General Fund of the State of Delaware.

Approved July 21, 1982.

CHAPTER 436**FORMERLY****HOUSE BILL NO. 653****AN ACT TO AMEND CHAPTER 80, TITLE 29 OF THE DELAWARE CODE RELATING TO PARK MANAGERS AND OTHER PERSONNEL.****BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:**

Section 1. Amend §8003A, Chapter 80, Title 29, of the Delaware Code by striking the heading and inserting in lieu thereof the following:

"§8003A. Powers, duties and functions of environmental protection officers and park managers."

Section 2. Amend §8003A, Title 29 of the Delaware Code by adding the following subsection (e):

"(e) In addition to their administrative responsibilities, regional park managers, park managers I and II and assistant park managers employed by the Department of Natural Resources and Environmental Control shall have all the training required of environmental protection officers and shall also have all the powers, duties, functions and benefits of environmental protection officers as have been provided for in the Delaware Code."

Approved July 23, 1982.

CHAPTER 437

FORMERLY

SENATE BILL NO. 97

AS AMENDED BY SENATE AMENDMENT NOS. 1, 2, 3 AND 4

AN ACT TO AMEND CHAPTER 66, TITLE 16 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF RESIDENTIAL SMOKE DETECTORS.

WHEREAS, there is a high number of persons losing their lives as a result of fires and smoke inhalation in their homes and in their sleeping quarters; and

WHEREAS, it is perfectly clear that there is insufficient protection in most homes against fires as well as defective provisions for escape from fire thus posing a menace to the health and safety of its citizens; and

WHEREAS, the maintenance of proper housing standards requiring sufficient protection from fire hazards are essential to the public health and welfare; and

WHEREAS, adequate warning in the event of fire is a necessity of paramount public interest.

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 66, Title 16 of the Delaware Code by adding thereto the following new sections to read as follows:

"§6621. Residential Smoke Detectors

Any residential building or mobile home, or any part thereof, newly erected, or with major renovations or structural alterations costing \$5,000 or more, as evidenced by a building permit, after the effective day of this section, so as to be used, either in whole or in part, as a home, residence or sleeping place for one or more persons, either permanently or transiently, shall contain as a part of the newly erected building or of the alteration or renovation a fire detection system which automatically senses visible or invisible particles or products of combustion and activates a fire alarm sufficient to afford warning to the occupant or occupants thereof of the impending danger of fire.

§6622. Location, Installation, Equipment

(a) The State Fire Marshal's Office, with the approval of the State Fire Prevention Commission, shall prepare and publish rules and regulations with respect to the number, type, and location of smoke-detecting devices.

(b) All detection systems shall be installed in conformance with the rules and regulations adopted under authority of this Section.

(c) Once installed, all detection systems shall be inspected by the State Fire Marshal's Office or the agency in each political subdivision responsible for certification and approval of residential housing units prior to occupancy of any new building described in §6621.

(d) An approved automatic sprinkler system may be installed in lieu of a smoke detection system when approved by the Fire Marshal's Office.

§6623. Penalty

(a) Every owner of any building required to have smoke detectors in accordance with the provisions of §6621 through §6622 of this Chapter, or person in charge thereof, whether an individual or a body corporate, who fails to comply with the provisions of §6621 through §6622 of this Chapter shall be fined not less than One Hundred Dollars (\$100), nor more than Five Hundred Dollars (\$500) for each offense. The Justice of the Peace Courts shall have jurisdiction over any violations of this Section.

(b) The State Fire Prevention Commission, the State Fire Marshal or the Attorney General may, in addition to other remedies provided by this section institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent any

continued violations of the provisions of this Section."

Section 2. This Act shall become effective January 1, 1983.

Approved July 23, 1982.

CHAPTER 438

FORMERLY

SENATE BILL NO. 303

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

AN ACT TO AMEND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE, RELATING TO
EQUALIZATION FUNDING.

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

Section 1. Amend §1707, Chapter 17, Title 14 of the Delaware Code by adding thereto a new subsection (f) thereto to read as follows:

"(f) For the purpose of determining the combined local share of Division III educational advancement funds, the districts created pursuant to §1028 (k) of this title shall be treated as one school district. Such funds shall be distributed among those districts equally on a per unit basis."

Approved July 23, 1982.

CHAPTER 439

FORMERLY

SENATE BILL NO. 311

AN ACT TO AMEND CHAPTER 17, TITLE 13, DELAWARE CODE, RELATING TO THE DOMICILE OF MARRIED WOMEN.

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

Section 1. Amend Chapter 17, Title 13, Delaware Code, by striking §1702 in its entirety.

Approved July 23, 1982.

CHAPTER 440

FORMERLY

SENATE BILL NO. 406

AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE FEE FOR THE ISSUANCE OF A DUPLICATE DRIVER'S LICENSE.

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. Amend §2720, Chapter 27, Title 21 of the Delaware Code by striking the number "\$2" as it appears in subsection (c) of said section and insert in lieu thereof the number

"\$5"

Approved July 23, 1982.

CHAPTER 441

FORMERLY

SENATE BILL NO. 450
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 21 AND 41 OF TITLE 21 DELAWARE CODE, RELATING TO SPECIAL LICENSE PLATES, PARKING ID CARDS, AND PARKING 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 Section 2134, Chapter 21, Title 21 of the Delaware Code by striking said section in its entirety and inserting a new Section 2134 to read as follows:

"§2134. Handicapped persons; special registration plates; parking ID cards; parking; penalties.

(a) (i) The owner of any vehicle described in subsection (b) of this section may apply to the Department for the assigning to that vehicle a special, handicapped person's registration plate if the applicant;

(a) has permanently lost the use of a leg or both legs; or

(b) is so severely disabled as to be unable to move without a wheelchair or crutches; or

(c) so suffers from lung disease that his forced expiratory volume, one second, when measured by spirometry, is less than one liter; or

(d) has a physical disability, as certified by a licensed physician and determined by the Division, which is permanent, which substantially impairs the person's mobility, and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privilege accorded the person for whom a vehicle is specially registered under this section were denied; or

(e) has a physical disability, as certified by a licensed physician and determined by the Division, which is not permanent, but which substantially impairs the person's mobility for no less than 5 (five) weeks, and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privilege accorded a person for whom a vehicle is specially registered under this section were denied; or

(f) is completely blind in both eyes.

(b) This section applies only to passenger cars, station wagons, pickup trucks, and panel van trucks for which the gross registered weight does not exceed 8,000 lbs.

(c) Handicapped license plates may be issued under this section only if the applicant submits proof satisfactory to the Department that said applicant is handicapped in the manner described in subsection (a) of this section.

(d) No fee in addition to the annual registration fee and other fees otherwise required by this title is required for the special handicapped person's license plate issued pursuant to this section.

(e) The special registration plates issued pursuant to this section shall display the internationally recognized symbol for the handicapped in addition to the number assigned to each plate.

(f) (i) The person for whom special plates are issued under this section, or under a similar provision of any other State, may park for unlimited periods in restricted parking places for the handicapped and in parking zones restricted as to the length of parking time permitted. Said person is not required to pay any parking meter fees of this State or any political subdivision thereof.

(2) The persons named in subsection (f) (i) shall not park:

(a) in zones where stopping, standing, or parking is prohibited to all vehicles; or

(b) in zones which are reserved for special types of vehicles; or

(c) where there is a local ordinance that prohibits parking during heavy traffic periods in morning, afternoon, or evening rush hours, or where parking clearly would present a traffic hazard.

(g) Any person who is not a handicapped person, as prescribed in subsection (a) of this section, and who willfully and falsely represents himself as having the qualification to obtain such handicapped vehicle registration plate in an attempt to procure such plate shall, upon conviction be fined \$50 and costs of prosecution and, in default of the payment thereof shall be imprisoned for not more than 10 days. Justices of the Peace shall have jurisdiction of offenses under this section.

(h) The Department may adopt rules and regulations necessary for the implementation of this section."

Section 2. Amend Chapter 21, Title 21, Delaware Code, by redesignating §2135 as §2136 and inserting a new §2135 to read as follows:

"§2135. Disabled person's parking permit.

(a) A person who has a disability described in §2134 (a) of this Chapter who does not own a vehicle and/or who depends on someone else for transportation may apply to the Department for a disabled person's parking permit on a form provided by the Department. A vehicle owner who is eligible for a special license plate pursuant to §2134 may apply for a parking permit under this Section, in lieu of the special plate.

(b) A disabled person's parking permit may be issued under this section if the applicant submits proof satisfactory to the Director that the applicant is a disabled person as described in §2134 (a) (1) of this Chapter.

(c) The Director may charge a fee of \$2.00 (two dollars) for the issuance of the permit and a fee of \$2.00 (two dollars) for the issuance of a duplicate or renewal permit.

(d) (1) A permit issued under this section expires two years from the date of issue for a disability stated in subsection (a) (1) of §2134, with the exception of (a) (1) (e).

(2) A permit issued under this section for a disability stated in subparagraph (a) (1) (e) of §2134 expires at the discretion of the Director but may not exceed 90 days from the date of issue. The permit may be renewed upon application and payment of the prescribed fee.

(3) A permit issued under this section shall have its expiration date indicated on its face in large letters or numbers.

(e) A disabled person's parking permit shall be issued in the form of a windshield placard of a size and design determined by the Director and shall be of a size large enough to be clearly seen from the outside of a motor vehicle. The placard shall contain the following information: the permit number, the name of the issuing authority, the designation, "Disabled Person's Parking Permit", the international wheelchair symbol, the date of expiration, and any other pertinent information the Director requires.

(f) When displayed by the person to whom it is issued, the placard shall be placed inside the vehicle in a position that it can be viewed from the outside through the lower right hand portion of the windshield. When displayed, this person is accorded the privilege contained in §2134 (f) of this chapter.

(g) A permit issued under this section is for the exclusive and personal use of the person to whom it is issued, and it may not be used by any other person.

(h) Any person who is not a handicapped person, as defined in subsection (a) of §2134 of this chapter, and who willfully and falsely represents himself as having the qualifications to obtain such a disabled person's parking permit in an attempt to obtain such permit shall, upon conviction, be fined \$50.00 (fifty dollars) and the cost of prosecution and, in default of payment thereof, shall be imprisoned for not more than 10 (ten) days. Justices of the Peace shall have jurisdiction over offenses under this section.

(i) The Department may adopt rules and regulations necessary for the implementation of this section."

Section 3. Amend Section 4183, Chapter 41, Title 21 of the Delaware Code by striking said section in its entirety and inserting a new Section 4183 to read as follows:

"§4183. Designated handicapped parking areas; restrictions.

(a) 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 or local authorities within their respective jurisdictions or owners or lessees of private property as a handicapped parking zone and conspicuously marked as such.

(b) For the purpose of this section, the term "vehicle of the handicapped" shall mean a vehicle which is displaying a special handicapped registration plate on the rear of the vehicle issued pursuant to Section 2134 of this title or a vehicle displaying a special handicapped ID parking card in the windshield, such ID card issued pursuant to Section 2135 of this title, or a plate or permit issued under a similar provision in another jurisdiction.

(c) A Uniform Parking Summons may be attached to an unattended vehicle found in violation of this section by any person authorized to make arrests for violations of this section. It shall be permissible for an owner or operator to mail such summons and the appropriate fine directly to the court designated upon the summons instead of appearing before such court for trial of the charge, provided that such remittance of the summons and fine is mailed at least 2 days before the trial date designated upon the summons.

(d) Whoever violates this section shall be fined not less than \$2 or more than \$25."

Approved July 23, 1982.

CHAPTER 442

FORMERLY

SENATE BILL NO. 469
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18, DEL. C., BY ESTABLISHING A DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.

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

Section 1. Create a new Chapter 44 which shall read as follows:

"CHAPTER 44. DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT.

S4401. Title

This Act shall be known and may be cited as the Delaware Life and Health Insurance Guaranty Association Act.

S4402. Purpose

The purpose of this Act is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts and supplemental contracts, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment or insolvency of the insurer issuing such policies or contracts. To provide this protection, (1) an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages, (2) members of the Association are subject to assessment to provide funds to carry out the purpose of this Act, and (3) the Association is authorized to assist the Commissioner, in the prescribed manner, in the detection and prevention of insurer impairments or insolvencies.

S4403. Scope

(1) This Act shall apply to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons licensed to transact insurance in this State at any time.

(2) This Act shall not apply to:

(a) That portion or part of a variable life insurance or variable annuity contract not guaranteed by an insurer;

(b) That portion or part of any policy or contract under which the risk is borne by the policyholder;

(c) Any policy or contract or part thereof assumed by the impaired or insolvent insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued;

(d) Any such policy or contract issued by a mutual benefit association organized under Chapter 55 of Title 18; a fraternal benefit society organized under Chapter 61 of Title 18; or a health service corporation organized under Chapter 63 of Title 18.

S4404. Construction

This Act shall be liberally construed to effect the purpose under S4402 which shall constitute an aid and guide to interpretation.

S4405. Definitions

As used in this Act:

(1) 'Account' means either of the three accounts created under S4406.

(2) 'Association' means the Delaware Life and Health Insurance Guaranty Association created under S4406.

(3) 'Commissioner' means the Commissioner of Insurance of this State.

(4) 'Contractual obligation' means any obligation under covered policies.

(5) 'Covered policy' means any policy or contract within the scope of this Act under §4403.

(6) 'Impaired insurer' means a member insurer deemed by the Commissioner after the effective date of this Act to be potentially unable to fulfill its contractual obligations and not an insolvent insurer.

(7) 'Insolvent insurer' means a member insurer which after the effective date of this Act, becomes insolvent and is placed under a final order of liquidation, rehabilitation or conservation by a court of competent jurisdiction.

(8) 'Member insurer' means any person licensed to transact in this State any kind of insurance to which this Act applies under §4403.

(9) 'Premiums' means direct gross insurance premiums and annuity considerations received on covered policies, less return premiums and considerations thereon and dividends paid or credited to policyholders on such direct business. 'Premiums' do not include premiums and considerations on contracts between insurers and reinsurers.

(10) 'Person' means any individual, corporation, partnership, association or voluntary organization.

(11) 'Resident' means any person who resides in this State at the time a member insurer is determined to be an impaired or insolvent insurer and to whom contractual obligations are owed.

§4406. Creation of the Association

(1) There is created a nonprofit legal entity to be known as the Delaware Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the Association as a condition of their authority to transact insurance in this State. The Association shall perform its functions under the plan of operation established and approved under §4410 and shall exercise its powers through a board of directors established under §4407. For purposes of administration and assessment, the Association shall maintain three accounts:

- (a) The health insurance account;
- (b) The life insurance account; and
- (c) The annuity account.

(2) The Association shall come under the immediate supervision of the Commissioner and shall be subject to the applicable provisions of the insurance laws of this State.

§4407. Board of Directors

(1) The Board of Directors of the Association shall consist of not less than five nor more than nine member insurers serving terms as established in the plan of operation. The members of the Board shall be selected by member insurers subject to the approval of the Commissioner. Vacancies on the Board shall be filled for the remaining period of the term by a majority vote of the remaining Board members, subject to the approval of the Commissioner. To select the initial Board of Directors, and initially organize the Association, the Commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy. If the Board of Directors is not selected within 60 days after notice of the organizational meeting, the Commissioner may appoint the initial members.

(2) In approving selections or in appointing members to the Board, the Commissioner shall consider, among other things, whether all member insurers are fairly represented.

(3) Members of the Board may be reimbursed from the assets of the Association for expenses incurred by them as members of the Board of Directors but members of the Board shall not otherwise be compensated by the Association for their services.

§4408. Powers and Duties of the Association

In addition to the powers and duties enumerated in other sections of this Act,

(1) If a domestic insurer is an impaired insurer, the Association may subject to any conditions impose by the Association other than those which impair the contractual obligations of the impaired insurer, and approved by the impaired insurer and the Commissioner.

(a) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the covered policies of the impaired insurers;

(b) Provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (a), and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (a);

(c) Loan money to the impaired insurer.

(2) If a domestic insurer is an insolvent insurer, the Association shall, subject to the approval of the Commissioner:

(a) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of the insolvent insurer;

(b) Assure payment of the contractual obligations of the insolvent insurer; and

(c) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

(3) If a foreign or alien insurer is an insolvent insurer, the Association shall, subject to the approval of the Commissioner:

(a) Guarantee, assume, or reinsure or cause to be guaranteed, assumed, or reinsured the covered policies of residents;

(b) Assure payment of the contractual obligations of the insolvent insurer to residents; and

(c) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

Provided, however, that this subsection shall not apply where the Commissioner has determined that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that provided by this Act for residents of this State.

(4) (a) In carrying out its duties under subsections (2) and (3), permanent policy liens, or contract liens may be imposed in connection with any guarantee, assumption or reinsurance agreement, if the court

(i) finds that the amounts which can be assessed under this Act are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, to be in the public interest, and

(ii) approves the specific policy liens or contract liens to be used.

(b) Before being obligated under subsections (2) and (3) the Association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of cash or policy loan values, and such temporary moratoriums and liens may be imposed if they are approved by the court.

(5) If the Association fails to act within a reasonable period of time as provided in subsections (2) and (3) of this Section, the Commissioner shall have the powers and duties of the Association under this Act with respect to insolvent insurers.

(6) The Association may render assistance and advice to the Commissioner, upon his request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.

(7) The Association shall have standing to appear before any court in this State with jurisdiction over an impaired or insolvent insurer concerning which the Association is or may become obligated under this Act. Such standing shall extend to all matters germane to the powers and duties of the Association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired or insolvent insurer and the determination of the covered policies and contractual obligations.

(8) (a) Any person receiving benefits under this Act shall be deemed to have assigned the rights under the covered policy to the Association to the extent of the benefits received because of this Act whether the benefits are payments of contractual obligations or continuation of coverage. The Association may require an assignment to it of such rights by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any rights or benefits conferred by this Act upon such person. The Association shall be subrogated to these rights against the assets of any insolvent insurer, and

(b) The subrogation rights of the Association under this subsection shall have the same priority against the assets of the insolvent insurer as that possessed by the person entitled to receive benefits under this Act.

(9) The contractual obligations of the insolvent insurer for which the Association becomes or may become liable shall be as great as but no greater than the contractual obligations of the insolvent insurer would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (4) but the aggregate liability of the Association shall not exceed \$100,000 in cash values, or \$300,000 for all benefits, including cash values, with respect to any one life.

(10) The Association may:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this Act;

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under §4409;

(c) Borrow money to effect the purposes of this Act. Any notes or other evidence of indebtedness of the Association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(d) Employ or retain such persons as are necessary to handle the financial transactions of the Association, and to perform such other functions as become necessary or proper under this Act;

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the Association;

(f) Take such legal action as may be necessary to avoid payment of improper claims; and

(g) Exercise, for the purposes of this Act and to the extent approved by the Commissioner, the powers of a domestic life or health insurer, but in no case may the Association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer.

§4409. Assessments

(1) For the purpose of providing the funds necessary to carry out the powers and duties of the Association, the Board of Directors shall assess the member insurers, separately for each account, at such time and for such amounts as the Board finds necessary. Assessments shall be due not less than 30 days after prior written notice to the member insurers and shall accrue interest at ten percent annum on and after the due date.

(2) There shall be three classes of assessments, as follows:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses and examinations conducted under the authority of §4412 (5) not related to a particular impaired or insolvent insurer;

(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the Association under §4408 with regard to an impaired or insolvent domestic insurer; and

(c) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the Association under §4408 with regard to an insolvent foreign or alien insurer.

(3) (a) The amount of any Class A assessment shall be determined by the Board and may be made on a non-pro rata basis. Such assessment shall be credited against future insolvency assessments and shall not exceed \$50 per company in any one calendar year. The amount of any

Class B or C assessment shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies;

(b) Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this State by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bears to such premiums received on business in this State for the calendar year preceding the assessment by all assessed member insurers;

(c) Class B assessments for each account shall be made separately for each State in which the impaired or insolvent domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the impaired or insolvent insurer on policies covered by such account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to such premiums received in all such States for such calendar year by the impaired or insolvent insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such State by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bears to such premiums received on business in each State for the calendar year preceding assessment by all assessed member insurers; and

(d) Assessments for funds to meet the requirements of the Association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this Act. Classification of assessments under subsection (2) and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(4) The Association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the Board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this Section.

(5) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed 2% of such insurer's premiums received in this State during the calendar year preceding the assessment on the policies covered by the account. If the maximum assessment, together with the other assets of the Association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the Association, the necessary additional funds shall be assessed as soon thereafter as permitted by this Act.

(6) The Board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the Board finds is necessary to carry out during the coming year the obligations of the Association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the Association and for future losses if refunds are impractical.

(7) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this Act, to consider the amount reasonably necessary to meet its assessment obligations under this Act.

(8) The Association shall issue to each insurer paying an assessment under this Act, other than a Class A assessment, a certificate of contribution, in a form prescribed by the Commissioner, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the Commissioner may approve.

§4410. Plan of Operation

(1) (a) The Association shall submit to the Commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the Association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the Commissioner; and

(b) If the Association fails to submit a suitable plan of operation within 180 days following the effective date of this Act or if at any time thereafter the Association fails to submit suitable amendments to the plan, the Commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this Act. Such rules shall continue in force until modified by the Commissioner or superseded by a plan submitted by the Association and approved by the Commissioner.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation shall, in addition to requirements enumerated elsewhere in this Act:

(a) Establish procedures for handling the assets of the Association;

(b) Establish the amount and method of reimbursing members of the Board of Directors under §4407;

(c) Establish regular places and times for meetings of the Board of Directors;

(d) Establish procedures for records to be kept of all financial transactions of the Association, its agents, and the Board of Directors;

(e) Establish the procedures whereby selections for the Board of Directors will be made and submitted to the Commissioner;

(f) Establish any additional procedures for assessments under §4409; and

(g) Contain additional provisions necessary or proper for the execution of the powers and duties of the Association.

(4) The plan of operation may provide that any or all powers and duties of the Association, except those under §4408 (10) (c) and §4409, are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this Association, or its equivalent, in two or more States. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the Association and shall be paid for its performance of any function of the Association. A delegation under this subsection shall take effect only with the approval of both the Board of Directors and the Commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this Act.

§441L. Duties and Powers of the Commissioner

In addition to the duties and powers enumerated elsewhere in this Act,

(1) The Commissioner shall:

(a) Upon request of the Board of Directors, provide the Association with a statement of the premiums in the appropriate States for each member insurer;

(b) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with such demand shall not excuse the Association from the performance of its powers and duties under this Act; and

(c) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the Commissioner shall be appointed conservator.

(2) The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the Commissioner may levy a forfeiture of any insurer which fails to pay an assessment when due. Such forfeiture shall not exceed 5% of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month.

(3) Any action of the Board of Directors or the Association may be appealed to the Commissioner by any member insurer if such appeal is taken within 30 days of the action being appealed. Any final action or order of the Commissioner shall be subject to judicial review in a court of competent jurisdiction.

(4) The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of this Act.

S4412. Prevention of Insolvencies

To aid in the detection and prevention of insurer insolvencies or impairments,

(1) It shall be the duty of the Commissioner:

(a) To notify the Commissioners of all the other States, territories of the United States and the District of Columbia when he takes any of the following actions against a member insurer:

- (i) revocation of license;
- (ii) suspension of license;
- (iii) makes any formal order that such company restrict its premium writing, obtain additional contributions to surplus, withdraw from the State, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders or creditors.

Such notice shall be mailed to all Commissioners within thirty (30) days following the action taken or the date on which such action occurs;

(b) To report to the Board of Directors when he has taken any of the actions set forth in (a) of this paragraph or has received a report from any other Commissioner indicating that any such action has been taken in another State. Such report to the Board of Directors shall contain all significant details of the action taken or the report received from another Commissioner;

(c) To report to the Board of Directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that such company may be an impaired or insolvent insurer; and

(d) To furnish to the Board of Directors the NAIC Early Warning Tests developed by the National Association of Insurance Commissioners, and the Board may use the information contained therein in carrying out its duties and responsibilities under this Section. Such report and the information contained therein shall be kept confidential by the Board of Directors until such time as made public by the Commissioner or other lawful authority.

(2) The Commissioner may seek the advice and recommendations of the Board of Directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member companies and companies seeking admission to transact insurance business in this State.

(3) The Board of Directors may, upon majority vote, make reports and recommendations to the Commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any company seeking to do an insurance business in this State. Such reports and recommendations shall not be considered public documents.

(4) It shall be the duty of the Board of Directors, upon majority vote, to notify the Commissioner of any information indicating any member insurer may be an impaired or insolvent insurer.

(5) The Board of Directors may, upon majority vote, request that the Commissioner order an examination of any member insurer which the Board in good faith believes may be an impaired or insolvent insurer. Within 30 days of the receipt of such request, the Commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the Commissioner designates. The cost of such examination shall be paid by the Association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the Board of Directors prior to its release to the public, but this shall not preclude the Commissioner from complying with subsection (1). The Commissioner shall notify the Board of Directors when the examination is completed. The request for an examination shall be kept on file by the Commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(6) The Board of Directors may, upon majority vote, make recommendations to the Commissioner for the detection and prevention of insurer insolvencies.

(7) The Board of Directors shall, at the conclusion of any insurer insolvency in which the Association was obligated to pay covered claims, prepare a report to the Commissioner containing

such information as it may have in its possession bearing on the history and causes of such insolvency. The Board shall cooperate with the boards of directors of guaranty associations in other States in preparing a report on the history and causes for insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations.

\$4413. Credits for Assessments Paid

(1) A member insurer may offset against its premium tax liability to this State an assessment described in §4409 (8) to the extent of 20 percent of the amount of such assessment for each of the five calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, all uncredited assessments may be credited against its premium tax liability for the year it ceases doing business.

(2) Any sums acquired by refund, pursuant to §4409 (6), from the Association which have theretofore been written off by contributing insurers and offset against (premium, franchise or income) taxes as provided in subsection (1) above, and are not then needed for purposes of this Act, shall be paid by the Association to the Commissioner and by him deposited with the State Treasurer for credit to the general fund of this State.

\$4414. Miscellaneous Provisions

(1) Nothing in this Act shall be construed to reduce the liability for unpaid assessments of the insureds on an impaired or insolvent insurer operating under a plan with assessment liability.

(2) Records shall be kept of all negotiations and meetings in which the Association or its representatives are involved to discuss the activities of the Association in carrying out its powers and duties under §4408. Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the Association to render a report of its activities under §4415.

(3) For the purpose of carrying out its obligations under this Act, the Association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the Association is entitled as subrogee pursuant to §4408 (8). Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this Act. Assets attributable to covered policies, as used in this subsection, is that proportion of the assets which the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(4) (a) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the Association, the shareholders and policyowners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination, consideration shall be given to the welfare of the policyholders of the continuing or successor insurer; and

(b) No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the Association for funds expended in carrying out its powers and duties under §4408 with respect to such insurer have been fully recovered by the Association.

(5) (a) If an order for liquidation or rehabilitation of an insurer domiciled in this State has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of paragraphs (b) to (d);

(b) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations;

(c) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared, shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two persons are liable with respect to the same distributions, they shall be jointly and severally liable;

(d) The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer; and

(e) If any person liable under paragraph (c) is insolvent, all its affiliates that controlled it at the time the dividend was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

§4415. Examination of the Association; Annual Report

The Association shall be subject to examination and regulation by the Commissioner. The Board of Directors shall submit to the Commissioner, not later than May 1 of each year, a financial report for the preceding calendar year in a form approved by the Commissioner and a report of its activities during the preceding calendar year.

§4416. Tax Exemptions

The Association shall be exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes levied on real property.

§4417. Immunity

There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the Association or its agents or employees, members of the Board of Directors, or the Commissioner or his representatives, for any action taken by them in the performance of their powers and duties under this Act.

§4418. Stay of Proceedings; Reopening Default Judgments

All proceedings in which the insolvent insurer is a party in any court in this State shall be stayed 60 days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the Association on any matters germane to its powers or duties. As to judgment under any decision, order, verdict, or finding based on default the Association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

§4419. Prohibited Advertisement of Insurance Guaranty Association Act in Sale of Insurance

No person, including an insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement which uses the existence of the Insurance Guaranty Association of this State for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by the Delaware Life and Health Insurance Guaranty Association Act. Provided, however, that this Section shall not apply to the Delaware Life and Health Insurance Guaranty Association or any other entity which does not sell or solicit insurance."

Approved July 23, 1982.

CHAPTER 443

FORMERLY

SENATE BILL NO. 479

AN ACT TO AMEND CHAPTER 56, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO RETIRED MEMBERS AND SURVIVORS OF THE STATE JUDICIARY RETIREMENT PLAN.

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

Section 1. Amend Section 5615, Chapter 56, Title 29, Delaware Code by striking the words "revised plan" as they appear in said section and substituting in lieu thereof the words "revised and closed plans".

Section 2. Amend Chapter 56, Title 29, Delaware Code by adding a new Section 5617 to read as follows:

"§5617. Increases in Pensions

Any monthly service or disability pension which became effective before January 1, 1979, and is payable on the date this subsection is enacted into law and any survivor pension based on a former service or disability pension that was effective prior to January 1, 1979, shall be increased effective July 1, 1982, in accordance with the following schedule:

<u>Year Service or Disability Pension Become Effective</u>	<u>Percent Increase in Pension Effective 7/1/82</u>
Prior to 1971	31%
1971	21%
1972	19%
1973	16%
1974	10%
After 1974	5%"

Approved July 23, 1982.

CHAPTER 444

FORMERLY

SENATE BILL NO. 482

AN ACT TO AMEND CHAPTER 68, TITLE 16, TO PROVIDE EXEMPTION FROM CIVIL LIABILITY FOR PERSONS WHO IN GOOD FAITH INTERVENE TO PROTECT OTHER PERSONS FROM CERTAIN CRIMINAL ACTS.

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

Section 1. Amend Chapter 68, Title 16, Delaware Code, by adding thereto a new subchapter to read as follows:

"Subchapter III. Immunity for Intervention to Protect Other Persons from Certain Criminal Acts.

§6820. Person intervening to protect other persons from certain crimes exempt from liability.

Any person who, in good faith, intervenes without compensation to protect other persons against any criminal act involving death, serious physical injury, robbery, burglary, kidnapping, or sexual intercourse compelled by force or threat at the scene of said attempted criminal act, shall not be liable for any civil damages resulting from the rendering of such assistance, except acts or omissions amounting to gross negligence or willful or wanton misconduct."

Approved July 23, 1982.

CHAPTER 445

FORMERLY

SENATE BILL NO. 485
AS AMENDED BY SENATE AMENDMENT NO. 1
AND HOUSE AMENDMENT NOS. 2 AND 3

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 47, TITLE 16 OF THE DELAWARE CODE, RELATING TO POSSESSION OF PRESCRIPTION DRUGS.

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

Section 1. Amend Subchapter IV, Chapter 47, Title 16 of the Delaware Code by adding a new §4754A to read as follows:

"§4754A. Possession of a prescription drug which is not a controlled substance

(a) It is unlawful for any person knowingly or intentionally to possess any drug for which a prescription is required, which is not a controlled substance or counterfeit controlled substance, with the following exceptions:

(1) the possession, and transfer to a licensed health care professional by a manufacturer's representative, of drugs manufactured by his employer;

(2) the possession, compounding and sale of such drug by a pharmacist in the lawful course of his professional activities;

(3) the possession and transfer of such drug by a physician or other licensed health care professional in the lawful course of his professional activities;

(4) the possession, use and consumption of such drug by a person who has received the drug from a physician or other licensed health care professional who is permitted by law to dispense or prescribe such drug.

Possession of a drug which is not a controlled substance, in violation of this Section, is a Class B Misdemeanor.

(b) In any prosecution for 'Unlawful Possession of a Non-Controlled Prescription Drug', it is an affirmative defense that the drug was possessed or consumed within the residence of the defendant, that a member of the defendant's household possessed a valid prescription for said drug, that the possession or consumption by the defendant was for the purpose of treating an illness and that the drug in question was approved for use for the specific illness."

Approved July 23, 1982.

CHAPTER 446

FORMERLY

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 551
AS AMENDED BY SENATE AMENDMENT NO. 4AN ACT TO AMEND TITLE 30, DELAWARE CODE, RELATING TO THE COLLECTION OF REALTY
TRANSFER TAX.

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 §5406, Title 30, Delaware Code, by striking subsection (b) as it appears therein in
its entirety and substituting in lieu thereof the following new subsection (b) to read as follows:

"(b) The Department of Finance shall appoint, in each county, either the Recorder of Deeds for
that county or the County Department of Finance or County Treasurer, as agent for the sale of
stamps to be used in paying the tax imposed by this chapter upon documents and shall allow a
commission of twenty-five percent (25%) of the face value of the stamps. The commissions allowed
to these agents shall be turned over to the County Treasurer for the County in which the tax is
collected, for the use of the County."

Section 2. The provisions of this Act shall become effective July 1, 1983.

Approved July 23, 1982.

CHAPTER 447

FORMERLY

SENATE BILL NO. 567

AN ACT TO AMEND CHAPTER 45, TITLE 12 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIFORM GIFTS TO MINORS ACT.

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

Section 1. Amend Section 4502, Chapter 45, Title 12 of the Delaware Code by striking Subsection (e) in its entirety and substituting in lieu thereof the following:

"(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 or at the time of any distribution pursuant to the document) one or more of the donor, the minor or the custodian is a resident of this state or if the custodian, although not a resident of this state, deposits the custodial property with a financial institution or broker within 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 on the basis of the fact that one or more of the donor, the minor or the custodian is a resident of this state 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."

Section 2. Amend Section 4504, Chapter 45, Title 12 of the Delaware Code by adding to subsection (e) thereof the words "an" following the word "has" and preceding the words "insurable interest."

Section 3. Amend Section 4504, Chapter 45, Title 12 of the Delaware Code by striking from Subsection (f) the word "insurer" therefrom and inserting in lieu thereof the word "issurer."

Section 4. Amend Section 4504, Chapter 45, Title 12 of the Delaware Code by adding thereto new Subsection (i) as follows:

"(i) The custodian may borrow cash, securities or other property from the donor or from any other person or entity upon such terms and conditions as may, with respect to the minor, be reasonable and prudent. The custodian shall have such powers and duties with respect to the borrowed property as the custodian has with respect to any other property held pursuant to this chapter."

Section 5. Amend Section 4507, Chapter 45, Title 12 of the Delaware Code by striking from Subsection (c) thereof the word "or" following the word "instrument" and preceding the word "designation" and substituting in lieu thereof the word "of."

Section 6. 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 7. This act shall become effective on the date of enactment but the repeal of any provision by this act shall not affect gifts made pursuant to Chapter 45 of Title 12 of as it existed prior to said date of enactment.

Approved July 23, 1982.

CHAPTER 448

FORMERLY

SENATE BILL NO. 574
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND PART III, TITLE 12 OF THE DELAWARE CODE, RELATING TO DISCLAIMER OF INTERESTS IN PROPERTY.

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

Section 1. Amend Part III, Title 12 of the Delaware Code by adding thereto a new Chapter 6 to read as follows:

"CHAPTER 6. DISCLAIMER

\$601. Right to Disclaim Interest in Property

A person, or the representative of a deceased, incapacitated, or protected person, who is a grantee, donee, heir, next of kin, devisee, legatee, person succeeding to a disclaimed or relinquished interest, surviving joint tenant, beneficiary under a testamentary or nontestamentary instrument or contract, donee of a power of appointment, or appointee under an exercised power of appointment, to whom property or an interest in or with respect to property devolves by whatever means may disclaim it, in whole or in part, by delivering a written disclaimer in the manner provided in this Chapter. The right to disclaim exists notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction. A disclaimer may be of a fractional share, of any limited interest or estate, or of any lesser included interest or estate, including a lesser included interest or estate having a specific monetary value.

\$602. Time of Disclaimer; Delivery

(a) Except as provided in subsection (c), (d), or (e), if the property or interest has devolved to the disclaimant under a testamentary instrument, by the laws of intestacy, or as a result of the death of a joint tenant, the disclaimer must be received, if of a present interest, not later than 9 months after the death of the deceased transferor, the deceased donee of a power of appointment, or the deceased joint tenant, as the case may be, and, if of a future interest, not later than 9 months after the event determining that the taker of the property or interest has become finally ascertained and his interest indefeasibly vested. The disclaimer, to be effective, must be received within the above time limits by the legal representative of the transferor of the property or interest or the holder of the legal title to which the interest relates. A copy of the disclaimer may be delivered to the person or persons entitled to the property or interest in the event of disclaimer, but the failure to make such delivery shall not affect the validity of the disclaimer. A copy of the disclaimer may be filed with the Register of Wills for the county in which proceedings for the administration of the estate of a deceased transferor of the property or interest, a deceased donee of the power, or a deceased joint tenant have been commenced, but the failure to so file the disclaimer shall not affect its validity.

(b) Except as provided in subsection (c), (d), or (e), if the property or interest has devolved to the disclaimant under a nontestamentary instrument or contract (other than as the result of the death of a joint tenant), the disclaimer must be received, if of a present interest, not later than 9 months after the effective date of the nontestamentary instrument or contract, and, if of a future interest, not later than 9 months after the event determining that the taker of the property or interest has become finally ascertained and his interest indefeasibly vested. If the person entitled to disclaim does not have actual knowledge of the existence of the interest, the disclaimer must be received not later than 9 months after the disclaimant acquires actual knowledge of the existence of the interest. The effective date of a revocable instrument or contract is the date on which the maker no longer has the power to revoke it or to transfer to himself or another the entire legal and equitable ownership of the interest. The disclaimer, to be effective, must be received within the above time limits by the transferor of the property or interest, his legal representative, or the holder of the legal title to which the interest relates. A copy of the disclaimer may be delivered to the person or persons entitled to the property or interest in the event of disclaimer, but the failure to make such delivery shall not affect the validity of the disclaimer.

(c) If the person desiring to disclaim is under age 21 at the commencement of the applicable 9-month limit under subsection (a) or (b), the disclaimer, to be effective, must be received not later than the date that is 9 months after the day on which the disclaimant attains age 21.

(d) If the person desiring to disclaim is, by reason of mental illness or mental infirmity, unable

CHAPTER 447

FORMERLY

SENATE BILL NO. 567

AN ACT TO AMEND CHAPTER 45, TITLE 12 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIFORM GIFTS TO MINORS ACT.

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

Section 1. Amend Section 4502, Chapter 45, Title 12 of the Delaware Code by striking Subsection (e) in its entirety and substituting in lieu thereof the following:

"(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 or at the time of any distribution pursuant to the document) one or more of the donor, the minor or the custodian is a resident of this state or if the custodian, although not a resident of this state, deposits the custodial property with a financial institution or broker within 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 on the basis of the fact that one or more of the donor, the minor or the custodian is a resident of this state 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."

Section 2. Amend Section 4504, Chapter 45, Title 12 of the Delaware Code by adding to subsection (e) thereof the words "an" following the word "has" and preceding the words "insurable interest."

Section 3. Amend Section 4504, Chapter 45, Title 12 of the Delaware Code by striking from Subsection (f) the word "insurer" therefrom and inserting in lieu thereof the word "issurer."

Section 4. Amend Section 4504, Chapter 45, Title 12 of the Delaware Code by adding thereto new Subsection (1) as follows:

"(1) The custodian may borrow cash, securities or other property from the donor or from any other person or entity upon such terms and conditions as may, with respect to the minor, be reasonable and prudent. The custodian shall have such powers and duties with respect to the borrowed property as the custodian has with respect to any other property held pursuant to this chapter."

Section 5. Amend Section 4507, Chapter 45, Title 12 of the Delaware Code by striking from Subsection (c) thereof the word "or" following the word "instrument" and preceding the word "designation" and substituting in lieu thereof the word "of."

Section 6. 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 7. This act shall become effective on the date of enactment but the repeal of any provision by this act shall not affect gifts made pursuant to Chapter 45 of Title 12 of as it existed prior to said date of enactment.

Approved July 23, 1982.

CHAPTER 448

FORMERLY

SENATE BILL NO. 574
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND PART III, TITLE 12 OF THE DELAWARE CODE, RELATING TO DISCLAIMER OF INTERESTS IN PROPERTY.

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

Section 1. Amend Part III, Title 12 of the Delaware Code by adding thereto a new Chapter 6 to read as follows:

"CHAPTER 6. DISCLAIMER

§601. Right to Disclaim Interest in Property

A person, or the representative of a deceased, incapacitated, or protected person, who is a grantee, donee, heir, next of kin, devisee, legatee, person succeeding to a disclaimed or relinquished interest, surviving joint tenant, beneficiary under a testamentary or nontestamentary instrument or contract, donee of a power of appointment, or appointee under an exercised power of appointment, to whom property or an interest in or with respect to property devolves by whatever means may disclaim it, in whole or in part, by delivering a written disclaimer in the manner provided in this Chapter. The right to disclaim exists notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction. A disclaimer may be of a fractional share, of any limited interest or estate, or of any lesser included interest or estate, including a lesser included interest or estate having a specific monetary value.

§602. Time of Disclaimer; Delivery

(a) Except as provided in subsection (c), (d), or (e), if the property or interest has devolved to the disclaimant under a testamentary instrument, by the laws of intestacy, or as a result of the death of a joint tenant, the disclaimer must be received, if of a present interest, not later than 9 months after the death of the deceased transferor, the deceased donee of a power of appointment, or the deceased joint tenant, as the case may be, and, if of a future interest, not later than 9 months after the event determining that the taker of the property or interest has become finally ascertained and his interest indefeasibly vested. The disclaimer, to be effective, must be received within the above time limits by the legal representative of the transferor of the property or interest or the holder of the legal title to which the interest relates. A copy of the disclaimer may be delivered to the person or persons entitled to the property or interest in the event of disclaimer, but the failure to make such delivery shall not affect the validity of the disclaimer. A copy of the disclaimer may be filed with the Register of Wills for the county in which proceedings for the administration of the estate of a deceased transferor of the property or interest, a deceased donee of the power, or a deceased joint tenant have been commenced, but the failure to so file the disclaimer shall not affect its validity.

(b) Except as provided in subsection (c), (d), or (e), if the property or interest has devolved to the disclaimant under a nontestamentary instrument or contract (other than as the result of the death of a joint tenant), the disclaimer must be received, if of a present interest, not later than 9 months after the effective date of the nontestamentary instrument or contract, and, if of a future interest, not later than 9 months after the event determining that the taker of the property or interest has become finally ascertained and his interest indefeasibly vested. If the person entitled to disclaim does not have actual knowledge of the existence of the interest, the disclaimer must be received not later than 9 months after the disclaimant acquires actual knowledge of the existence of the interest. The effective date of a revocable instrument or contract is the date on which the maker no longer has the power to revoke it or to transfer to himself or another the entire legal and equitable ownership of the interest. The disclaimer, to be effective, must be received within the above time limits by the transferor of the property or interest, his legal representative, or the holder of the legal title to which the interest relates. A copy of the disclaimer may be delivered to the person or persons entitled to the property or interest in the event of disclaimer, but the failure to make such delivery shall not affect the validity of the disclaimer.

(c) If the person desiring to disclaim is under age 21 at the commencement of the applicable 9-month limit under subsection (a) or (b), the disclaimer, to be effective, must be received not later than the date that is 9 months after the day on which the disclaimant attains age 21.

(d) If the person desiring to disclaim is, by reason of mental illness or mental infirmity, unable

properly to manage and care for his property at the commencement of the applicable 9-month limit under subsection (a), (b), or (c), the disclaimer, to be effective, must be received not later than the date that is 9 months after the earlier of (1) the date of the Court's order appointing a trustee for such mentally ill person or appointing a guardian of the property of such mentally infirm person, or (2) the date of termination of such person's mental illness or mental infirmity.

(e) The Court of Chancery, upon petition of the person desiring to disclaim, or his representative, filed within the applicable time limit under subsection (a), (b), (c), or (d), may extend the time limit for making a disclaimer under this Chapter.

(f) A joint tenant who did not join in the creation of the joint tenancy may disclaim during his life all or any part of his interest in the property which is the subject of the joint tenancy by delivering a disclaimer to the other joint tenant or joint tenants. A surviving joint tenant may disclaim as a separate interest any property or interest therein devolving to him by right of survivorship. A surviving joint tenant may disclaim the entire interest in any property or interest therein that is the subject of a joint tenancy devolving to him, if the joint tenancy was created by the act of a deceased joint tenant and the survivor did not join in creating the joint tenancy. For purposes of this Chapter, the term 'joint tenant' includes a tenant by the entireties, and the term 'joint tenancy' includes a tenancy by the entireties.

(g) For purposes of this Chapter, the donee of a power of appointment with respect to property shall be treated as having an interest in such property and the donor of a power of appointment shall be considered a transferor of an interest in the property subject to the power. A disclaimer by the donee of a power of appointment may be with respect to the whole or any part of the property subject to such power, and the disclaimer may be in such manner as to reduce or limit the person or objects, or classes of persons or objects, in whose favor such power would otherwise be exercisable.

(h) If real property or an interest therein is disclaimed, a copy of the disclaimer may be recorded in the Office of the Recorder of Deeds in and for the county in which the property or interest disclaimed is located.

§603. Form of Disclaimer

The disclaimer shall be in writing and shall:

- (a) be an irrevocable and unqualified refusal by the disclaimant to accept property or an interest therein;
- (b) describe the property or interest disclaimed;
- (c) declare the disclaimer and extent thereof; and
- (d) be signed by the disclaimant.

§604. Effect of Disclaimer

(a) Except as otherwise provided in subsection (c), if the property or interest devolved to a disclaimant under a testamentary instrument, under the laws of intestacy, or as a result of the death of a joint tenant, and if the deceased transferor or deceased joint tenant has not provided for another disposition, a present interest devolves as if the disclaimant had predeceased the decedent, and any future interest that takes effect in possession or enjoyment at or after the termination of the estate or interest disclaimed takes effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and his interest indefeasibly vested. If a disclaimer relates only to a particular property or interest, the disclaimant shall not be considered to have predeceased with respect to any other property or interest not effectively disclaimed. A disclaimer relates back, for all purposes, to the date of death of the transferor or joint tenant, or to the date of the determinative event, as the case may be.

(b) Except as otherwise provided in subsection (c), if the property or interest devolved to a disclaimant under a nontestamentary instrument or contract (other than as the result of the death of a joint tenant) and the instrument or contract does not provide for another disposition: (1) a present interest devolves as if the disclaimant had died before the effective date of the instrument or contract; and (2) a future interest that takes effect in possession or enjoyment at or after the termination of the disclaimed interest takes effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and his interest indefeasibly vested. If a disclaimer relates only to a particular property or interest, the disclaimant shall not be considered to have predeceased with respect to any other property or interest not effectively disclaimed. A disclaimer relates back, for all purposes, to the effective date of the instrument or contract or to the date of the determinative event, as the case may be.

(c) Notwithstanding the provisions of subsections (a) and (b), if the disclaimant was designated

to take under an exercised power of appointment, the property or interest disclaimed devolves as if the disclaimant had died before the effective date of the exercise.

(d) The disclaimer, or the written waiver of the right to disclaim, is binding upon the disclaimant or person waiving and all persons claiming through or under him.

§605. Waiver and Bar

The right to disclaim property or an interest therein is barred by: (a) an assignment, conveyance, encumbrance, pledge, or transfer of the property or interest, or a contract therefor; (b) a written waiver of the right to disclaim; (c) an acceptance of the property or interest or any of its benefits; or (d) a sale of the property or interest under judicial sale made before the disclaimer is effected.

§606. Remedy not Exclusive

This Chapter does not abridge the right of a person to waive, release, disclaim, or renounce property or an interest therein under any other law.

§607. Application

(a) A present interest in property that exists on the effective date of this Chapter and as to which the time for making a disclaimer under this Chapter has not expired may be disclaimed within 9 months after the effective date of this Chapter.

(b) A future interest that exists on the effective date of this Chapter which has not become indefeasibly vested or with respect to which the taker has not been finally ascertained may be disclaimed within the applicable time limit provided in §602.

§608. Short Title

This Chapter may be cited as the Delaware Disclaimer of Property Interests Act."

Section 2. Amend Chapter 5, §512 of Title 12, Delaware Code by striking said Section in its entirety.

Section 3. The provisions of this Act shall not affect the validity of any actions taken or property rights created under §512 of Title 12 prior to the effective date of this Act.

Section 4. The provisions of this Act shall become effective 2 months after enactment and shall apply to disclaimers made on or after the effective date of this Act.

Approved July 23, 1982.

CHAPTER 449

FORMERLY

SENATE BILL NO. 575

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO LOCAL AUTHORITIES AND THE FORCE AND EFFECT OF LOCAL TRAFFIC ORDINANCES AND TO AMEND CHAPTER 27, TITLE 21, TO PROVIDE FOR A CLARIFICATION OF THE WORD "CONVICTION".

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

Section 1. Amend Title 21, Section 4101(b) by deleting the present subsection (b) in its entirety and substituting a new subsection (b) to read as follows:

"(b) Local authorities, except as expressly authorized by law, shall not enact or enforce any rules or regulations contrary to this chapter. Traffic ordinances and regulations adopted by local authorities and substantially conforming to the sections of this chapter, shall have the same force and effect as the traffic laws of this title. Whenever any provision of this title refers to a specific section of this title, such section shall be deemed to include substantially conforming ordinances and regulations enacted by local authorities. The court's notice of conviction for violating a local ordinance or regulation that substantially conforms to the provisions of this title, when included in the person's driving record, shall be deemed to be equivalent to a violation of the state statute to which it conforms. This section shall not be deemed to affect the jurisdiction for violations of local traffic ordinances or regulations nor the fine to be imposed for such a violation. Local authorities may regulate the use of the highways by processions or assemblages. Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use nor requiring other or different or additional conditions than those specified in this chapter or otherwise regulating such use as seems best to such owner."

Section 2. Amend Title 21, Section 2732 by adding a new subsection (d) to read as follows:

"(d) The convictions included in subsections (a) and (b) of this section shall be deemed to include convictions for any violation of this title or a local ordinance or regulation substantially conforming to a state statutory provision."

Approved July 23, 1982.

CHAPTER 450

FORMERLY

SENATE BILL NO. 586

AN ACT TO AMEND 6701 (1), (2), CHAPTER 67, TITLE 18, DELAWARE CODE RELATING TO THE DEFINITION OF "COVERED FIREMEN" AND "LINE OF DUTY" FOR LINE OF DUTY DISABILITY BENEFITS TO VOLUNTEER FIREMEN.

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

Section 1. Amend 6701 (1) by deleting subsection (1) in its entirety and inserting in lieu thereof the following new subsection (1) as follows:

"Section 1. (1) Covered Firemen shall mean enrolled firemen and ladies auxiliary members in good standing, either according to the rules of their Delaware volunteer fire company, or through their assignment to a municipal fire company. The use of the masculine gender through out this chapter in referring to "Covered Firemen" shall also include the feminine gender where applicable."

Section 2. Amend 6701 (2) by deleting subsection (2) in its entirety and inserting in lieu thereof the following new subsection (2) as follows:

"Section 2. (2) Line of Duty, with respect to enrolled firemen and ladies auxiliary members as defined in 6701 (1) shall mean while traveling to, performing their assigned duties or returning from, a fire alarm, rescue operation or any other emergency volunteer fire company action; provided, however, that the phrases "traveling to" and "returning from" shall include the time encompassed by the fireman's or ladies auxiliary members entrance into their personal vehicle or company emergency vehicle in response to the alarm or emergency call until their first disembarkation from their personal vehicle at their home, place of employment or other location."

Approved July 23, 1982.

CHAPTER 451

FORMERLY

SENATE BILL NO. 598

AN ACT TO AMEND CHAPTER 65, TITLE 9 OF THE DELAWARE CODE; RELATING TO SANITARY AND WATER DISTRICTS OF SUSSEX COUNTY.

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

Section 1. Amend §6516, Chapter 65, Title 9 of the Delaware Code, as amended by striking the existing section and substituting the following as a new §6516:

"§6516. The County government may accept grants or loans of money, labor, materials, equipment or technical assistance from agencies of the federal or state government or from interstate agencies to accomplish the purposes of this chapter. The county government may issue bonds to evidence loans made by an agency of the federal government, at private sale, providing those bonds bear interest at no more than 5% per annum and are issued for a term not exceeding 40 years from the date of the bonds. The county government may pledge its taxing power to the payment of the bonds without limitation as to rate or amount and the bonds may be payable at a place approved by the agency making the loan. Bonds issued pursuant to this section shall not be subject to the provisions of Section 6102, Chapter 61, Title 9 of the Delaware Code, as amended.

Section 2. This Act shall take effect upon adoption.

Approved July 23, 1982.

CHAPTER 452

FORMERLY

SENATE BILL NO. 602

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE AND CHAPTER 65, PART IV, TITLE 11, DELAWARE CODE BY DELETING THOSE SECTIONS RELATIVE TO SPECIAL PENSION BENEFITS FOR CORRECTIONS OFFICERS.

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

Section 1. Amend Section 5534, Chapter 55, Title 29, Delaware Code by deleting said section in its entirety.

Section 2. Amend Subsection 5543(c), Chapter 55, Title 29, Delaware Code by deleting said subsection in its entirety.

Section 3. Amend Subsection 5544(f), Chapter 55, Title 29, Delaware Code by deleting said subsection in its entirety.

Section 4. Amend Section 6555, Chapter 65, Part IV, Title 11, Delaware Code by deleting said Section in its entirety.

Approved July 23, 1982.

CHAPTER 453

FORMERLY

SENATE BILL NO. 609
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 66, TITLE 18, RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

Section 1. Amend §6601 (1) by striking subsection a. thereof in its entirety and by inserting in lieu thereof the following:

"a. Enrolled firemen and ladies auxiliary members in good standing, either according to the rules of their Delaware Volunteer Fire Company, or through their assignment to a municipal fire company.

Section 2. Amend §6601 (2) by adding thereto a new subsection a. to read as follows:

"a. 'Death in the line of duty' with respect to enrolled firemen and ladies auxiliary members as referred to in §6601 (1) a. shall include in addition to other provisions of this section any death occurring while performing assigned duties, or while traveling to or returning from a fire alarm, rescue operation or any other emergency volunteer fire company action; provided, however, that the phrases 'traveling to' and 'returning from' shall include the time encompassed by the fireman's or ladies auxiliary members' entrance into their personal vehicle or company emergency vehicle in response to the alarm or emergency call until their first disembarkation from their personal vehicle at their home, place of employment or other location."

Approved July 23, 1982.

CHAPTER 454

FORMERLY

SENATE BILL NO. 618

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

AN ACT TO AMEND CHAPTER 75, PART V, TITLE 15 OF THE DELAWARE CODE RELATING TO THE CONDUCT OF ELECTIONS.

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

Section 1. Amend §7502, Chapter 75, Part V, Title 15 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§7502. Conduct of Elections When There Is Only One Candidate

In any town or municipal election where there is only one official candidate for each office, if none of the official candidates has a formal opponent on the day of election, the official candidates may assume office without the holding of a formal election."

Approved July 23, 1982.

CHAPTER 455

FORMERLY

SENATE BILL NO. 634

AN ACT TO AMEND CHAPTER 55, TITLE 15, DELAWARE CODE, RELATING TO ABSENTEE VOTING IN SPECIAL ELECTIONS.

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

Section 1. Amend §5501 of Chapter 55, Title 15, Delaware Code, by inserting after the word "general" and before the word "election" the words: "or special".

Section 2. Amend §5502 of Chapter 55, Title 15, Delaware Code, by inserting after the word "general" and before the word "election" the words: "or special".

Section 3. Amend §5505 of Chapter 55, Title 15, Delaware Code, by inserting after the word "general" and before the word "election" the words: "or special" as they appear in the first and second sentences of said section 5505.

Approved July 23, 1982.

CHAPTER 456

FORMERLY

SENATE BILL NO. 638

AN ACT TO AMEND CHAPTER 29, TITLE 9, DELAWARE CODE, RELATING TO AMBULANCE AND PARAMEDIC SERVICES FOR LOWER NEW CASTLE COUNTY.

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

Section 1. Amend Chapter 29, Title 9, Delaware Code, by adding thereto a new Section to be designated as §2904 to read as follows:

"§2904. Paramedic and Ambulance Service

Wherever in New Castle County paramedic and/or ambulance services have been made available to the public by the county governmental unit, such service shall not be discontinued or abolished without first giving the residents of such areas as may be affected a one year notice."

Approved July 23, 1982.

CHAPTER 457

FORMERLY

SENATE BILL NO. 642

AN ACT TO AMEND CHAPTER I, SUBCHAPTER II, TITLE 13, DELAWARE CODE, RELATING TO PREMARITAL PHYSICAL EXAMINATIONS.

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

Section 1. Amend Chapter I, Subchapter II, Title 13, Delaware Code, by striking said Subchapter II in its entirety.

Approved July 23, 1982.

CHAPTER 458

FORMERLY

SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 644

AN ACT TO AMEND CHAPTER 216, VOLUME 27 LAWS OF DELAWARE AS IT MAY HAVE BEEN AMENDED FROM TIME TO TIME RELATING TO "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF NEW CASTLE".

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 216, Volume 27 Laws of Delaware as amended by Section 1. Chapter 142, Volume 29 Laws of Delaware and Section 1. Chapter 12, Volume 55 Laws of Delaware by striking the word "Tuesday" and substituting in lieu thereof the word "Saturday".

Section 2. Amend Section 5. Chapter 216, Volume 27 Laws of Delaware by adding at the end thereof the following:

"Notwithstanding the foregoing Council may when determining the polling places for the several districts provide that all districts shall vote in a single polling place even if not located within the boundaries of the district."

Approved July 23, 1982.

CHAPTER 459

FORMERLY

SENATE BILL NO. 659

AN ACT RELATING TO THE TERMINATION OF THE OFFICE OF STATE BANK COMMISSIONER.

WHEREAS, the Office of Bank Commissioner was scheduled for review by the Delaware Sunset Committee during 1982; and

WHEREAS, due to insufficient staff and insufficient criteria to thoroughly evaluate the agency, the Committee would like to the extend the agency for review during the 1983 schedule.

NOW, THEREFORE:

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

Section 1. The provisions of §10215, Title 29 of the Delaware Code as they apply to the Office of State Bank Commissioner are hereby suspended until June 30, 1983; and if no further legislation to reinstate such office is recommended by the Delaware Sunset Committee prior to July 1, 1983 this suspension shall automatically terminate.

Approved July 23, 1982.

CHAPTER 460
FORMERLY
SENATE BILL NO. 660

AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOARD OF VETERINARY MEDICINE.

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

Section 1. Amend Chapter 33, Title 24 of the Delaware Code by adding thereto a new section, designated as §3300 which new section shall read as follows:

"§3300. Objectives and Functions

The primary objective of the Board of Veterinary Medicine, to which all other objectives and purposes are secondary, is to protect the general public (specifically those persons who are direct recipients of services regulated by this Chapter) from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against practitioners regulated by the Board; shall adjudicate at formal complaints hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against practitioners."

Section 2. Amend §3304, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3304. Board of Veterinary Medicine

(a) The Board of Veterinary Medicine shall consist of five members appointed by the Governor: three professional members who shall be licensed veterinarians; and two public members. To serve on the Board, a public member shall not be nor ever have been a veterinarian, nor a member of the immediate family of a veterinarian; shall not have been employed by a veterinarian; shall not have had a material financial interest in the providing of goods and services to veterinarians; nor have been engaged in an activity directly related to veterinary medicine. Such public member shall be accessible to inquiries, comments and suggestions from the general public.

(b) Each member shall serve for a term of three years, and may succeed himself for one additional term; provided however, that where a member was initially appointed to fill a vacancy, such member may succeed himself for only one additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former member. Each term of office shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully appointed.

(c) A member of the Board shall be suspended or removed by the Governor for misfeasance, non-feasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated or the matter is otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(d) No member of the Board of Veterinary Medicine, while serving on the Board, shall be a President, Chairman or other official of a professional Association of Veterinarians.

(e) The provisions set forth for "employees" in §5855 of Title 29 shall apply to all members of the Board, and to all agents appointed by or otherwise employed by the Board.

(f) Each Board member shall be reimbursed for all expenses involved in each meeting, including travel; and in addition shall receive not more than fifty dollars (\$50.00) for each meeting attended, but not more than five hundred dollars (\$500.00) in any calendar year. After ten meetings have been attended, the member shall not be compensated for any subsequent meetings attended in that year."

Section 3. Amend §3305, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3305. Officers; Conduct of Business

(a) In the same month of each year the members shall elect, from among their number, a President, a Secretary and a Treasurer. Each officer shall serve for one year, and shall not succeed himself in the same office.

(b) The Board shall hold regularly scheduled business meetings at least once in each quarter of a calendar year, and at such other times as the President deems necessary; or at the request of a majority of Board members. Notice of such business meeting together with a copy of the minutes of the last meeting, shall be sent to the office address of each practitioner licensed under this chapter at least one week prior to the meeting. Special or emergency meetings may be held without notice, but a copy of the minutes of the special or emergency meeting shall be included with the notice sent to practitioners for the next following business meeting.

(c) A majority of members shall constitute a quorum; and no action shall be taken without the affirmative vote of at least three members. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office and a replacement shall be appointed.

(d) Minutes of all meetings shall be recorded, and copies shall be maintained by the Division of Business and Occupational Regulation. At any hearing where evidence is presented, such hearing shall be recorded and transcribed by the Division."

Section 4. Amend §3306, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

§3306. Powers and Duties

(a) The Board of Veterinary Medicine shall have authority to:

(1) Formulate rules and regulations, with appropriate notice to those affected, where such notice can reasonably be given. Each rule or regulation shall implement or clarify a specific section of this chapter;

(2) Designate the application form to be used by all applicants, and to process all applications;

(3) Designate a written national examination, prepared by either the national professional association or by a recognized legitimate national testing service. The examination shall be prepared for testing on a national basis, and not specifically prepared at the request of the Board for its individual use. The national examination shall be taken by persons applying for licensure, except applicants who qualify for licensure by reciprocity;

(4) Provide for the administration of all examinations, including notice and information to applicants;

(5) Administer such national examination for those who cannot be examined at a school or college of veterinary medicine, and administered under such conditions as are permitted by the national testing service which has produced such examination;

(6) Grant licenses to all persons who meet the qualifications for licensure;

(7) Receive complaints from practitioners and from the public concerning practitioners, or concerning practices of the profession; to evaluate such complaints; and to take such action within its powers as the Board deems appropriate;

(8) Determine whether or not a practitioner shall be the subject of a disciplinary hearing, and if so, to conduct such hearing in accordance with this chapter and the provisions of the Administrative Procedures Act;

(9) Where it has been determined after a disciplinary hearing, that penalties or sanctions should be imposed, to designate and impose the appropriate sanction or penalty after time for appeal has lapsed;

(10) Bring proceedings in the courts for the enforcement of this chapter;

(11) Maintain complete records relating to meeting minutes, applications, examinations, rosters, changes and additions to the rules and regulations, complaints, hearings, and such other matters as the Board shall determine.

(b) The Board may require by subpoena the attendance and testimony of witnesses and production papers, records or other documentary evidence.

Section 5. Amend §3307, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

§3307. Application Procedure

(a) An applicant who is applying for examination and licensure shall have the following qualifications:

(1) He shall have received a degree of "Doctor of Veterinary Medicine" or its equivalent from a school or college approved by the American Veterinary Medical Association;

(2) He shall not have been convicted of a felony, nor have been professionally penalized or convicted for drug addiction, convicted of unlawfully prescribing narcotic drugs, nor have been professionally penalized or convicted for fraud.

(3) Each applicant shall provide such information as may be required on an application form designed and furnished by the Board. No application form shall require a picture of the applicant; require information relating to citizenship, place of birth, or length of state residency; nor require personal references.

(b) Where a person who feels the Board has refused or rejected his application without justification; has imposed higher or different conditions for him than for other applicants or persons now licensed; or has in some other manner contributed to or caused the failure of such person's application, the applicant may appeal to the Superior Court.

(c) Where the Board has found to its satisfaction that an application has been intentionally fraudulent, or that false information has been intentionally supplied, it shall report its findings to the Attorney General for further action."

Section 6. Amend §3308, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3308. Examination of Applicants

(a) The Board shall, in the same month each year, or at such times as are determined by the testing service, administer the latest examination prepared by the National Board of Veterinary Examiners; or administer such portions of the said National Board examination as it deems necessary. Such written examination shall be obtained from, and corrected by, the National Board of Veterinary Examiners. Where an applicant fails to pass the examination, but has successfully completed or passed certain sections or portions of the examination, the applicant shall in the next subsequent examination be tested only for those portions or sections which he failed, if the testing service permits such partial examination. In the event the applicant fails the second time to successfully complete or pass the examination, the Board may require that such applicant again take the complete examination.

(b) In the event an applicant has already taken and passed the National Board examination, the certificate or other evidence of successful completion from the the National Board of Veterinary Examiners shall be accepted by the Board of Veterinary Medicine, and no further examination shall be necessary."

Section 7. Amend §3309, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3309. Reciprocity

Where the applicant is licensed in another State, the Board shall accept the certificate or other evidence of his examination score issued by the National Board of Veterinary Examiners in lieu of all other requirements for licensure provided for in this Chapter. Upon receipt of an application for reciprocity, the Board shall contact each board which has previously licensed the applicant, to determine whether or not there are disciplinary proceedings or unresolved complaints pending against the applicant. In the event there is a disciplinary proceeding or unresolved complaint pending, the applicant shall not be licensed until the proceeding or complaint has been resolved. An application for licensure by reciprocity shall be accompanied by full payment of the reciprocity fee."

Section 8. Amend §3310, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"3310. Fees

(a) The amount to be charged for each fee imposed under this chapter shall approximate and reasonably reflect all costs necessary to defray the expenses of the Board, as well as the proportional expenses incurred by the Division of Business and Occupational Regulation in its services on behalf of the Board. There shall be a separate fee charged for each service or activity, but no fee shall be charged for an activity not specified in this Chapter. The application fee shall not be combined with any other fee or charge. At the beginning of each calendar year the Division of Business and Occupational Regulation, or any other state agency acting in its behalf, shall compute for each separate service or activity, the appropriate fee for the coming year.

(b) In those instances where the National Board examination is to be taken in Delaware, applicants shall nevertheless pay all fees charged by the testing service directly to the testing service. Where the testing service refuses to accept direct payments, the applicant may pay the Board. In the event there are extra local expenses incurred by the State for its services in administering the examination, the applicant shall pay an additional fee to the Board to defray those local expenses."

Section 9. Amend §3311, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

§3311. Licensure; Renewal of License

(a) Each person who has passed the written examination, who has been admitted to practice in this State by reciprocity, or who has otherwise qualified for a license shall, prior to practicing in this State, file for and obtain an occupational license from the Division of Revenue in accordance with Chapter 23 of Title 30. The Board shall forthwith issue a license to each person who has qualified for same under the provisions of this chapter.

(b) Each license shall be renewed biennially, in such manner as is determined by the Division of Business and Occupational Regulation. The Board shall, in its rules and regulations, determine the period of time within which a practitioner may still renew his license, notwithstanding the fact that such practitioner has failed to renew on or before the renewal date; provided however, that such period shall not exceed one year. The Board shall charge for each month or quarter during such "late renewal period" a late fee which, at the end of such "late period," shall be twice the sum of the unpaid renewal fee. At the expiration of the period designated by the Board, the license shall be deemed to be lapsed and not renewable, unless the former licensee re-applies under the same conditions which govern reciprocity; provided however, that the former licensee shall also pay a reinstatement fee in an amount which is three times the amount of the reciprocity fee.

(c) Any licensee may, upon his written request, be placed in an inactive status. The renewal fee of such person shall be pro-rated in accordance with the amount of time such person was inactive. Such person may re-enter practice upon notification to the Board of his intent to do so.

(d) A person who is a qualified applicant for licensure awaiting examination may receive, without examination, temporary permit to practice veterinary medicine in this State; provided however, that such temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the examination in this State or in any other state, territory or district of the United States or a foreign country.

(e) The Board may issue, without examination, a temporary permit to practice veterinary medicine in this State, to any non-resident veterinarian validly licensed in another state, territory, district of the United States or foreign country if such veterinarian pays a fee in the sum of twenty-five dollars (\$25.00); provided however, that such temporary permit shall be issued for a period of not more than sixty days, and that not more than one permit shall be issued to a person during each calendar year."

(f) A former licensee who has been penalized for the violation of a provision of this chapter, or whose license has been suspended or revoked, and who subsequently is permitted to apply for reinstatement shall apply for a new license, successfully complete the National Board examination, and shall pay all appropriate fees before he may be licensed."

Section 10. Amend §3312, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

§3312. Complaints

(a) Any practitioner or member of the public who has a question or a complaint concerning

any aspect of the practice of veterinary medicine may, during the regular business hours of a business day, contact the Board or the Division of Business and Occupational Regulation; or voice such question or complaint at a business meeting of the Board.

(b) The Board shall investigate any complaint, including oral and anonymous complaints; and shall follow through on those informal complaints which, upon investigation, appear to be valid and well-founded. In cases where the complainant is known to the Board, the Board shall, within one week after receipt of the complaint, notify the complainant as to what action (if any) the Board intends to take in the matter. A complete record shall be kept of each complaint, formal or informal; provided however, that the complaints records may be purged after five years.

Section 11. Amend §3313, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3313. Violations; Grounds for Professional Discipline

(a) Practitioners regulated under this Chapter shall be subject to those disciplinary actions set forth in §3314 if, after a hearing, the Board finds:

- (1) The willful violation of any privileged communication by the practitioner;
- (2) That the practitioner has employed or knowingly cooperated in fraud or material deception in order to be licensed, or be otherwise authorized to practice veterinary medicine;
- (3) Illegal, incompetent or negligent conduct in the practice of veterinary medicine;
- (4) Excessive use or abuse of drugs (including alcohol, narcotics or chemicals);
- (5) That the practitioner has been convicted of a felony or crime involving moral turpitude;
- (6) That the practitioner, as a veterinarian or otherwise in the practice of his profession, knowingly engaged in an act of consumer fraud or deception, engaged in the restraint of competition, or participated in price-fixing activities;
- (7) Fraud or dishonesty in the application or reporting of any test for disease in animals;
- (8) Failure to keep veterinary premises and equipment in clean and in a sanitary condition;
- (9) Failure to report, as required by law, or making false report of any contagious or infestous disease;
- (10) Dishonesty or negligence in the inspection of foodstuffs, or in the issuance of health or inspection certificates;
- (11) Cruelty to animals;
- (12) That the practitioner has violated a lawful provision of this Chapter, or any lawful regulation established thereunder.

(b) A practitioner shall be subject to non-disciplinary remedial action if, after a hearing, the Board finds that there is a danger to health, safety or welfare of the public due to:

- (1) Physical illness or loss of motor skill, including but not limited to deterioration through the aging process; or
- (2) Temporary emotional disorder or mental illness; or
- (3) Permanent emotional disorder or mental illness.

(c) If a practitioner's physical or mental capacity to practice safely is at issue in a non-disciplinary remedial proceeding, the Board may order a practitioner to submit to a reasonable physical or mental examination. Failure to comply with a lawful order to submit to a physical or mental examination shall render the practitioner liable to temporary suspension or revocation of license in accordance with §3314.

(d) Where a practitioner fails to comply with the Board's request that he submit to an

examination or attend a hearing, the Board may petition the Superior Court to order such examination or attendance, and the said Court or any judge assigned thereto shall have jurisdiction to issue such order.

(e) Subject to the provisions of Subchapter IV, Chapter 101, Title 29 of the Delaware Code, no license shall be restricted, suspended or revoked by the Board; and no practitioner's right to practice shall be limited by the Board, until such practitioner has been given notice, and an opportunity to be heard in accordance with the Administrative Procedures Act."

Section 12. Amend §3314, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3314. Remedial Actions and Disciplinary Sanctions

The Board may impose any of the following sanctions, singly or in combination, when it finds that one of the conditions or violations set forth in §3313 applies to a practitioner regulated by this Chapter;

- (1) Issue a letter of reprimand ;
- (2) Censure a practitioner;
- (3) Place a practitioner on probationary status, and require the practitioner to:
 - (i) Report regularly to the Board upon the matters which are the basis on the probation,
 - (ii) Limit all practice and professional activities to those areas prescribed by the Board, and/or
 - (iii) Continue or renew his professional education until the required degree of skill has been attained in those areas which are the basis of the probation;
- (4) Suspend any practitioner's license; or
- (5) Revoke a practitioner's license.

(b) The Board may withdraw or reduce conditions of probation when it finds that the deficiencies which required such action have been remedied.

(c) The Board may temporarily suspend a practitioner's license in advance of a final adjudication, or during the appeals process; but only in cases where there is a clear and immediate danger to the health, safety and welfare of the public if the licensee is allowed to continue to practice. Such suspension may be appealed.

(d) Where a license has been suspended due to a disability of the licensee, the Board may reinstate such license if, after a hearing, the Board is satisfied that the licensee is able to practice with reasonable skill and safety.

(e) As a condition to reinstatement of a suspended license, or removal from probationary status, the Board may impose such disciplinary or corrective measures as are authorized under this Chapter."

Section 13. Amend §3315, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3315. Board Hearings; Procedure

(a) Upon the receipt of a complaint, the Board shall determine what action, if any, it shall take. If the Board decides not to take any further action, and the complainant is known to the Board, the Board shall forward by letter to the complainant its reasons for not taking further action. Where the Board has determined to take further action, the matter shall be heard by the Board within three months from the date on which the complaint was received. The Board shall fix the time and place for a full hearing of the matter, and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be personally delivered or served upon the practitioner at least thirty days before the date fixed for the hearing. In cases where the practitioner cannot be located or where personal service cannot be effected, substitute service shall be effected in the same manner as with civil litigation.

(b) All hearings shall be informal without the use of rules of evidence. If the Board finds, by a majority vote of all members, that the complaint has merit, the Board it shall take such action permitted under this Chapter as it deems necessary. The Board's decision shall be in

writing and shall include its reasons for such decision. A copy of the decision shall be mailed immediately to the practitioner. The Board's decision shall become effective on the thirtieth day after the date it is mailed or served on the practitioner, unless there is an appeal by the practitioner to the Superior Court within that time.

(c) Where the practitioner is in disagreement with the action of the Board, he may appeal the Board's decision to the Superior Court within thirty days of service, or of the postmarked date of the copy of the decision mailed to him. Upon such appeal the Court shall hear the evidence *de novo*, and the filing of an appeal shall act as a stay of the Board's decision, pending final determination of the practitioner's appeal.

Section 14. Amend §3316, Chapter 33, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§3316. Penalties

(a) Where the Board has determined that a person is practicing veterinary medicine within this State without having lawfully obtained a license therefor, or that a person previously licensed is unlawfully practicing although his license has been suspended or revoked, the Board shall formally warn such person. If the offense continues, the Board shall make a formal complaint to the Attorney General. The complaint shall include all evidence known to, or in the possession of, the Board.

(b) Where the Board has placed a practitioner on probationary status under certain restrictions or conditions, and the Board has determined that such restrictions or conditions are being or have been violated by the practitioner, it may, after a hearing on the matter, suspend or revoke the practitioner's license.

(c) Where a person not currently licensed as a veterinarian is convicted of unlawfully practicing veterinary medicine in violation of this Chapter such offender shall, upon the first offense, be fined fifty dollars (\$50), and shall pay all costs. Where a person convicted of a second or subsequent time of unlawfully practicing veterinary medicine, the fine assessed against such person shall be increased by two hundred and fifty dollars (\$250) for each subsequent offense thereafter."

Section 15. Amend §10161, Chapter 101, Title 29 of the Delaware Code by adding thereto a new subsection, designated as subsection (15), which new subsection shall read as follows:

"(15) Board of Veterinary Medicine."

Section 16. The Board of Veterinary Medicine shall not be terminated, but shall continue as re-organized in accordance with this Act.

Section 17. Each member of the present Board of Veterinary Medicine shall serve out the term for which he was appointed. The incumbency of any hold-over member shall terminate on the effective date of this Act. Notwithstanding the fact that Section 2 of this Act provides for a Board of five members, the Board of Veterinary Medicine shall contain all present members with unexpired terms, together with two newly-appointed public members. One of the initial public member shall be appointed for a term of one year; the other public member shall be appointed for a term of two years. Upon expiration of terms of present board members, no new members shall be appointed until such time as the terms of all but two veterinarian members have expired. At such time one new veterinarian shall be appointed. No present member shall be eligible for re-appointment.

Section 18. The provisions of this Act shall become effective thirty days after its enactment into law.

Approved July 23, 1982.

CHAPTER 461

FORMERLY

SENATE BILL NO. 661

AN ACT TO AMEND TITLE 24 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOARD OF LANDSCAPE ARCHITECTURE.

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

Section 1. Amend Chapter 2, Title 24 of the Delaware Code by adding thereto a new section, designated as §200, which new section shall read as follows:

"§200. Objectives and Functions

The primary objective of the Board of Landscape Architecture, to which all other objectives and purposes are secondary, is to protect the general public (specifically those persons who are direct recipients of services regulated by this Chapter) from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against practitioners regulated by the Board; shall adjudicate at formal complaints hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against practitioners."

Section 2. Amend §202, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§202. License to Practice

No person shall hold himself out to the public as being a licensed landscape architect, or use in connection with his name or otherwise assume, use or advertise any title or description intending to convey the impression that he is a licensed landscape architect, unless such person has been licensed under this Chapter.

Section 3. Amend §203, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§203. Board of Landscape Architecture

(a) The Board of Landscape Architecture shall consist of five members appointed by the Governor: three professional members who shall be licensed landscape architects; and two public members. To serve on the Board, a public member shall not be nor ever have been a landscape architect, nor a member of the immediate family of a landscape architect; shall not have been employed by a landscape architect; shall not have had a material financial interest in the providing of goods and services to landscape architect; nor have been engaged in an activity directly related to landscape architecture. Such public member shall be accessible to inquiries, comments and suggestions from the general public.

(b) Each member shall serve for a term of three years, and may succeed himself for one additional term; provided however, that where a member was initially appointed to fill a vacancy, such member may succeed himself for only one additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former member. Each term of office shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully appointed.

(c) A member of the Board shall be suspended or removed by the Governor for misfeasance, non-feasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated or the matter is otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(d) No member of the Board of Landscape Architecture, while serving on the Board, shall be a President, Chairman or other official of a professional association of landscape architects.

(e) The provisions set forth for "employees" in §5855 of Title 29 shall apply to all members of the Board, and to all agents appointed by or otherwise employed by the Board.

(f) Each Board member shall be reimbursed for all expenses involved in each meeting, including travel; and in addition shall receive not more than fifty dollars (\$50.00) for each meeting attended, but not more than five hundred dollars (\$500.00) in any calendar year. After ten meetings have been attended, the member shall not be compensated for any subsequent meetings attended in that year.

Section 4. Amend §204, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§204. Officers; Conduct of Business

(a) In the same month of each year the members shall elect, from among their number, a President, a Secretary and a Treasurer. Each officer shall serve for one year, and shall not succeed himself in the same office.

(b) The Board shall hold regularly scheduled business meetings at least once in each quarter of a calendar year, and at such other times as the President deems necessary; or at the request of a majority of Board members. Notice of such business meeting together with a copy of the minutes of the last meeting, shall be sent to the office address of each practitioner licensed under this chapter at least one week prior to the meeting. Special or emergency meetings may be held without notice, but a copy of the minutes of the special or emergency meeting shall be included with the notice sent to practitioners for the next following business meeting.

(c) A majority of members shall constitute a quorum; and no action shall be taken without the affirmative vote of at least three members. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office and a replacement shall be appointed.

(d) Minutes of all meetings shall be recorded, and copies shall be maintained by the Division of Business and Occupational Regulation. At any hearing where evidence is presented, such hearing shall be recorded and transcribed by the Division."

Section 5. Amend §205, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§205. Powers and Duties

(a) The Board of Landscape Architecture shall have authority to:

(1) Formulate rules and regulations relating to official seals and other matters, with appropriate notice to those affected, where such notice can reasonably be given. Each rule or regulation shall implement or clarify a specific section of this chapter;

(2) Designate the application form to be used by all applicants, and to process all applications;

(3) Designate a written national examination, prepared by either the national professional association or by a recognized legitimate national testing service. The examination shall be prepared for testing on a national basis, and not specifically prepared at the request of the Board for its individual use. The national examination shall be taken by persons applying for licensure, except applicants who qualify for licensure by reciprocity;

(4) Provide for the administration of all examinations, including notice and information to applicants;

(5) Under such conditions as are permitted by the national testing service, to administer the Uniform National Examination, or another nationally-administered examination for those applicants who have been unable to take it at the school or college of landscape architecture, or elsewhere;

(6) Grant licenses to all persons who meet the qualifications for licensure;

(7) Receive complaints from practitioners and from the public concerning practitioners, or concerning practices of the profession; to evaluate such complaints; and to take such action within its powers as the Board deems appropriate;

(8) Determine whether or not a practitioner shall be the subject of a disciplinary hearing, and if so, to conduct such hearing in accordance with this chapter and the provisions of the Administrative Procedures Act;

(9) Where it has been determined after a disciplinary hearing, that penalties or sanctions should be imposed, to designate and impose the appropriate sanction or penalty after time for appeal has lapsed;

(10) Bring proceedings in the courts for the enforcement of this chapter;

(11) Maintain complete records relating to meeting minutes, applications, examinations, rosters, changes and additions to the rules and regulations, complaints, hearings, and such other matters as the Board shall determine.

(b) The Board may require by subpoena the attendance and testimony of witnesses and the production papers, records or other documentary evidence."

Section 6. Amend §206, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§206. Application Procedure

(a) An applicant who is applying for examination and licensure under this Chapter shall have the following qualifications;

(1) He shall have been graduated from a school or college of Landscape Architecture approved by the National Council of Landscape Architectural Regulation Boards or other legitimate national association of landscape architects;

(2) An applicant may take the examination if such applicant has engaged in landscape architecture for a period of eight years or more prior to applying for licensure;

(3) Where an applicant has taken courses in landscape architecture, but has not received a degree in landscape architecture, each complete year of study may be accepted in lieu of two years of actual experience, to fulfill the requirements of paragraph (2) above;

(4) An applicant shall not have been convicted of a felony, nor have been professionally penalized or convicted for drug addiction, nor have been professionally penalized or convicted for fraud;

(5) Each applicant shall provide such information as may be required on an application form designed and furnished by the Board. No application form shall require a picture of the applicant; require information relating to citizenship, place of birth, length of state residency; nor require personal references.

(b) Where the Board has found to its satisfaction that an application has been intentionally fraudulent, or that false information has been intentionally supplied, it shall report its findings to the Attorney General for further action.

(c) Where the application of a person has been refused or rejected and such applicant feels that the Board has acted without justification; has imposed higher or different standards for him than for other applicants or licensees; or has in some other manner contributed to or caused the failure of such application, the applicant may appeal to the Superior Court."

Section 7. Amend §207, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§207. Examination of Applicants

(a) The Board shall, in the same month of each year, or at such times as are determined by the testing service, administer the Uniform National Examination, prepared and graded by the National Council of Landscape Architectural Registration Boards; or such portions of the Uniform National Examination as it deems necessary. Such written examination shall be obtained from, and corrected by, the National Council of Landscape Architectural Registration Boards, or similar national testing service. Where an applicant has failed to pass the examination, but has successfully completed or passed certain portions or sections of the examination, the applicant shall in the next subsequent examination be tested only for those portions or sections which he previously failed, if the testing service permits such partial examination. In the event the applicant fails the second time to successfully complete or pass the examination, the Board may require that such applicant again take the complete examination.

(b) In the event an applicant has already taken and passed the Uniform National Examination, the certificate from the National Council of Landscape Architectural Registration Boards acknowledging same shall be accepted, and no further state examination shall be necessary."

Section 8. Amend §208, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§208. Reciprocity

Where the applicant is already licensed in another State, the Board shall accept a certificate or other evidence of his examination score issued by the National Council of Landscape Architectural Registration Boards that the applicant has successfully completed or passed the Uniform National Examination, or the certificate or other evidence of successful completion of a similar national testing service for its national examination for landscape architects, in lieu of all other requirements for licensure provided for in this Chapter. Upon receipt of an application for reciprocity, the Board shall contact each board which has previously licensed the applicant, to determine whether or not there are disciplinary proceedings or unresolved complaints pending against the applicant. In the event there is a disciplinary proceeding or unresolved complaint pending, the applicant shall not be licensed until the proceeding or complaint has been resolved. An application for licensure by reciprocity shall be accompanied by full payment of the reciprocity fee."

Section 9. Amend §209, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§209. Fees

(a) The amount to be charged for each fee imposed under this chapter shall approximate and reasonably reflect all costs necessary to defray the expenses of the Board as well as the proportional expenses incurred by the Division of Business and Occupational Regulation in its services on behalf of the Board. There shall be a separate fee charged for each service or activity, but no fee shall be charged for a purpose not specified in this Chapter. The application fee shall not be combined with any other fee or charge. At the beginning of each calendar year the Division of Business and Occupational Regulation, or any other state agency acting in its behalf, shall compute for each separate service or activity, the appropriate Board fees for the coming year.

(b) In those instances where the Uniform National Examination is to be taken in Delaware, applicants shall nevertheless pay all fees charged by the testing service directly to the testing service. Where the testing service refuses to accept direct payment, the applicant may pay the Board. In the event there are extra local expenses incurred by the State for its services in administering the examination, the applicant shall pay an additional fee to the Board to defray those local expenses."

Section 10. Amend §210, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§210. Licensure; Renewal of License

(a) Each person who has passed the written examination, who has been admitted to practice in this State by reciprocity, or who has otherwise qualified for a license shall, prior to practicing in this State, file for and obtain an occupational license from the Division of Revenue in accordance with Chapter 23 of Title 30. The Board shall forthwith issue a license to each person who has qualified for same under the provisions of this chapter.

(b) Each license shall be renewed biennially, in such manner as is determined by the Division of Business and Occupational Regulation. The Board shall, in its rules and regulations, determine the period of time within which a practitioner may still renew his license, notwithstanding the fact that such practitioner has failed to renew on or before the renewal date; provided however, that such period shall not exceed one year. The Board shall charge for each month or quarter during such "late renewal period" a late fee which, at the end of such "late period" will be twice the sum of the unpaid renewal fee. At the expiration of the period designated by the Board, the license shall be deemed to be lapsed and not renewable, unless the former licensee re-applies under the same conditions which govern reciprocity; provided however, that the former licensee shall also pay a reinstatement fee in an amount which is three times the amount of the reciprocity fee.

(c) Any licensee may, upon his written request, be placed in an inactive status. The renewal fee of such person shall be pro-rated in accordance with the amount of time such person was inactive. Such person may re-enter practice upon notification to the Board of his intent to do so.

(d) A former licensee who has been penalized for the violation of a provision of this chapter, or whose license has been suspended or revoked, and who subsequently is permitted to apply for reinstatement shall apply for a new license, successfully complete the Uniform National Examination, and shall pay all appropriate fees therefor."

Section 11. Amend §211, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§211. Complaints

(a) Any practitioner or member of the public who has a question or a complaint concerning any aspect of the practice of landscape architecture may, during the regular business hours of a business day, contact the Board or the Division of Business and Occupational Regulation; or voice such question or complaint at a business meeting of the Board.

(b) The Board shall investigate any complaint, including oral and anonymous complaints; and shall follow through on those informal complaints which, upon investigation, appear to be valid and well-founded. In cases where the complainant is known to the Board, it shall, within one week after receipt of the complaint, notify the complainant as to what action (if any) the Board intends to take in the matter. A complete record shall be kept of each complaint, formal or informal; provided however, that the complaints records may be purged after five years.

Section 12. Amend §213, Chapter 2, Title 24 of the Delaware Code by re-designating said section as new §212.

Section 13. Amend former §212, Chapter 2, Title 4 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§213. Violations; Grounds for Professional Discipline

(a) Practitioners regulated under this Chapter shall be subject to those disciplinary actions set forth in §214 if, after a hearing, the Board finds:

(1) That the practitioner has employed or knowingly cooperated in fraud or material deception in order to be licensed, or be otherwise authorized to practice landscape architecture;

(2) Illegal, incompetent or negligent conduct in the practice of landscape architecture;

(3) Excessive use or abuse of drugs (including alcohol, narcotics or chemicals);

(4) That the practitioner has been convicted of a felony or crime involving moral turpitude;

(5) That the practitioner, as a landscape architect or otherwise in the practice of his profession, knowingly engaged in an act of consumer fraud or deception, engaged in the restraint of competition, or participated in price-fixing activities;

(6) That the practitioner has violated a lawful provision of this Chapter, or any lawful regulation established thereunder.

(b) A practitioner shall be subject to non-disciplinary remedial action if, after a hearing, the Board finds that there is a danger to the health, safety and welfare of the public due to:

(1) Physical illness or loss of motor skill, including but not limited to deterioration through the aging process; or

(2) Temporary emotional disorder or mental illness;

(3) Permanent emotional disorder or mental illness.

(c) If a practitioner's physical or mental capacity to practice safely is at issue in a non-disciplinary remedial proceeding, the Board may order the practitioner to submit to a reasonable physical or mental examination. Failure to comply with a lawful order to submit to a physical or mental examination shall render a practitioner liable to temporary suspension or revocation of license in accordance with §214.

(d) Where a practitioner fails to comply with the Board's request that he submit to a examination or attend a hearing, the Board may petition the Superior Court to order such examination or attendance, and the said Court or any judge assigned thereto shall have jurisdiction to issue such order.

(e) Subject to the provisions of Subchapter IV, Chapter 101, Title 29 of the Delaware Code, no license shall be restricted, suspended or revoked by the Board; and no practitioner's right to practice shall be limited by the Board, until such practitioner has been given notice, and an opportunity to be heard in accordance with the Administrative Procedures Act."

Section 14. Amend §214, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§214. Remedial Actions and Disciplinary Sanctions

The Board may impose any of the following sanctions, singly or in combination, when it finds that one of the conditions or violations set forth in §213 applies to a practitioner regulated by this Chapter:

- (1) Issue a letter of reprimand;
 - (2) Censure a practitioner;
 - (3) Place a practitioner on probationary status, and require the practitioner to:
 - (i) Report regularly to the Board upon the matters which are the basis on the probation,
 - (ii) Limit all practice and professional activities to those areas prescribed by the Board; and/or
 - (iii) Continue or renew his professional education until the required degree of skill has been attained in those areas which are the basis of the probation;
 - (4) Suspend any practitioner's license; or
 - (5) The Board may withdraw or reduce conditions of probation when it finds that the deficiencies which required such action have been remedied.
- (c) The Board may temporarily suspend a practitioner's license in advance of a final adjudication, or during the appeals process; but only in cases where there is a clear and immediate danger to the health and safety and welfare of the public if the licensee is allowed to continue to practice allowed to continue to practice. Such suspension may be appealed.
- (d) Where a license has been suspended due to a disability of the licensee, the Board may reinstate such license if, after a hearing, the Board is satisfied that the licensee is able to practice with reasonable skill and safety.
- (e) As a condition to reinstatement of a suspended license, or removal from probationary status, the Board may impose such disciplinary or corrective measures as are authorized under this Chapter."

Section 15. Amend §215, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§215. Board Hearings; Procedure

- (a) Upon the receipt of a complaint, the Board shall determine what action, if any, it shall take. If the Board decides not to take any further action, and the complainant is known to the Board, the Board shall forward by letter to the complainant its reasons for not taking further action. Where the Board has determined to take further action, the matter shall be heard by the Board within three months from the date on which the complaint was received. The Board shall fix the time and place for a full hearing of the matter, and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be personally delivered or served upon the practitioner at least thirty days before the date fixed for the hearing. In cases where the practitioner cannot be located or where personal service cannot be effected, substitute service shall be effected in the same manner as with civil litigation.
- (b) All hearings shall be informal without use of the rules of evidence. If the Board finds, by a majority vote of all members, that the complaint has merit, the Board shall take such action permitted under this Chapter as it deems necessary. The Board's decision shall be in writing and shall include its reasons for such decision. A copy of the decision shall be mailed immediately to the practitioner. The Board's decision shall become effective on the thirtieth day after the date it is mailed or served on the practitioner, unless there is an appeal by the practitioner to the Superior Court within that time.

Section 16. Amend §216, Chapter 2, Title 24 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

§216. Penalties

- (a) Where the Board has determined that a person is practicing landscape architecture

within this State without having lawfully obtained a license therefor, or that a person previously licensed is unlawfully practicing although his license has been suspended or revoked, the Board shall formally warn such person. If the offense continues, the Board shall make a formal complaint to the Attorney General. The complaint shall include all evidence known to, or in the possession of, the Board.

(b) Where the Board has placed a practitioner on probationary status under certain restrictions or conditions, and the Board has determined that such restrictions or conditions are being or have been violated by the practitioner, it may, after a hearing on the matter, suspend or revoke the practitioner's license.

(c) Where a person not currently licensed as a landscape architect is convicted of unlawfully practicing landscape architecture in violation of this Chapter such offender shall, upon the first offense, be fined \$50, and shall pay all costs; provided however, that where it is alleged that such violation has resulted in injury to any person, the offender shall be charged and tried under the applicable provisions of Title 11.

(d) Where a person previously convicted of unlawfully practicing landscape architecture is convicted a second or subsequent time of such offense, the fine assessed against such person shall be increased by two hundred and fifty dollars (\$250) for each subsequent offense thereafter."

Section 17. Amend §217 through §219, Title 24 of the Delaware Code by striking said sections, each in its entirety.

Section 18. Amend §10161, Chapter 101, Title 29 of the Delaware Code by adding thereto a new subsection, designated as subsection (16), which new subsection shall read as follows:

"(16) Board of Landscape Architecture."

Section 19. The Board of Landscape Architecture shall not be terminated, but shall continue as re-organized in accordance with this Act.

Section 20. Each member of the present Board of Landscape Architecture shall serve out the term for which he was appointed. The incumbency of any hold-over member shall terminate on the effective date of this Act. Notwithstanding the fact that Section 3 of this Act provides for a Board of five members, the Board of Landscape Architecture shall contain all present members who have unexpired terms, together with two newly appointed public members. One of the initial public members shall be appointed for a term of one year; and the other public member shall be appointed for a term of two years. Upon expiration of each term of presently-existing board members, no new members shall be appointed until such time as the terms of all but two landscape architects have expired. At such time one new landscape architecture shall be appointed to the Board. No present member who has served on the Board for more than three years shall be eligible for re-appointment.

Section 21. The provisions of this Act shall become effective thirty days after its enactment into law.

Approved July 23, 1982.

CHAPTER 462

FORMERLY

SENATE BILL NO. 686

AN ACT TO AMEND TITLE 24, TITLE 29 AND TITLE 31 OF THE DELAWARE CODE RELATING TO THE BOARD OF SOCIAL WORK EXAMINERS.

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

Section 1. Amend Chapter 37, Part II, Title 31 of the Delaware Code by striking said chapter in its entirety.

Section 2. Amend Title 24 of the Delaware Code by adding thereto a new chapter, designated as Chapter 39, which new chapter shall read as follows:

"CHAPTER 39. CLINICAL SOCIAL WORKERS

§3901. Objectives and Functions

The primary objective of the Board of Social Work Examiners, to which all other objectives and purposes are secondary, is to protect the general public (specifically those persons who are direct recipients of services regulated by this Chapter) from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against practitioners regulated by the Board; shall adjudicate at formal complaints hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against practitioners.

§3902. 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) 'Board' shall mean the Board of Social Work Examiners.

(b) 'Clinical social work' shall mean a service in which a special knowledge of social resources, human capabilities, and the part unconscious motivation plays in determining behavior is directing at helping people to achieve more adequate, satisfying productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a non-medical nature with individuals, families and groups.

(c) 'Licensed clinical social worker' shall mean any individual duly licensed under this chapter.

(d) 'Clinical practice' shall mean the practice clinical social work for a fee in a setting under the auspices of a public or private non-profit agency exempt from federal income tax under the Internal Revenue Code of 1954 [26 U.S.C. §501 (c) (3)].

§3903. License to Practice

No person shall hold himself out to the public as being a licensed clinical social worker qualified for practice as defined in §3902 of this Chapter, or use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a licensed clinical social worker unless such person has been duly licensed under this Chapter.

§3904. Board of Social Work Examiners

(a) The Board of Social Work Examiners shall consist of five members appointed by the Governor: three professional members who shall be licensed social workers; and two public members. To serve on the Board, a public member shall not be nor ever have been a social worker, nor a member of the immediate family of a social worker; shall not have been employed by a social work agency; shall not have had a material financial interest in the providing of goods and services to social workers; nor have been engaged in an activity directly related to social work. Such public member shall be accessible to inquiries, comments and suggestions from the general public.

(b) Each member shall serve for a term of three years, and may succeed himself for one additional term; provided however, that where a member was initially appointed to fill a vacancy, such member may succeed himself for only one additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former

member. Each term of office shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully appointed.

(c) A member of the Board shall be suspended or removed by the Governor for misfeasance, non-feasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated, or the matter is otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(d) No member of the Board of Social Work Examiners, while serving on the Board, shall be a President, Chairman or other official of a professional association for social workers.

(e) The provisions set forth for "employees" in §5855 of Title 29 shall apply to all members of the Board, and to all agents appointed by or otherwise employed by the Board.

(f) Board members shall be reimbursed for all expenses involved in each meeting, including travel; and in addition shall receive not more than fifty dollars (\$50.00) for each meeting attended, but not more than five hundred dollars (\$500.00) in any calendar year. After ten meetings have been attended, the member shall not be compensated for any subsequent meetings attended in that year."

§3905. Officers; Conduct of Business

(a) In the same month of each year the members shall elect, from among their number, a President, a Secretary and a Treasurer. Each officer shall serve for one year, and shall not succeed himself in the same office.

(b) The Board shall hold regularly scheduled business meetings at least once in each quarter of a calendar year, and at such other times as the President deems necessary; or at the request of a majority of Board members. Notice of such business meeting, together with a copy of the minutes of the last meeting, shall be sent to the office address of each practitioner licensed under this chapter at least one week prior to the meeting. Special or emergency meetings may be held without notice, but a copy of the minutes of the special or emergency meeting shall be included with the notice sent to practitioners for the next following business meeting.

(c) A majority of members shall constitute a quorum; and no action shall be taken without the affirmative vote of at least three members. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office and a replacement shall be appointed.

(d) Minutes of all meetings shall be recorded, and copies shall be maintained by the Division of Business and Occupational Regulation. At any hearing where evidence is presented, such hearing shall be recorded and transcribed by the Division.

§3906. Powers and Duties

(a) The Board of Social Work Examiners shall have authority to:

(1) Formulate rules and regulations, with appropriate notice to those affected relating to official seals and other matters, with appropriate notice to those affected, where such notice can reasonably be given. Each rule or regulation shall implement or clarify a specific section of this chapter;

(2) Designate the application form to be used by all applicants, and to process all applications;

(3) Designate a written national examination, prepared by either the national professional association or by a recognized legitimate national testing service. The examination shall be prepared for testing on a national basis, and not specifically prepared at the request of the Board for its individual use. The national examination shall be taken by persons applying for licensure, except applicants who qualify for licensure by reciprocity;

(4) Provide for the administration of all examinations, including notice and information to applicants;

(5) Under such conditions as are permitted by the national testing service, to administer a nationally prepared and corrected examination for those applicants who have been unable to take it at the school or college of social work examiners, or elsewhere;

(6) Grant licenses to all persons who meet the qualifications for licensure;

(7) Receive complaints from practitioners and from the public concerning practitioners, or concerning practices of the profession; to evaluate such complaints; and to take such action

within its powers as the Board deems appropriate;

(8) Determine whether or not a practitioner shall be the subject of a disciplinary hearing, and if so, to conduct such hearing in accordance with this chapter and the provisions of the Administrative Procedures Act;

(9) Where it has been determined after a disciplinary hearing, that penalties or sanctions should be imposed, to designate and impose the appropriate sanction or penalty after time for appeal has lapsed;

(10) Bring proceedings in the courts for the enforcement of this chapter;

(11) Maintain complete records relating to meeting minutes, applications, examinations, rosters, changes and additions to the rules and regulations, complaints, hearings, and such other matters as the Board shall determine.

(b) The Board may require by subpoena the attendance and testimony of witnesses and the production papers, records or other documentary evidence."

§3907. Application Procedure

(a) An applicant who is applying for examination and licensure under this Chapter shall have the following qualifications:

(1) An applicant shall have a doctorate or master's degree in social work from a college or university accredited by the Council on Social Work Education;

(2) The applicant shall not have been convicted of a felony, professionally penalized or convicted of drug addiction, shall not have been penalized or convicted for willfully violating any confidential communication, nor have been professionally penalized or convicted for fraud.

(3) Each applicant shall provide such information as may be required on an application form designed and furnished by the Board. No application form shall require a picture of the applicant; require information relating to citizenship, place of birth, length of state residency; nor require personal references.

(b) Where the Board has found to its satisfaction, that an application has been intentionally fraudulent or that false information has been intentionally supplied, it shall report its findings to the Attorney General for further action.

(c) Where the application of a person has been refused or rejected, and such applicant feels that the Board has acted without justification; has imposed higher or different standards for him than for other applicants or licensees; or has in some other manner contributed to or caused the failure of such application, the applicant may appeal to the Superior Court.

§3907. Examination of Applicants

(a) The Board shall, in the same month of each year, or at such times as are determined by the testing service, administer a national examination prepared by Professional Examination Services or other similar national testing service; or such portions of the national examination as the Board deems necessary. Such national written examination shall be obtained from, and be corrected by, the testing service which prepared the examination. Where an applicant has failed to pass the examination, but has successfully completed or passed certain portions or sections of the examination, the applicant shall in the next subsequent examination be tested only for those portions or sections which he previously failed, if the testing service permits such partial examination. In the event the applicant fails the second time to successfully complete or pass the examination, the Board may require that such applicant again take the complete examination.

(b) In the event the applicant has already taken and passed the national examination designed by Professional Examination Services, or a national examination approved by the American Association of Social Workers, the certificate or other evidence of successful completion from the American Association of Social Workers acknowledging same shall be accepted, and no further State examination shall be necessary.

§3908. Reciprocity

Where the applicant is already licensed in another State, the Board shall accept a certificate, or other evidence of his examination score issued by Professional Examination Services that the applicant has successfully completed and passed its national examination, or the certificate of the American Association of Social Workers attesting that the applicant has successfully completed and passed a national examination of similar quality, in lieu of all other examination requirements provided for in this Chapter. Upon receipt of an application for reciprocity, the Board shall contact each board which has

previously licensed the applicant, to determine whether or not there are disciplinary proceedings or unresolved complaints pending against the applicant. In the event there is a disciplinary proceeding or unresolved complaint pending, the applicant shall not be licensed until the proceeding or the complaint has been resolved. An application for licensure by reciprocity shall be accompanied by full payment of the reciprocity fee.

§3909. Fees

(a) The amount to be charged for each fee imposed under this chapter shall approximate and reasonably reflect all costs necessary to defray the expenses of the Board as well as the proportional expenses incurred by the Division of Business and Occupational Regulation in its services on behalf of the Board. There shall be a separate fee charged for each service or activity, but no fee shall be charged for a purpose not specified in this Chapter. The application fee shall not be combined with any other fee or charge. At the beginning of each calendar year the Division of Business and Occupational Regulation, or any other state agency acting in its behalf, shall compute for each separate service or activity, the appropriate Board fees for the coming year.

(b) In those instances where a national examination is to be taken in Delaware, applicants shall nevertheless pay all fees charged by the testing service directly to the testing service. Where the testing service refuses to accept direct payment, the applicant may pay the Board. In the event there are extra local expenses incurred by the State for its services in administering the examination, the applicant shall pay an additional fee to the Board to defray those local expenses.

§3910. Licensure; Renewal of License

(a) Each person who has passed the written examination, who has been admitted to practice in this State by reciprocity, or who has otherwise qualified for a license shall, prior to practicing in this State, file for and obtain an occupational license from the Division of Revenue in accordance with Chapter 23 of Title 30. The Board shall forthwith issue a license to each person who has qualified for same under the provisions of this chapter.

(b) Each license shall be renewed biennially, in such manner as is determined by the Division of Business and Occupational Regulation. The Board shall, in its rules and regulations, determine the period of time within which a practitioner may still renew his license, notwithstanding the fact that such practitioner has failed to renew on or before the renewal date; provided however, that such period shall not exceed one year. The Board shall charge for each month or quarter during such "late renewal period" a late fee which, at the end of such "late period" will be twice the sum of the unpaid renewal fee. At the expiration of the period designated by the Board, the license shall be deemed to be lapsed and not renewable, unless the former licensee re-applies under the same conditions which govern reciprocity; provided however, that the former licensee shall also pay a reinstatement fee in an amount which is three times the amount of the reciprocity fee.

(c) Any licensee may, upon his written request, be placed in an inactive status. The renewal fee of such person shall be pro-rated in accordance with the amount of time such person was inactive. Such person may re-enter practice upon notification to the Board of his intent to do so.

(d) A former licensee who has been penalized for the violation of a provision of this chapter, or whose license has been suspended or revoked, and who subsequently is permitted to apply for reinstatement shall apply for a new license, successfully complete the Uniform National Examination, and shall pay all appropriate fees therefor."

§3911. Continuing Education

(a) The Board may, in accordance with the conditions and limitations set forth in this section, require licensees to maintain certain continuing education standards. Any continuing education program in which practitioners are required to participate shall:

(1) Be a program which annually begins one year prior to the date of license renewal;

(2) Be initiated at a regularly-scheduled business meeting of the Board in which all methods, programs and approaches suggested at the meeting are considered, and the program is adopted by a majority of all licensees attending the meeting;

(3) Establish, at the first meeting, the total number of hours or credits required of each licensee for that continuing education year; courses or seminars which are approved for continuing education credit, and the amount of such credit; and the approximate date, time and place where each is to be held.

(b) Each practitioner shall receive from the Board a notice of all courses and seminars in the continuing education program for the coming year, which notice shall contain for each course or seminar: The subject matter involved; the time, date, and place; and the charge or fee, if any, to attend.

(c) No practitioner shall be penalized in any manner for not obtaining sufficient continuing education credits or hours, if the continuing education program does not comply with this section.

§3912. Privileged Communications

No licensed clinical social worker may disclose any information acquired from persons consulting him in a professional capacity except:

(a) With the written consent of such person or, in the case of death or disability, the written consent of such person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on his life, health, or physical condition.

(b) That a licensed clinical social worker shall not be required to treat as confidential a communication that reveals prior commission of, or the contemplation of, any violent crime or harmful act.

(c) When the person is a minor under the laws of this State and the information acquired indicates that the minor was the victim or subject of a crime. The licensed clinical social worker may disclose information requested where such social worker is required to testify fully in any examination, trial or other proceeding in which the commission of such a crime is the subject of inquiry.

(d) When the person waives the privilege by bringing charges against the licensed clinical social worker.

§3913. Complaints

(a) Any practitioner or member of the public who has a question or a complaint concerning any aspect of the practice of social work may, during the regular business hours of a business day, contact the Board or the Division of Business and Occupational Regulation; or voice such question or complaint at a business meeting of the Board.

(b) The Board shall investigate any complaint, including oral and anonymous complaints; and shall follow through on those informal complaints which, upon investigation, appear to be valid and well-founded. In cases where the complainant is known to the Board, it shall, within one week after receipt of the complaint, notify the complainant as to of what action (if any) the Board intends to take in the matter. A complete record shall be kept of each complaint, formal or informal; provided however, that the complaints records may be purged after five years.

§3914. Violations; Grounds for Professional Discipline

(a) Practitioners regulated under this Chapter shall be subject to those disciplinary actions set forth in §3915 if, after a hearing, the Board finds:

(1) That the practitioner has employed or knowingly cooperated in fraud or material deception in order to be licensed, or be otherwise authorized to practice social work;

(2) Illegal, incompetent or negligent conduct in the practice of social work;

(3) Excessive use or abuse of drugs (including alcohol, narcotics or chemicals);

(4) That the practitioner has been convicted of a felony or crime involving moral turpitude;

(5) That the practitioner, as a social worker or otherwise in the practice of his profession, knowingly engaged in an act of consumer fraud or deception, engaged in restraint of the competition, or participated in price-fixing activities;

(6) That the practitioner has violated a lawful provision of this Chapter, or any lawful regulation established thereunder.

(b) A practitioner shall be subject to non-disciplinary remedial action if, after a hearing, the Board finds that there is a danger to the health, safety and welfare the public due to:

(1) Physical illness or loss of motor skill, including but not limited to deterioration through the aging process; or

(2) Temporary emotional disorder or mental illness;

(3) Permanent emotional disorder or mental illness.

(c) If a practitioner's physical or mental capacity is at issue in a non-disciplinary remedial proceeding, the Board may order the practitioner to submit to a reasonable physical or mental

examination. Failure to comply with a lawful order to submit to a physical or mental examination shall render a practitioner liable to temporary suspension or revocation of license in accordance with §3915.

(d) Where a practitioner fails to comply with the Board's request that he submit to an examination or attend a hearing, the Board may petition the Superior Court to order such examination or attendance, and the said Court or any judge assigned thereto shall have jurisdiction to issue such order.

(e) Subject to the provisions of Subchapter IV, Chapter 101, Title 29 of the Delaware Code, no license shall be restricted, suspended or revoked by the Board; and no practitioner's right to practice shall be limited by the Board, until such practitioner has been given notice, and an opportunity to be heard in accordance with the Administrative Procedures Act.

§3915. Remedial Actions and Disciplinary Sanctions

The Board may impose any of the following sanctions, singly or in combination, when it finds that one of the conditions or violations set forth in §3913 applies to a practitioner regulated by this Chapter:

(1) Issue a letter of reprimand ;

(2) Censure a practitioner;

(3) Place a practitioner on probationary status, and require the practitioner to:

(i) Report regularly to the Board upon the matters which are the basis on the probation,

(ii) Limit all practice and professional activities to those areas prescribed by the Board, and/or

(iii) Continue or renew his professional education until the required degree of skill has been attained in those areas which are the basis of the probation;

(4) Suspend any practitioner's license; or

(5) Revoke a practitioner's license.

(b) The Board may withdraw or reduce conditions of probation when it finds that the deficiencies which required such action have been remedied.

(c) The Board may temporarily suspend a practitioner's license in advance of a final adjudication, or during the appeals process; but only in cases where there is a clear and immediate danger to the health, safety welfare of the public if the licensee is allowed to continue to practice. Such suspension may be appealed.

(d) Where a license has been suspended due to a disability of the licensee, the Board may reinstate such license if, after a hearing, the Board is satisfied that the licensee is able to practice with reasonable skill and safety.

(e) As a condition to reinstatement of a suspended license, or removal from probationary status, the Board may impose such disciplinary or corrective measures as are authorized under this Chapter.

§3915. Board Hearings; Procedure

(a) Upon the receipt of a complaint, the Board shall determine what action, if any, it shall take. If the Board decides not to take any further action, and the complainant is known to the Board, the Board shall forward by letter to the complainant its reasons for not taking further action. Where the Board has determined to take further action, the matter shall be heard by the Board within three months from the date on which the complaint was received. The Board shall fix the time and place for a full hearing of the matter, and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be personally delivered or served upon the practitioner at least thirty days before the date fixed for the hearing. In cases where the practitioner cannot be located or where personal service cannot be effected, substitute service shall be effected in the same manner as with civil litigation.

(b) All hearings shall be informal without use of the rules of evidence. If the Board finds, by a majority vote of all members, that the complaint has merit, the Board shall take such action permitted under this Chapter as it deems necessary. The Board's decision shall be in writing and shall include its reasons for such decision. A copy of the decision shall be mailed immediately to the practitioner. The Board's decision shall become effective on the thirtieth day after the date it is mailed or served on the practitioner, unless there is an appeal by the practitioner to the Superior

Court within that time.

(c) Where the practitioner is in disagreement with the action of the Board, he may appeal the Board's decision to the Superior Court within thirty days of service, or of the postmarked date of the copy of the decision mailed to him. Upon such appeal the Court shall hear the evidence *de novo*, and the filing of an appeal shall act as a stay of the Board's decision, pending final determination of the practitioner's appeal.

§3917. Penalties

(a) Where the Board has determined that a person is practicing clinical social work within this State without having lawfully obtained a license therefor, or that a person previously licensed is unlawfully practicing although his license as been suspended or revoked, the Board shall formally warn such person. If the offense continues, the Board shall make a formal complaint to the Attorney General. The complaint shall include all evidence known to, or in the possession of, the Board.

(b) Where the Board has placed a practitioner on probationary status under certain restrictions or conditions, and the Board has determined that such restrictions or conditions are being or have been violated by the practitioner, it may, after a hearing on the matter, suspend or revoke the practitioner's license.

(c) Where a person not currently licensed as a under this Chapter is convicted of unlawfully practicing clinical social work in violation hereof such offender shall, upon the first offense, be fined fifty dollars (\$50), and shall pay all costs. Where a person is convicted a second or subsequent time of practicing clinical social work in violation of this Chapter the fine assessed against such person be increased by two hundred and fifty dollars (\$250) for each subsequent offense thereafter."

Section 3. Amend §10161, Chapter 101, Title 29 of the Delaware Code by adding thereto a new subsection, designated as subsection (17), which new subsection shall read as follows:

"(17) Board of Social Work Examiners."

Section 4. The board of Social Work Examiners shall not be terminated, but shall continue as re-organized in accordance with this Act.

Section 5. Each member of the present Board of Social Work shall serve out the term for which he was appointed. The incumbency of any hold-over member shall terminate on the effective date of this Act. Notwithstanding the fact that Section 2 of this Act provides for a Board of five members, the Board of Social Work Examiners shall contain all present members who have unexpired terms, together with two newly-appointed public members. One of the initial public member shall be appointed for a term of one year; and the other public member shall be appointed for a term of two years. Upon expiration of each term of presently-existing board members, no new members shall be appointed until such time as the terms of all but two social workers have expired. At such time one new social worker shall be appointed to the Board. No present member who has served on the Board for more than three years shall be eligible for re-appointment.

Section 6. The provisions of his Act shall become effective thirty days after its enactment into law.

Approved July 23, 1982.

CHAPTER 463

FORMERLY

SENATE BILL NO. 667

AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE, RELATING TO THE DELAWARE REAL ESTATE COMMISSION.

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. Amend §2902(a), Chapter 29, Title 24, Delaware Code, by striking said subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Delaware Real Estate Commission (hereinafter referred to as the Commission) is established and shall consist of 7 members. The Commission shall consist of the members presently serving unexpired terms on the Delaware Real Estate Commission (hereinafter referred to as the 'Old Commission') as it existed prior to June 30, 1982. The Governor shall appoint two (2) new members to the Commission, 1 of whom shall be a public member and 1 of whom shall be a salesperson. Upon the expiration of the terms of each of the members of the Old Commission, the Governor shall appoint new members of the Commission until such time as he has the Commission comprised of four (4) brokers; one (1) salesperson and two (2) public members who are not in anyway connected with the industry. The Governor shall appoint new members of the Commission for periods of three (3) years or less so that the membership of the Commission shall always have one (1) member whose term expires in each calendar year. Once the Commission is comprised of seven (7) members from the categories specified herein no member shall serve for more than two (2) consecutive terms on the Commission. Any person appointed to fill an unexpired vacancy as a result of death, resignation or removal from office or appointed for a term of less than three (3) years to comply with the provisions of this Section, such term, notwithstanding that it may be less than a full 3 year term, shall not be considered one (1) of his or her two term limitations."

Section 2. Amend §2902(b), Chapter 29, Title 24, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (b) to read as follows:

"(b) At least two (2) members of the Commission shall be residents of Sussex County; two (2) residents of Kent County; three (3) residents of New Castle County 1 of which shall maintain an office in the City of Wilmington."

Section 3. Amend §2902(c), Chapter 29, Title 24, Delaware Code, by striking said subsection (c) in its entirety and substituting in lieu thereof a new subsection (c) to read as follows:

"(c) In order to qualify for appointment to the Commission, each person must:

- (1) Have been a resident of this State for 5 years immediately prior to such appointment.
- (2) Professional persons shall have been active real estate brokers or salespersons in this State for 5 years immediately prior to appointment.
- (3) Public members shall not be, nor ever have been involved as a broker or salesperson; shall not have been employed by a real estate broker and shall not have had a material financial interest in the providing of goods and services to real estate brokers, nor have been engaged in any activity directly related to real estate work."

Section 4. Amend §2902(f), Chapter 29, Title 24, Delaware Code, by striking said subsection (f) in its entirety and substituting in lieu thereof a new subsection (f) to read as follows:

"(f) The members of the Commission shall each receive compensation at the rate of \$50 per meeting if she or he attends; provided, however, no member shall receive compensation for the year in excess of \$500 and the Commission shall not be paid for more than 10 meetings during a calendar year."

Section 5. Amend Chapter 29, Title 24, Delaware Code, by adding thereto a new Section to be designated as §2928 to read as follows:

"§2928. Objectives of the Commission

The primary objective of the Real Estate Commission, to which all other objectives and

purposes are secondary, is to protect the general public, especially those persons who are direct recipients of services regulated by this Chapter from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Commission are to maintain and establish minimum standards of licensee competency, and establish and maintain certain standards in the delivery of services to the public."

Section 6. Amend §2903(b), Chapter 29, Title 24, Delaware Code, by striking the word "three" as it appears therein and substituting in lieu thereof the word "Five".

Section 7. Amend §2903(d), Chapter 29, Title 24, Delaware Code, by striking the number "2" and substituting in lieu thereof the number "3".

Section 8. Amend §2907, Chapter 29, Title 24, Delaware Code, by adding thereto a new paragraph to read as follows:

"Every applicant for a certificate of registration shall be required to take a uniform and state examination as is contractually arranged by the Commission with a nationally recognized independent testing service."

Section 9. Amend §2911, Chapter 29, Title 24, Delaware Code, by striking the words "of each year" as they appear in the first sentence and insert a period "." after the word "July" and further amending the second sentence of said Section by striking the word "annually" and inserting in lieu thereof the word "biannually".

Section 10. Amend §2908, Chapter 29, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof a new §2908 to read as follows:

"§2908. Fees

The Commission shall charge up to the following amounts as fees for each:

- (1) Examination: \$15
- (2) Original resident broker's license issued: \$50
- (3) Bi-annual renewal of the resident broker's license: \$50
- (4) Original nonresident broker's license: \$100
- (5) Bi-annual renewal of a nonresident broker's license: \$100
- (6) Original salesman's license issued: \$20
- (7) Bi-annual renewal of a salesman's license: \$20
- (8) Bi-annual fee for additional office or place of business: \$30
- (9) Change of place of business or change of employer or contractual associate: \$10
- (10) Duplicate license, where the original license is lost or destroyed and affidavit is made thereof: \$2
- (11) Duplicate pocket card, where the original pocket card is lost or destroyed and an affidavit is made thereof: \$2."

Approved July 23, 1982.

CHAPTER 464

FORMERLY

SENATE JOINT RESOLUTION NO. 1

IN REFERENCE TO ELECTION OF OFFICERS.

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that Charles P. Staats is elected to serve as Bill Clerk, and Bernard J. Brady is to serve as Assistant Bill Clerk to the Senate during the pleasure of the Senate.

Approved January 13, 1981.

CHAPTER 465

FORMERLY

SENATE JOINT RESOLUTION NO. 2

REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1981.

WHEREAS, the State Constitution, Article 8, Section 6(b) requires that "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"; and

WHEREAS, Section 6(b) also requires that "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";

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1981, including federal revenue sharing receipts, is \$648.4 million, and estimated unencumbered funds is \$16.6 million.

Approved February 4, 1981.

CHAPTER 466

FORMERLY

HOUSE JOINT RESOLUTION NO. 1

IN REFERENCE TO ELECTION OF OFFICERS.

BE IT RESOLVED by the House of Representatives and the Senate of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that Charles L. Rebar, III is elected to serve as Bill Clerk, and Patricia Arsenault is to serve as Assistant Bill Clerk to the House during the pleasure of the House.

Approved January 15, 1981.

CHAPTER 467

FORMERLY

HOUSE JOINT RESOLUTION NO. 4

DELEGATING FULL POWERS TO THE LEGISLATIVE COUNCIL OF THE 131ST GENERAL ASSEMBLY IN THE DETERMINATION OF THE COMPOSITION AND REAPPORTIONMENT OF THE GENERAL ASSEMBLY.

WHEREAS, §807, Title 29, Del. C., requires the General Assembly, not later than June 30, 1981, to reapportion and redistrict the State, wherever necessary, for the general election of 1982.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 131st General Assembly of the State of Delaware, the Senate concurring therein, that full powers be delegated exclusively to the Legislative Council for determination of and administration of the reapportionment preparation for the general election of 1982.

BE IT FURTHER RESOLVED that the said Legislative Council may delegate such powers and employ such agencies and individuals as the Council deems necessary in order to accomplish their objective; and that the Legislative Council is hereby urged to begin immediately.

BE IT FURTHER RESOLVED that the Legislative Council is hereby urged to make its reapportionment report to the General Assembly no later than May 15, 1981.

BE IT FURTHER RESOLVED that the sum of \$30,000 is hereby appropriated to Legislative Council from the General Fund to carry out the purpose of this Resolution, provided that any unused portion of this sum shall revert to the General Fund when the reapportionment is completed.

Approved February 7, 1981.

CHAPTER 468

FORMERLY

HOUSE JOINT RESOLUTION NO. 11

PROVIDING FOR THE APPOINTMENT OF A STATE DISABILITY REFORM COMMITTEE TO RECOMMEND LEGISLATION CONSOLIDATING DISABILITY PROGRAMS.

WHEREAS, disability benefits for State employees are provided by various arms of State Government; and

WHEREAS, these benefits are not coordinated in any way; and

WHEREAS, this prevents the State from providing cost effective disability benefits for its employees; and

WHEREAS, the coordination of these benefits would be beneficial to both the State and its employees; and

WHEREAS, it is the desire of the General Assembly to appoint a Committee to review these benefits.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 131st General Assembly, with the concurrence of the Governor, that there is hereby created a Committee to be known as the State Disability Reform Committee, with responsibility for recommending to each House of the General Assembly and to the Governor provident reforms in the nature of disability benefits for State employees.

BE IT FURTHER RESOLVED that the State Disability Reform Committee shall consider all disability programs provided to State employees including, but not limited to, Disability Pensions, Workmen's Compensation and Long-Term Disability.

BE IT FURTHER RESOLVED that the State Disability Reform Committee shall consist of seven members, two of whom shall be appointed by the President Pro Tempore from the membership of the Senate; two of whom shall be appointed by the Speaker from the membership of the House of Representatives; and three 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 Disability Reform Committee shall submit, in the form of draft legislation, its recommendations for reform of State Disability benefits not later than June 2, 1981, to the Speaker of the House, the President Pro Tempore of the Senate and the Governor. Each such recommendation shall be accompanied by a written narrative explaining the basis therefor, and a statement of the cost 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.

Approved April 21, 1981.

CHAPTER 469

FORMERLY

SENATE JOINT RESOLUTION NO. 7
AS AMENDED BY SENATE AMENDMENT NO. 1

RELATING TO CERTAIN FUNCTIONS; POWERS AND DUTIES OF THE DELAWARE SUNSET COMMITTEE.

BE IT RESOLVED by the Senate and the House of Representatives of 131st General Assembly of the State of Delaware, with the approval of the Governor, that all agencies previously made subject to review by separate statute shall be reviewed by the Delaware Sunset Committee in the manner set forth in Chapter 102, Title 29 of the Delaware Code.

BE IT FURTHER RESOLVED that the statutory deadline for the Final Report on the first schedule of reviewed agencies (April 15, 1981) is hereby extended to May 15, 1981.

Approved May 4, 1981.

CHAPTER 470

FORMERLY

SENATE JOINT RESOLUTION NO. 5
AS AMENDED BY SENATE AMENDMENT NO. 1

RELATING TO AGENCIES MADE SUBJECT TO REVIEW.

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that all agencies previously made subject to review by separate statute shall be reviewed by the Delaware Sunset Committee in the manner set forth in Chapter 102, Title 29 of the Delaware Code.

BE IT FURTHER RESOLVED that any separate review provision previously enacted for any agency shall be superceded by the provision of Chapter 102, Title 29.

Approved May 4, 1981.

CHAPTER 471

FORMERLY

HOUSE JOINT RESOLUTION NO. 13

RELATING TO CHANGING MEMORIAL DAY CELEBRATION THIS YEAR TO MAY 25.

WHEREAS, MEMORIAL DAY, pursuant to §501, Title 1 of the Delaware Code is scheduled to be celebrated on May 30th; and

WHEREAS, May 30th of this year falls on a Saturday and pursuant to §501 Memorial Day would then be celebrated this year on Friday, May 29th; and

WHEREAS, Memorial Day is scheduled to be recognized as a national holiday this year on Monday, May 25th; and

WHEREAS, it is desirable to coordinate the dates of both the National and State observance of Memorial Day.

NOW, THEREFORE:

BE IT RESOLVED by the Members of the 131st General Assembly of the State of Delaware, the Governor concurring therein, that Memorial Day shall be observed as a Legal Holiday in Delaware in 1981 on Monday, May 25th in lieu of Friday, May 29th, any provisions of Title 1, Delaware Code, to the contrary notwithstanding.

Approved May 14, 1981.

CHAPTER 472

FORMERLY

SENATE JOINT RESOLUTION NO. 21

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1982.

WHEREAS, the State Constitution, Article 8, Section 6(b) requires that "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"; and

WHEREAS, Section 6(b) also requires that "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";

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor that the estimated gross general fund revenue for Fiscal Year 1982 is \$711.9 million, estimated revenue refunds is \$47.6 million, estimated state general fund revenue is \$664.3 million and estimated unencumbered funds is -0- (zero).

Approved June 30, 1981.

CHAPTER 473

FORMERLY

SENATE JOINT RESOLUTION NO. 19

AUTHORIZING THE GOVERNOR AND THE FARMERS BANK COMMISSION TO ENTER IN AMENDMENTS TO THE 1976 ASSISTANCE AGREEMENT AMONG THE FARMERS BANK, THE STATE AND THE FEDERAL DEPOSIT INSURANCE CORPORATION.

WHEREAS, the State of Delaware, the Federal Deposit Insurance Corporation, and the Farmers Bank of the State of Delaware are parties to a 1976 agreement designed to provide financial assistance to the Farmers Bank (the "Assistance Agreement"); and

WHEREAS, certain questions have arisen among the parties with respect to the Assistance Agreement; and

WHEREAS, in light of these questions, it is in the best interest of the State to agree to amendments or reformation of the Assistance Agreement which does not impose, in the aggregate, greater obligations on the part of the State.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 131st General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Governor and the Farmers Bank Commission be and hereby are authorized on behalf of and with the full power and authority of the State to enter into such amendments or reformation of the Assistance Agreement which, in the judgment of the Governor, the State Treasurer and the Farmers Bank Commission, are in the best interest of the State and which:

A. Fix a definite date for the termination of the State's deposit obligations under the Assistance Agreement; and

B. Reform or modify other provisions of the Assistance Agreement in a manner that does not in the aggregate impose greater obligations on the part of the State than those already existing under the Assistance Agreement.

Approved July 7, 1981.

CHAPTER 474

FORMERLY

SENATE JOINT RESOLUTION NO. 6
AS AMENDED BY SENATE AMENDMENT NO. 1DIRECTING THE PUBLIC SCHOOLS IN THE STATE OF DELAWARE TO ADOPT ENERGY
CONSERVATION AS AN OFFICIAL POLICY.

WHEREAS, the Public Schools in the State of Delaware are faced with continually escalating energy costs; and

WHEREAS, these expenditures for energy are having an adverse impact upon school programs; and

WHEREAS, there is a great potential for energy conservation in school buildings and school operations; and

WHEREAS, it is to the advantage of the taxpayer, the staff and the students for the school districts to practice energy conservation.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 131st General Assembly, the House of Representatives, and the Governor concurring therein, that the public school districts in the State of Delaware adopt the conservation of energy as an official policy.

BE IT FURTHER RESOLVED that the Public School Districts set as goals in their energy conservation program the:

- (1) Reduction of energy consumption in all buildings
- (2) Implementation of low cost/no cost operation and maintenance procedures.
- (3) Assignment of a technically qualified energy manager to monitor energy consumption and energy conservation at the district level.
- (4) Training of janitorial staff to implement energy conservation at the building level.
- (5) Utilization of all state and federal programs that provide monies and technical assistance.
- (6) Closing of unneeded or under utilized buildings.
- (7) Reduction of energy use by automobiles and buses.
- (8) Design of any new buildings and renovations to be energy conserving.
- (9) Purchase of energy efficient products.
- (10) Participation of teachers and students in the conservation programs.

Approved July 7, 1981.

CHAPTER 475

FORMERLY

SENATE JOINT RESOLUTION NO. 20

REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1981.

WHEREAS, the State Constitution, Article 8, Section 6(b) requires that "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"; and

WHEREAS, Section 6(b) also requires that "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";

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1981, including federal revenue sharing receipts, is \$639.2 million, and estimated unencumbered funds is \$16.7 million.

Approved July 9, 1981.

CHAPTER 476

FORMERLY

SENATE JOINT RESOLUTION NO. 24

REVISING THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1981.

WHEREAS, the State Constitution, Article 8, Section 6(b) requires that "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"; and

WHEREAS, Section 6(b) also requires that "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";

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that the estimated General Fund revenue for Fiscal Year 1981, including federal revenue sharing receipts, is \$642.3 million, and estimated unencumbered funds is \$16.7 million.

Approved July 29, 1981.

CHAPTER 477

FORMERLY

HOUSE JOINT RESOLUTION NO. 23

IN REFERENCE TO ELECTION OF OFFICERS.

BE IT RESOLVED by the House of Representatives and the Senate of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that Eileen S. Craig is elected to serve as Bill Clerk to the House during the pleasure of the House.

Approved January 21, 1982.

CHAPTER 478

FORMERLY

HOUSE JOINT RESOLUTION NO. 25

AS AMENDED BY HOUSE AMENDMENT NO. 3 AND SENATE AMENDMENTS NOS. 4, 5 AND 6

ESTABLISHING CHANGES IN THE PROCESS FOR AWARDING GRANTS-IN-AID.

WHEREAS, the Speaker of the House of Representatives has appointed a House Ad Hoc Grant-in-Aid Reform Committee, and

WHEREAS, this Committee was charged with investigating any and all aspects of the grant-in-aid process that it deems necessary, and

WHEREAS, this Committee was charged to recommend criteria that would govern the awarding and auditing of grants, and

WHEREAS, it is considered urgent that the legislature initiate improvements in the grant-in-aid process, and

WHEREAS, the Committee is to recommend improvements in the grant-in-aid process rather than to become involved in the administrative procedure, and

WHEREAS, the Committee has developed an application for the Joint Finance Committee to use in its deliberations concerning grants-in-aid, and

WHEREAS, the Committee is to present a report to the Speaker of the House of Representatives by January 19, 1982, and

WHEREAS, this Resolution responds to the use of the proposed application and to the criteria to be considered for a grant-in-aid for FY 1983.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that the application form developed by the House Ad Hoc Grant-in-Aid Reform Committee be completed, as applicable, for any and all grants-in-aid to be awarded during FY 1983.

BE IT FURTHER RESOLVED that in order for an agency to be considered for a grant-in-aid for FY 1983, the agency must

1. be incorporated, non-profit (or under umbrella of parent organization which is incorporated, non-profit).
2. have by-laws that clearly state the purpose of the Corporation. and include definition of duties of Board of Directors.
3. have an active, community-represented, volunteer Board of Directors that sets policies, goals and objectives, and maintains minutes of regularly scheduled meetings and any special meetings.
4. have programs that are unduplicated, and satisfy unmet human needs of the community.
5. have personnel policies including job descriptions and classifications.
6. have competent executives, competent staffing and reasonable facilities.
7. practice non-discrimination.
8. have accounting (budget) procedures and an annual audit.
9. use funds in accordance with the application.
10. demonstrate community support.

11. request funds only for a program which does not receive full funding from other sources of revenue.

Approved February 9, 1982.

CHAPTER 479

FORMERLY

SENATE JOINT RESOLUTION NO. 31

RELATING TO THE EXTENSION OF THE FINAL REPORT OF THE DELAWARE SUNSET COMMITTEE.

WHEREAS, the Delaware Sunset Committee's activities frequently fall at the same time the General Assembly is in session which creates conflicts with other equally important meetings and committee assignments, thus precluding members from being present; and

WHEREAS, under the statute that established the Sunset Committee the report date is April 15 of the calendar year in which an agency is under review; and

WHEREAS, it will be impossible for the Committee to complete its final report on this date.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that the Delaware Sunset Committee will submit its final report to the General Assembly prior to the recess of the Second Session of the 131st General Assembly.

Approved May 20, 1982.

CHAPTER 480

FORMERLY

SENATE JOINT RESOLUTION NO. 28
AS AMENDED BY SENATE AMENDMENT NO. 1

DIRECTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE AND MARK U.S. 495 FROM NAAMANS ROAD TO THE KENNEDY MEMORIAL HIGHWAY NEAR MINQUADALE AS THE VIETNAM VETERANS MEMORIAL HIGHWAY IN HONOR OF DELAWARE SERVICEMEN WHO SERVED IN THE VIETNAM CONFLICT AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, during the recent Vietnam conflict thousands of Delaware's young men and women became involved in the military effort in Southeast Asia; and

WHEREAS, these citizens joined numerous Americans who have fought for freedom in earlier wars and conflicts; and

WHEREAS, of the thousands from Delaware who fought in Vietnam many became casualties; and

WHEREAS, it is fitting that all veterans should be duly honored for their patriotism and courage.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of Delaware, the Governor approving, that the Department of Transportation is directed to take all proper and necessary steps to designate and mark U.S. 495 from Naamans Road to the Kennedy Memorial Highway near Minquadales as the Vietnam Veterans Memorial Highway in honor of Delaware servicemen who fought bravely in the Vietnam conflict and making an appropriation therefor.

BE IT FURTHER RESOLVED that an appropriate ceremony shall be planned and coordinated by the Department of Transportation as soon as possible to officially name U.S. 495 the Vietnam Veterans Memorial Highway and shall include participation by state and local officials, veterans groups and the general public.

Approved April 20, 1982.

CHAPTER 481

FORMERLY

SENATE JOINT RESOLUTION NO. 34

IN RECOGNITION OF LEGISLATORS, LIVING AND DECEASED, WHOSE TENURE OF SERVICE IN THE DELAWARE GENERAL ASSEMBLY HAS BEEN 20 YEARS OR MORE.

WHEREAS, our republican form of government requires its State citizens to be represented in the General Assembly; and

WHEREAS, the first Delaware General Assembly sat in the City of New Castle in 1776; and

WHEREAS, thereafter the 2nd through the present 131st Delaware General Assemblies have sat in the City of Dover; and

WHEREAS, pursuant to our State Constitution, the citizens of Delaware have gone to the polls to choose their legislators for both the State House and the State Senate in a democratic way; and

WHEREAS, these leaders' names are reflected on the pages of the journals of both chambers; and

WHEREAS, these names, when combined, comprise a list of some 2250 Delaware citizens; and

WHEREAS, from such list eight persons have served 20 years or more; and

WHEREAS, six of the eight persons are listed in the order they achieved this goal, to wit -

George Cummins, Smyrna - 26 years
House: 1795; 1800
Senate: 1796-98; 1801-1821

Jesse Green, Concord - 21 years
House: 1797; 1800-1807
Senate: 1811-1816; 1821-1826

Joshua Burton, Millsboro - 27 years
House: 1797-1799; 1805-1813; 1821-1826; 1829-1830
Senate: 1831-1837

Edward Hart, Townsend - 22 years
House: 1902-1905; 1910-1911; 1926-1929
Senate: 1906-1909; 1914-1917; 1930-1933

James R. Quigley, New Castle - 22 years
House: 1940-1945; 1950-1965

Allen J. Cook, Kenton - 23 years
House: 1948-1951
Senate: 1956-1974; and

WHEREAS, the remaining two members are with us today; and

WHEREAS, they are Calvin R. McCullough, New Castle, 28 years (House: 1948-1949; Senate: 1954-1979) and Margaret R. Manning, Marshallton, 20 years (House: 1956-1959; Senate: 1960-1975.)

NOW, THEREFORE:

BE IT RESOLVED that the eight former legislators be recognized for their service to their constituencies and to the State of Delaware.

BE IT FURTHER RESOLVED that special acknowledgement be made of Calvin R. McCullough who is the longest serving member of the Delaware General Assembly since 1776, a tenure which combined ten general elections and seven primary elections.

BE IT FURTHER RESOLVED that upon passage of this resolution the Secretary of the Senate is hereby instructed to forward suitably prepared copies to all parties herein listed or to their families.

Approved June 9, 1982.

CHAPTER 482

FORMERLY

HOUSE JOINT RESOLUTION NO. 29

EXPRESSING THE INTEREST OF THE STATE OF DELAWARE IN THE ESTABLISHMENT OF A VETERANS' CEMETERY IN THE STATE.

WHEREAS, within the State of Delaware there are over 79,000 veterans who have had bona-fide membership in the U.S. Armed Forces; and

WHEREAS, the average age of a Delaware World War II veteran is 62 years of age which reflects an ever increasing need for a veterans' cemetery in Delaware; and

WHEREAS, there is no national cemetery within a reasonable distance of the State of Delaware to meet the needs of Delaware's Veteran population; and

WHEREAS, it is desirable to have a lasting and perpetual place for Delaware veterans to rest with dignity and honor.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 131th General Assembly of the State of Delaware, the Governor concurring therein, that the State of Delaware is desirous of establishing a veterans' cemetery for all veterans legally residing in the State of Delaware and intends to establish such a cemetery; and

BE IT FURTHER RESOLVED that the State of Delaware is interested in participating in the Veterans Administration's Program for State Cemetery grants; and

BE IT FURTHER RESOLVED that the Adjutant General of this State, with the assistance of the Veterans' Affairs Committee of the State of Delaware, is charged with investigating the feasibility of establishing a State Veterans' Cemetery and shall report to the Governor and the General Assembly no later than November 1, 1982 on its findings, which report shall include the projected financial obligation of the State in the establishment and maintenance of a cemetery and recommendation as to the size of such cemetery.

BE IT FURTHER RESOLVED that the Governor is respectfully requested to submit copies of the report to members of the 132nd General Assembly when it convenes in January 1983 for appropriate action.

Approved July 13, 1982.

CHAPTER 483

FORMERLY

SENATE JOINT RESOLUTION NO. 40

ESTABLISHING AN ALUMINUM CONTAINER MONITORING COMMITTEE TO EVALUATE THE IMPACT OF ALUMINUM CAN EXEMPTION TO THE BOTTLE LAW ON THE ECONOMIC AND ENVIRONMENTAL CLIMATE IN DELAWARE.

WHEREAS, The General Assembly has enacted a mandatory container deposit law which is scheduled to go into effect on Jan. 14, 1983; and

WHEREAS, the General Assembly has adopted legislation to delay the effect of the mandatory container deposit law on aluminum cans until Jan. 1, 1984; and

WHEREAS, it is in the best interests of the citizens of Delaware that the effect of the aluminum can exemption be seriously studied during the period between Jan. 14, 1983 and Jan. 1, 1984; and

WHEREAS, the impact of the aluminum can exemption on the economic and environmental climate in Delaware should be evaluated by a broad cross-section of Delawareans;

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 131st General Assembly, the House of Representatives concurring therein, that there is hereby created an Aluminum Container Monitoring Committee to evaluate the impact of the aluminum can exemption to the state's so-called Bottle Bill; and

BE IT FURTHER RESOLVED that the Committee shall be appointed by the Governor and shall be composed of one representative of the Delaware Farm Bureau, one representative of the Delaware State Grange, one representative from the soft drink industry, one representative of the malt beverage distributors, two representatives of environmental groups, one representative of the Delaware Department of Transportation, one representative of the Delaware Development Office, one representative of the Department of Natural Resources and Environmental Control, one representative of retailers of beverages, and one representative of a small municipal government; and

BE IT FURTHER RESOLVED that the Committee shall meet in the last quarter of 1982 and shall meet three (3) times in 1983 prior to June 1 to evaluate the economic and environmental impact of the aluminum can exemption to the Bottle Bill; and

BE IT FURTHER RESOLVED that the members of the Committee shall serve until their successors have been appointed; and

BE IT FURTHER RESOLVED that the Committee shall report its findings and recommendations to the Governor and the General Assembly no later than June 1, 1983.

Approved July 13, 1982.

CHAPTER 484
HOUSE OF REPRESENTATIVES
131ST GENERAL ASSEMBLY
HOUSE JOINT RESOLUTION NO. 29

EXPRESSING THE INTEREST OF THE STATE OF DELAWARE IN THE ESTABLISHMENT OF A
VETERANS' CEMETERY IN THE STATE.

WHEREAS, within the State of Delaware there are over 79,000 veterans who have had bona-fide membership in the U. S. Armed Forces; and

WHEREAS, the average age of a Delaware World War II veteran is 62 years of age which reflects an ever increasing need for a veterans' cemetery in Delaware; and

WHEREAS, there is no national cemetery within a reasonable distance of the State of Delaware to meet the needs of Delaware's Veteran population; and

WHEREAS, it is desirable to have a lasting and perpetual place for Delaware veterans to rest with dignity and honor.

NOW, THEREFORE:

BE IT RESOLVED by the members of the 131st General Assembly of the State of Delaware, the Governor concurring therein, that the State of Delaware is desirous of establishing a veterans' cemetery for all veterans legally residing in the State of Delaware and intends to establish such a cemetery.

BE IT FURTHER RESOLVED that the State of Delaware is interested in participating in the Veterans' Administration's Program for State Cemetery grants.

BE IT FURTHER RESOLVED that the Adjutant General of this State, with the assistance of the Veterans' Affairs Committee of the State of Delaware, is charged with investigating the feasibility of establishing a State Veterans' Cemetery and shall report to the Governor and the General Assembly no later than November 1, 1982 on its findings, which report shall include the projected financial obligation of the State in the establishment and maintenance of a cemetery and recommendation as to the size of such cemetery.

BE IT FURTHER RESOLVED that the Governor is respectfully requested to submit copies of the report to members of the 132nd General Assembly when it convenes in January 1983 for appropriate action.

Approved July 13, 1982.

CHAPTER 485

FORMERLY

SENATE JOINT RESOLUTION NO. 39

DIRECTING THE DELAWARE DEVELOPMENT OFFICE TO UNDERTAKE AN ECONOMIC FEASIBILITY STUDY OF THE STANDARDDBRED DEVELOPMENT FUND TO ASCERTAIN WHETHER THE FUND HAS PRODUCED THE RESULTS FOR WHICH IT WAS ESTABLISHED.

WHEREAS, the Standardbred Development Fund was established in 1967 under the aegis of a seven membership Board of Trustees; and

WHEREAS, the purpose of establishing the Fund was to promote the breeding in Delaware of standardbred horses so as to help the industry; and

WHEREAS, under the law the Fund receives monies by assessing the harness racing tracks 1/2 of 1 percent; and

WHEREAS, because of competition from surrounding states the racing industry in Delaware has had a difficult time trying to stay economically viable so much so that all tracks have had to request assistance from the General Assembly; and

WHEREAS, since the race tracks are the financial resource for the Standardbred Development Fund, the Fund has been placed in a very difficult position; and

WHEREAS, the trustees requested and received \$100,000 from the General Assembly during fiscal year 1982 and has made a similar request for Fiscal Year 1983; and

WHEREAS, it is the feeling of the Joint Agency Review Committee that a thorough evaluation of the Fund is needed to determine if the Agency should be continued.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor, that the Delaware Development Office is hereby directed to undertake an economic feasibility study to ascertain and determine what course of action the General Assembly should follow regarding the Agency and to further determine whether the Agency has or can continue to meet its objectives or produce the results for which it was created.

BE IT FURTHER RESOLVED that the Delaware Development Office report its findings to the members of the Joint Agency Review Committee (Sunset) and the General Assembly no later than January 15, 1983.

BE IT FURTHER RESOLVED that upon enactment of this Joint Resolution that a copy be forwarded to the Director of the Delaware Development Office.

Approved July 23, 1982.

CHAPTER 486

FORMERLY

SENATE JOINT RESOLUTION NO. 36

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1982.

WHEREAS, the State Constitution, Article 8, Section 6(b) requires that "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"; and

WHEREAS, Section 6(b) also requires that "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";

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor that the estimated gross general fund revenue for Fiscal Year 1982 is \$698.9 million, estimated revenue refunds is \$52.5 million, estimated state general fund revenue is \$646.4 million and estimated unencumbered funds is \$6.3 million.

Approved June 30, 1982.

CHAPTER 487

FORMERLY

SENATE JOINT RESOLUTION NO. 37

THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1983.

WHEREAS, the State Constitution, Article 8, Section 6(b) requires that "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"; and

WHEREAS, Section 6(b) also requires that "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";

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware, with the approval of the Governor that the estimated gross general fund revenue for Fiscal Year 1983 is \$764.1 million, estimated revenue refunds is \$57.8 million, estimated state general fund revenue is \$706.3 million plus \$.7 million due to changes in medicaid entitlements contained in the proposed Fiscal Year 1983 budget and estimated unencumbered funds is \$.9 million.

Approved June 30, 1982.

CHAPTER 488
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER ONE HUNDRED AND TWELVE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: ABOLISHING THE DIVISION OF SOCIAL SERVICES AND ESTABLISHING A DIVISION OF ECONOMIC SERVICES AND A DIVISION OF CHILD PROTECTIVE SERVICES IN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

WHEREAS, the Division of Social Services, Department of Health and Social Services, provides and manages public assistance programs to help needy Delawareans, and is also responsible for providing protective and other child welfare services for abused, neglected and dependent children; and

WHEREAS, it is desirable that full-time, top-level management attention be given to each of these programs which help protect and preserve the health and welfare of Delaware residents; and

WHEREAS, the Secretary of the Department of Health and Social Services, with the approval of the Governor, has the authority to organize the Department into such Divisions or other units as will increase the effectiveness and efficiency with which its affairs are conducted and to establish, consolidate, abolish, transfer or combine the powers, duties and functions of Divisions under 31 Del. C. §106 and 29 Del. C. §7903 (a)(7);

NOW, THEREFORE, I, PIERRE S. DU PONT, IV, in concurrence with the Secretary of Health and Social Services, and by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Effective April 2, 1982, the Division of Social Services, as described in 29 Del. C. §7911, is hereby abolished, pursuant to the authority granted under 29 Del. C. §7903(a)(7).

2. Effective April 2, 1982, a Division of Economic Services is hereby established pursuant to 29 Del. C. §7903(a)(7), having the following powers, duties and functions formerly held by the Division of Social Services:

a. The Division of Economic Services shall be responsible for promoting the welfare of the people of Delaware by providing public assistance to needy, unemployable and distressed persons, in accordance with 31 Del. C. Ch. 5. It shall possess those responsibilities and powers given to the Division of Social Services by 31 Del. C. Ch. 5. In particular, the Division of Economic Services shall be responsible for administering Aid to Families with Dependent Children, General Assistance, Food Stamps, Title XIX (Medicaid), and the State supplement to the Federal Supplemental Security Income according to the requirements of State and Federal laws.

b. The Division of Economic Services shall coordinate welfare programs and carry out other activities in the interest of more effectively understanding and making provision for the welfare needs in this state in accordance with 31 Del. C. §103.

c. The Division of Economic Services shall administer work or training projects which will encourage the conservation of work skills, the development of new skills, and the achievement of gainful employment among recipients of welfare in accordance with 31 Del. C. Ch. 9.

d. The Division of Economic Services shall assure the confidential character of public assistance records by adhering to the provisions of 31 Del. C. Ch 11.

e. The Division of Economic Services shall be responsible for burial of the indigent, in accordance with 31 Del. C. §110.

f. The Division of Economic Services shall be responsible for determining eligibility of children for day care services and for purchasing such services for eligible children, in accordance with 31 Del. C. Ch. 3, Subchapter VI.

g. The Division of Economic Services shall receive and review written applications for the

sterilization of mentally defective persons in accordance with 16 Del. C. §5701 and §5702.

3. Effective April 2, 1982, a Division of Child Protective Services is hereby established pursuant to 29 Del. C. §7903(a)(7), having the following powers, duties and functions formerly held by the Division of Social Services:

a. The Division of Child Protective Services shall provide child protective services for abused and neglected children in accordance with the provisions of 16 Del. C. Ch. 9 and shall assume all the powers and responsibilities granted to the Division of Social Services in that chapter. Reports of abused or neglected children shall be made to the Division of Child Protective Services pursuant to 16 Del. C. §903 and 904. Whenever removal of the abused or neglected child appears necessary to the Division of Child Protective Services, that agency shall file a petition seeking such removal from the custody of the parent or guardian pursuant to 16 Del. C. §905. If the injury or abused is so serious that criminal prosecution is indicated, the Division of Child Protective Services shall report its findings to the Department of Justice and the Family Court and/or the police pursuant to 16 Del. C. §905.

b. The Division of Child Protective Services shall establish and maintain a registry of child protective information in accordance with 16 Del. C. §905.

c. The Division of Child Protective Services shall be responsible for providing the child welfare services set forth in 31 Del. C. Ch. 3 with exception of Subchapter VI of that Chapter. These services shall include, but are not limited to: supervision, care, custody, board and placement of dependent children; establishment, either directly or under contract with other agencies, of homes or other facilities for the care of dependent, neglected or abused minor children; supervision of children placed in homes and agencies; and payment for placement of children.

d. The Division of Child Protective Services shall be responsible for administering the licensing functions enumerated in 31 Del. C. §341-344, for facilities which provide residential and day care services for children.

e. The Division of Child Protective Services shall be responsible for providing adoption services, and for licensing agencies which may provide such adoption services, in accordance with 13 Del. C. Ch. 9 and 11. The Division of Child Protective Services shall administer the adoption subsidy program for children with special needs.

f. The Division of Child Protective Services shall assure the confidential character of its records in accordance with 16 Del. C. §905.

g. The Division of Child Protective Services shall replace the Division of Social Services as the "placement agency" within the meaning of 31 Del. C. §3802 and shall be the agency reviewed by the Foster Care Review Board, in accordance with the provisions of 31 Del. C. Ch. 38.

h. The Division of Child Protective Services shall replace the Division of Social Services as the agency to be notified when a peace officer takes a dependent, neglected child into custody if that child has not committed a delinquent act within the meaning of 10 Del. C. §933.

4. Effective April 2, 1982, the Council on Family Services as set forth in 29 Del. C. §7912 shall serve in an advisory capacity to the Director of Child Protective Services and shall consider matters relating to child protective and child welfare services. The Council on Family Services shall adhere to all other duties and requirements as set forth in 29 Del. C. §7912.

5. Effective April 2, 1982, there is hereby established a Council on Economic Services. It shall serve in an advisory capacity to the Director of Economic Services and shall consider matters relating to programs of public assistance for the state and welfare services related to such programs. The Council shall also consider such other matters as may be referred to it by the Governor, the Secretary of the Department, or the Director of Economic Services. The Council may study, research, plan and advise the Director, the Secretary, and the Governor on matters it deems appropriate to enable the Division to function in the best possible manner.

a. The Council on Economic Services shall be composed of seven (7) members who shall be appointed for three (3) year terms by the Governor. At least three (3) but no more than four (4) members of the Council shall be affiliated with one of the major political parties, and at least two (2) but no more than three (3) of the members shall be affiliated with other major political parties. Any person who declines to announce his political affiliation shall be eligible for appointment as a member of the Council.

b. A chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of one (1) year and shall be eligible for reelection.

c. Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term shall be filled for the remainder of that term.

d. Members of the Council shall serve without compensation except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

Approved this 2nd day of April, 1982.

(GREAT SEAL)

PIERRE S. DU PONT, IV
Governor

Attest:

GLENN C. KENTON
Secretary of State

PATRICIA C. SCHRAMM
Secretary of Health and Social Services

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